



Sussex County Council Public/Media Packet

**MEETING:
May 3, 2016**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER



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Sussex County Council

A G E N D A

MAY 3, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Lewes Byway Presentation and Update

Consent Agenda

1. Wastewater Agreement No. 597-1
Sussex County Project No. 81-04
The Woodlands – Phase 1
Miller Creek Sanitary Sewer District
2. Wastewater Agreement No. 856-8
Sussex County Project No. 81-04
Millville By The Sea – Lakeside Village Ext.
Millville Expansion of the Bethany Beach Sanitary Sewer District
3. Wastewater Agreement No. 1027
Sussex County Project No. 81-04
Silver Woods
Miller Creek Sanitary Sewer District



Todd Lawson, County Administrator

1. Proclamation – Soil & Water Stewardship Week
2. Public Interview for Planning and Zoning Commission Nominee Doug Hudson
3. Administrator's Report

Hans Medlarz, County Engineer

1. Winding Creek Village
 - A. Proposed Water District Update and Recommendation
2. Herring Creek Tunnell Properties
 - A. Memorandum of Understanding
3. Route 54 Sewer Expansion
 - A. Professional Services Amendment with Hazen & Sawyer
4. Portable Generator, Project 16-24
 - A. Recommendation to Award

Joe Wright, Assistant County Engineer

1. Sussex Shores Subdivision – Chapter 96 Sussex Community Improvement Project 14-13A
 - A. Substantial Completion and Final Balancing Change Order
2. Pump Station 207 and Force Main – Contract 12-23
 - A. Revised Final Change Order

Old Business

Change of Zone No. 1795
Bay Forest Club, LLC
c/o Natelli Communities, Inc.

Grant Requests

1. Girl Scouts of the Chesapeake Bay Council for Girl Scout Troop 1482 Odyssey of the Mind Team
2. Town of Laurel for the Laurel Fireworks Celebration

3. True Blue Jazz for concert expenses and operating expenses
4. Friends of the Bridgeville Library for program expenses
5. Lower Sussex Little League for operating expenses and registration fees
6. Friends of the Georgetown Public Library for the Annual 5K Race/Walk fundraiser

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2042 filed on behalf of Beachfire Brewing Company, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS”. The property is located at the southeast corner of Central Avenue and Johnston Street. (911 Address: 19841 Central Avenue, Rehoboth Beach) (Tax Map I.D. 334-13.20-24.00)

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”. The property is located southwest of Oak Orchard Road (Route 5 AND Road 297) approximately 600 feet south of John J. Williams Highway (Route 24) and fronting the southerly right-of-way of John J. Williams Highway (Route 24). (911 Address: None Available) (Tax Map I.D. 234-29.00-69.01 and 69.08 – 69.11)

Change of Zone No. 1792 filed on behalf of Ray C. and Candice E. Sammons

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,833 SQUARE FEET, MORE OR LESS”. The property is located at the southwest corner of Oak Grove Road (Road 549B) and North Oak Grove Road (Road 549). (911 Address: 2568 Oak Grove Road, Seaford) (Tax Map I.D. 531-8.00-26.01)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 26, 2016 at 4:45 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL – GEORGETOWN, DELAWARE – APRIL 19, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 19, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 188 16
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting “Wastewater Agreement No. 597-1, Sussex County Project No. 81-04, Woodlands – Phase 1, Miller Creek Sanitary Sewer District” and “Introduction of Proposed Zoning Ordinances”, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of April 12, 2016, were approved by consent.

**Public
Comments**

Public Comments

Dan Kramer commented on the April 12, 2016, Council minutes.

Jean Ward, Mary Ellen Vitsorek, and Jeanette Cosgrove voiced their opposition to the Proposed Winding Creek Water District, stating that Winding Creek Village is primarily a community of senior citizens on fixed incomes, that 194 affidavits have been submitted from property owners expressing their desire to opt out of the Water District, that salt intrusion is not an issue with the majority of the homes, and requesting that the referendum on the Winding Creek Water District be canceled.

**Public
Comments
(continued)**

Paul Reiger commented on an imbalance in representation on the Planning and Zoning Commission as a result of the vacancy created by the resignation of Mr. Rodney Smith.

**Autism
Awareness
Month**

Melissa Martin Assistant Director, Autism Delaware, was present, along with Frank Shade, Southern Delaware Development Coordinator, to promote “Autism Awareness Month” and speak about the services and programs available through Autism Delaware to enrich the lives of those affected by ASD (autism spectrum disorder) in Sussex County. Ms. Martin reported that autism is impacting a rising number of families in Sussex County, and there is a need for a wide variety of supports to assist those families.

According to the Centers for Disease Control and Prevention, autism occurs in one in every 68 children, and that statistic holds true in Sussex County. For the 2014-15 school year, 1,512 Delaware public school students had an educational classification of autism compared to 152 in 1991—an increase of 895 percent. Ms. Martin stated that the local arm of the Delaware Autism program is located in Lewes at the Sussex Consortium, which pulls students from all over the County into a center-based program within the Cape Henlopen School District and provides the types of speech language, occupational therapy, and psychological and special education supports they need.

