

Sussex County Council Public/Media Packet

MEETING: April 30, 2019

DISCLAIMER

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

COUNTY COUNCIL

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





DELAWARE sussexcountyde.gov (302) 855-7743 T (302) 855-7749 F

A G E N D A APRIL 30, 2019 10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

- 1. Library Advisory Board Appointment
- 2. Administrator's Report

Robert Schoonover, Manager of Logistics, EMS

1. Medic Station 103 Lease Modification

Jeff Cox, Deputy Director, EMS

1. Mobile Integrated Health Care Memorandum of Understanding with Beebe Hospital

10:15 a.m. Public Hearing

Tanager Woods Annexation of the Sussex County Unified Sanitary Sewer District



Janelle Cornwell, Planning and Zoning Director

1. Time Extension Request – Conditional Use No. 2045 filed on behalf of Robert and Deborah Reed RE/MAX Realty Group - "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.34 ACRES, MORE OR LESS" (Tax I.D. No. 234-29.00-69.01 and 69.08 – 69.11) (911 Address: None Available)

10:30 a.m. Public Hearing

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"

Hans Medlarz, County Engineer

- 1. James Farm Master Plan Implementation Cedar Neck Road Entrance, Project C19-02A
 - A. Balancing Change Order and Substantial Completion
- 2. Whitman, Requardt and Associates North Coastal Planning Area Base Contract
 - A. Revised Amendment 10 Angola North Expansion Construction Administration and Project Inspection
 - B. Amendment 10A Angola North Expansion Construction Administration and Resident Project Representation Close-Out Services

Patrick Brown, Project Engineer

1. The Owl's Nest Proposed Chapter 96 Sussex Community Improvement Project

Grant Requests

- 1. Delaware Community Foundation for Georgetown-Millsboro Rotary Club's Flags for Heroes Program
- 2. Indian River High School for Business Professionals of America, Indian River Chapter, conference expenses
- 3. Delaware Community Foundation for the Melody Joy Foundation fundraiser to benefit Cancer Support Community Delaware
- 4. La Esperanza for youth program trip expenses

- 5. Carlisle Fire Company for equipment costs
- 6. Town of Laurel for fireworks display costs

<u>Introduction of Proposed Zoning Ordinances</u>

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2163 filed on behalf of William H. McQueen, Jr.

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS" (lying on the north side of Broadkill Road (Route 16) approximately 670 feet west of Reynolds Road) (Tax I.D. No. 235-15.00-4.01) (911 Address: 26285 Broadkill Road, Milton)

Conditional Use No. 2166 filed on behalf of Deborah Townsend

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS" (lying on the north side of Burbage Road, approximately 347 feet west of Roxana Road) (Tax I.D. No. 134-11.00-226.01) (911 Address: 34745 Burbage Road, Frankford)

Change of Zone No. 1868 filed on behalf of Ronald Nanney

"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.5588 ACRE, MORE OR LESS" (lying on the west side of Harbeson Road, approximately 0.21 mile north of Lewes-Georgetown Highway) (Tax I.D. No. 235-30.00-10.02) (911 Address: 18490 Harbeson Road, Milton)

Change of Zone No. 1869 filed on behalf of WMF Watercraft and Marine

"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS" (lying on the southwest side of Oak Orchard Road, approximately 551 feet north of River Road) (Tax I.D. No. 234-34.08-45.00) (911 Address: 32676 Oak Orchard Road, Millsboro).

<u>Adjourn</u>

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

In accordance with 29 <u>Del.C.</u> §10004(e)(2), this Agenda was posted on April 23, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

####

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 16, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 16, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent
Irwin G. Burton III
Douglas B. Hudson
John L. Rieley
Samuel R. Wilson Jr.

President
Vice President
Councilman
Councilman
Councilman

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

County Administrator
Finance Director
County Attorney

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

Call to

Order Mr. Vincent called the meeting to order.

M 187 19 Approve Agenda A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Minutes The minutes of April 9, 2019 were approved by consent.

Public Comments

Public Comments

Jim Martin commented on the need for tiny home communities for the homeless and unsheltered and he asked Council to schedule a study session to discuss this proposal.

Estella Parker Selby spoke in support of CHEER's kitchen campaign.

Paul Reiger commented on "the confusing process" of building permits and setback requirements.

Dan Kramer commented on the homeless and stated that land and homes are available.

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

Administrator's Report (continued)

1. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Friday, April 19th, to observe the Good Friday holiday. In addition, Council will not meet on Tuesday, April 23rd. The next regularly scheduled Council meeting will be held on Tuesday, April 30th, at 10:00 a.m.

Public Hearing/ Proposed Ordinance/ Permitted Uses A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES III AND XXVII, SECTIONS 115-15 AND 115-210 REGARDING A DETERMINATION BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION AS TO PERMITTED USES".

The Planning and Zoning Commission held a Public Hearing on this application on March 14, 2019 at which time the Commission recommended approval.

Jamie Whitehouse, Planning and Zoning Manager, explained that the Proposed Ordinance is to provide clarity on which body can make a determination regarding uses. Currently, both the Board of Adjustment and the Planning and Zoning Commission have the ability to determine if a use is similar to other uses permitted within a district. The Ordinance will remove the conflict by having only the Planning and Zoning Commission to make the determination of uses which will streamline the process since it removes the requirement for a public hearing.

Vince Robertson, Assistant County Attorney, stated that the Proposed Ordinance does not expand anything that is permitted in any of the districts.

There were no public comments.

The Public Hearing and public record were closed.

M 188 19 Adopt Ordinance No. 2644 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2644 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES III AND XXVII, SECTIONS 115-15 AND 115-210 REGARDING A DETERMINATION BY THE SUSSEX COUNTY PLANNING & ZONING COMMISSION AS TO PERMITTED USES".

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Delaware Coast Line Railroad/ Sublease Approval Jim Hickin, Airport Manager, reported that Delaware Coast Line Railroad (DCLR) is requesting approval to sublease a portion of the property (Lots 19 and 20) in the Delaware Coastal Business Park to The Andersons, Inc. The Andersons, Inc. specializes in rail car repair and will use the DCLR facility for this. The Andersons' use of the property will be in accordance with the current lease; no amendment to the lease is required. Mr. Hickin stated that Council's approval to sublease is recommended.

M 189 19 Approve Sublease/ Delaware Coast Line Railroad A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council consents to Delaware Coast Line Railroad entering into a Commercial Lease Agreement with The Andersons, Inc. for the use of portions of Lots 19 and 20 in the Delaware Coastal Business Park.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Grant Requests

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

M 190 19 Councilmanic Grant A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$200.00 from Mr. Wilson's Councilmanic Grant Account to the Sussex Community Crisis Housing Services (Crisis House) for a community garden project.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 191 19 Councilmanic Grant A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$600.00 (\$120.00 from each Councilmanic Grant Account) to Marine Corps League for Delaware Devil Dogs Detachment annual golf tournament fundraiser.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Request to Post Notices/ Lighthipe Annexation John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Lighthipe Expansion of the Sussex County Unified Sanitary Sewer District (Bethany Beach Area). The expansion was requested by Davis Bowen & Friedel on behalf of their clients, Convergence Communities for Parcel 132-17.00-12.00. The front half of the project is near completion and the final step of annexation into the district was never

Lighthipe Annexation (continued) confirmed by the consulting engineers; apparently their request and check were lost in the mail. The property owners will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.

M 192 19 Authorize Posting of Notices/ Lighthipe Annexation A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Lighthipe Expansion of the Sussex County Unified Sanitary Sewer District to include Parcel 132-17.00-12.00, as presented on April 16, 2019.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Use of
Existing
Infrastructure
Agreement/
Fenwick
Light
Project

John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement between Sussex County and Christopher Management, Inc. for the Fenwick Light project. Christopher Management, Inc. will contribute \$15,206.00 for the financial catch-up contribution of the existing infrastructure to serve 10.0 Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. The Agreement will allow the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County. System connection charges of \$6,360.00 or the fee at time of permit request will still be due prior to a building permit being issued.

M 193 19 Approve Use of Existing Infrastructure A Motion was made by Mr. Rieley, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Christopher Management Inc. for a capacity allocation in the Regional Transmission System, as presented on April 16, 2019.

Agreement/ Fenwick

Motion Adopted: 5 Yeas.

Light

Project

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Use of
Existing
Infrastructure
Agreement/
Allen
Harim

Hatchery

Project

John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement between Sussex County and Allen Harim Foods, LLC for the Allen Harim Hatchery project. Allen Harim Foods, LLC will contribute \$19,390.00 for the financial catch-up contribution of the existing infrastructure to serve 65.71 Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. The Agreement will allow the wastewater originating from the approved project to be conveyed through the existing transmission system previously

(continued) constructed by the County.

M 194 19 Approve Use of Existing Infrastructure Agreemen A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Allen Harim Foods LLC for a capacity allocation in the regional transmission system, as presented on April 16, 2018.

Agreement/ Allen

Motion Adopted: 5 Yeas.

Harim Hatchery

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

Project

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public
Hearing/
Proposed
Ordinance
Relating to
Assisted
Living
Facilities

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII, SECTIONS 115-22, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 115-63, 115-64, 115-71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 AND 115-88".

The Planning and Zoning Commission held a Public Hearing on this application on March 14, 2019 at which time the Commission recommended approval.

Jamie Whitehouse, Planning and Zoning Manager, explained that the Proposed Ordinance seeks to clarify the process for assisted living facilities, convalescent homes, nursing homes, and homes for the aging. Currently, the Board of Adjustment can approve these uses through a special use exception process in the AR-1, MR, GR, UR, UB, B-1, C-1, and CR-1 zoning districts. All the new commercial zones created last year have definitions created for the type of uses like assisted living facilities, graduate care facilities, extended care facilities, independent care facilities, intermediate care facilities, nursing and similar care facilities. Mr. Whitehouse advised that the Proposed Ordinance would bring all of the terms into alignment with the new definitions approved last year and it would change the approval process. The uses would be a conditional use within the AR-1, MR, GR, UR, and UB zoning districts; the uses would be in alignment with the uses permitted in the new zoning districts.

Vince Robertson, Assistant County Attorney, explained that, currently, the Code refers to convalescent homes, nursing homes and homes for the aging but it does not define any of those terms; that in the new commercial zoning districts, nursing and similar care facilities, assisted living facilities, extended care facilities, graduate care facilities, independent care facilities, intermediate care facilities, and long term care facilities were defined. Mr. Robertson stated that the Planning and Zoning Commission commented

Public
Hearing/
Proposed
Ordinance
Relating to
Assisted
Living
Facilities
(continued)

that these are land use zoning-type decisions and should go through Planning and Zoning and County Council.

Public comments were heard.

Dan Kramer stated that there is a problem with the way the Proposed Ordinance is written; that it references *nursing and similar care facilities* and it leaves matters open for interpretation, and that these types of facilities should have been taken out of "Conditional Uses" and should have been placed in one zoning category – Institutional Uses.

Paul Reiger thanked the Council for the Proposed Ordinance. He questioned setbacks for assisted living facilities in certain districts; commented on the benefit of these facilities coming in under Conditional Uses versus a rezoning; and raised questions on a potential loophole.

Jan O'Maras spoke in support of the Proposed Ordinance and the process proposed.

Bob Viscount spoke in support of the Proposed Ordinance, stating that the current process is confusing and a burden.

Jim Walpole spoke in support of the Proposed Ordinance, stating that the current process is confusing.

There were no additional public comments.

The Public Hearing and public record were closed.

M 195 19 Adopt Ordinance No. 2645 A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2645 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII, SECTIONS 115-22, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 115-63, 115-64, 115-71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 AND 115-88".

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Angola North Expansion Project 17-04 Hans Medlarz, County Engineer, presented the Final Balancing Change Order and request to grant Substantial Completion for the Angola North Expansion – SR24, Love Creek and Camp Arrowhead Road Project (Project 17-04). Mr. Medlarz reported that this project was substantially complete on September 27, 2018 and that the proposed Change Order No. 2 includes a credit for additional field engineering and inspection resulting from a 67-calendar day extension. In addition, it covers costs associated

Angola North Expansion Project 17-04 (continued) with duplex grinder pump station modifications, hot mix and concrete driveway transitions, right-of-way restoration and a credit for reduction of bid item quantities. The Engineering Department recommends approval of Change Order No. 2 in the credit amount of \$506,601.82 for a final contract value of \$5,261,147.76 and recommends granting Substantial Completion of the project.

M 196 19
Approve
Change
Order
and
Grant
Substantial
Completion/
Angola

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract #17-04, Angola North Expansion – SR 24, Love Creek and Camp Arrowhead Road, be approved, which decreases the contract amount by \$506,601.82, for a new contract total of \$5,261,147.76, and that Substantial Completion be granted effective September 27, 2018, and any held retainage be released in accordance with the contract documents.

North Expansion

17-04

Motion Adopted: 5 Yeas.

Project

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

RFP Results/ Aviation Planning Services Hans Medlarz, County Engineer, and Patrick Brown, Project Engineer, presented the results of the Request for Proposals (RFP) for Consultant Selection for Aviation Planning Services (RFP 19-25). The RFP was for professional services to perform a Master Plan Update at the Delaware Coastal Airport. Mr. Brown reported that two firms responded to the RFP and that it is the recommendation of the Selection Committee to begin contract negotiations with MacFarland Johnson. The terms of the agreement, including scope, schedule and fee shall be reviewed for FAA compliance then returned to Council for final discussion and contract approval.

M 197 19 Approve Consultant Selection for A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Consultant Selection Committee of the Engineering Department, that the Sussex County Council approves the selection of MacFarland Johnson for Aviation Planning Services and begin contract negotiations to establish a Professional Services Agreement.

Aviation Planning

Motion Adopted: 5 Yeas.

Services/

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

MacFarland Johnson

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Consultant Selections/ Recommendation Hans Medlarz, County Engineer, and Patrick Brown, Project Engineer, reported that the Engineering Department undertakes a variety of improvement projects each year concurrent with the annual operation and maintenance of County assets; that from time to time, the need arises for

Consultant Selections/ Recommendation (continued) specific professional services to supplement and support County personnel. Although a Miscellaneous Engineering Contract is maintained annually for as-needed expertise and supplemental services, the specific geotechnical engineering and land survey fields were identified as unique disciplines where a firm qualified in the individual service area will complement the Department's project needs. Therefore, two RFPs were issued, one for Geotechnical Engineering Services and one for Land Survey and Mapping Services.

Geotechnical Services RFP Mr. Brown reported that three firms responded to the Geotechnical Engineering Services RFP and that it is the recommendation of the Selection Committee to begin contract negotiations and to execute a Professional Service Agreement with Hillis-Carnes Engineering for on-call Geotechnical Engineering Services to supplement and support the Department over a five year contract period, with an annual cost not to exceed \$50,000.00.

M 198 19 Approve Selection of Firm for Geotechnical Engineering Services A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Consultant Selection Committee of the Engineering Department, that the Sussex County Council approves the selection of Hillis-Carnes Engineering to provide on-call Geotechnical Engineering Services, as needed, and to negotiate a Professional Services Agreement for a five (5) year period, with an annual cost not to exceed \$50,000.00.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Land Survey and Mapping Services RFP Mr. Brown reported that ten firms responded to the Land Survey and Mapping Services RFP and that it is the recommendation of the Selection Committee that Council authorize the Engineering Department to negotiate and execute a Professional Services Agreement with Davis, Bowen & Friedel, Inc. to support the Department over a five year contract period, with an annual cost not to exceed \$75,000.00.

M 199 19 Approve Selection of Firm for Land Survey and Mapping Services A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Consultant Selection Committee of the Engineering Department, that the Sussex County Council approves the selection of Davis, Bowen & Friedel to provide on-call Land Survey and Mapping Services, as needed, and to negotiate a Professional Services Agreement for a five (5) year period, with an annual cost not to exceed \$75,000.00.

Motion Adopted: 5 Yeas.

M 199 19 (continued)

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 200 19 Go Into Executive Session\ At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation and land acquisition.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Executive Session

At 11:10 a.m., an Executive Session of the Sussex County Council was held to discuss matters relating to pending litigation and land acquisition. The Executive Session concluded at 12:12 p.m.

M 201 19 Reconvene Regular Session At 12:15 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Wilson, Absent; Mr. Burton, Absent;

Mr. Vincent, Yea

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

M 202 19 Recess At 12:15 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Wilson, Absent; Mr. Burton, Absent;

Mr. Vincent, Yea

M 203 19 Reconvene At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to reconvene.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

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

Public Hearing/ CZ 1874 and CU 2164 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Change of Zone No. 1874) and "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM - DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 2164) filed on behalf of Leanna and Hung Nguyen (Tax I.D. No. 334-19.00-1.06) (911 Address: None Available).

The two (2) applications were consolidated into one public hearing.

The Planning and Zoning Commission held a Public Hearing on these applications on March 14, 2019 at which time action was deferred. On March 28, 2019, the Commission recommended approval of both applications (with conditions).

(See the minutes of the Planning and Zoning Commission dated March 14 and 28, 2019.)

Jamie Whitehouse, Planning and Zoning Manager, presented the applications.

The Council found that Mark Davidson with Pennoni Associates was present with the Applicants, Leanna and Hung Nguyen. Mr. Davidson stated that the Applicants have owned the property since June 2018; that the application is for a multi-family structure - five (5) units within one building; that the Applicants and their children will live in the structure; that, eventually, their children's families will live in the structure; that the multi-family dwelling will be a three and one-half story dwelling with a meditation/zen room on the "fourth" floor; that each of the three floors will consist of 4,100 square feet; that there will be no garages; that there will be 67% open space; that there will be a landscaped buffer around the entire property; that there will be a stormwater management area and no stormwater will exit the site; that no Traffic Impact Study was required; and that the entrance to the site will be from Old Landing Road. Mr. Davidson reviewed surrounding developments in the area. Mr. Davidson stated that the applications are in compliance with the Zoning Ordinance and the Comprehensive Plan and that the project is in character with the nature of the area in that it provides for maintaining the residential character of the neighborhood.

There were no public comments.

(continued) The Public Hearing and public record were closed.

M 204 19 Adopt Ordinance No. 2646/ CZ 1874 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2646 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Change of Zone No. 1874) filed on behalf of filed on behalf of Leanna and Hung Nguyen.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 205 19 Adopt Ordinance No. 2647/ CU 2164 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2647 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM -DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 2164) filed on behalf of filed on behalf of Leanna and Hung Nguyen, with the following conditions:

- A. The maximum number of residential units shall be five (5).
- B. All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DelDOT requirements.
- C. The project shall be served by Sussex County sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
- D. The project shall be served by central water to provide drinking water and fire protection.
- E. The Applicants have proposed a 20-foot wide vegetated buffer in accordance with Section 115-218 of the Zoning Code. There shall be a vegetated or forested buffer of at least 20-feet in width around the entire perimeter of the project, with the exception of the entrance area of the project.
- F. The Applicants shall submit as part of the Final Site Plan, a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.
- G. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction activities at the

M 205 19 Adopt Ordinance No. 2647/ CU 2164 (continued) site on Sundays.