Ms. Martin explained that autism is the fastest growing developmental disability, impacting social interaction, communication, and typical development for a child. Autism Delaware provides support to families through parent mentoring and educating the community about resources available. They also administer a program called POW&R (Productive Opportunities for Work & Recreation) which helps place young adults as they transition out of high school into employment in the community. Autism Delaware has a pilot project currently ongoing in Sussex County to help reach the Hispanic population as well.

At the State level, Ms. Martin announced that Senate Bill Nos. 92 and 93 have been introduced in the Delaware General Assembly to improve ASD services. Senate Bill No. 92 establishes a statewide education resource, the Center for Excellence in Autism, which will house a statewide director for the program and several trainers that will be able to go out to the schools to enhance their capacity to serve students in their home district. Senate Bill No. 93 establishes an Interagency Committee on Autism and the Delaware Network for Excellence in Autism.

Ms. Martin thanked Council for the opportunity to speak and requested consideration for funding support to continue Hispanic outreach, day camp programs in conjunction with Children’s Beach House, golfing and sports programs, swimming programs, and community and family outreach programs to help improve the lives of families affected by ASD in Sussex County.

**M 189 16
Approve
Consent
Agenda**

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

**Wastewater Agreement No. 638-9
Sussex County Project No. 81-04
The Estuary – Camp Barnes Road – Off Site Sewer (Construction
Record)
Miller Creek Sanitary Sewer District**

**Wastewater Agreement No. 1043
Sussex County Project No. 81-04
Route 24 Elementary School – Love Creek
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

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

**Fair
Housing
Month**

The Council presented to representatives of the Sussex County Association of Realtors® a Proclamation entitled “PROCLAIMING THE MONTH OF APRIL AS *FAIR HOUSING MONTH* IN SUSSEX COUNTY”.

**Adminis-
trator’s
Report**

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

1. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for December, there were 410 violent crime arrests with 338 clearances; 3,238 property crimes with 1,278 clearances; and 45,705 total traffic charges with 32,005 corresponding arrests. Of those traffic arrests, 988 were for DUI. Finally, there were 5,254 total vehicle crashes investigated in December. In total, there were 191 troopers assigned to Sussex County for the month of December.

2. Sussex County Telephone Number Match Rate

The Delaware Department of Safety and Homeland Security recently reported that Sussex County’s telephone number match rate has reached the 96 percent accuracy threshold. This is a significant milestone for the County and the highest percentage of telephone number to addresses matches ever experienced by the County since Sussex implemented its new addressing protocol. As a result, residents of the County have a greater assurance that their address and telephone number information is accurate and up-to-date should the need arise, including during an emergency, to identify and locate a specific address.

**Adminis-
trator's
Report
(continued)**

Our congratulations and appreciation go to the staff of the County's Mapping and Addressing Office for accomplishing this tremendous feat.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, April 26th. The next regularly scheduled Council meeting will be held on May 3rd at 10:00 a.m.

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

**Clean
Water
and
Flood
Abatement
Task
Force**

Mrs. Jennings reported on the Clean Water and Flood Abatement Task Force. The Task Force will meet again on Wednesday, April 20, 2016, and continue to review billing options for the clean water fee. Mrs. Jennings stated it is likely that the Task Force will be extended into May, as there are concerns regarding the method of billing, i.e. whether to include the fee on the sewer bill, tax bill, or the possibility of DNREC doing some type of billing as a result of the draft legislation. Mrs. Jennings will provide additional updates as the Task Force continues its work.

**Springfield
Property
Update/
Recom-
mendation**

Mrs. Jennings provided an update on the sale of vacant property located at 22512 Springfield Lane, Georgetown, Delaware. Mrs. Jennings reported that Council purchased parcel number 1-35-20.00-51.00 to establish a larger clear zone on the approach to Runway 4-22 at Delaware Coastal Airport. This larger clear zone is required by the Federal Aviation Administration should Runway 4-22 be extended to 6,000 feet.

The parcel of land purchased included approximately 9.82 acres and a 3,900-square-foot house. Since the entire property was not required for the clear zone, the section not needed for the runway extension project was subdivided. The new parcel consisting of 2.229 acres and the house was appraised at \$300,000 by Bay Country Appraisal Services on May 29, 2015,

In October 2015, Council approved the disposition of 22512 Springfield Lane by advertising the property and accepting sealed bids. After advertising multiple times and extending the deadline to accept bids three times from October 2015 to March 2016, the County received no bids by the last deadline. As a result, Administration is recommending that the County obtain a realtor and place the property on the market as a regular sale.

**M 190 16
Authorize
List of
Springfield
Property on
Real Estate
Market**

A Motion was made by Mrs. Deaver, seconded Mr. Cole, to authorize Administration to contact the Sussex County Association of Realtors® to list 22512 Springfield Lane, Georgetown, Delaware, on the real estate market.

Motion Adopted: 5 Yeas.

**M 190 16
(continued)**

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

**Pump
Station 210
Force Main,
Contract A,
Project
15-08A**

Hans Medlarz, County Engineer, presented Change Order No. 1 for Pump Station 210 Force Main, Contract A, Project 15-08A. Mr. Medlarz stated that when Project 15-08A was bid, there was an alternate bid included which was not accepted by Council because the right-of-way had not been secured at the time. The right-of-way is now in hand, the easement has been signed, and permission is requested to exercise the alternate bid, a follow-up from the previous award to the contractor.