- H. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
- I. The Applicants have proposed a unique design of the proposed building that includes substantial changes to the current grade of the property. These grade changes will have a significant impact on run-off and stormwater management on the property. The stormwater management system shall be carefully designed in cooperation with the Sussex Conservation District to meet or exceed the requirements of the State and County and shall not permit run-off from this property onto neighboring properties. It shall be constructed and maintained using Best Management Practices
- J. 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.
- K. This project shall not become a dormitory, boarding house or similar type of use and must comply at all times with the occupancy requirements for multi-family dwellings set forth in the Zoning Code.
- L. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2165 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF AND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS" (Conditional Use No. 2165) was filed on behalf of Vanderwende Acres, LLC (Tax I.D. No. 531-6.00-72.00 (portion of) (911 Address: 22304 Atlanta Road, Seaford).

The Planning and Zoning Commission held a Public Hearing on this application on March 14, 2019 at which time action was deferred. On March 28, 2019, the Commission recommended approval, with conditions.

(See the minutes of the Planning and Zoning Commission dated March 14 and 28, 2019.)

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

Public Hearing/ CU 2165 (continued) The Council found that D.J. Hughes with Davis, Bowen and Friedel was present on behalf of the application with the Applicants, Donna and Jimmy Vanderwende. Mr. Hughes stated that the application is for a special events venue on 9 acres; that the Applicants have made improvements to the existing barn and added pavilions and a patio; that they will only use the first floor of the barn since a sprinkler system would be required to use the second floor; that the closest residence is .25 mile away; that there is ample room for parking; that there would be no issues with vehicles stacking up on the main road; that no Traffic Impact Study was required; that there will be no overnight accommodations; and that the site would not be used on a daily basis.

There were no public comments.

The Public Hearing and public record were closed.

M 206 19 Adopt Ordinance No. 2648/ CU 2165 A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2648 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF AND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS" (Conditional Use No. 2165) was filed on behalf of Vanderwende Acres, LLC, with the following conditions:

- A. Food and beverage service and music or similar entertainment is permitted.
- B. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.
- C. All entrance locations shall be subject to the review and approval of DelDOT.
- D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2172 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS" (Conditional Use No. 2172) filed on behalf of Iris Downing (Tax I.D. No. 230-26.20-18.00) (911 Address: 18366 Wild Cherry Street, Ellendale).

Public Hearing/ CU 2172 (continued) The Planning and Zoning Commission held a Public Hearing on this application on March 14, 2019 at which time action was deferred. On March 28, 2019, the Commission recommended approval, with conditions.

(See the minutes of the Planning and Zoning Commission dated March 14 and 28, 2019.)

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

The Council found that Tim Willard, Attorney, was present with the Applicant, Iris Downing. He stated that the Applicant wishes to operate a transitional home to help the homeless; that the transitional home would be a private home which would have up to 10 rooms; that the Applicant previously operated a day care for twenty years; that staff would provide support for the homeless, i.e. help searching for jobs and providing transportation; that housing will be on a temporary or transitional basis; that the use would be a semi-public use; that the use would not impact neighboring properties; that there would be adequate parking using the existing driveway for a parking lot; that no Traffic Impact Study was required; that no sign is needed; and that the homes would be leased to the homeless based on their ability to pay.

There were no public comments.

The Public Hearing and public record were closed.

M 207 19 Adopt Ordinance No. 2649/ CU 2172 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2649 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS" (Conditional Use No. 2172) filed on behalf of Iris Downing, with the following conditions:

- A. Transitional housing shall be available on this site to no more than 12 individuals plus the staff required to operate the facility.
- B. As proposed by the Applicant, the housing will be on a temporary or transitional basis and it shall not become a long-term boarding house. No residents shall remain in the home for more than 18 months, except for support staff.
- C. The use shall maintain its residential appearance.
- D. The facility shall be staffed on a 24-hour, 7 day per week basis to control compliance with the occupancy limitations and to ensure that it is operated in a clean and organized manner at all times.
- E. The use shall comply with all Sussex County parking requirements.
- F. The site shall comply with any requirements of the Sussex Conservation District.

M 207 19 Adopt Ordinance No. 2649/ CU 2172 (continued)

- G. No signage shall be permitted.
- H. As stated by the Applicant, staff at the home shall partner with a local organization familiar with the homeless to assist in the qualification, referral, and placement of residents to the home.
- I. The operator of the home shall comply with all Federal State and local laws governing the operation of the home.
- J. The site shall comply with all requirements of the Delaware Department of Transportation.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 208 19 Adjourn A Motion was made by Mr. Burton, seconded by Mr. Rieley, to adjourn at 2:27 p.m.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith Clerk of the Council

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



SUSSEX COUNTY **EMERGENCY MEDICAL SERVICES**

22215 Dupont Blvd. • P.O. Box 589 • Georgetown, DE 19947 • 302-854-5050 • FAX 302-855-7780

Robert A. Stuart Director

April 26, 2019

Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President

The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson

The Honorable John L. Rieley

The Honorable Samuel R. Wilson Jr.

FROM: Robert I. Schoonover, EMS Manager of Logistics

RE: Medic 103 Station Amended & Restated Lease

With the completion and move of the new EMS Special Operations Station to Georgetown we will be terminating, effect May 31st a portion of the current lease with J & Y Limited Family Partnership. The lease continues with the current approximate 3900 square feet Medic 103 station in Dagsboro at a monthly rate of \$ 2100.00. The lease is for a five-year period with a 60 day opt out clause. The new amended & restated lease has been reviewed and approved by our county attorney.

I will be presenting the amended & restated lease and will answer any questions.

Caring People, **Quality Service**





This Amended and Restated Lease Agreement ("Lease"), is made this _____ day of _____, 2019 between J&Y Parker Family Limited Partnership, a Delaware limited partnership, hereinafter referred to as the "Lessor" and Sussex County, a political subdivision of the State of Delaware, hereinafter referred to as the "Lessee",

WHEREAS, on March 28, 2017, the parties hereto entered a Lease whereby Lessee leased from Lessor the building consisting of 7,800 square feet of space located at Country Garden Business Center, 27517 Hodges Lane, Suites O-1 and O-2, Dagsboro, DE 19939; and

WHEREAS, the Lease was for a 5-year term which commenced on April 1, 2017 and expires on March 31, 2022; and

WHEREAS, Lessee is constructing a new paramedic station and is no longer in need of the use of Suite O-1; and

WHEREAS, the parties desire and hereby mutually agree to amend and restate the Lease in its entirety to reflect the change in the Leased Premises to include only Suite O-2, to release Lessee from any further obligation under the Lease dated March 28, 2017 pertaining to Suite O-1, and to amend the lease term, among other things.

NOW, THEREFORE, the parties hereto, each intending to be legally bound hereby, do mutually covenant and agree as follows:

- 1. The Lessor hereby leases to the Lessee, subject to the conditions hereinafter expressed, a building consisting of approximately 3900 (+/-) square feet and being located in the Country Garden Business Center at 27517 Hodges Lane, Suite O-2, Dagsboro, DE 19939 (the "Leased Premises"). In addition, the Lessor leases to the Lessee the right to use the presently existing parking spaces, driveway and parking lot to be shared with the other tenants in the future.
- 2. The term of this Lease shall commence on the 1st day of June, 2019 and shall continue for a period of five (5) years until the 31st day of May, 2024, unless modified by mutual agreement of both parties, or unless the Lessee provides the Lessor with at least sixty (60) days' notice of its intent to terminate the Lease which Lessee may exercise at any time during the term hereof. Lessee agrees to pay the Lessor a monthly rental of Two Thousand One Hundred Dollars (\$2,100.00), said monthly rental payment to be due and payable commencing on the 1st day of June 2019 and continuing on the first day of each month thereafter during the entire term of this Lease, subject to the provisions of paragraph 3, below. The said monthly payment shall be sent to the official mailing address of the Lessor as stated in paragraph 22 of this Lease.

- 3. Lessors shall pay all legal assessments levied against the Leased Premises, except as hereinafter mentioned. Rents to be paid shall be subject to increase or decrease in the event of any changes in the State, County and/or Municipal tax levies or public assessments. All increases in such fees shall be apportioned to the Leased Premises and paid in addition to the monthly rental amount set forth in paragraph 2 of this Lease. Such additional payments shall be due and payable on August 15th of each year of the Lease. All reductions in such fees shall be deducted from the rent payment due on September 1st of each year of the Lease.
- 4. If the Lessee defaults in the payment of rent or any sum collectable by Lessor as rent, and such default shall continue for fifteen (15) days, the amount so due shall bear interest equal to the rate of interest two percent (2%) over national prime, from the date payment was due until the date payment is made.
- 5. It is expressly agreed and understood that the Lessee relies upon the General Assembly of the State of Delaware for the funding of the paramedic operations of Sussex County, Delaware, and should the General Assembly of Delaware at any time fail to appropriate sufficient funds for the purpose of maintaining this Lease, the Lessee's total liability under this Lease shall be limited to the funds designated for this Lease by the Sussex County Council and the Lessee's obligation under this Lease shall immediately terminate when the funds available have been exhausted in making payments as provided for in this Lease.
- 6. In the event the Lessee desires to renew this Lease beyond the stated, initial term, the request will be made to the Lessor no less than sixty (60) days prior to the end of the initial Lease. At the time of renewal, all stipulations of this Lease, including the amount of rent, shall be negotiated. Notification to the Lessor shall be mailed as defined in paragraph 22.
- 7. The Lessee may use and occupy the Leased Premises for any paramedic services and operations. The Lessee shall not use or knowingly permit any part of the Leased Premises to be used for any unlawful purpose.
- 8. The Lessor shall maintain a clear thoroughfare for ingress/egress of Paramedic vehicles and shall provide parking for at least six (6) of the Lessee's employees.
- 9. The Lessee shall not place or erect any signs of any nature on any part of the Leased Premises, or the sidewalk adjoining the Leased Premises, or on any part of the Lessor's property adjacent to the Leased Premises which do not conform to requirements of any State, Federal or municipal or county law, ordinance, rule or regulation. Said sign(s) shall not be placed without the

prior consent of the Lessor and said consent shall not be unreasonably withheld.

10. The Lessee, upon the payment of the rent herein reserved, and upon performance of all the terms of this Lease, shall at all times during the term of this Lease, and during any extension or renewal hereof, peaceably and quietly enjoy and have the free and uninterrupted right of exclusive access and possession of the Leased Premises without any disturbance from the Lessor or from any other person claiming through the Lessor.

11. Maintenance and Repairs:

- a. The Lessor shall maintain and make all necessary repairs to the foundations, load bearing walls, roof, gutters, downspouts, exterior water and sewer lines, fixtures, glass and equipment on or associated with the Leased Premises (including but not limited to hot water heater and plumbing and electrical systems), sidewalks and landscaping on or appurtenant to the building, except that the Lessee shall maintain lighting fixtures installed by the Lessee.
- b. Lessor shall furnish and provide for treatment of domestic water at no additional cost to the Lessee.
- c. Lessee shall maintain the heating and air conditioning equipment during the term of the Lease, including the changing of filters.
- d. Unless specifically identified herein as a Landlord responsibility, Lessee shall maintain and keep the Leased Premises in good repair. Lessee shall also maintain the Leased Premises free of refuse and rubbish.
- e. Lessee shall attend to the painting of and repairs to all interior surfaces, including walls, floors and ceilings.
- f. Landlord shall keep the grounds surrounding the building mowed and trimmed to provide a kept appearance to the property.
- 12. Lessee shall arrange for, procure and pay for all electricity and all other utilities required for adequate lighting, heating and other requirements of the Lessee and the Leased Premises.
- 13. Any alterations to the Leased Premises to be made by the Lessee shall be done only with the prior approval of the Lessor, which shall not be unreasonably withheld, and shall conform to the requirements of any applicable county, state or federal law, ordinance, rule or regulation. Any alterations to the Lessed Premises made by the Lessee shall be maintained at all times by the Lessee in conformance with the terms hereof and shall be removed upon the

expiration of the term of the Lease or its earlier termination, at the option of the Lessor, provided Lessee repairs any damage done in connection with such removal.

- 14. At the expiration of this Lease, the Lessee shall surrender the Leased Premises in as good condition as it was in the beginning of the term, reasonable use and wear and damages by the elements excepted.
- 15. The Lessor or his agents shall have the right to enter the Leased Premises at all reasonable times during normal business hours in order to examine it or to show it to prospective lessees, upon prior notice to Lessee and in the company of a representative of the Lessee. The Lessor's right of entry shall not be deemed to impose upon the Lessor any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided.
- 16. Through the term of this Lease, the Lessor shall secure and maintain at its own expense the following insurance coverages on the Leased Premises, with a responsible insurance company licensed to do business in Delaware.
 - a. All risk or special form property insurance that insures against direct physical loss of or damage to the Leased Premises, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of Lessor's property.
 - b. All risk or special form business income insurance in amounts satisfactory to protect Lessor's interests for loss of income or extra expense that result from direct physical loss of or damage to Lessor's property situated at the Leased Premises.
 - c. Commercial general liability insurance that insures against bodily injury, property damage, personal advertising injury claims arising from the Leased Premises or operations incidental thereto, with minimum limits of:
 - i. \$1,000,000 combined single limit each occurrence;
 - ii. \$1,000,000 personal and advertising injury limit;
 - iii. \$2,000,000 combined single limit general aggregate; and
 - iv. \$1,000,000 combined single limit products/completed operations aggregate.
- 17. Lessee shall secure and maintain, at its own expense:
 - a. All risk or special form property insurance that insures against direct physical loss of or damage to the Lessee's property situated at the Leased Premises, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of Lessee's property.
 - b. All risk or special form business income and extra expense insurance in amounts satisfactory to protect Lessee's interests for loss of income or

extra expense that result from direct physical loss of or damage to Lessee's property situated at the Leased Premises.

- c. Commercial general liability insurance that insures against bodily injury, property damage, personal advertising injury claims arising from the Leased Premises or operations incidental thereto, with minimum limits of:
 - i. \$1,000,000 combined single limit each occurrence;
 - ii. \$1,000,000 personal and advertising injury limit;
 - iii. \$2,000,000 combined single limit general aggregate; and
 - iv. \$1,000,000 combined single limit products/completed operations aggregate.

If, during the term of the Lease, the building is so injured by fire or otherwise that the Leased Premises are rendered wholly unfit for occupancy and said Leased Premises cannot be repaired within ninety (90) days from the happening of such injury, then the Lease shall cease and terminate from the date of such injury. In such case, the Lessee shall pay the rent apportioned to the time of injury and shall surrender to the Lessor, who may enter upon and repossess the Leased Premises. If the injury is such that the Leased Premises can be repaired within the ninety (90) days thereafter, Lessor shall enter and repair with reasonable promptness, and this Lease shall not be affected, except that the rent shall be suspended while such repairs are being made.

18. Indemnification/Waiver of Subrogation:

a. To the extent permitted by law, the Lessee shall indemnify, defend and hold Lessor harmless from and against claims for bodily injury and property damage arising out of Lessee's occupancy of the Leased Premises or operations incidental thereto, unless such claims arise from the negligence of the Lessor. The above provisions of this subparagraph are not intended to waive, alter, or otherwise amend the immunity of the parties under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, the above provisions are not intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any of the above obligations of this paragraph are determined by court or arbitration order or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses that are permitted under this Paragraph shall

- be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.
- b. To the extent permitted by law, the Lessor shall indemnify, defend and hold Lessee, its employees, agents and elected and appointed officials, harmless from and against claims for bodily injury and property damage arising out of Lessor's ownership, maintenance or use of the premises or operations incidental thereto, unless such claims arise from the negligence of the Lessee.
- c. To the fullest extent permitted by law, Lessor and Lessee each waives any right of recovery from the other and their respective appointed and elected officials, officers, directors, partners employees, agents and volunteers for any loss of or damage to the property (or resulting loss of income or extra expense) of the other party, by reason of any peril required to be insured against under this Lease, regardless of the cause of origin, including the negligence of the other party. To the fullest extent permitted by law, Lessor's and Lessee's property insurers shall not hold any right of subrogation against the other party. Lessor and Lessee shall advise their respective insurer(s) of the foregoing and such waiver shall be permitted under any property and/or business income insurance policies maintained by Lessor and Lessee. It is agreed that, if Lessee is negligent for damage to Lessor's property, that the Lessee will reimburse Lessor for the amount of the deductible, not to exceed Five Thousand Dollars (\$5,000.00).
- 19. In the event Lessor defaults on any of its obligation under this Lease, Lessee shall provide Lessor with written notice of Lessor's default and Lessor shall have a period of ten (10) days from the date of the notice to cure the default. The notice shall be delivered in accordance with paragraph 22 of this Lease. In the event Lessor fails or refuses to cure the default within the 10-day cure period, Lessee shall, at its sole discretion, have the right to terminate this Lease and shall have no further obligation hereunder. In the event Lessor does not cure the default and Lessee does not terminate the Lease, Lessee's failure to terminate shall not act as a waiver of any potential future default on Lessor's behalf.
- 20. Any controversy which shall arise between the Lessor and the Lessee regarding the rights, duties or liabilities hereunder of either party may be settled by arbitration, if agreed upon by the parties. Such arbitration shall be before one disinterested arbitrator if one can be agreed upon, otherwise before three disinterested arbitrators, one named by the Lessor, one named by the Lessee, and one by the two thus chosen. The arbitrator or arbitrators shall determine the controversy in accordance with the laws of the State of Delaware, as applied to the facts found by him or them. Nothing herein contained shall prohibit either party from filing suit and pursuing any remedies available to it in a court of law or in equity.

- 21. The Lessee may not sublet or assign any or all of the Leased Premises without the prior written consent of the Lessor. Such written consent by the Lessor shall not be unreasonably withheld, provided that the business or occupation of the sub Lessee is not extra hazardous, disreputable, or illegal. The consent by the Lessor to an assignment or subletting shall not be construed to relieve the Lessee from obtaining the consent in writing of the Lessor to any further assignment or subletting.
- 22. The Lessor hereby designates his address as:

J & Y Parker Family Limited Partnership P.O. Box 1582 Millsboro, DE 19966 (302) 732-1222 The Lessee designates its address as:

Sussex County Council P.O. Box 589 Georgetown, DE 19947

- 23. The language in all parts of this Lease shall in all cases be simply construed according to its fair meaning and not strictly for or against Lessor or Lessee.
- 24. If any particular term, covenant or provision of this Lease shall be determined to be invalid, illegal, void or unenforceable, the same shall not affect the remaining provisions of this Lease which shall nevertheless remain in full force and effect and said term, covenant or provision shall be deemed modified to conform with the law. This Lease shall be governed under the laws of the State of Delaware. The parties acknowledge and agree that this is a Commercial Lease. Accordingly, this Lease shall NOT be governed by the Delaware Landlord-Tenant Code 25 Del. C., Section 5101 et seq.
- 25. This Lease sets forth all the promises or representations, agreements and undertakings between Lessor and Lessee relative to the Leased Premises. There are no promises, representations, agreements or undertakings, either oral or written, between Lessor or Lessee except as set forth herein. No amendment, change, or addition to this Lease shall be binding upon either party unless reduced to writing and signed by both parties. This Lease shall be binding upon Lessor and Lessee, their heirs, executors, administrators, assigns and successors, both Lessor and Lessee being duly authorized to execute the same.
- 26. This Lease may be executed in two (2) counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same

- instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.
- 27. In the event any action is brought to enforce the terms of this Lease, each party shall be responsible for its own costs and attorney's fees arising therefrom.
- 28. This Lease is the product of the parties hereto and no conclusion shall be made as to its drafter in the event of any dispute.
- 29. The parties to this Lease agree to waive their rights to demand a jury trial in any action which may be brought to enforce any portion of this Lease.
- 30. Time shall be of the essence for the performance of all terms of this Lease.