**M 191 16
Approve
Change
Order/
PS 210
Force Main,
Contract A,
Project
15-08A**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department and its consultant, Whitman, Requardt and Associates, LLP, that Change Order No. 1 for Sussex County Contract No. 15-08A, Pump Station 210 Force Main, Contract A, with Allan Myers, Inc., be approved, which increases the current contract by \$220,400.00, for a new contract total of \$4,197,777.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pump
Station 210
Force Main,
Contract B,
Project
15-08B**

Hans Medlarz, County Engineer, presented Change Order No. 1 for Pump Station 210 Force Main, Contract B, Project 15-08B. Mr. Medlarz stated that at the time Project 15-08B was bid, the exact location of the tie-ins for the future County pump station were unknown. All of the tie-in locations are now known, the sizes have been determined, and a model run was performed to determine the pump sizes, as well as the force main sizes.

**M 192 16
Approve
Change
Order/
PS 210
Force Main,
Contract B,
Project
15-08B**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department and its consultant, Whitman, Requardt and Associates, LLP, that Change Order No. 1 for Sussex County Contract No. 15-08B, Pump Station 210 Force Main, Contract B, with Teal Construction, Inc., be approved, which decreases the current contract by \$2,200.00, for a new contract total of \$3,142,340.00.

Motion Adopted: 5 Yeas.

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

**Cash
Performance
Bonds/
Water's
Run**

Joe Wright, Assistant County Engineer, discussed the cash performance bonds for Water's Run. Mr. Wright referenced a Memorandum of Understanding between Sussex County and WRDG, LLC, dated October 27, 2015, requiring immediate attention to any outstanding work items. Mr. Wright reported that some drainage swale work was completed on or about November 16, 2015, and the gravity sewer main was extended as required on or about December 17, 2015. The construction of roads was to commence immediately upon completion of the sanitary sewer installation. Due to cold weather, the deadline was extended to April 15, 2016, for completion of all items in the agreement. As of this date, the road work has not been completed; however, the contractor is on-site and actively working to complete the necessary work, estimated to take approximately two weeks. Mr. Wright noted that the way the agreement was written, if the developer fails in any of the work, the County has the right to call all of the bonds. It is the recommendation of the County Engineering Department that Council approve the recall of the cash performance bonds to assure the necessary work for Water's Run is completed.

Mr. Arlett expressed concern with developers selling lots that are not ready to be sold. Mr. Moore stated that traditionally notification that permits would not be issued for certain lots has been given through the Planning and Zoning Office. Discussion has taken place at recent Engineering Department meetings concerning how to help prevent this from occurring in the future.

**M 193 16
Approve
Call of
Cash
Performance
Bonds/
Water's
Run**

A Motion was made Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council finds that WRDG, LLC, has failed to complete satisfactory construction of the project known as Water's Run and authorizes the Council President to take action to call in the cash performance bonds for Phase 1A (Road), Phase 1B (Road), and Phase 1B (Sewer) in the amounts of \$25,999.00, \$64,114.00, and \$51,186.88, respectively, in order to complete the improvements, or procure others to complete the improvements, in accordance with the approved plans and project requirements.

Motion Adopted: 5 Yeas.

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

**Request
to Prepare
and Post
Notices/
WRE-
DBSSD/
Belle Terre**

Aref Etemadi, Planning Technician, presented a request to prepare and post notices for expansion of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundary to include Belle Terre (aka Dorman). The property is a 124-acre parcel to include 378 units, 200 single-family and 178 townhouses. The site will convey portions of its flows to the Love Creek Elementary School pump station that is currently under construction, and the remainder of the site will be conveyed to the south to a new pump station that the developer will construct.

**M 194 16
Authorize
Prepare
and Post
Notices/
WRE-
DBSSD/
Belle Terre**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Engineering Department is authorized to prepare and post notices for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to include Belle Terre (aka Dorman), Parcels 334-12.00-17.00, 18.00, 19.00, and 20.00 owned by Sussex Real Estate Partners, LLC, and two adjoining lots, 334-12.00-17.01 and 1702, as presented on April 19, 2016.

Motion Adopted: 5 Yeas.

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

**Estates
of Sea
Chase
Proposed
Chapter 96
Project**

Patti Deptula, Director of Special Projects, advised that The Estates of Sea Chase is requesting inclusion in the Chapter 96 Sussex Community Improvement Program as set out in the Sussex County Code. This single-family condominium subdivision is located on the northeast corner of Warrington Road (County Road 275) and Old Landing Road (Road 274), north of Rehoboth Beach in the Lewes and Rehoboth Hundred. The streets are approximately 5,300 feet in length, privately owned and maintained by The Estates of Sea Chase Condominium Association. Right Property Management is retained by the Association for property management. There are 45 total assessable properties in the proposed project.

The Sussex County Engineering Department received a formal request from the President of the Condominium Association on June 10, 2015, to initiate the Chapter 96 process as per Sussex County Code. The request was to repair, repave, and address minor drainage issues for all existing subdivision streets. The Sussex County Engineering Department compiled a construction cost estimate, approved by the County Engineer and Finance Director, in December 2015, with the total project cost estimated at \$85,442.79 and the annual assessment rate per assessable parcel estimated at \$234.10 for a 10-year time period (or the option of a one-time lump sum payment estimated to be \$1,898.73 per assessable parcel).

Mrs. Deptula reported that a petition form was compiled by the Engineering Department and mailed out to all assessable property owners on December 11, 2015, including the cost estimate. Valid petitions were received from 28 property owners, representing 62 percent of the total assessable parcels, which meets the County Code requirement of more than 50 percent. Notice of a public meeting to be held on April 2, 2016, was mailed to all property owners on March 10, 2016, along with the cost estimate, the project layout map, and a list of assessable tax parcels to be included in the project.

The Engineering Department held the community meeting on April 2, 2016, at the Sterling Crossing Clubhouse to review the proposed project. The

**Estates
of Sea
Chase
Proposed
Chapter 96
Project
(continued)**

main improvement being considered is the installation of two inches of Type C hot mix on all streets except Adriatic Drive, which would receive 2-1/2 inches of Type C hot mix.

Mrs. Deptula presented a resolution for Council's consideration and approval of the project's inclusion in the Chapter 96 program, and providing for an election to be held on Friday, May 20, 2016, at the offices of Right Property Management, 20245 Bay Vista Road, Rehoboth Beach, from the hours of 2:00 to 7:00 p.m., with the provision of absentee ballots. The election will make the final determination if the project would move forward. If the election is voted in favor, construction is expected to begin in the fall.

**M 195 16
Adopt
R 007 16/
Proposed
Chapter 96
Project/
Estates
of Sea
Chase**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt Resolution No. R 007 16 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE ESTATES OF SEA CHASE PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT."

Motion Adopted: 5 Yeas.

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

**Discussion
and Possible
Introduc-
tion of
Ordinance
Relating
to Signs**

Jamie Sharp, Assistant County Attorney, provided for discussion purposes a red-lined version of the current Sussex County Code relating to signs, as well as a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS") for possible introduction. Mr. Sharp advised this presentation is a follow-up from the March 15, 2016, report to Council regarding the Sign Ordinance. The Sign Ordinance Working Group has met to review comments received at that meeting and afterwards, and the issues being addressed at this time include (1) definitions, (2) billboards, (3) electronic message centers, and (4) enforcement.

Mr. Sharp reviewed the following information regarding proposed changes to the current Sign Ordinance:

Definitions

- **Newly Defined Terms**
 1. **Abandoned On-Premises / Off-Premises Signs**
 2. **Public Lands**
 3. **Sign Copy**
 4. **Sign Face**
 5. **Sign Structure**

**Discussion
and Possible
Introduc-
tion of
Ordinance
Relating
to Signs
(continued)**

- 6. Changeable Sign**
- 7. Non-Conforming Sign**
- 8. V Sign**
- **Revised Definitions**
 - 1. Animated Signs**
 - 2. Multi-faced Signs**
 - 3. Bulletin Board**
 - 4. Electronic Message Center (EMC)**
 - A. On-Premises Electronic Message Center**
 - B. Off-Premises Electronic Message Center**
- **Definitions Related to Electronic Message Centers**
 - 1. Candela & Candela Per Square Meter**
 - 2. Foot Candle**
 - 3. Illuminance**
 - 4. Luminance**
 - 5. Lux**
 - 6. Nit**
 - 7. SI**

Proposed Signs to be Prohibited

- **Animated Signs**
- **Abandoned Signs which have been abandoned for 6 months**
- **Mirror Signs**
- **V Signs**
- **Signs with more than 2 sign faces**

Fees & Permitting

- **Removed language requiring identification of sign owner and permit number on the sign**
- **Increased fees:**
 - **Construction permit**
 - Current - 50 cents / square foot - \$25 minimum for signs > 32 square feet**
 - Proposed - 65 cents / square foot - \$32 minimum for signs > 32 square feet**
 - **Annual fees**
 - Current - 25 cents / square foot - \$25 minimum for signs > 32 square feet - \$7.50 one-time fee for signs < 32 square feet**
 - Proposed - 32 cents / square foot - \$32 minimum for signs > 32 square feet - \$10 one-time fee for signs < 32 square feet**

Mr. Cole questioned if the proposed fees would subsidize any new enforcement measures. Mr. Lawson advised that the fees were developed based on the hiring of one new employee. If it is found that more than one

**Discussion
and Possible
Introduc-
tion of
Ordinance
Relating
to Signs
(continued)**

additional employee is necessary for enforcement, the ordinance would have to be amended.