IN WITNESS WHEREOF, the authorized representatives of the parties have hereunto set their hands and seals on the respective day(s) and year set forth below.

	LESSOR:	
	J & Y Parker Family Lim	ited Partnership
Witness	By: John H. Parker, Jr.	(SEAL)
Date		
Witness	By: David K. Parker	(SEAL)
Date		
Witness	By: Elizabeth P. Hodges	(SEAL)
Date		

	LESSEE:
	Sussex County
	By: Michael H. Vincent, President (SEAL)
Date	Attest: Robin Griffith, Clerk of the Sussex County Council
	Approved as to Form:
Date	J. Everett Moore, Jr.,
	Sussex County Attorney

Motion for Amended and Restated Lease Agreement approval for Medic Station 103

Be it moved the Sussex County Council approve a new amended and restated lease agreement for Medic Station 103 between Sussex County Council and J & Y Parker Family Limited Partnership for a period of five years, from June 1, 2019 through May 31, 2024, as per the terms and conditions of the lease.

Respectfully,

Robert L. Schoonover EMS Logistics Manager Sussex County Department of Emergency Medical Services

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT TANAGER WOODS 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 15, 2019 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 15, 2019 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post 10 feet north of DEC Pole #39998 in the easterly ROW of Wil-King Road;
 - 2. On a post in the westerly ROW of Robinsonville Road across the road from DEC Pole #32327, 1,032' ± southeast of the entrance of Tidewater Landing;
 - On a post in the westerly ROW of Robinsonville Road across the road from DEC Pole #32328, 706'± southeast of the entrance of Tidewater Landing;
 - 4. On a post in the westerly ROW of Robinsonville Road across the road from DEC Pole #212364, 554'± southeast of the entrance of Tidewater Landing;
 - 5. On a post in front of DEC Pole # 212361 in the easterly ROW of Robinsonville Road 100'± southeast of the entrance of Tidewater Landing;
 - 6. On a post in front of DEC Pole # 24497 in the easterly ROW of Robinsonville Road, at the intersection of Kendale Road and Robinsonville Road
 - 7. On a post in front of DEC Pole #104262 in the easterly ROW of Wil-King Road at the entrance of Chapel Green subdivision;
 - 8. On a post in front of DEC Pole #39931 in the westerly ROW of Wil-King Road at the entrance to Conley's Chapel Village.

PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this b day of MA.D., 2019

SHARON E. SMITH

NOTARY PUBLIC

STATE OF DELAWARE

My Commission Expires on 6/14/22

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 234-6.00-58.00 AND 85.00 ON THE EAST SIDE OF WIL-KING ROAD AND THE WEST SIDE OF ROBINSONVILLE ROAD, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Wil-King Road and Robinsonville Road, the inclusion of this area will be beneficial; and

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

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

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

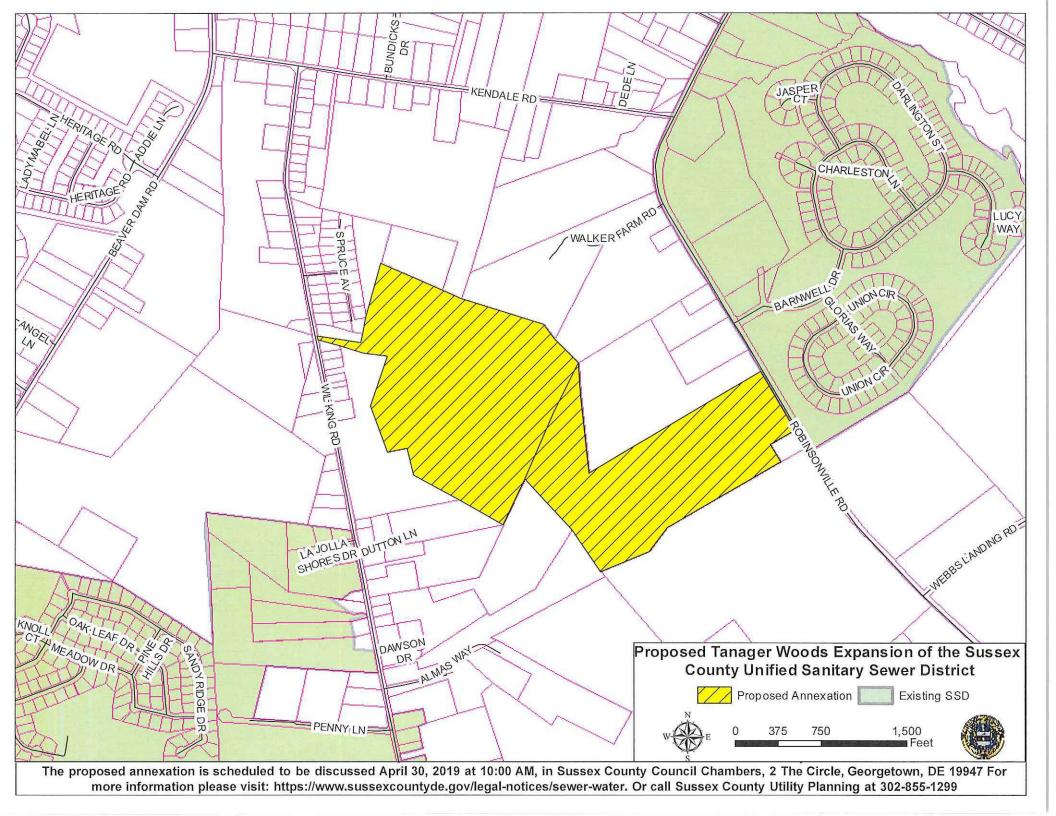
NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the east side of Wil-King Road and the ±west side of Robinsonville Road, as follows:

Beginning at a point, said point being on the westerly ROW of Robinsonville Road, said point also being the northeasternmost property corner of lands N/F of Joseph L. Street Heirs, said point further being on the SCUSSD boundary; thence proceeding by and with said ROW and SCUSSD boundary in a southeasterly direction a distance of 560' ± to a point, said point being the northernmost property corner of land N/F of Phillip R. Blush & Jennifer E. Rice, said point also being a property corner of lands N/F of Joseph L. Street Heirs; thence leaving said ROW and SCUSSD boundary and proceeding by and with said Street Heirs in a southwesterly, southeasterly, southwesterly and northwesterly directions respectively a total distance of 3,342' ± to a point, said point being the northernmost property corner of lands N/F of The Adkins Co., said point also being on the southeasterly property line of land N/F Thomas Evans Street; thence leaving said Street Heirs lands and proceeding by and with said Thomas Evans Street lands in a southwesterly, northwesterly, southwesterly, northwesterly, northwesterly, westerly directions respectively a total distance of 3,276' ± to a point, said point being on the easterly ROW of Wil-King Road, said point also being the northwesternmost property corner of lands N/F of William Lewis Spitzig; thence proceeding by and with said ROW and continuing with said Street lands in a northerly direction a distance of 40' to a point, said point being the southwesternmost property corner of lands N/F of Andrew D. Pandolfino; thence leaving said ROW and continuing by and with said Thomas Evans Street lands in an easterly, northerly, generally southeasterly a total distance of 3,050'± to a point, said point being the northeasternmost property corner of lands N/F of Joseph L. Street. Heirs; thence proceeding by and with said Joseph L Street, Heirs lands in a southerly and northeasterly directions respectively a total distance of 2,706' ± to a point, said point being the Point of Beginning.

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

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



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



Sussex County

sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: April 25, 2019

RE: Request for Time Extension - CU 2045 Robert & Deborah Reed (Riverside Plaza)

The Planning and Zoning Department received a request for an extension for application CU 2045 Robert & Deborah Reed (Riverside Plaza). The Conditional Use application was granted approval by the County Council on May 3, 2019 for the construction of 142 townhomes. The Planning Commission approved a preliminary site plan on September 8, 2016. The property is located on John J. Williams Hwy. (Rt. 24) and Oak Orchard Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
 - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.



(c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be "substantially constructed" within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. The DelDOT approval is anticipated in July. The applicant is awaiting Sussex Conservation District and Office of the State Fire Marshal approvals. Those approvals are expected soon.

It is possible for the project to be substantially underway within the next 6 months. The Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have the project substantially underway prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Conditional Use application, CU 2045 Robert & Deborah Reed (Riverside Plaza) shall be granted a six (6) month time extension until November 3, 2019, which is six (6) months from May 3, 2019, the original termination date for the subdivision.



Strategic Infrastructure and Transportation **Asset Management**

Consulting | Systems | Engineering

February 5, 2019

Ms. Janelle Cornwell, Director Sussex County Planning and Zoning Department 2 The Circle Georgetown, DE 19947

RE: C/U #2045 Site Plan - Robert and Deborah Reed - RE/MAX Realty Group (a.k.a Riverside Plaza)

Ms. Cornwell:

On May 3, 2016, the Sussex County County Council granted preliminary approval for the above referenced conditional use application for 142 multi-family dwelling units. The Preliminary Site Plan, as prepared by the engineering firm Davis, Bowen, & Friedel (DBF), was approved on September 8, 2016 by the Sussex County Planning and Zoning Commission. Our clients are requesting and extension of the preliminary approval.

The owner/developer was not satisfied with timing from the original engineer (DBF), therefore, The Kercher Group, Inc. (TKG) was contracted September 6, 2018 to prepare construction plans for this project. On September 12, 2018, TKG prepared a revised sketch plan for the client. Using the revised plan, TKG had a required pre-submittal meeting with the Sussex Conservation District (SCD) on September 18, 2018 as well as a pre-submittal meeting with the Delaware Department of Transportation (DELDOT) on October 16, 2018. Plans were then submitted to the SCD, Sussex County Engineering (SCED), and the Office of the State Fire Marshal (OSFM) on November 1, 2018. We received comments from the OSFM (November 7, 2018), the SCED (November 16, 2018) and the SCD (December 4, 2018). Those comments are currently being addressed. Coordination with DELDOT is on-going, as DELDOT has a capitol improvement project along the road frontage for this project (RT 24 and Oak Orchard Road). The entrance plans have been submitted (January 3, 2019), however, comments have not been received as of the date of this letter. It is anticipated that we will receive the OSFM approval by March 1, 2019, the SCED approval by March 1, 2019, and the SCD approval by April 1, 2019. The DELDOT approval may be received by June 1, 2019. Once all approvals are received, we will then submit for Final approval with the County and anticipate approval by July 1, 2019. Based on the estimated timing of the pending approvals, we believe that all approvals can be obtained and construction can be substantially underway by November 3, 2019.

As always, we appreciate your attention to this matter and consideration for an extension for the preliminary approval from the Council.

Sincerely,

Kevin T. Smith Project Manager

ENGINEERING DEPARTMENT

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Samuel R. Wilson, Jr.

The Honorable John L. Rieley The Honorable Douglas B. Hudson

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

Gina A. Jennings, MPA, MBA, Finance Director

DATE: April 2, 2019

RE: Winding Creek Village Water District Area

Approval of Delaware Drinking Water SRF Funding Offer &

<u>Issuance of Associated Borrowing Ordinance</u>

In 2015, the Engineering Department received petitions in favor of submitting the question of organizing a water district to referendum. On February 13, 2016, a public hearing was held. Prior to the proposed referendum date, 190 certified affidavits from residents of the Winding Creek Village community, representing over 50% of the parcels, in opposition to a community wide water district were received. In response, County Council moved to discontinue steps towards creation of a community wide water district.

Residents affected by ongoing water quality issue formed a committee known as the Independent Owner Water Committee (IOWC). The IOWC sent out a survey to the community and based on the results, targeted a specific area to solicit new petitions. Ultimately, the IOWC submitted 142 notarized petitions in favor of submitting the question of organizing an <u>optimized</u> water district to referendum.

On September 14, 2017, the voters of the optimized Winding Creek Village Water District Area approved the creation of said water district. On October 3, 2017, County Council officially created the Winding Creek Water District under Resolution No. R 028 17.

In March of 2017, the Finance & Engineering Departments filed an overall funding application for the Herring Creek sewer project including all of the Winding Creek Village subdivision for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service which has been fully funded and accepted by County Council. Previously, County Council approved WRA



Associates, Inc.'s professional services amendments for the design and permitting in the Herring Creek Sewer District Area expansion.

In January of 2018, the Engineering Department submitted a notice of intent to the State for supplemental funding associated with the proposed water district, which made it in the 2018 Intended Use Plan. On June 13, 2018, the Finance and Engineering Departments followed up by filing a funding application with the Delaware Drinking Water SRF for \$2,000,000 for the Winding Creek Village Water District Area. The request was approved by the Water Infrastructure Advisory Council and an offer has been extended to the County.

The Finance and Engineering Departments recommend accepting the funding offer and issuance of the associated ordinance authorizing up to \$2,000,000 of general obligation bonds of Sussex County in connection with design, construction and equipping of the project, with the expectation that up to \$1,000,000 of principal forgiveness will be applied in order to reduce the principal amount upon completion.

ORDINANCE NO.	
---------------	--

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the "Subdivision"), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the "Project");

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. <u>Amount and Purpose of the Bonds</u>. Acting pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$2,000,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$1,000,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,000,000 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of

issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. <u>Security for the Bonds</u>. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, <u>Delaware Code</u> Section 8002 (c). Pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, <u>Delaware Code</u>, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. <u>Terms of the Bonds</u>. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. <u>Sale of the Bonds</u>. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Drinking Water State Revolving Fund (acting by and through the Delaware Department of Health and Social Services) (or any successor agency).

Section 5. <u>Details of the Bonds</u>. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. <u>Debt Limit</u>. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. <u>Further Action</u>. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. <u>Effective Date</u>. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the <u>Delaware Code</u>, as amended.

Attest:	SUSSEX COUNTY, DELAWARE
Clerk Sussex County Council	President Sussex County Council
[SEAL]	
APPROVED AS TO LEGALITY AND FORM:	
County Attorney	

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,000,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the "Subdivision"), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the "Project"), with the expectation that up to \$1,000,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,000,000 upon Project completion.

ENGINEERING DEPARTMENT

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Samuel R. Wilson, Jr.

The Honorable John L. Rieley The Honorable Douglas B. Hudson

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

RE: James Farm Master Plan Implementation Phase I

Cedar Neck Road Entrance, Project C19-02A

Approval of Balancing Change Order & Substantial Completion

DATE: April 30, 2019

Sussex County and the Delaware Center for Inland Bays (CIB) have a long-standing relationship with regards to the James Farm Ecological Preserve, beginning in 1998 with the first occupancy lease agreement. On September 19, 2017, Council granted a 20-year occupancy extension to the original agreement.

In 2016, a Master Plan was completed, detailing needed improvements to accommodate the visitation growth. The design and permitting for the Master Plan's Phase I Improvements, was completed in August 2017. Subsequently the County, on behalf of CIB, applied for and received an Outdoor Recreation Parks and Trail Grant through DNREC in the amount of \$85,000.00, which the County matched with FY 18 funds. These funds allowed the County and CIB the partial implementation of the Master Plan's Phase I, Cedar Neck Road Entrance project. After public advertisement, three (3) bids were received and on September 18, 2018, Council awarded the entrance project to Gateway Construction, Inc. at the low bid amount of \$97,597.50.

The bid was structured as a unit price contract where several of the items could be used in the remaining portion of Phase I construction. Using the unit costs as well as newly developed lump sum scope items, the contractor proposed change order 1 to complete Phase I, except for some of the items to be self-performed by CIB staff/volunteers, in the amount of \$269,340.00, which Council approved on December 11, 2018.



The Engineering Department is now presenting change order 2, which includes various signage for the parking area, striping for ADA parking, crosswalk striping and balancing final quantities in the amount of \$5,165.00, bringing the final contract cost to \$372,102.50.

Construction began on November 26, 2018 and was declared substantially complete on April 9, 2019. The Engineering Department now recommends approval of change order 2 and substantial completion for Project No. C19-02A.



SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

Project Name: James Farm Master Plan Implementation Phase I
 Cedar Neck Road Entrance

2. Sussex County Project No. <u>C19-02A</u>

3. Change Order No. ____2

4. Date Change Order Initiated - 4/17/19

5. a. Original Contract Sum \$97,597.50

b. Net Change by Previous \$269,340.00 Change Orders

c. Contract Sum Prior to \$366,937.50
Change Order

d. Requested Change __\$5,165.00

e. Net Change (No. of days)

f. New Contract Amount __\$372,102.50

6. Contact Person: Hans Medlarz, P.E.

Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

	_ 0. Fa	ctors Affecting Time of Completion	
	_ 7. Ot	ner (explain below):	
C.	BRIEF DESCRIPTION C	F CHANGE ORDER:	-
	Adjust contract items to t	inal quantities and add signage and striping	g.
D.	JUSTIFICATION FOR C	HANGE ORDER INCLUDED?	
	YesX N	D	
E.	APPROVALS	1	
1.	Gateway Construction, In	C Contractor 4-18-19	
	Signature May K K Representative's Name i	Date Date	
2.	Sussex County Engineer		
	Signature	Date	
3.	Sussex County Council F	resident	
	Signature	Date	

.