On-Premises Signs

1. On-premises wall size limitation language
 - **Current** - 150 square feet max or 15 percent of total footage of wall area where wall exceeds 1,000 square feet
 - **Proposed** - 150 square feet maximum
2. On-premises Ground Sign
 - **Current** - One sign allowed per street or road frontage per parcel
 - **Proposed** - One sign allowed per parcel

Off-Premises Signs

1. **Current**
 - Distinguishes between signs which are less than 200 square feet from signs which are greater than 200 square feet
 - Difference is that the side yard setback is less for the smaller signs

Proposed

- Removes that distinction
- Treats all off-premises signs the same

2. **Current**
 - Front Yard Setback – 25 feet
 - Rear Yard Setback – None
 - Side Yard Setback – 20 feet / 50 feet

Proposed

- Front Yard Setback – 40 feet
- Rear Yard Setback – Equal to the required rear yard setback for a building in that district
- Side Yard Setback – 50 feet

3. **Current**
 - Separation distance of 300 feet from dwelling, church, school, or public lands

Proposed

- Separation distance of 500 feet from dwelling, church, school, or public lands

Public Lands Definition

- Land use for a park, recreation area, historical site, wildlife refuge, public forest land, preservation land, or greenway
- Owned by U.S., State, municipality, or political subdivision thereof

**Discussion
and Possible
Introduc-
tion of
Ordinance
Relating
to Signs
(continued)**

- Includes lands placed in an agricultural preservation program
 - Expressly excludes public roads, streets, and right-of-ways
4. **Current**
- Separation distance of 300 feet from other off-premises signs
- Proposed**
- Separation distance of 1,000 feet from other off-premises signs
 - Separation distance of 50 feet from on-premises signs

Off-Premises Signs – Height

- **Current** - Height limitation of 25 feet
- **Proposed** - Height limitation of 35 feet

Off-Premises Signs – Miscellaneous

- **Proposed**
 - Express limitation of no more than 2 signs per off-premises sign structure
 - No side can exceed 300 square feet – status quo
 - Stacked and side-by-side off-premises signs expressly prohibited
 - No variances allowed for off-premises signs
 - Applicants for a special use exception must provide a Letter of No Objection from DelDOT

Enforcement

- **Current**
 - Disposal fee - \$25
- **Proposed**
 - Removal fee - \$100
 - Liable for fines of not less than \$100 up to \$1,000 – each day is considered a separate offense

Mr. Cole asked about the issuance of on-the-spot fines for violators, which would make the process more efficient and streamlined for the County as well as the public. Mr. Sharp advised that the Code Enforcement Office would have that capability.

Lumination Standards

- Proposed language to insert in addition to current standards
 - Signs with external illumination must be fully shielded
 - Maximum luminance level of 250 Nits beginning 1/2 hour before sunset until sunrise

**Discussion
and Possible
Introduc-
tion of
Ordinance
Relating
to Signs
(continued)**

Electronic Message Centers

- New Section of Code to be created for EMCs
- Removed and consolidated previous references to EMCs
- Only allowed in B-1, M, UB, C-1, CR-1, LI-1, LI-2, and HI-1 districts – status quo
- Messages must be fixed for 10 seconds
- Change in message copy must be completed in 1 second or less
- Default provision to freeze sign or shut down if malfunction occurs
- Prohibition on animation, flash, and scrolling
- Must comply with luminance standards
- Automatic dimming controls required
 - Applicant must supply documentation to confirm
- Prohibition on signs which attempt to direct traffic or appear similar to traffic signs
- Sign copy must remain fixed from sunset to sunrise
- No noises may be emitted from EMCs
- No variances allowed from EMC requirements
- On-Premises EMCs permissible with special exception
- Off-Premises EMCs prohibited

Non-Conforming Off-Premises Signs

- May be maintained unless totally destroyed
- Prohibition on reconstruction, expansion, or re-erection
- Conversion of non-conforming, off-premises signs to electronic message centers is prohibited
- Signs which are totally destroyed cannot be re-erected
- Definition of total destruction
 - 50 percent or more of supporting piles or structure
 - 75 percent or more of the facing
 - 25 percent of the piles or structure and 50 percent of the facing

Mr. Sharp stated the intent at the present time is to focus on the above issues; however, bandit signs, directional signs, temporary construction signs, instructional signs, and Clean Hands Ordinance amendments will be addressed at a later date.

**Introduc-
tion of
Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”). The Proposed Ordinance will be advertised for Public Hearing.

**Timeline/
Proposed
Ordinance**

Mr. Lawson presented the following timeline relative to the Proposed Ordinance relating to signs:

**Timeline/
Proposed
Ordinance
(continued)**

- **Introduction of Proposed Ordinance – April 19, 2016**
- **Planning and Zoning Commission Public Hearing – May 12, 2016**
- **Council Public Hearing – May 24, 2016**

This schedule will allow sufficient time for the County to meet the moratorium deadline of June 15, 2016.

**Grant
Request**

Mrs. Jennings presented a grant request for the Council's consideration.

**M 196 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$250.00 from Mr. Cole's Councilmanic Grant Account, \$250.00 from Mrs. Deaver's Councilmanic Grant Account, \$250.00 from Mr. Wilson's Councilmanic Grant Account, and \$250.00 from Mr. Vincent's Councilmanic Grant Account) to Big Brothers Big Sisters of Delaware, Inc., for Sussex County Bowl for Kids' Sake.

Motion Adopted: 5 Yeas.

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

**Council
Members'
Comments**

Council Members' Comments

Mrs. Deaver questioned if County government is considered a business.

Mr. Arlett encouraged all Delaware voters to get out and vote in the Presidential Primary.