498 Sudlersville Road Clayton, DE 19938

Phone: 302-653-4400 Fax: 302-653-4405

Email: gwc2001@gmail.com

DATE: QUOTE #

3/26/2019	
19 003 007	

Customer

Hans M. Medlarz, P.E. Sussex County Engineer 2 The Circle - PO Box 589 Georgetown, DE 19947 Phone: 302-855-7728

Fmail: hans.medlarz@sussexcountyde.gov

Email: nans.mediarz@sussexcountyde.gov		
DESCRIPTION	SUBTOTAL	AMOUNT
Project Quote For: James Farm - Signage		
Scope of Work:		
Installation of 6 signs and posts for the James Farm parking/circle project.		
Signs and posts as follows:		
1 - 36x12 One Way Sign		
2 - 12x18 Handicap - Reserved Parking Signs		
2 - 12x18 No parking Bus stop signs		
1 - 30x30 Do Not Enter sign		
6 - Green U channel posts including nuts/bolts		\$ 1,060.00
Striping of handicap parking and crosswalk:		
Striping of handicap area to be in roadway paint		
Crosswalk to be installed using thermoplastic		\$ 675.00
Work includes all signage, posts, materials and labor to install signage.		
WE PROPOSE hereby to furnish material and labor complete in accordance with the above specification for a total sum of:	Subtotal	\$ 1,735.00

ne Thousand Seven Hundred Thirty Five Dollars and zero cents
--

One mousand seven number mines investorials and zero cents
TERMS AND CONDITIONS
Any alteration or deviation from above specifications involving extra costs will be executed only upon written
order and will become an extra charge over and above the estimate. All agreements contingent upon striles,
accidents or delays beyond our control. Please fax or mail the signed quote to the address above. Payments
to be made as follows: Our terms are net due as billed. A finance charge of 5% per month will be added to all
balances over 30 days. You will promise to pay all costs of collection including court costs and reasonable
attorney fee's. All legal proceedings to be held in the State of Delaware.
Customer Acceptance (sign below):
X
Thank you for your Business!

TOTAL Due	\$	1.735.00
-----------	----	----------

James Farm - DelDOT Entrance Sussex County Project C19-02A - Gateway Construction, Inc. Balancing Change Order (C. O. #2)

WORK ITEMS			As Bid		
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE
1	General Cond's, incl. Layout	LS	1	\$ 4,647.50	\$ 4,647.50
2	Maintenance of Traffic	LS	1	\$ 10,000.00	\$ 10,000.00
3a	PCC Curb & Gutter, Type 2	LF	135	\$ 70.00	\$ 9,450.00
3b	PCC Sidewalk	SY	35	\$ 100.00	\$ 3,500.00
4a	Remove obstruct., Grade for Drain., Est. subgrade, Fill	LS	1	\$ 10,000.00	\$ 10,000.00
4b	Cedar Neck Rd Rotomill 2"	SY	410	\$ 25.00	\$ 10,250.00
4c	GABC, Type B	TON	75	\$ 50.00	\$ 3,750.00
5a	Type C Superpave	TON	75	\$ 200.00	\$ 15,000.00
5b	Type B Superpave	TON	30	\$ 500.00	\$ 15,000.00
6	Signage & Striping	LS	1	\$ 6,000.00	\$ 6,000.00
7	Restoration, Crack Sealing	LS	1	\$ 10,000.00	\$ 10,000.00
	BASE BID			TOTAL	\$ 97,597.50
	CHANGE ORDER 1 - Parking Area	LS	1	\$ 269,340.00	\$ 269,340.00
	Base Bid plus Change Order 1				\$ 366,937.50
	CHANGE ORDER 2 - Additional Items				
CO2: Signage for parking Area		LS	1	\$1,060.00	\$ 1,060.00
	CO2: Stripe ADA parking plus raised crosswalk	LS	1	\$675.00	\$ 675.00

As-Built		
FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE
1	\$ 4,647.50	\$ 4,647.50
1	\$ 10,000.00 \$ 70.00 \$ 100.00 \$ 10,000.00 \$ 25.00 \$ 500.00 \$ 500.00 \$ 6,000.00	\$ 10,000.00 \$ 9,310.00 \$ 4,500.00
133	\$ 70.00	\$ 9,310.00
45	\$ 100.00	\$ 4,500.00
1	\$ 10,000.00	\$ 10,000.00
435	\$ 25.00	\$ 10,875.00 \$ 4,150.00
83	\$ 50.00	\$ 4,150.00
69	\$ 200.00	\$ 13,800.00
35.49	\$ 500.00	\$ 17,745.00
1		\$ 6,000.00
1	\$ 10,000.00	\$ 10,000.00
	subtotal	\$ 101,027.50
1	\$ 269,340.00	\$ 269,340.00
	subtotal	\$ 370,367.50
1	\$1,060.00	\$ 1,060.00
1	\$675.00	\$ 675.00
	subtotal	\$ 1,735.00
FINAL PRIC	E	\$ 372,102.50

	R/ <mark>UNDER</mark> AL ITEM E
\$	-
\$	-
\$	(140.00)
\$	1,000.00
\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	-
\$	625.00
\$	400.00
\$	(1,200.00)
\$	2,745.00
\$	-
\$	-
\$ \$	-
\$	3,430.00
\$	-
\$ \$ \$	-
\$	1,735.00

Base Bid plus Change Order 1

\$ 366,937.50

TOTAL CO# 2 Additional Items plus over/ under runs

5,165.00

ENGINEERING DEPARTMENT

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Samuel R. Wilson, Jr.

The Honorable John L. Rieley The Honorable Douglas B. Hudson

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

RE: Whitman, Requardt & Associates - North Coastal Planning Area Contract

Angola North -Sr 24, Love Creek and Camp Arrowhead Road, Project 17-04

Revised Amendment No. 10 & new Amendment 10A for Construction Administration and Resident Project Representation Close-out Services

DATE: April 30, 2019

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base engineering services contract for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then, Council utilized the contract by approving twenty-two (22) amendments totaling \$8,577,604.43 in value.

Council awarded the construction of the Millville Sanitary Sewer District Northwest Expansion II, Angola North Expansion-SR 24, Love Creek & Camp Arrowhead Road and the Route 54 Expansion project in early 2017. With three (3) projects moving forward in proximity, the Engineering Department negotiated a comprehensive contract administration and on-site inspection package utilizing a <u>shared staffing</u> approach rather than staffing each project individually. In our negotiation with WRA, we also expressed the County's desire to have in house staff play a role in the inspection and tracking of the improvements. The underlying scope of work of the proposed amendments reflects that approach and ultimately results in a reduction of cost over the traditional approach of approximately 33%.

Council approved Amendment 10 in the amount of \$358,866.00 on February 14, 2017, for construction administration and inspection services for the Angola North Expansion project which Council had awarded on February 7, 2017 to Pact One LLC in the amount of \$5,826,250.00.



Additional engineering and inspection costs were incurred due to unforeseen circumstances, mostly outside of the contractors control, causing the contract completion date to be exceeded by 67 days. In addition, WRA provided inspection services in connection with the Love Creek Woods development's master plumbing contract awarded separately by Council after a public bid.

Although an excess of design funds remains in Amendment 4, a shortfall exists in Amendment 10, construction administration and inspection. Therefore, a transfer of \$5,480.87 from Amendment 4 to Amendment 10 is proposed to supplement a portion of the additional contract administration costs.

In addition to the transfer, the Engineering Department requests funding approval of Amendment 10A in the amount of \$82,924.00 to cover the remaining inspection costs for work occurred beyond the original contract completion date and the additional inspection services provided for the Love Creek Woods master sewer lateral connections contract.

On April 16, 2019, Council approved Change Order No. 2 to the Pact One, LLC construction contract in the credit amount of \$506,601.82. This change order included a \$40,000 credit towards additional field engineering and inspection services provided by WRA partially offsetting Amendment 10A expenses. In addition, the Engineering Department has been tracking the Love Creek Woods related inspection ser provided by WRA separately further offsetting Amendment 10A costs.



Whitman, Requardt & Associates, LLP

Engineers · Architects · Environmental Planners

Est. 1915

April 17, 2019

Mr. Hans Medlarz, P.E. Sussex County Engineer Sussex County Engineering Department #2 The Circle P.O. Box 589 Georgetown, Delaware 19947

Re:

North Coastal Planning Area Amendment #10A

Dear, Mr. Medlarz:

WRA has provided final design and construction administration services for the Angola Neck Sanitary Sewer District Northern Expansion under the following Amendments:

- Amendment #4: Final Design of the Angola Neck Sanitary Sewer District (ANSSD) Northern Expansion Pump Station, Force Main, and Gravity Sewers in the amount of \$377,670.00.
- Amendment #10: Construction Administration and Inspection for the Angola North Expansion (County Contract 17-04) and Route 54 Expansion of the FISSD (County Contract 14-10) in the amount of \$430,102.00.

We are requesting the transfer of \$5,480.87 from Contract Amendment #4 to Contract Amendment #10, as well as the execution of the attached Amendment 10A. This transfer and Amendment #10A are necessary to cover additional construction administration and inspection costs in the amount of \$88,279.20. These additional costs were incurred due to the Contractor exceeding the original contract substantial completion date of July 9, 2018. Final substantial completion was ultimately obtained by the Contractor on December 21, 2018. In addition, inspection services for the Love Creek Woods sewer lateral connections were also provided. This transfer will decrease the allocated funds for Amendment #4 from \$377,670 to \$372,031.23 and increase the allotted funds in Amendment #10 from \$430,102.00 to \$435,582.87.

Please let us know if you have any questions or require any additional information.

Very truly yours,

Whitman, Requardt and Associates, LLP

Dennis J. Hasson, PE, BCEE

Partner

Enclosures cc: File

801 South Caroline Street

Baltimore, Maryland 21231

NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 10A

This contract amendment, Contract Amendment No. 10A dated ______, 2019 amends our original contract dated January 14, 2014 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, hereinafter referred to as CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231 (Original Contract). Except as specifically amended herein, the provisions of the Original Contract dated January 14, 2014, as thereafter amended, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 13** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for Angola North Expansion Construction Administration and Resident Project Representation Completion Services as set forth in Attachment A, which is attached hereto and incorporated by reference, shall not exceed Eighty Two Thousand Nine Hundred and Twenty Four (\$82,924.00). In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

14.1.2 Attachment 10A: Consultant's Scope of Services, Angola North Expansion Construction Administration and Resident Project Representation Completion Services with Man-hour Spreadsheets. (Contract Amendment No.10A).

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 10A to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL	FOR THE COUNTY: SUSSEX COUNTY
	President, Sussex County Council
APPROVED AS TO FORM:	Date
Assistant Sussex County Attorney	
ATTEST:	
Clerk of the Sussex County Council	
	FOR THE CONSULTANT:
	WHITMAN, REQUARDT and ASSOCIATES, LLP
WITNESS.	Dennis J. Hasson, P.E., BCEE, Partner



SCOPE OF WORK FOR

ANGOLA NORTH EXPANSION CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATION COMPLETION SERVICES

This attachment outlines the required Scope of Services for the Angola North Expansion: Construction Administration and Project Inspection Completion Services. This work effort will generally include services during the Construction as required to provide Construction Administration and Inspection Services during the period beyond the original contract completion date of July 9, 2018 through December 21, 2018 as well as additional inspection services for the Love Creek Woods sewer lateral connections. The Derivation of Man-hours and Estimated Fee for these tasks are provided in the summary spreadsheets included with this document.

PART A - CONSTRUCTION ADMINISTRATION

- General Construction Administration. WRA will consult with Sussex County and act as
 the County's representative during the duration of the construction project. This effort
 involves the day to day coordination of in-house and field personnel during the construction
 phase.
- Monthly Progress Meetings. WRA will prepare meeting agendas, conduct monthly progress meetings and issue meeting minutes.
- 3. Applications for Payment. Based on WRA's observations and on a review of the Contractor's Monthly Applications for Payment and accompanying supporting documentation, determine the amounts that WRA recommends the Contractor be paid by Sussex County. Such observations and review, mean that, to the best of WRA's knowledge, information and belief, the Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled insofar as it is WRA's responsibility to observe the Contractor's Work. In the case of unit price work, WRA's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

PART B - RESIDENT PROJECT REPRESENTATION

WRA shall furnish one Resident Project Representative (RPR) from July 9, 2018 to December 21, 2018 for the Angola North Expansion. Inspection for the Love Creek Woods Master Plumber Contract shall be on an as needed basis during this same duration. The RPR will observe the work done by the Contractor and promptly inform the County of deviations from the Contract Documents. The RPR will serve as the County's representative in the field, providing information on the daily progress of the job to technical personnel.

	PROJECT NAME: Ang	ola Nort	h Const	ruction A	dministr	ation and	Inspection			Attachm 4/17/201 DJH/WF	9		
TARK	CLIENT: Sussex County Engineering Department PROJECT DESCRIPTION; Construction Administration and Resident Project Representation.	Project Manager	Givil Associate / Project Engineer	Resident	Project Inspector	Genstrugtion Manager	WRAA TOTALS		WREA	Subconfractor	Subcontractor		Subcontractor
Phase A-	Construction Administration							N.F	14	1	-	T, R,E	
	Use Labor Cost Rates for year: 2018	\$65	\$72	\$40	\$28	\$61		S,or L	(Sea-			S.Or L	(See Legen
A1	General construction administration					164	164	T	\$96			-	\$
A2	Pre-construction and monthly progress meetings					24	24	T	\$58			-	\$
A3	Application for Payment					12	12					12	\$
							0						\$
	PHASE A SUBTOTALS =	0	0	0	0	200	200		\$154	Subcon	tractor Total		\$0
	PHASE A SUB-TOTAL DOLLARS	50	\$0	\$0	30	\$28,548	\$28,548			Profi	t on Sub		0.0%
		-	0	0	50	200		_		WR&A Total PHASE A TOTAL			28,702

nase B - Resident Project Representation					-5-0		RE	(See			TRE	Gee
Use Labor Cost Rates for year; 2016b	\$65	\$72	\$40	\$28	\$61		S,or L	S,or L Lagend)			S,or L	Legend)
B1 Resident Project Representation			540			540	T	\$320	1			\$
B2 Love Creek Woods Inspection			80	-		80	100	\$			12.1	\$
PHASE B SUBTOTALS =	0	0	620	0	0	620		\$320	Subco	intractor Total		\$0
PHASE B SUB-TOTAL DOLLARS =	50	50	\$53,903	50	50	\$53,903		Profit on Sub		fit on Sub	0.0%	
		0	620	\$53,903	0		_		WF	R&A Total	\$5	4,223
									PHAS	SE B TOTAL	\$5	4,223

Total

\$82,924

	Project Manager	Civil Associate / Project Engineer	Resident	Project Inspector	Constituction
Bare Labor Cost rates for year 201	\$65.20	\$72.25	\$40,25	\$28.15	561.00
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34	\$152.57	\$169.07	594.19	\$65.87	\$142.74
Bare Labor Cost rates for year 2018	\$65.20	\$72.25	\$40.25	\$28.15	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.16	\$140.83	\$156.08	\$36.94	\$60.50	\$131.76
Bare Labor Gost rates for year 2020					
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34	50.00	50.00	\$0.00	\$0.00	\$0.00

T = Travel @ 48 mile

R = Reproduction
E = Equipment Rental
S = Subcontractor

L= laboratory Cost



ENGINEERING DEPARTMENT

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

Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Samuel R. Wilson, Jr.

The Honorable John L. Rieley The Honorable Douglas B. Hudson

FROM: Hans Medlarz, P.E.

RE: CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS PROGRAM

THE OWL'S NEST - REQUEST FOR PROJECT ELECTION

DATE: April 30, 2019

The Owl's Nest is a small, fully built-out subdivision of 17 parcels located along Barn Owl Drive and Tree Top Lane, which are private streets owned and maintained by the community Homeowners Association (HOA). The Selbyville area subdivision's two roads comprise approximately 1,500 LF of pavement in various conditions.

The community by letter dated January 21st, 2019, requested assistance from the County to repair and resurface their existing roads through the Sussex County Improvement Program as provided under Chapter 96 of Sussex County Code. Following provisions of the Code, the Engineering Department to date has determined the community meets eligibility criteria defined in the Code; has petitioned all assessable property owners within the Community; has provided a project cost estimate for a 2" hot-mix pavement overlay with minor patching and base repairs; has provided the approximate costs to property owners in both lump sum and 10-year repayment options; and has provided notification and held a public meeting within the community to discuss the Chapter 96 program, the project and owner costs, and the resolution for an election necessary for a project to advance.

The Engineering Department recommends favorable action on the provided Resolution establishing a date, time, place and judge for an election to be held to consider The Owl's Nest proposed Chapter 96 Sussex Community Improvement Project.

Enclosures: Resolution

Community & Project Boundary Map

Cost Estimate Assessment Roll



RESOLUTION	NO.	

A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE OWL'S NEST PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other construction designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as The Owl's Nest, as represented on Sussex County Tax Map 533-10 Parcels 184 - 200, and on Recorder of Deeds Plot Book 43-Page 200; located west of Smithfield Acres Road (CR 52B), southwest of the intersection with Roxana Road (SR 17), in Selbyville, DE, within the Baltimore Hundred, requested petition forms be provided from Sussex County Engineering Department to determine if there was enough interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of The Owl's Nest to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

WHEREAS, it was determined by the Sussex County Engineering Department that The Owl's Nest meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within The Owl's Nest proposed project on March 7, 2019, in accordance with the Sussex County Code, along with a project cost estimate, a layout map of project boundaries and the estimated charges to each property owner; and

WHEREAS, 11 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 65% of the 17 assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5 of the Sussex County Code; and

WHEREAS, on March 26, 2019, Sussex County Engineering Department mailed to all The Owl's Nest property owners of record within the proposed project area a Notice of a Public Meeting to be held in the community on April 17, 2019; as required by §96-5 of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department held the Public Meeting to discuss the Chapter 96 community improvements proposal on Wednesday, April 17, 2019, at 37403 Tree Top Ln, in the community with The Owl's Nest property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.

NOW, THEREFORE,

BE IT RESOLVED, Sussex County Council hereby formally accepts the community of The Owl's Nest into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED, that Sussex County Council approves for The Owl's Nest Proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$547.92 for a ten (10) year time period, or an estimated lump sum payment cost of \$4,499.94 for each assessable property located within the boundaries of The Owl's Nest Proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

BE IT FURTHER RESOLVED, that the Sussex County Council does establish Wednesday, June 5, 2019, during the hours of 1:30 p.m. – 5:30 p.m., at the Selbyville Public Library located at 11 S. Main Street, Selbyville, Delaware, as the date, time, and place for the Election to determine if the property owners of The Owl's Nest Proposed Chapter 96 Project are in favor of proceeding with the project improvements, as presented at the April 17, 2019 Public Meeting. A provision for Absentee Ballots will be provided; and

BE IT FURTHER RESOLVED, Sussex County Council appoints Patrick J. Brown, PE, of the Sussex County Engineering Department, or his designee, to be the judge of the June 5, 2019 Election; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in The Owl's Nest Proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code.