**M 197 16
Recess/
Reconvene
at West
Complex**

At 11:50 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess and to reconvene at the West Complex for the DelDOT Transportation Improvement Districts Workshop.

Motion Adopted: 5 Yeas.

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

**M 198 16
Reconvene
Regular
Session**

At 1:10 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to reconvene for the purpose of holding a Workshop regarding DelDOT Transportation Improvement Districts.

Motion Adopted: 5 Yeas.

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

**Workshop/
DelDOT
Transportation
Improvement
Districts**

A Workshop on Transportation Improvement Districts (TIDs) was held.

The following were in attendance:

Michael H. Vincent	President, Sussex County Council
Samuel R. Wilson, Jr.	Vice President, Sussex County Council
Robert B. Arlett	Sussex County Councilman
George B. Cole	Sussex County Councilman
Joan R. Deaver	Sussex County Councilwoman
J. Everett Moore, Jr.	County Attorney
Todd F. Lawson	County Administrator
Lawrence B. Lank	Director of Planning and Zoning
Janelle Cornwell	Planning and Zoning Manager
Hans Medlarz	County Engineer
Joe Wright	Assistant County Engineer
T. William Brockenbrough, Jr.	DelDOT – County Coordinator
Drew Boyce	DelDOT – Director, Planning
Marc Coté	DelDOT – Assistant Director, Planning and Development Coordination
Bobbie Geier	DelDOT – Assistant Director, Statewide and Regional Planning

Mr. Lawson stated that the purpose of the Workshop is to allow DelDOT an opportunity to provide an overview and answer any questions Council may have regarding the creation of Transportation Improvement Districts in Sussex County.

Discussion was held regarding the process and benefits of establishing TIDs. The following topics were covered:

- What is a TID?**
- Why create a TID?**
- How is a TID created?**
- What happens in a functioning TID?**
- What would County Council need to do to start process?**
- Characteristics of a good TID**

It was the consensus of Council that DelDOT representatives work with County staff to develop a pilot TID that would be specific to a certain area in Sussex County and to revisit this matter at a later date.

**M 199 16
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:35 p.m.

Motion Adopted: 4 Yeas, 1 Nay.

**M 199 16
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Nay;
Mr. Vincent, Yea**

Respectfully submitted,

**Susan W. Webb
Administrative Secretary**

*{An audio recording of this meeting (a.m. session only) is available on the
County's website.}*

DRAFT

ENGINEERING DEPARTMENT

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 21, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE WOODLANDS - PHASE1
AGREEMENT NO. 597 - 1

DEVELOPER:

Mr. Robert Harris
Woodlands Development, LLC
27 Atlantic Avenue
Ocean View, DE 19970

LOCATION:

N/E Corner of CR 363 & CR 84 / Double Bridges
RD

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision 39 lots

SYSTEM CONNECTION CHARGES:

\$225,225.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/30/15

Department Of Natural Resources Plan Approval
02/04/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 140
Construction Admin And Construction Inspection Cost – \$112,947.15
Proposed Construction Cost – \$752,981.00



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

ENGINEERING DEPARTMENT

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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 20, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
MILLVILLE BY THE SEA - LAKESIDE VILLAGE EXT.
AGREEMENT NO. 856 - 8

DEVELOPER:

Mr. Chuck Ellison
Millville Town Center, L.L.C.
32965 Roxana Road
Millville, DE 19967

LOCATION:

Town of Millville
Substation and Burbage Roads
Adjacent to Sand Dollar Village 1

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Mainline sewer extension.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/17/16

Department Of Natural Resources Plan Approval
7/3/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 4
Construction Admin And Construction Inspection Cost – \$2,906.55
Proposed Construction Cost – \$19,377.00



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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
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 19, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SILVER WOODS
AGREEMENT NO. 1027

DEVELOPER:

Mr. Robert Thornton
Silverstock WP, LLC
P. O. Box 449
Bethany Beach, DE 19930

LOCATION:

South side of Beaver Dam Road #368, east of
Central Ave., Town of Ocean View.

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

18 single family lots in this phase

SYSTEM CONNECTION CHARGES:

\$103,950.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/26/15

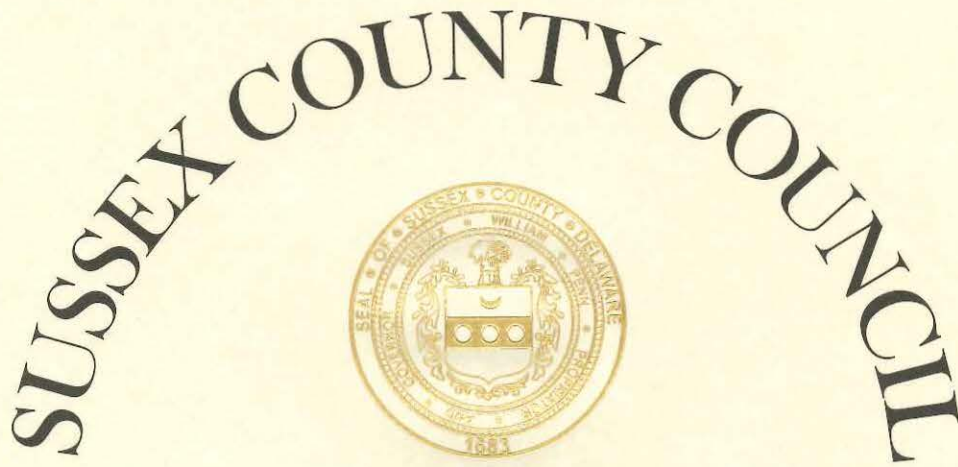
Department Of Natural Resources Plan Approval
07/30/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 20
Construction Admin And Construction Inspection Cost – \$10,411.05
Proposed Construction Cost – \$69,407.00