Hans Medlarz, P.E. County Engineer

Presented on: April 30, 2019

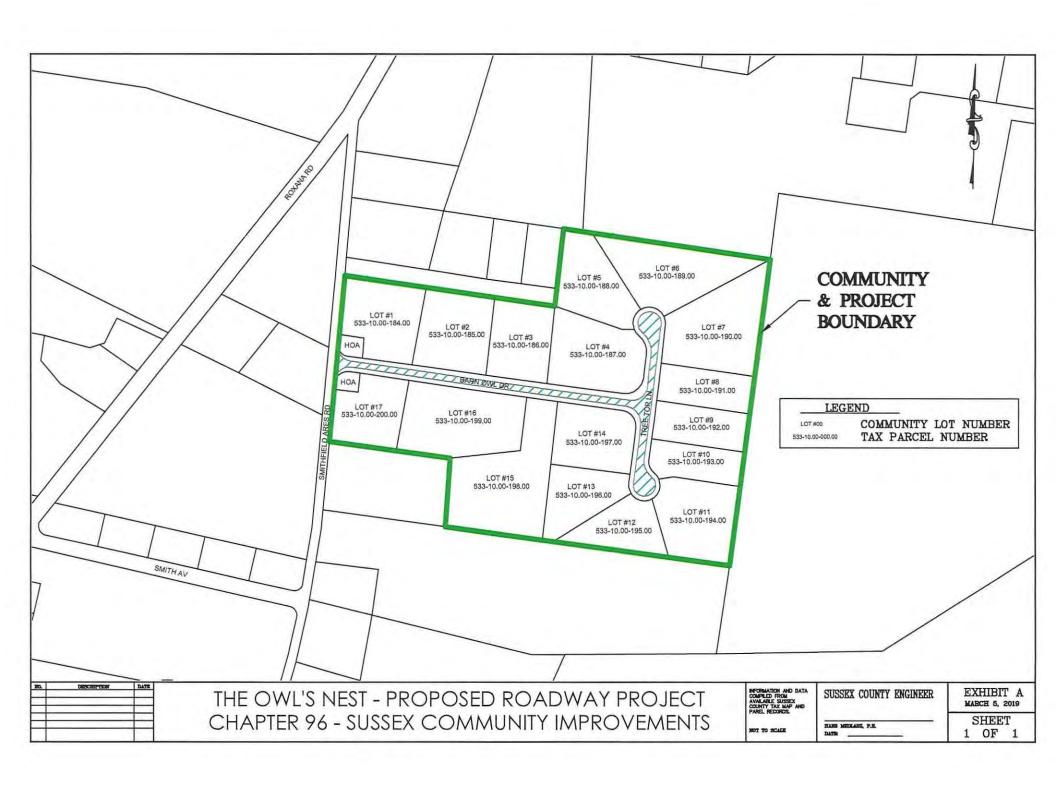


EXHIBIT B - PRELIMINARY COST ESTIMATE

March 7, 2019

The Owl's Nest

ITEM		ITEM DESCRIPTION	UNITS	QTY	UN	IIT COST	ŗ	OTALSUB- TEM COST	то	TAL ITEM COST
		PRELIMINARY DESIGN COSTS:		<u> </u>			 	······································	ļ	
		PERMITS			-		<u> </u>		•	
'		DNREC NOI	LS	п/а	\$		\$		-Ψ	
		SCD DESIGN REVIEW/INSPECTION FEES	LS	n/a	\$		\$		i	
		DEL DOT Entrance/Safety Permit	LS	TBD	\$		\$			
2		DESIGN SURVEY	LF	n/a	\$		\$		\$	
	MA 70/20 4 PF	PRELIMINARY CONSTRUCTION COSTS:								
3		PREPARATION			-				\$	5,125.00
		Saw Cut existing pavement	LF	60	\$	5.00		300.00		
		Driveway Preparations & Butt Joints	EA	19	\$	75.00		1,425.00		
		Entrance Tie-in Mill	SY	150	\$	15.00		2,250.00		
		Sewer Manhole Adj	EA	2	\$	350.00		700.00		
	Ε	Water Valve Adjustments	EA	6	\$	75.00	\$	450.00		
4		PAVING					j		\$	55,525.00
	A	Sweep	SY	4600	\$	0.25	\$	1,150.00	- *	
	В	Clip Back Edges	LF		\$	1.00	\$	3,500.00	į	T BERGAMA
	С	2" Type C Hot Mix Overlay	TONS	525	\$	85.00	\$	44,625.00		
	D	Hotmix patching - 3" Type B	SY	150	\$	35.00		5,250.00	_	
		Driveways @ 2' of Tie-in	TONS	10	\$	100.00	\$	1,000.00		
5		RESTORATION							\$	3,870.00
į	Α.	Soil Restoration Along Edges of Pavement (tpsi/seed/mulch)	SY	750	\$	5.00		3,750.00		
	В	Driveway restoration (gravel)	EA	33	\$	40.00	\$	120,00		
6		CONTRACTOR INITIAL EXPENSE	LS	1_1_	\$	3,395.79	<u> </u>		\$	3,395.79
					-					
							1			

Project Engineer: Patrick Brown

Approved by County Engineer.

De Checker 3/7/22/9

CONSTRUCTION COST SUMMARY Subtotal Construction Estimate \$ 67,915.79 10% Contingency \$6,791.58 Total Construction Estimate \$ 74,707.37 Subtotal Project Cost \$ 74,707.37 10% Administration Fee (of const. subtotal) \$ 6,791.58 **HOA Contributed Funds** \$ (5,000.00) Total Project Cost 76,498.95

Total Parcels 17
Interest Rate 3.75%

Lump Sum Repayment Cost \$ 4,499.94 Per Parcel 10 Year Repayment Period Cost \$547.92 Per Parcel

Page 1 of 1

THE OWL'S NEST PROPOSED CHAPTER 96 PROJECT - ASSESSABLE PROPERTIES ESTIMATED ANNUAL ASSESSMENT

TAX MAP	PARCEL NO.	LOT NO.	OWNER	EST. ANNUAL \$ ASSESSMENT
533-10.00	184.00	1	Hudson, Jeffrey R	\$547.92
533-10.00	185.00	2	Webb, John A. Jr & Mary E.	\$547.92
533-10.00	186.00	3	Jones, Bryan T. & Collen S. Powell	\$547.92
533-10.00	187.00	4	Lucas, Allison A.	\$547.92
533-10.00	188.00	5	Vickers, Stephen E. & Amy M.	\$547.92
533-10.00	189.00	6	Jensen, Richard S. & Regina D.	\$547.92
533-10.00	190.00	7	Aydlotte, Todd E. & Beatrice M.	\$547.92
533-10.00	191.00	8	Dubois, Barry D. & Vickie L.	\$547.92
533-10.00	192.00	9	Moeser, Timothy F. & Susan K.	\$547.92
533-10.00	193.00	10	Umpire LLC	\$547.92
533-10.00	194.00	11	Paslawsky, Michael G. & Rae Ann James	\$547.92
533-10.00	195.00	12	Anderson, Scott M. & Mallory E.	\$547.92
533-10.00	196.00	13	Fisher, Kevin Lee & Jennifer E. Martin	\$547.92
533-10.00	197.00	14	Rishel, Kenneth R. & Wendy E.	\$547.92
533-10.00	198.00	15	Martin, Charles & Catherine	\$547.92
533-10.00	199.00	16	Rodimak, Ronald S. & Kathleen A. Rasmus	\$547.92
533-10.00	200.00	17	Watts James A TTEE & Janelle Rae TTEE Rev Trust	\$547.92

NOTES: 17 Assessable Parcels as per Community and Project Boundary Map dated March 5, 2019
Estimated Annual Assessment as per Repayment Period Cost provided on Preliminary Cost
Estimate dated March 7, 2019

Localitate dated liftar	511 / J 2005	
Approved by County Engineer:	Har die ellag	Date: 4/22/2019
Approved by Finance Director:		Date:



PHONE:

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Georgetown-Millsboro Rotary Club ORGANIZATION NAME: Flags for Heroes 2019 PROIECT NAME: 23-7194963 22-2804785_{NON-PROFIT: YES} FEDERAL TAX ID: DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION? YES *IF YES, FILL OUT SECTION 3B. ■ NO ORGANIZATION'S MISSION: Providing financial support for community activities and educational opportunities Post Office Box 164 ADDRESS: Georgetown DE 19947 (STATE) (ZIP) (CITY) Marlene Elliott Brown CONTACT PERSON: Member TITLE: EMAIL: marleneelliottbrown07@gmail.com 302-270-1078

TOTAL FUNDING REQUEST: \$1,000	
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 r	epresent?4%

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Fair Housing Health and Human Services Cultural Other Community Service/Patriotic Infrastructure¹ Educational **BENEFICIARY CATEGORY** Homeless Disability & Special Needs Victims of Domestic Violence **Elderly Persons** Low to Moderate Income² Youth Other Community Needs/Veterans Minority BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: 500

SECTION 3: PROGRAM SCOPE

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

For the last 6 years, the Georgetown-Millsboro Rotary Club has flown over 500 flags in honor of military members, first responders and other heroes. This year, these flags wll be displayed on the Circle in Georgetown, along Route 404 at Delaware Technical Community College, across from the Millsboro Post Office and at the Rt. 24 east entrance to Millsboro. The flags will be displayed the week before and after Memorial Day.

Since the inception of this program, the Club has raised over \$80,000 in honor of these heroes who have given so much to our community, our county and our country. Last year's proceeds were donated to Clothing our Kids, the Community Resource Center, Del-Mar-Va Council BSA (Boy Scouts), ESL Classes, and Southern Delaware Therapeutic Riding. The money also provided for Delaware Tech scholarships and Rotary Youth Leadership Scholarships.

The donations for this project are handled by the Delaware Community Foundation. Therefore, checks are made payable to the Foundation and noted for the Georgetown-Millsboro Rotary Club Flags for Heroes project. Donors and sponsors are recognized in an insert that is published in the Sussex Post.

The Rotary Club very much appreciates the County's support of this patriotic and community oriented project and requests your continued participation.

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	25,000.00
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Newspaper Insert	-\$ 3,200.00
Replacement Flags	-\$ 3,000.00
DTCC International International Scholarship	-\$ 1,800.00
2 DTCC Student Scholarships	-\$ 4,000.00
Community Grants	-\$ 10,000.00
8 Rotary Youth Leadership Scholarships	-\$ 2,200.00
TOTAL EXPENDITURES	-\$ 24,200.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 800.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown-Millsboro Rotary agrees that: (Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Males & Sure
Applicant/Authorized Official Signature

Witness Signature

4-8-19 Date

Date

4-8-2019

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

85

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

4-8-19

Witness Signature D

Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Payto Indian River High School

 $YES \times NO$

SECTION 1/APPLICANT INFORMATION ORGANIZATION NAME: BUSINESS Professionals of America-Molian River Chapter National competition 2019 PROJECT NAME: 47-5086079 FEDERAL TAX ID: NON-PROFIT: X YES DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION? YES X NO *IF YES, FILL OUT SECTION 3B. ORGANIZATION'S MISSION: THE MISSION IS TO CONTYIBUTE to the preparation of grobal professionals through the advancement of leadership, citizenship, academic, and tennological SKILLS 29772 Armory Rd ADDRESS: DE DOOSBOOD 19930 (STATE) (CITY) (ZIP) Jeffrey Bunting CONTACT PERSON: BRA ADVESOR TITLE: EMAIL: jeffrey, bunting @USD KIZ. de-US PHONE: TOTAL FUNDING REQUEST: \$1,500.00 Has your organization received other grant funds from Sussex County Government in YES X NO the last year?

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

building in which the funding will be used for?

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 10/0

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

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.

adm as at from

SECTION 2: PROGRAM DESCRIPTION

Fair Housing	Health and Human Services	Cultural
Infrastructure ¹	Other	K Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	X Youth
Minority	Other	
	BENEFICIARY NUMBER	
Approximately the total num	ber of Sussex County Beneficiaries serve	ed annually by this progra

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. Twelve of Indian River's Chapter of BPA have earned the honor and privilege to not only represent sussex county, but the entire state of Delaware at Notional leadership conference. The venue for this year's theoretice is Anancim, California and takes place in from May 1-5. With the competition being on the other side of the country, our expenses are overwnelming, if the chapter received a grant from the council, the runds would be used to help defray the overall costs of the trip. The twelve members are competing in a variety of events, ranging from tests that assess accounting skills to delivering speeches extemporaneously. Not only will the members compete, but many of them will also be recognized at this conference for their outstanding community Service, readership, patriotism, and academic skills in the torch award ceremony. Indian River's Business professionals of America would to be able to represent Delaware in the competition SYDI NEON . this

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	. 7347.41	
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)		
Hotel Room costs	- 4191.05	
Airfare	- 4372.36	
Conference Registration Fees	- 1500.00	
Ground Transportation	- 1345.20	
TOTAL EXPENDITURES	-11,408.61	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(4,041.00)	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Business Professionals of America agrees that:

(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official Signature

Marine and Secretary

414/19

Date

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

THAT IS A STATE OF

Applicant/Authorized Official Signature

Witness Signature

Title

Date

Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Payto: Delaware Commonity Foundation

ORGANIZATION NAME	: Melody Joy Founda	tion	
PROJECT NAME:	Step up for Melody		
FEDERAL TAX ID:	22-2804785	NON-PROFIT:	YES NO
DOES YOUR ORGANIZA	ATION OR ITS PARENT ORGANI	ZATION HAVE A RELIGIOUS AF	FILIATION?
	YES ■ NO *IF YE	S, FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	SION:		
	P O Box 1636		
ADDRESS:	P.O Box 1636		
ADDRESS:	P.O Box 1636 Wilmington	DE	19899
ADDRESS:		DE (STATE)	19899 (ZIP)
	Wilmington		
ADDRESS: CONTACT PERSON: TITLE:	Wilmington (CITY)	(STATE)	

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

PF	ROGRAM CATEGORY (choose all that app	oly)
Fair Housing	Health and Human Services	Cultural
Infrastructure ¹	Other	Educational
Disability & Special Needs Elderly Persons Minority Approximately the total nu	Victims of Domestic Violence Low to Moderate Income ² Other Cancer Awareness and Funding BENEFICIARY NUMBER mber of Sussex County Beneficiaries serve	Homeless Youth ed annually by this progran
7.2	1 per year	
	SECTION 3: PROGRAM SCOPE	***
그 아이들이 가는 것 같아요. 이렇게 나왔다는 그 사람들이 그 것이 되었다면 하다.	gram for which funds are being requested.	
the need or problem to be benefit. A portion of the proceed is supporting the Cance organization whose mis by knowledge, strength programs are profession	gram for which funds are being requested. The addressed in relation to the population to the step up For Melody, hosted by The Support Community Delaware, which is saion is to ensure that all people impacted ened by action, and sustained by communally led and are provided at no cost to he emotional and life changing aspects of	to be served or the area to he Melody Joy Foundations a statewide nonprofited by cancer are empowered inity. Support groups and elp participants and
the need or problem to benefit. A portion of the proceed is supporting the Cancel organization whose mis by knowledge, strength programs are professio caregivers cope with the	be addressed in relation to the population to ds from Step up For Melody, hosted by The er Support Community Delaware, which is ssion is to ensure that all people impacted ened by action, and sustained by communally led and are provided at no cost to he	to be served or the area to he Melody Joy Foundations a statewide nonprofited by cancer are empower unity. Support groups and elp participants and

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

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

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

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

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	10,000.00
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Food and Site	-\$ 4,500.00
Entertainment	-\$ 750.00
Decor and Supplies for Event	-\$ 1,000.00
Insurance and Permits	-\$ 350.00
TOTAL EXPENDITURES	-\$ 6,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,400.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Melody Joy Foundation agrees that:

(Name of Organization)

- For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 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.
- All documents submitted by the applicant are defined as public documents and available for 6) 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

Date

Candy L. Ennis

4-4-19

4-4-19

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

Witness Signature

Chairman/Founder

Title

4-4-19

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICANT IN	FORMATION	
ORGANIZATION NAM	_{IE:} La Esperanza Inc.		
PROJECT NAME:	Youth Leadership	& Learning Trip	0
FEDERAL TAX ID:	31-1606956	NON-PROF	IT: YES NO
DOES YOUR ORGANI	ZATION OR ITS PARENT ORGANIZA	TION HAVE A RELIGIOUS	AFFILIATION?
	YES NO *IF YES,	FILL OUT SECTION 3B.	
ORGANIZATION'S MI	SSION: Delaware and the only bi-cultural serving Hispanic communities in help our clients as they gain accepermanent residency, U.S. citize	Sussex County and the surre ess to employment, housing,	ounding areas. We education,
ADDRESS:	216 N. Race Str	eet	
ADDRESS:			40047
ADDRESS:	216 N. Race Str Georgetown	DE	19947
ADDRESS:			19947 (ZIP)
	Georgetown	DE	75.77
ADDRESS: CONTACT PERSON: TITLE:	Georgetown	DE (STATE)	75.77

TOTAL FUNDING REQUEST: \$2,000	
Has your organization received other grant funds from Sussex County Government in the last year?	☐ YES ■ NO
If YES, how much was received in the last 12 months?	
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	YES NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant i	epresent? 55%

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Fair Housing ■ Health and Human Services Cultural Infrastructure1 Other Educational BENEFICIARY CATEGORY Disability & Special Needs Homeless Victims of Domestic Violence **Elderly Persons** Low to Moderate Income² ■ Youth ■ Minority Other BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: 100

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.

La Esperanza's newest program is aimed at our youngest immigrants. The program known as YELL (Youth Engagement Leadership and Learning) – is a structured after-school leadership program which teaches teens decision-making, conflict management, and how to make a positive difference, while also educating them on alcohol- and substance-abuse prevention. The target population is middle school and high school Latino youth from Sussex County schools, especially within the EEL programs. We anticipate about 50% of our youth to be at-risk due to the extended language barriers.

La Esperanza's overall goals for our youth programs are to offer hope and guidance to the more than 5,000 Latino youth in grades 6th through 12th who attend the Indian River School District. We want to help Latino youth develop skills that will help them solve problems, plan their futures and grow into community leaders. La Esperanza's youth programs are funded through the Delaware Department of Substance Abuse and Mental Health Services and must spend significant time focused on preventing substance abuse.

However, La Esperanza staff has learned that it is other activities that keep youth returning to our organization, including discussions of issues; one-on-one counseling with La Esperanza staff; and educational field trips. These activities build trust that encourages youth to participate on a regular basis, to avoid destructive behavior and build leadership skills.

The purpose of this request is to fund an educational field trip to Washington, D.C. for youth in the YELL program. La Esperanza would like to transport 36 youth and four adult chaperones to Washington, D.C. on May 18th, 2019. Students will visit Washington attractions including the National Zoo, various Smithsonian museums including Natural History, American History, Air and Space, and possibly others. The group will stay in Washington for one night and return home on May 19th. Grant funds will be used for transportation to Washington, hotel lodging, meals, and transportation around the city, as detailed in the program budget.

La Esperanza's organizational budget does not include funds for this type of invaluable experience for our youth program participants. As we attempt to provide positive options for more young people in Sussex County, our ability to offer educational trips like the one described here will be critical to ensuring that we can grow our programs to reach more Latino youth moving forward.

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

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

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

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

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1,641.00
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)	
Bus Transportation for 40 youth and adult chaperones	-\$ 1,211.00
to Washington, D.C. on May 18, 2019 - May 19, 2019	
Hotel Lodging (includes breakfast)	-\$ 1,600.00
Meal Costs (includes dinner at restaurant)	-\$ 670.00
Bus Transportation to Museums	-\$ 160.00
TOTAL EXPENDITURES	-\$ 3,641.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,000.00

SECTION 5: STATEMENT OF ASSURANCES

his grant application is awarded funding, the La Esperanza 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.
- 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.
- All funding will benefit only Sussex County residents. 5)
- All documents submitted by the applicant are defined as public documents and available for 6) review under the Freedom of Information Act of the State of Delaware.
- All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not 7) 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.

Sara Shultz Applicant/Authorized Official Signature

Date

4/2/19

4/2/19

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM 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.

Sara Shultz
Applicant/Authorized Official Signature

Mary Lou Tistz
Witness Signature

Program Director

Title

4/2/19

Date

W 150 9 Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAME	. III AMERIKAN MANAMATAN AMERIKAN AMERIKAN AMERIKAN MANAMATAN MANA	and the first transfer to a figure of the contract of the cont	
PROJECT NAME:	Wildland Fire UT\	/ Trailer	
FEDERAL TAX ID:	51-0063613	NON-PROF	IT: YES NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGANIZ	ZATION HAVE A RELIGIOUS	S AFFILIATION?
	YES NO *IF YES	S, FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	SION: Serve and protect the Cit	zens of Sussex County in	the event of an
	DO D 000		
	PO Box 292		
ADDRESS:	model to comment them to be a second of the	See a difference of the second	
ADDRESS:	615 NW Front	St	s in the state of
ADDRESS:	model to comment them to be a second of the	St DE	19963
ADDRESS:	615 NW Front	orthodoxy in many to the first of the second or the second of the second	19963 (ZIP)
	615 NW Front Milford	DE	the Samuel of the Samuel
ADDRESS: CONTACT PERSON: TITLE:	615 NW Front Milford (CITY) Duane Fox, Jr Chief Engineer	DE (STATE)	(ZIP)
CONTACT PERSON:	615 NW Front Milford (CITY) Duane Fox, Jr Chief Engineer	DE (STATE)	(ZIP)
CONTACT PERSON: TITLE:	615 NW Front Milford (CITY) Duane Fox, Jr Chief Engineer	DE (STATE)	(ZIP)

TOTAL FUNDING REQUEST: \$3000.00	92 - 2011 H
Has your organization received other grant funds from Sussex County Government in the last year?	YES NO
If YES, how much was received in the last 12 months?	
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	YES NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant i	represent?75%

PRO	OGRAM CATEGORY (choose all that apply)
Fair Housing	Health and Human Services Cultural Other Citzens and property of Sussex Co Educational
Infrastructure ¹	Other Citzens and property of Sussex Co Educational
	BENEFICIARY CATEGORY
Disability & Special Needs	Victims of Domestic Violence Homeless
Elderly Persons	Low to Moderate Income ² Youth
Minority	Other Citzens and property of Sussex Co
	BENEFICIARY NUMBER
Approximately the total nur	mber of Sussex County Beneficiaries served annually by this program 10,000+
the need or problem to be benefit.	e addressed in relation to the population to be served or the area to
the need or problem to be benefit. Two years ago the State the Carlisle Fire Co. We FD over 20 yrs ago. The unit with a tank full of wa wildland, marsh, and fiel compact has a water tar and forestry hose that as help purchase the trailer The unit has already begin the woods of the Cour	ram for which funds are being requested. The narrative should include addressed in relation to the population to be served or the area to be Representative gave a John Deere gator for wildland fire use to be have a trailer for our current John Deere gator purchased but the newest gator needs a heavier duty trailer. We cannot haul the ater and equipment. The John Deere gator will be used for dires, as well disasters like hurricanes and tornadoes. It is not, foam tank, and pump. We also need to haul rakes, chain saw are needed to mitigate the incident. We are looking for funding to and a tool storage unit to be permenantly mounted on the trailer are used to support other Sussex Co fire departments with incider anty. We serve both Kent and Sussex Co. Approximately two-thirds of

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

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

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

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

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project	
(not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Utility Trailer with drop down rear gate/ramp	\$ 3,500.00
Tool Box	\$ 500.00
	2.0
TOTAL EXPENDITURES	\$ 4,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 4,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the $\frac{\text{Carlisle Fire Co}}{\text{(Name of Organization)}}$ agrees that:

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.

Applicant/Authorized Official Signatur

- 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.

April 16, 2019

Date

April 16, 2019

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

SY

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

CFC President

Title

April 16, 2019

Date

Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Pay to: Town of Laurel

	wasananakilea	SINEAR CLIUSYS CASE PER MANAGEMENT		
ORGANIZATION NAM	E: Town of Laurel/La	urel Independence Day	Committee	
PROJECT NAME:	Laurel Annual 4th of July Fireworks Display			
FEDERAL TAX ID:	51-6000168 NON-PROFIT: YES T			
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORGA	ANIZATION HAVE A RELIGIOUS AFF	ILIATION?	
	☐YES ■ NO *IF	YES, FILL OUT SECTION 3B.		
ORGANIZATION'S MIS	residents from surrou	of July Fireworks Display to our resunding towns as away to celebrate and as a thank you to all those that has freedoms.	our freedoms	
ADDRESS:	201 Mechanic S	Street	ating States and Marie Property	
	Laurel	De	19956	
	(CITY)	(STATE)	(ZIP)	
CONTACT PERSON:	Jamie Smith		of bright from Appendix	
TITLE:	Town Manager 3028752277 EMAIL: laureltm@comcast.net			
PHONE:				
		Paralle and the second		
	TOTAL FUNDING REQ	UEST: \$1,500.00		
Has your organization the last year?	received other grant funds fi	rom Sussex County Government in	YES N	
If YES, how much was	received in the last 12 month	ns?		
	nding for building or building unding will be used for?	; improvements, do you own the	YES N	
Are you seeking other	sources of funding other than	Sussex County Council?	YES N	
If YES, approximately	what percentage of the proje	ct's funding does the Council grant r	epresent? 6%	

Fair Housing	GRAM CATEGORY (choose all that apply) Health and Human Services	Cultural
Infrastructure ¹	Other Community	Educational
-45. AUGS - 50. TABLES	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	Youth
Minority	Other Community	
	BENEFICIARY NUMBER	

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

This year the Town of Laurel will be holding our 25th Annual Independence Day Celebration to include a parade, vendors, games, attractions and a fireworks show. The fireworks show has brought thousands of people to the Laurel area for the past 24 years.

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 A BUDGET	
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,100.00
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Total Fireworks costs	-\$ 17,500.00
TOTAL EXPENDITURES	-\$ 17,500,00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 14,400.00

SECONOMISASSAMONAVEROS SONOMISS

If this grant application is awarded funding, the Laurel Independence Day Committee agrees that:

(Name of Organization)

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

SEARING ESCAPINE NEW DISCOUNT NEW SOCIETY OF THE SECOND OF

- 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

4-11-19

Date

4-11-19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM 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

Applicant/Authorized Official Signature

Witness Signature

Town Manager

Title

4-11-19

Date

Rev. 02/2019

To Be Introduced 04/30/19

Council District No. 3-Burton

Tax I.D. No. 334-11.00-47.00

911 Address: 18583 Robinsonville Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of April 2019, a conditional use application, denominated Conditional Use No. 2179, was filed on behalf of Joseph H. Jr. and Patricia Prettyman; and WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2179 be ______; and WHEREAS, on the ____ day of ______ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2179 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 southeast side of Robinsonville Road, approximately 211 feet northwest of Jimtown Road and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 3.71 acres, more or less.

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

To Be Introduced 04/30/19

Council District No. 5 - Rieley

Tax I.D. No. 533-19.00-15.00

911 Address: 36191 Lighthouse Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.015 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of April 2019, a zoning application, denominated Change of Zone No. 1885, was filed on behalf of 36191 DWB, LLC; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1885 be _____; and ______; and _______ day of ________ 2019, a public hearing was held,

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Lighthouse Road (Route 54) approximately 850 feet west of Zion Church Road and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC, said parcel containing 1.015 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware. JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov





Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 25, 2019

RE: County Council Report for CU 2163 William H. McQueen, Jr.

The Planning and Zoning Department received an application (CU 2163 William H. McQueen, Jr.) to allow for a Conditional Use to allow for an event venue for parcel 235-15.00-4.01 to be located on 26285 Broadkill Rd. The Planning and Zoning Commission held a public hearing on March 28, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation response indicating that a Traffic Impact Study ("TIS") was not required, site plan.

The Commission found that Mr. William McQueen was present on behalf of his application; that Mr. McQueen stated the proposed application is to be able to provide weddings and have the property Zoned AR-1 with a Conditional Use; that the property has a Special Use Exception to operate a bedand-breakfast; that the Applicant is proposing a maximum of 100 people at the events; that the proposed parking would be across the road from the site; that the owners of the adjacent property has an agreement with Mr. McQueen to use the property for additional parking; that a letter was submitted into the record, stating the applicant has the necessary approval to be able to use the adjacent property for parking; that there is limited parking on the site; that the site currently has 12 parking spaces on the property and that these 12 spaces can be used as handicapped parking; that the proposed use is for an outdoor venue and they would use a tent; that the tent would not be up all year around; that the Applicant is proposing to have 10 events per year (5 in spring and 5 in fall); that the Applicant has spoken with the adjacent farmer about parking and he is willing to speak with the adjoining landowner again; that porta-potties would be provided for the events; that the events would be no later than 10:00 pm; that the events could be held any day of the week; that the Applicant is looking to build a fence on the right side of the property near Reynolds Road to help control with noise; that there is currently a sign on the premises for the bed-and-breakfast; that they would like to provide advanced off-site directional signage or even bus customers in from parking on a nearby parcel; that there would be people to direct the traffic and would provide signage on the site to address the parking; and that there is a site near this parcel that has a parking lot and they could bus the guests in from off-site.

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



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

The Commission held a discussion regarding Conditional Use 2163; that Mr. Hopkins had concerns with the traffic; that Mr. Wheatley had concerns with parking and people having to cross the road; that the proposed application does not cover the adjacent property; that the two properties need to be combine and then reapply; and that Mr. Robertson recommended for the applicant to apply for a special event permit.

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

At their meeting of April 11, 2019, the Planning Commission discussed the application which has been deferred since March 28, 2019.

Mr. Hopkins moved that the Commission recommend denial of Conditional Use 2163 for William H. McQueen, Jr. for an event venue based upon the record made during the public hearing and for the following reasons:

- 1. This application seeks approval for weddings and similar events on a 1.6-acre property located along Route 16 outside of Milton.
- 2. There is not space on the site to accommodate the parking required by patrons of the proposed events.
- 3. The applicant has proposed off-site parking, including handicapped parking, across Route 16 from the site. No formal agreements or easements were introduced regarding the off-site parking.
- 4. The proposed off-site parking creates a dangerous situation. Route 16 is a Major Collector roadway with significant traffic at high speeds. This site is not located at an intersection, and there is nothing to ensure safe pedestrian crossings of this busy road. These dangers are made worse if patrons are leaving the event after dark.
- 5. Approving this application with uncertain and unsafe off-site parking does not promote the health, safety, and welfare of Sussex County or its residents and visitors.
- 6. For these reasons, my recommendation is for denial of this special event conditional use.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members

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

Date: March 20, 2019

RE: Staff Analysis for CU 2163 William H. McQueen, Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2163 William H. McQueen, Jr. to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 235-15.00-4.01 to allow for an event venue to be located at 26285 Broadkill Rd. The size of the property is 1.6408 ac. +/-.

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

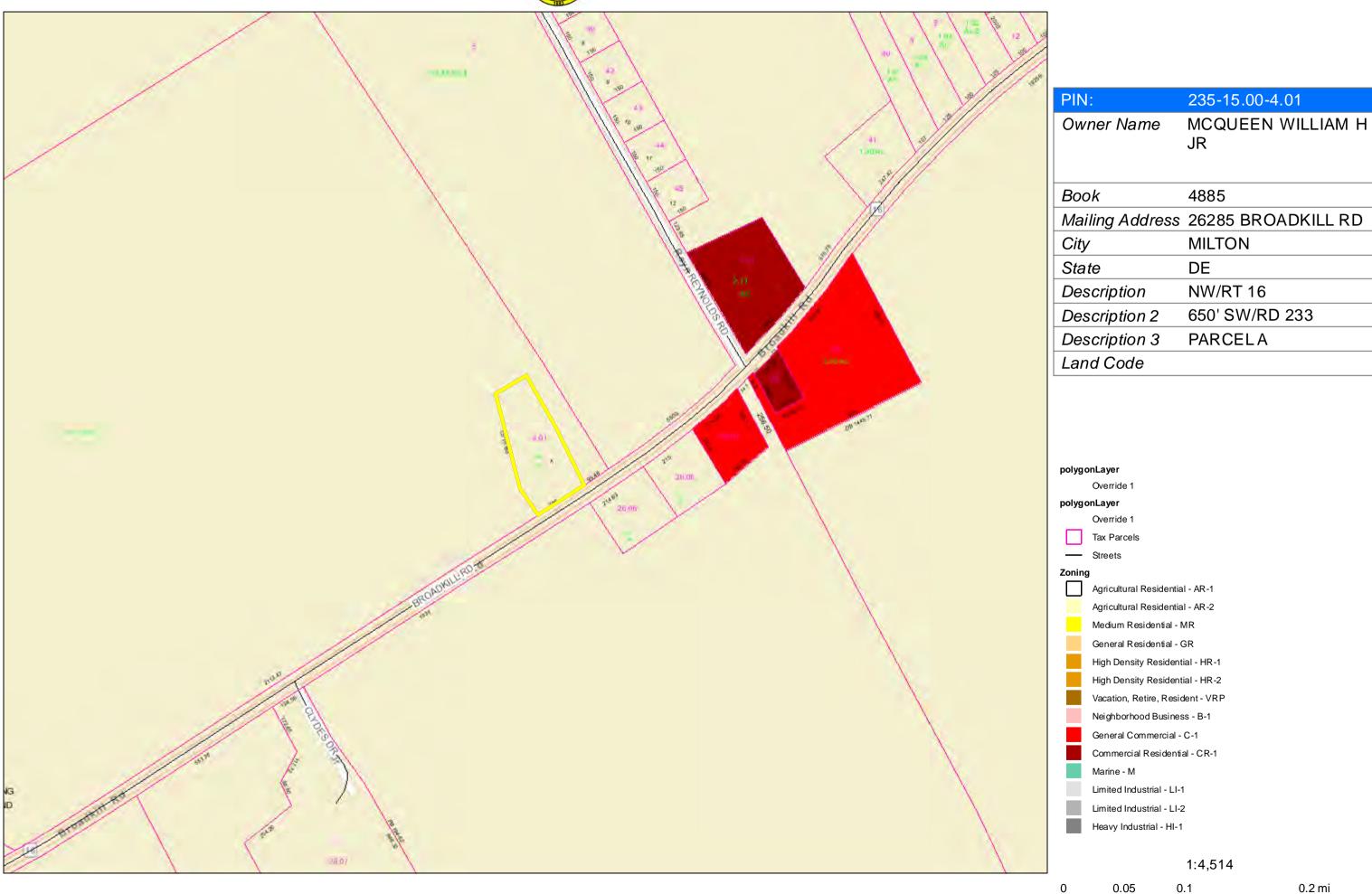
The surrounding land use to the north, south, east and west is Low Density Area. The Low Density Area land use designation recognizes that the primary uses are agriculture and single family detached homes and that a business development should be largely confined to businesses that address the needs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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south and west are zoned. The properties to the east are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and CR-1 (Commercial Residential District). There are no known Conditional Uses in the area. There is a Special Use Exception (11721) for a bed and breakfast.

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



Sussex County



0.075

0

0.15

0.3 km



PIN:	235-15.00-4.01
Owner Name	MCQUEEN WILLIAM H JR
Book	4885
Mailing Address	26285 BROADKILL RD
City	MILTON
State	DE
Description	NW/RT 16
Description 2	650' SW/RD 233
Description 3	PARCELA
Land Code	

polygonLayer Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

1:1,128 0.05 mi 0.025 0.02 0.04 0.08 km



PIN:	235-15.00-4.01
Owner Name	MCQUEEN WILLIAM H JR
Book	4885
Mailing Address	26285 BROADKILL RD
City	MILTON
State	DE
Description	NW/RT 16
Description 2	650' SW/RD 233
Description 3	PARCELA
Land Code	

polygonLayer

Override 1

polygonLayer

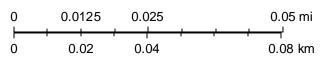
Override 1

Tax Parcels

911 Address

- Streets

1:1,128



Introduced 12/04/18

Council District No. 3 – Burton

Tax I.D. No. 235-15.00-4.01

911 Address: 26285 Broadkill Road, Milton

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS

WHEREAS, on the 16th day of November 2018, a conditional use application,

denominated Conditional Use No. 2163, was filed on behalf of William H. McQueen Jr.; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after

notice, before the Planning and Zoning Commission of Sussex County and said Planning and

Zoning Commission recommended that Conditional Use No. 2163 be _____; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after

notice, before the County Council of Sussex County and the County Council of Sussex County

determined, based on the findings of facts, that said conditional use is in accordance with the

Comprehensive Development Plan and promotes the health, safety, morals, convenience, order,

prosperity and welfare of the present and future inhabitants of Sussex County, and that the

conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be

amended by adding the designation of Conditional Use No. 2163 as it applies to the property

hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in

Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Broadkill Road

(Route 16), approximately 670 feet west of Reynolds Road, and being more particularly

described in the attached legal description prepared by Sergovic Carmean Weidman

McCartney & Owens, P.A., said parcel containing 1.6408 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all

members of the County Council of Sussex County, Delaware.

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



Sussex County DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 25, 2019

RE: County Council Report for CU 2166 Deborah Townsend

The Planning and Zoning Department received an application (CU 2166 Deborah Townsend.) to allow for a Conditional Use to allow for a professional office, business services and residence for parcel 134-11.00-226.01 to be located at 34745 Burbage Rd. The Planning and Zoning Commission held a public hearing on March 28, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District, a Site Plan, and results from the DelDOT Service Level Evaluation response indicating that a Traffic Impact Study ("TIS") was not required.