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



PROCLAMATION

**PROCLAIMING APRIL 24 THROUGH MAY 1, 2016 AS
"SOIL & WATER STEWARDSHIP WEEK"**

WHEREAS, fertile soil and clean water provide us with our daily sustenance, and

WHEREAS, effective conservation practices have helped provide us a rich standard of living, and

WHEREAS, our security depends upon healthy soil and clean water, and

WHEREAS, stewardship calls for each person to help conserve these precious resources;

NOW, THEREFORE, the Sussex County Council does hereby proclaim April 24 through May 1, 2016 as "Soil & Water Stewardship Week".



Michael H. Vincent, President

Dated: May 3, 2016

Sussex County Council Meeting

May 3, 2016

Tunnell Properties adjacent to Proposed Herring Creek Sanitary Sewer District

MOU

The Engineering Department is in the process of developing a boundary for the proposed Herring Creek Sanitary Sewer District encompassing areas which expressed interest in central sewer service. As a result of this effort several parcels owned by Sussex Realty Company, Inc. and Baywood LLC were needed to provide a contiguous path. Said parcels had previously received a Certificate of Public Convenience and Necessity by the State's Public Service Commission for central sewer service by the Inland Bays Preservation Company. In an effort to maintain a contiguous path and establish one sewer district Sussex Realty Company, Inc. and Baywood LLC indicated their willingness to permit the inclusion of the parcels in the boundary, with the full understanding however the County would not provide capacity in the system to serve them since a CPCN had been previously issued. The owners agreed to the proposal and a letter outlining said arrangement was sent to the owners.

After the February 13th official Public Hearing required under State Code on the proposed district creation there appeared to be confusion about service to said parcels. Concern was expressed Sussex Realty Company, Inc. and Baywood LLC were to benefit without contributing to the expense. In order to address these concerns a Memorandum of Understanding (MOU) with Sussex Realty Company, Inc. and Baywood LLC was developed further defining the sole reason of continuity for inclusion in the boundary.

Before Council today is the final MOU executed by Sussex Realty Company, Inc. and Baywood LLC for consideration and potential approval. This MOU states the County will include a narrow portion of the parcels along Banks Road into the proposed sewer district boundary but, will neither provide capacity in the system nor require connection now or in the future.

HERRING CREEK TUNNELL PROPERTIES
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter, "the MOU") is entered into _____, 2016 by and among **Sussex Realty Company, Inc.** a Delaware corporation, (parcels 234-17.00-170.00, 173.00 & 174.00) and **Baywood LLC**, a Delaware limited liability corporation, (parcel 234-24.00-1.00) from this point on identified as "**Tunnell Properties**" and Sussex County Council for the benefit of the government of Sussex County, Delaware from this point on identified as the "**County**".

RECITALS:

A. The Parties have been communicating about the development of the proposed boundary for the Herring Creek Sanitary Sewer District ("Sewer District") near Angola, Delaware.

B. The County is developing a Boundary for a proposed sanitary sewer district in the area that encompasses lands controlled by Tunnell Properties.

C. **Inland Bays Preservation Company**, a subsidiary of Tunnell Properties L.P. holds an existing Certificate of Public Convenience and Necessity (CPCN) for providing sewer service to the following parcels 234-24.00-1.00 (PSC Docket 08-WW-004) and 234-17.00-170.00, 173.00 & 174.00 (PSC Docket 04-W-007)

D. The County desires a contiguous path for the establishment of their sewer district along Banks Road, which would include portions of the above mentioned parcels.

E. The County has proposed to include a portion of the above mentioned parcels into their proposed boundary, with the caveat that no capacity will be provided for the parcels nor will they be required to connect now or in the future.

F. The Parties wish to memorialize and delineate this proposal.

NOW, THEREFORE, in consideration for the mutual promises contained herein and other good and valuable consideration, and intending to be legally bound, the Parties agree as follows:

1. The County agrees to include a portion of the parcels in its proposed boundary of the Herring Creek Sanitary Sewer District in order to maintain the contiguous path required along Banks Road for the establishment of the district, however no capacity will be provided for the above mentioned parcels nor will they be required/or able to connect to the system once installation is complete.
2. Tunnell Properties agrees to permit the County to include the above mentioned parcels in their proposed sewer district boundary understanding that no capacity will be provided nor will they be required/or able to connect, at this time or in the future, to the system once installation is complete.

3. Binding Nature. This MOU shall benefit and bind the Parties and their affiliates, officers, employees, agents, representatives, insurers, administrators, successors and assigns.