The Commission found that Mr. Thomas Carney, an Attorney with Baird, Mandalas, and Brockstedt and Ms. Deborah Townsend were present on behalf of the application; that Mr. Carney stated the proposed application is to rent share office space and to provide professional support service to her clients; that the services would be a virtual use for and in-person office space up to three clients; that this proposed Conditional Use would not change the exterior of the structure nor the interior of the structure; that the proposed use is to allow shared office space; that the property is located between residences and commercial uses; that there is a self-storage facility adjoining this parcel; that the proposed use is in character with the adjoining properties; that there would only be three clients at the property at any one time; that the hours of operation are between the hours of 9:00 am to 5:00 pm, Monday through Friday; that the proposed use would not impact noise or traffic; that there would be no additional lighting; that the Applicant would comply with the parking requirements set forth in the Code; that it does provide one space per 200 square feet of the structure; that it would only 1,000 square feet of the structure that would be used for the on-site business services; that the parking would be in the rear of the structure and would provide 15 to 20 parking spaces; that the parcel has on-site well and septic and there would be no increase or impact; that Ms. Townsend stated the land was all family land; that since the storage units have gone up, the noise has increase and it is not a residential area; that there is a lot of lighting in the area; that Mr. Carney stated there would only be one employee; that Ms. Townsend stated she currently has a feather flag and would like to place a small sign on the structure; that the use is mostly for virtual businesses; that there may be another person on-site once



in a while; that there is parking available on the adjacent parcel; and that parking area is not in the way of the septic system.

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

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

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

At their meeting of April 11, 2019, the Planning Commission discussed the application which has been deferred since March 28, 2019.

Mr. Mears moved that the Commission recommend approval of Conditional Use 2166 for Deborah Townsend for a professional office, business services, and a residence based upon the record made during the public hearing and for the following reasons:

- 1. The proposed Conditional Use is consistent with other uses in this area. There are many Businesses, Commercial Zones, and Conditional Uses in the area, and the Applicant has stated that the area is no longer primarily residential in character.
- 2. The use as a professional office with business services in this location will benefit the health, safety, and welfare of present and future residents of Sussex County by providing such a use in a convenient location.
- 3. The applicant intends to utilize the existing structure on the property as an office. This is consistent with other small business uses in the area.
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
- 5. No parties appeared in opposition to this application.
- 6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to professional offices, business services, and a residence.
 - B. As stated by the applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance.
 - C. The hours of operation shall be between 7:00 am and 9:00 pm, Monday through Friday, and 9:00 am until 5:00 pm on Saturdays. There shall not be any Sunday hours.
 - D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
 - E. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic, and roadway improvements.
 - F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

> (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members

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

Date: March 20, 2019

RE: Staff Analysis for CU 2166 Deborah Townsend

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2166 Deborah Townsend to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-11.00-226.01 to allow for a professional office, business services and residence to be located at 34745 Burbage Rd. The size of the property is 1.58 ac. +/-.

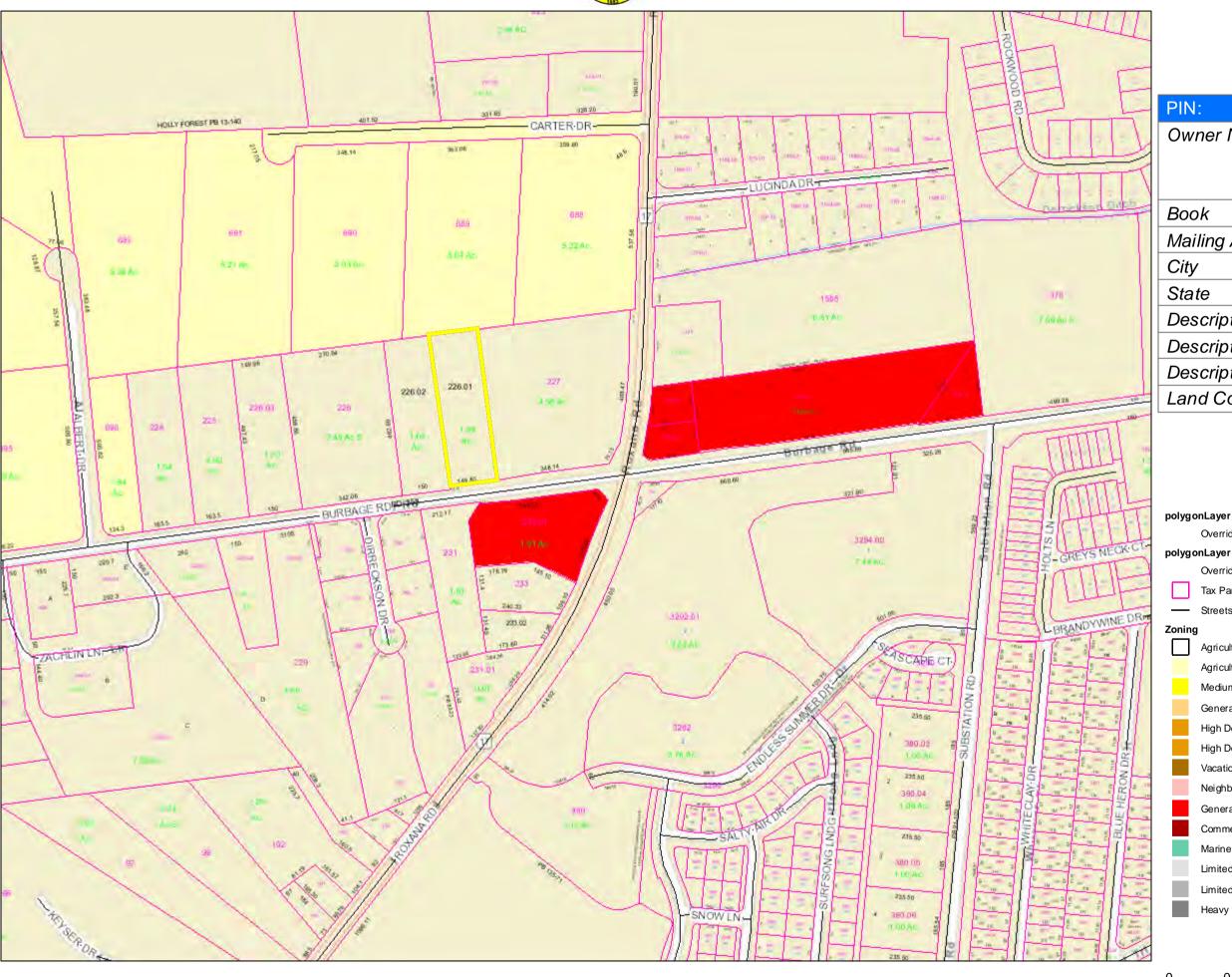
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan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

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that office and retail uses are appropriate but larger shopping centers and office parks should be confined to access to an arterial road. It also recognizes that a careful mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

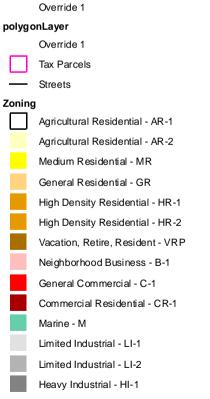
The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-2 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District). The properties to the east and south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The site is near the Town of Millville. There are no known Conditional Uses in the area.

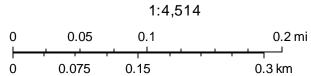
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a professional office, business services and residence could be considered consistent with the land use, area zoning and uses.





PIN:	134-11.00-226.01	
Owner Name	TOWNSEND DEBORAH TRUSTEE	Α
Book	3713	
Mailing Address	34745 BURBAGE R	D
City	FRANKFORD	
State	DE	
Description	N/RT 353 326'	
Description 2	W/RT 17	
Description 3	T#37207	
Land Code		







PIN:	134-11.00-226.01	
Owner Name	TOWNSEND DEBORAH TRUSTEE	A
Book	3713	
Mailing Address	34745 BURBAGE R	D
City	FRANKFORD	
State	DE	
Description	N/RT 353 326'	
Description 2	W/RT 17	
Description 3	T#37207	
Land Code		

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:2,257

0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km



PIN:	134-11.00-226.01	
Owner Name	TOWNSEND DEBORAH TRUSTEE	Α
Book	3713	
Mailing Address	34745 BURBAGE F	RD
City	FRANKFORD	
State	DE	
Description	N/RT 353 326'	
Description 2	W/RT 17	
Description 3	T#37207	
Land Code		

polygonLayer

Override 1

polygonLayer

Override 1

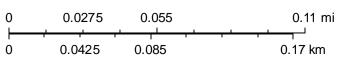
Tax Parcels

911 Address

Streets

County Boundaries

1:2,257



Introduced 1/08/19

Council District No. 5 - Rieley

Tax I.D. No. 134-11.00-226.01

911 Address: 34745 Burbage Road, Frankford

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS

WHEREAS, on the 11th day of December 2018, a conditional use application, denominated Conditional Use No. 2166, was filed on behalf of Deborah Townsend; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after

notice, before the Planning and Zoning Commission of Sussex County and said Planning and

Zoning Commission recommended that Conditional Use No. 2166 be _____; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after

notice, before the County Council of Sussex County and the County Council of Sussex County

determined, based on the findings of facts, that said conditional use is in accordance with the

Comprehensive Development Plan and promotes the health, safety, morals, convenience, order,

prosperity and welfare of the present and future inhabitants of Sussex County, and that the

conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be

amended by adding the designation of Conditional Use No. 2166 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 north side of Burbage Road

approximately 347 feet west of Roxana Road and being more particularly described in the

attached legal description prepared by Smith O'Donnell Feinberg & Berl, LLP, said parcel

containing 1.58 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all

members of the County Council of Sussex County, Delaware.

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





Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 25, 2019

RE: County Council Report for CZ 1868 Ronald Nanney

The Planning and Zoning Department received an application (CZ 1868 Ronald Nanney) to allow for a Change of Zone to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) professional office, business services and residence for parcel 235-30.00-10.02 to be located at 18490 Harbeson Rd. The Planning and Zoning Commission held a public hearing on March 28, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record is a survey, staff analysis, comments from the Sussex Conservation District, Site Plan, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required.

The Commission found that Mr. Ronald Nanney was present on behalf of his application; that Mr. Nanney stated he would like to have the ability to lease the parcel and start a business; that the adjacent parcel is zoned commercial; that he would like to move here and use the site as a business; that commercial uses are in the area; that he may look into selling or leasing part of the site or all of the site; that the property is on its own well and septic system; that he is hoping to lease the property for office space or retail space; that he is not interested in having homes on the property; that he wants to gain income for the family; that he owns the C-1 Zoning adjacent to this site; that his father wanted to work on boats on the C-1 parcel; and that he wants the ability to extend the commercial area.

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

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

The Commission held a discussion regarding Change of Zone 1868. Mr. Wheatley pointed out that, in relation to the speculative nature of the zoning request, there is uncertainty as to what use would ultimately be provided in this location; that the site is adjacent to an existing commercially zoned parcel. Ms. Cornwell pointed out that C-2 zoning does allow for retail and office uses, and that the C-2 zoning district is more restrictive than the other commercial zoning districts.



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

At their meeting of April 11, 2019, the Planning Commission discussed the application which has been deferred since March 28, 2019.

Ms. Stevenson moved that the Commission recommend denial of Change in Zone 1868 for Ronald Nanney for a change in zone from AR-1 to C-2 (Medium Commercial) based upon the record made during the public hearing and for the following reasons:

- 1. This applicant seeks to rezone a lot along Harbeson Road that is next to another owned by the Applicant that is currently zoned C-1. However, this is the only Commercial Zoned property along this side of Harbeson Road.
- 2. The Applicant's adjacent property was rezoned to C-1 many years ago.
- 3. With the exception of the Applicant's 1.28-acre parcel that is Zoned C-1, the west side of Harbeson Road has remained AR-1 with low-density agricultural and residential uses. The only exception is a C-1 property across the road which has been in existence for decades and predated the newer residential development in this area. Although zoned for C-1use, the property is not currently used for commercial purposes.
- 4. The only commercial or business uses are located much nearer to the intersection of Harbeson Road and Route 9 where other businesses and commercial uses exist.
- 5. The Applicant did not create a sufficient record in support of the rezoning in this area, and particularly the appropriateness of the C-2 Zoning and the specific uses that are permitted in the C-2 District.
- 6. For all these reasons, it is not appropriate to increase the Commercial Zoning in this area of Harbeson Road by rezoning this lot to C-2.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons and conditions stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

> (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members

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

Date: March 21, 2019

RE: Staff Analysis for CZ 1868 Ronald Nanney

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1868 Ronald Nanney to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 235-30.00-10.02 to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) to be located at 18490 Harbeson Rd. The size of the property is 0.5588 ac. +/-.

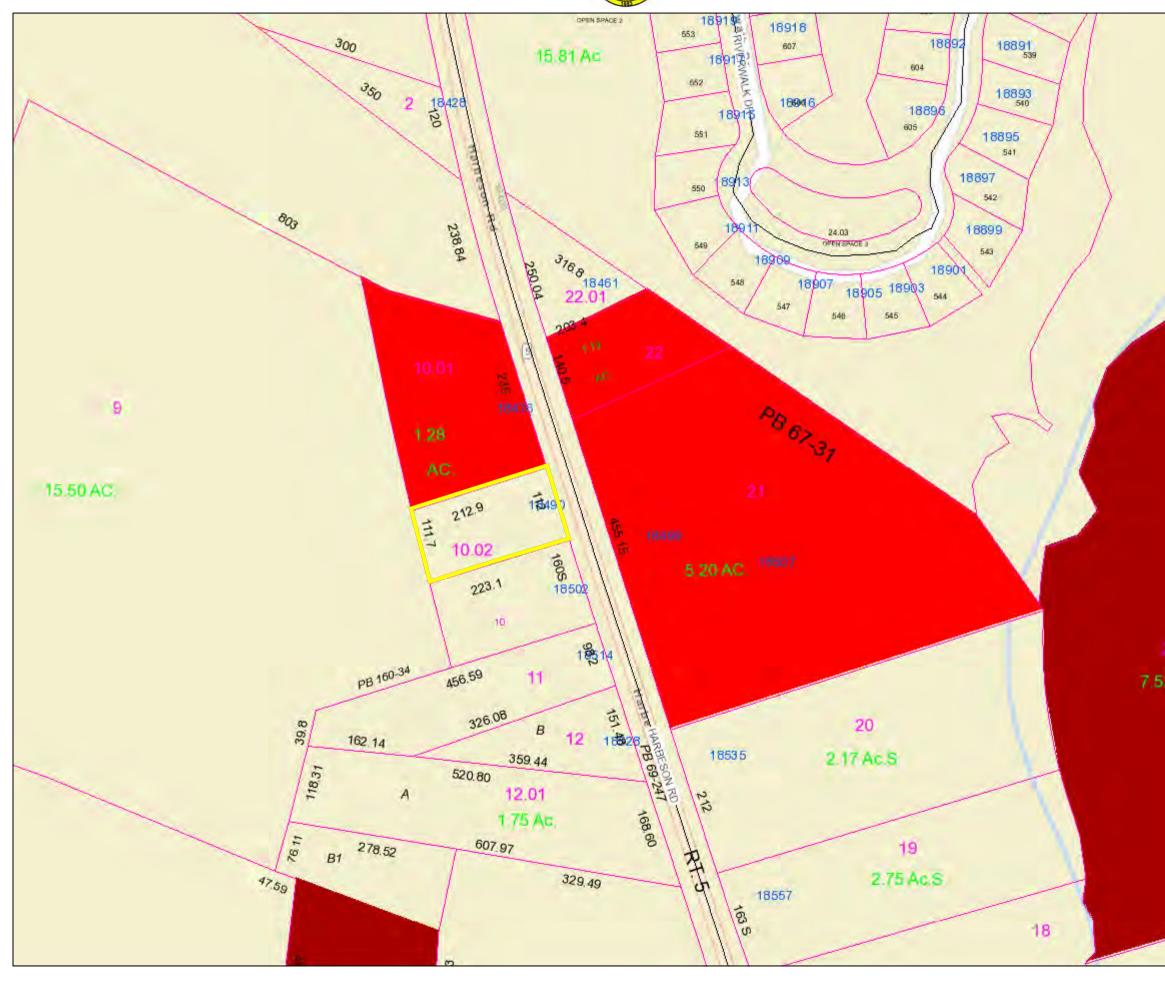
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan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

The surrounding land use to the south and east is Developing Area. The land uses to the north are Developing Area and Low Density Area. The land uses to the west are Low Density. The Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that office and retail uses are appropriate in some areas. It also recognizes that a careful mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

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

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) could be considered consistent with the land use, area zoning and uses.





PIN:	235-30.00-10.02
Owner Name	NANNEY RONALD
Book	0
Mailing Address	441 HOWELL SCHOOL RD
City	BEAR
State	DE
Description	W/RT 5
Description 2	1200' N/RT 9
Description 3	N/A
Land Code	

polygonLayer
Override 1

polygonLayer

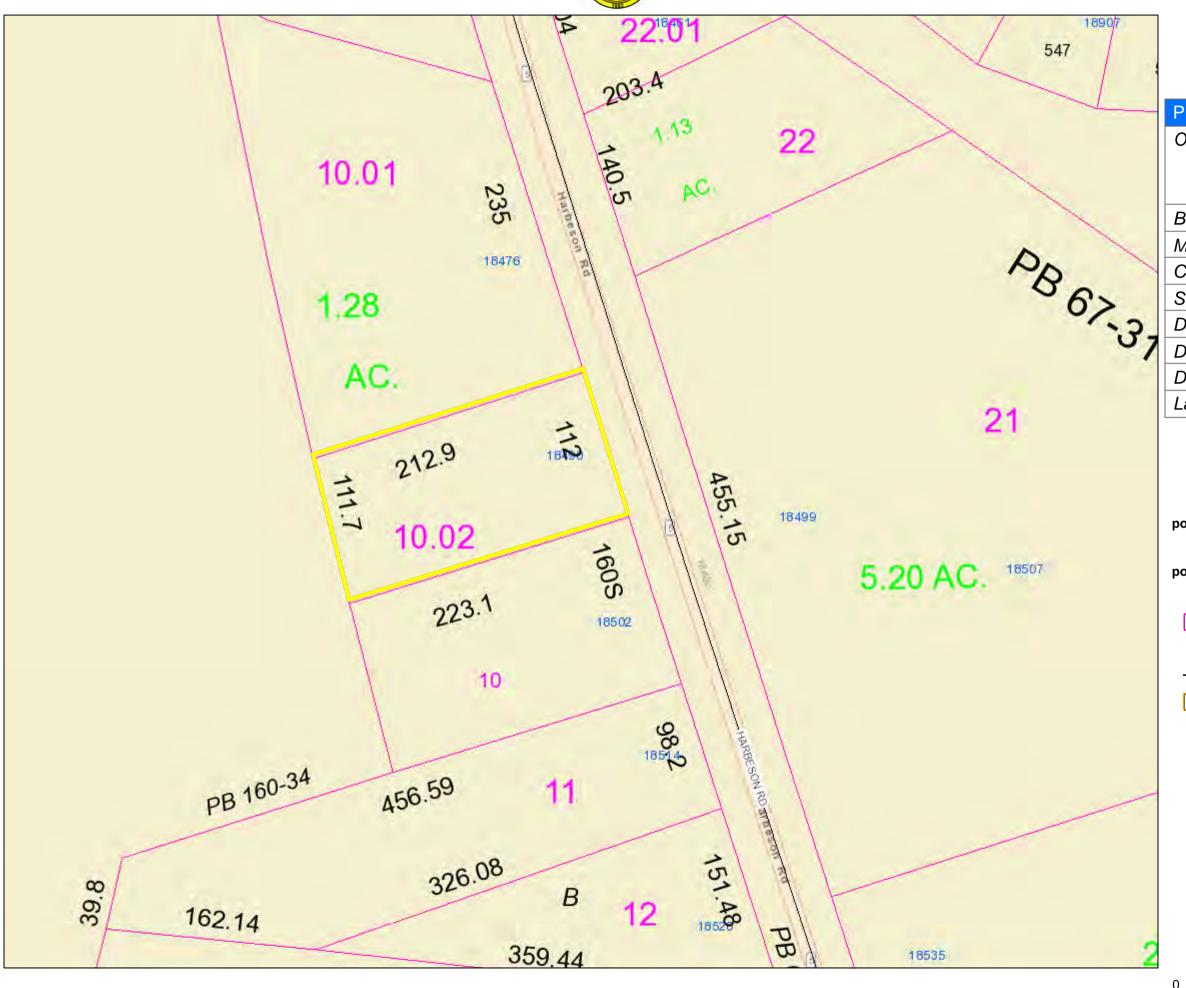
Override 1

Tax Parcels

911 Address

Streets

1:2,257 0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km



PIN:	235-30.00-10.02
Owner Name	NANNEY RONALD
Book	0
Mailing Address	441 HOWELL SCHOOL RD
City	BEAR
State	DE
Description	W/RT 5
Description 2	1200' N/RT 9
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

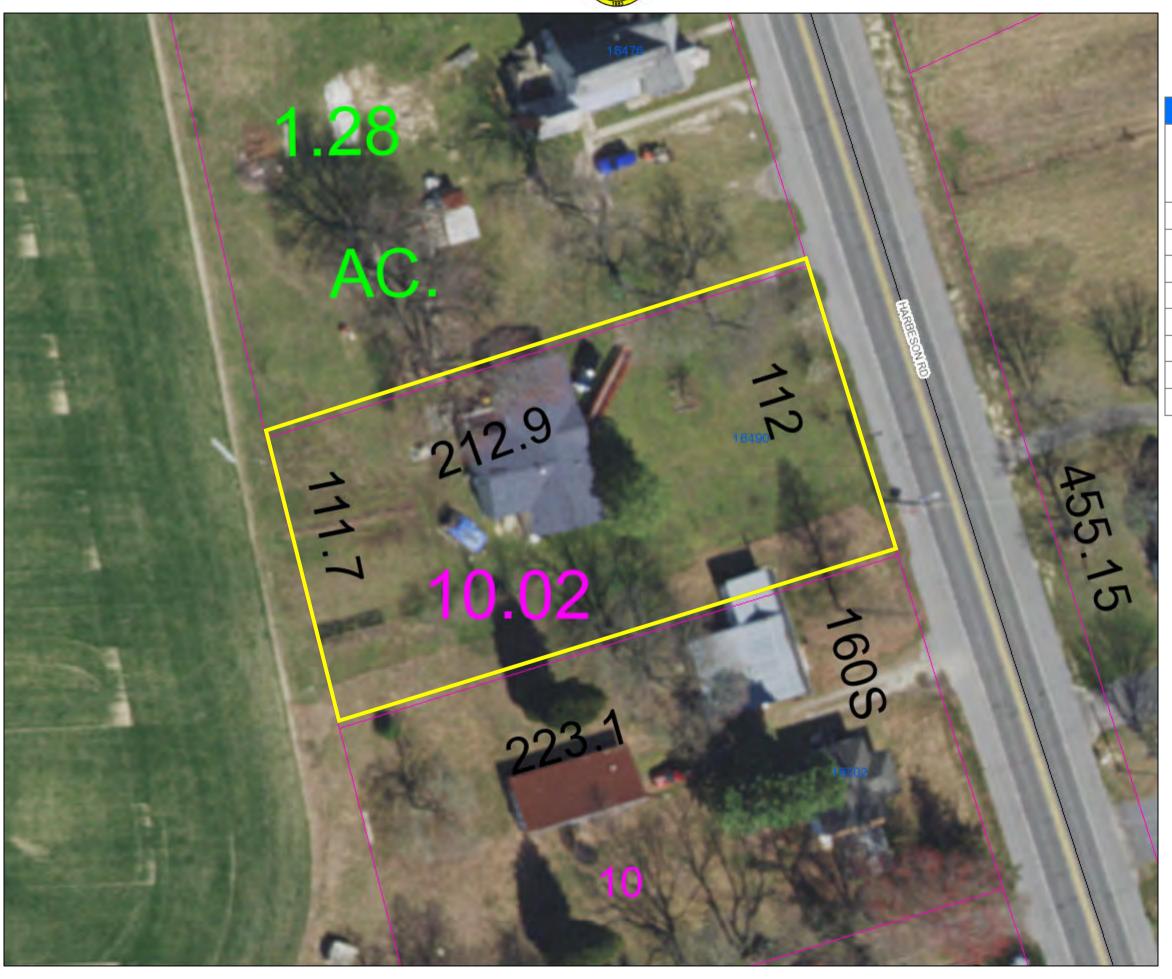
911 Address

Streets

0

County Boundaries

1:1,128 0.0125 0.025 0.05 mi 0.02 0.04 0.08 km



PIN:	235-30.00-10.02
Owner Name	NANNEY RONALD
Book	0
Mailing Address	441 HOWELL SCHOOL RD
City	BEAR
State	DE
Description	W/RT 5
Description 2	1200' N/RT 9
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi 0 0.01 0.02 0.04 km Introduced 07/24/18

Council District No. 3 - Burton

Tax I.D. No. 235-30.00-10.02

911 Address: 18490 Harbeson Road, Milton

ORDINANCE NO. ___

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.5588

ACRE, MORE OR LESS

WHEREAS, on the 12th day of July 2018, a zoning application, denominated

Change of Zone No. 1868, was filed on behalf of Ronald Nanney; and

WHEREAS, on the _____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1868 be

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

That Chapter 115, Article II, Subsection 115-7, Code of Sussex Section 1. County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Harbeson Road approximately 0.21 mile north of Lewes-Georgetown Highway (Route 9) and being more particularly described in the attached deed, said parcel containing 0.5588 acre, more or less.

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

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





Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 25, 2019

RE: County Council Report for CZ 1869 WMF Watercraft and Marine

The Planning and Zoning Department received an application (CZ 1869 WMF Watercraft and Marine) to allow for a Change of Zone to allow for a change from GR (General Residential District) to C-3 (Heavy Commercial District) professional office, business services and residence for parcel 234-34.08-45.00 to be located at 32676 Oak Orchard Rd. The Planning and Zoning Commission held a public hearing on March 28, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, staff analysis, comments from the Sussex Conservation District, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study ("TIS") was not required and comments from the Sussex County Engineering Department of Utility Planning Division.

The Commission found that Mr. Tim Willard, an Attorney with Fuqua, Willard, Stevens, & Schab, Bill Forenski, the applicant and Ring Lardner, with Davis, Bowen, & Friedel were present on behalf of the application: that Mr. Willard stated this is an application to the change the zone from GR to C-3; that the Applicant sells pontoon boats from an existing parcel on Rt. 24 and wishes to expand his business; that the parcel is approximately 1.19 acres; that the property is near the bay; that the site is currently being used as service and boat storage area; that the Applicant is planning to keep the same use; that Commercial Zone helps with financing; that to the north of the parcel is a fire company; that to the south of the parcel is a manufactured home park; that Conditional Use 395 approved for the use of boat sales, service, and storage; that this is a good location for this use; that a Traffic Impact Study (TIS) was not required from DelDOT; that sewer is available; that central water is provided by Tidewater Utility; that Mr. Forenski stated affirmed the testimony; and that the use would stay the same.

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

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

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



At their meeting of April 11, 2019, the Planning Commission discussed the application which has been deferred since March 28, 2019.

Mr. Mears moved that the Commission recommend approval of Change in Zone 1869 for WMF Watercraft and Marine for a change in zone from GR (General Residential Zoning) to C-3 (Heavy Commercial Zoning) based upon the record made during the public hearing and for the following reasons:

- 1. C-3 (Heavy Commercial Zoning) is designed to allow auto-oriented retail, and service businesses including boat sales, and service that for local, and regional residents.
- 2. This site was approved as a Conditional Use for boat displays, sales, and service in 1977, and it has been in that use ever since. The site is across the road from other C-1 properties used for marine sales and it is next to property owned by the Oak Orchard Volunteer Fire Company. This rezoning to C-3 is a reasonable evolution of the 40 +/- year old Conditional Use, and it is appropriate for this location.
- 3. The site will be served by central water and Sussex County sewer.
- 4. The site is in the Environmentally Sensitive Developing Area, and Mixed Residential Area according to the current Sussex County Land Use Plan. This type of Commercial Use is appropriate in these areas according to the Plan.
- 5. The proposed rezoning meets the general purpose of the Zoning Code by promoting orderly growth. Convenience, order prosperity, and welfare of the County.
- 6. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

> (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members

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

Date: March 21, 2019

RE: Staff Analysis for CZ 1869 WMF Watercraft and Marine

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1869 WMF Watercraft and Marine to be reviewed during the March 28, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 234-34.08-45.00 to allow for a change from GR (General Residential District) to C-3 (Heavy Commercial District) to be located at 32676 Oak Orchard Rd. The size of the property is 1.19 ac. +/-.

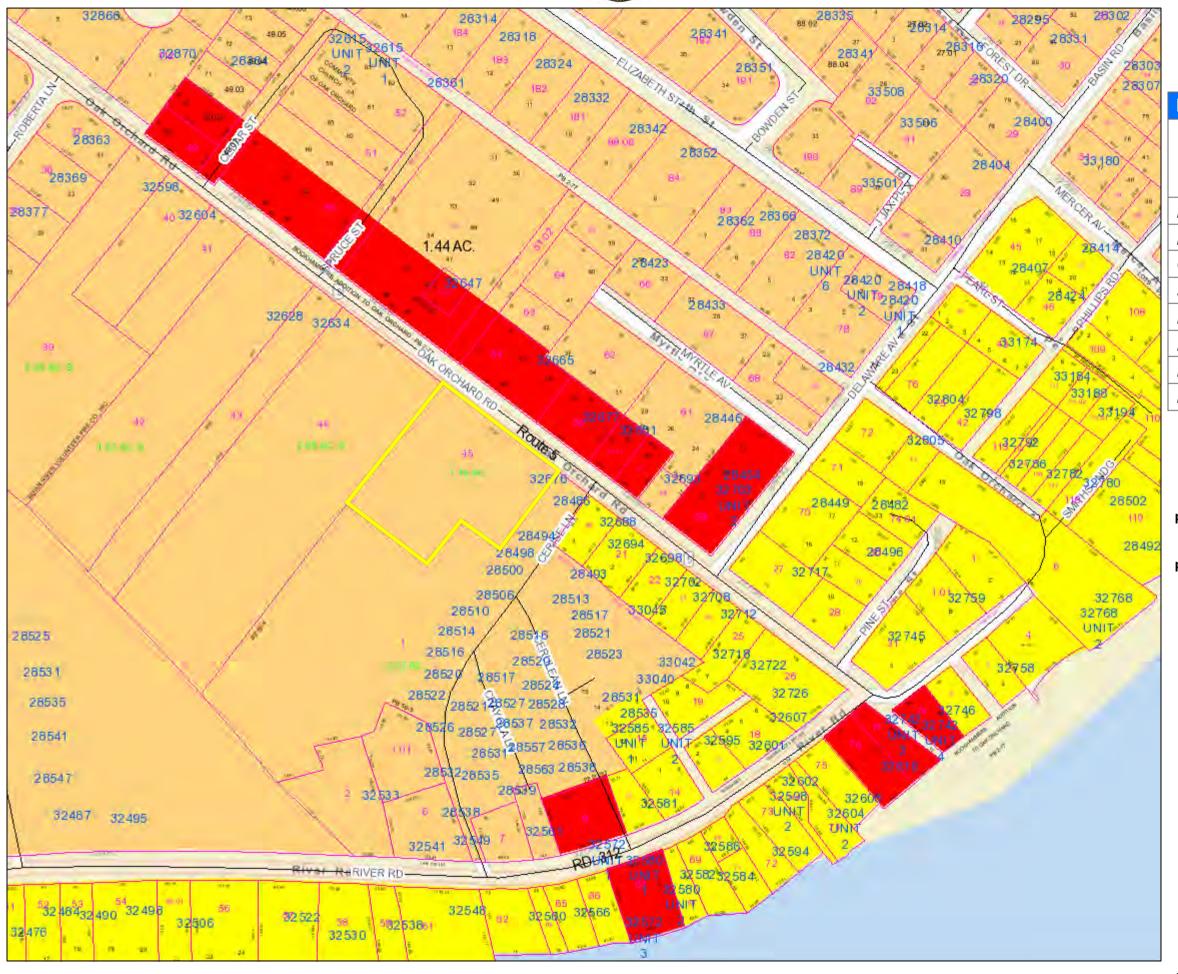
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan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

The surrounding land use to the north and east is Mixed Residential and Environmentally Sensitive Developing Areas. The land uses to the south and west are Environmentally Sensitive Developing Areas. The Mixed Residential Areas recognizes that a full range of housing types are appropriate and that non-residential development is not appropriate. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that office and retail uses are appropriate but larger shopping centers and office parks should be confined to access to arterial road. It also recognizes that a careful mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

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

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow for a change from GR (General Residential District) to C-3 (Heavy Commercial District) could be considered consistent with the land use, area zoning and uses.





PIN:	234-34.08-45.00
Owner Name	WMF REALTY LLC
Book	4638
Mailing Address	27037 JOHN J WILLIAMS H
City	MILLSBORO
State	DE
Description	S/RT 5 APPROX 250'
Description 2	NW OF DELAWARE ST
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

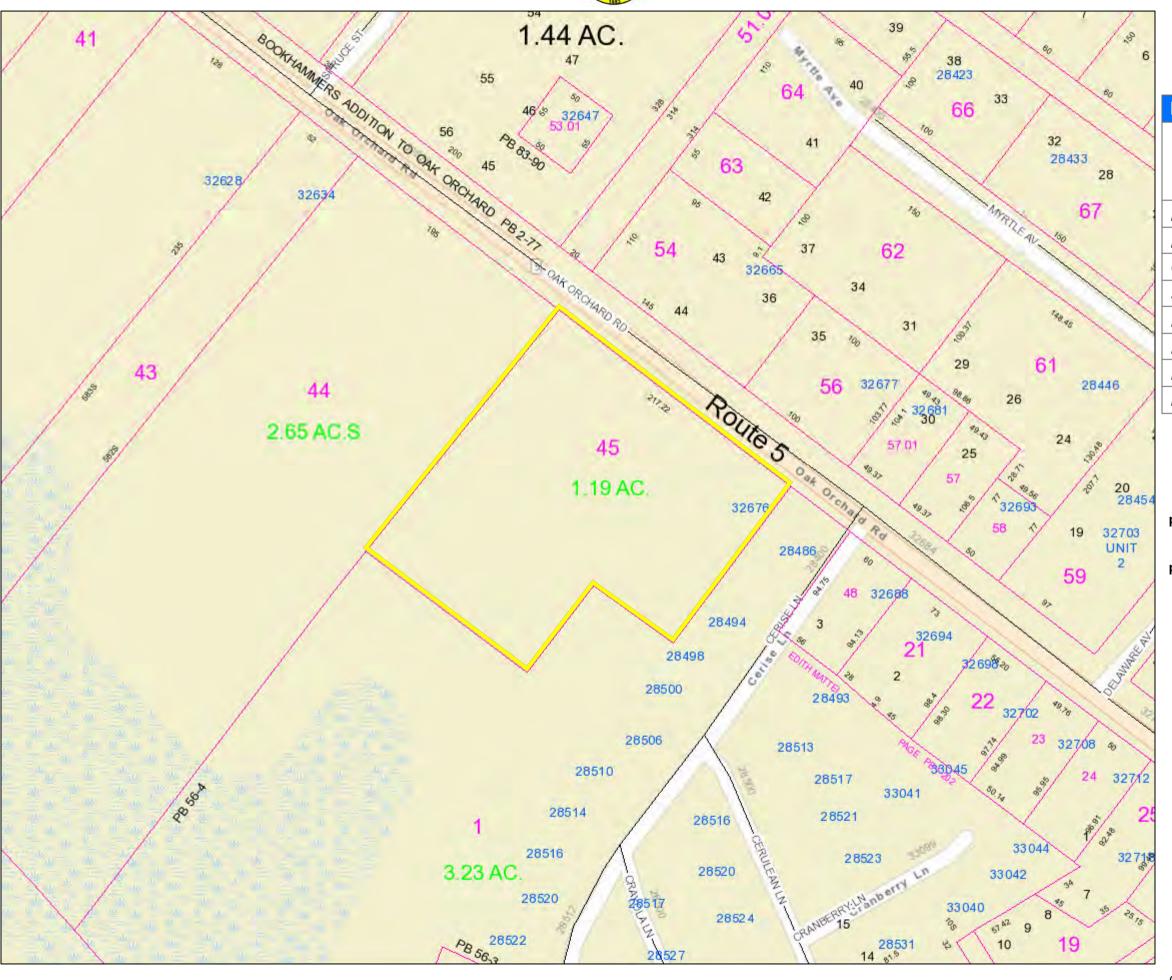
Override 1

Tax Parcels

911 Address

Streets

1:2,257 0.0275 0.055 0.11 mi 0.0425 0.085 0.17 km



PIN:	234-34.08-45.00
Owner Name	WMF REALTY LLC
Book	4638
Mailing Address	27037 JOHN J WILLIAMS H
City	MILLSBORO
State	DE
Description	S/RT 5 APPROX 250'
Description 2	NW OF DELAWARE ST
Description 3	N/A
Land Code	

polygonLayer

Override 1

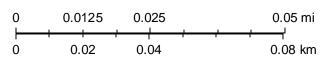
polygonLayer

Override 1
Tax Parcels

911 Address

StreetsCounty Boundaries

1:1,128





PIN:	234-34.08-45.00
Owner Name	WMF REALTY LLC
Book	4638
Mailing Address	27037 JOHN J WILLIAMS HI
City	MILLSBORO
State	DE
Description	S/RT 5 APPROX 250'
Description 2	NW OF DELAWARE ST
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:1,128

0.05 mi 0.0125 0.025 0.02 0.04 0.08 km

Introduced 09/18/18

Council District No. 4 - Cole Tax I.D. No. 234-34.08-45.00

911 Address: 32676 Oak Orchard Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS

WHEREAS, on the 31st day of August 2018, a zoning application, denominated Change of Zone No. 1869, was filed on behalf of WMF Watercraft and Marine; and WHEREAS, on the ______ day of ______ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1869 be ______; and ______ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Oak Orchard Road, approximately 551 feet north of River Road, and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, said parcel containing 1.194 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.