4. Governing Law; Jurisdiction. This MOU shall be construed under and governed by the laws of the State of Delaware. The exclusive forum for the resolution of any future disputes between the Parties pertaining to this MOU shall be the federal and state courts of Delaware. The Parties expressly consent to the jurisdiction of the state and federal courts of Delaware in adjudicating any dispute among the Parties relating to this MOU and/or its implementation.

8. Partial Invalidity. If any provision of this MOU shall be held or deemed to be invalid, inoperative or unenforceable, such circumstance shall not render the balance of the MOU invalid, inoperative or unenforceable, and the MOU shall be reformed so that it is valid to the maximum extent permitted.

9. Entire Agreement. This MOU constitutes the entire understanding of the Parties with respect to its subject matter and supersedes any previous agreements entered into by the Parties.

10. Amendments in Writing. The terms of this MOU are contractual and not a mere recital. No modification or alteration of this MOU shall be binding on either of the Parties unless it has been agreed to in a written agreement signed by both of them and identified as an amendment to this MOU.

11. Notices. All notices or other communications which any of the parties to this MOU may desire or be required to give hereunder shall be in writing and shall be given by (a) personal delivery or (b) a nationally recognized overnight courier service, fees prepaid, addressed as follows:

If to Sussex Realty Company, to: Mr. Robert W. Tunnell III
Tunnell Properties L.P.
34026 Anna's Way
Suite 1
Long Neck, DE 19966
Telephone: 302-945-9300

If to Baywood LLC, to: Mr. Robert W. Tunnell, Jr.
Tunnell Properties L.P.
34026 Anna's Way
Suite 1
Long Neck, DE 19966
Telephone: 302-945-9300

If to the County, to: Mr. Hans Medlarz, P.E
2 The Circle
PO Box 589
Georgetown, DE 19947

Telephone: 302 855-7718

With a copy to:

Vincent G. Robertson, Esquire
Griffin and Robertson, P.A.
19354C Miller Road
Rehoboth Beach, DE 19971
Telephone: 302 266-8702

Any party may designate another addressee (and/or change its address) for notices hereunder by a notice given pursuant to this Section 11. A notice sent in compliance with the provisions of this Section 11 shall be deemed given on the date of receipt.

IN WITNESS WHEREOF, the Parties have executed and sealed this MOU as of the date first written above.


Sussex Realty Company, Inc.

By: Sussex Realty Company, Inc., Managing Member

By:  (SEAL)
Robert W. Tunnell III, Managing Member

Baywood LLC

By: Baywood LLC, Managing Member

By:  (SEAL)
Robert W. Tunnell, Jr., Managing Member

ACCEPTED AND ACKNOWLEDGED SUSSEX COUNTY:

(SEAL)
PRESIDENT OF COUNTY COUNCIL

ATTEST:

ROBIN GRIFFITH

ENGINEERING DEPARTMENT

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



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

PROPOSED MOTION

**BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE
SUSSEX COUNTY COUNCIL PRESIDENT IS AUTHORIZED TO
EXECUTE THE HERRING CREEK TUNNELL PROPERTIES
MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SUSSEX
REALTY COMPANY INC., BAYWOOD LLC AND SUSSEX COUNTY
AS PRESENTED ON MAY 3, 2106.**

**HANS MEDLARZ
MAY 3, 2016
FILE: HC 1.05-A**



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

Sussex County Miscellaneous Engineering Services

CONTRACT BETWEEN SUSSEX COUNTY AND HAZEN AND SAWYER

Project 14-10

Rt. 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District – Scope Amendment No. 1

Engineering Design, Permitting, and Construction Documents for Expanded Service Area and Alignment outside Public ROW

Scope of Services

The following additional scope of services will be completed in accordance with the original Miscellaneous Engineering Services Agreement dated August 2015 between Hazen and the County. The services included herein reflect a revised sewer alignment which is primarily outside of the public right of way (ROW). The original scope of services assumed an alignment primarily within the public/DELDOT ROW. Also, the County has elected to extend gravity sewer service in some locations beyond the original project limits as part of the petition for this project. These changes require additional services not in the original scope and fee and include field run topographic surveys, environmental field delineations, updating of existing reports, archeological services and design and permitting services.

ADDITIONAL SCOPE OF SERVICES

Based on the field work, report and preliminary design completed under the to date, the Route 54 Sewer extension alignment has been revised to be primarily outside the public right of way to reduce construction cost and traffic impact to RT. 54 and has been extended in two locations which will require supplemental field delineations and survey not included in the original scope of work. To date, the survey and environmental field delineations for the original proposed gravity sewer limits and alignment on public right of way has been completed. Additional work proposed herein will be supplemental

and will update the work completed previously. Attachment A shows the following proposed areas requiring additional services and are described as follows:

- The preferred Route 54 gravity sewer extension alignment has been determined to be outside of the existing DELDOT Route 54 right of way (south side) for approximately 4,900 feet. The supplemental topographic field survey will extend 40 feet beyond the existing edge of right of way to cover the area will the pipe will be aligned and easements obtained (the existing right of way line roughly follows the existing utility poles). Note that the County will obtain all temporary and permanent utility easements utilizing the design drawings prepared by Hazen.
- The limits of Route 54 gravity sewer have been extended approximately 500 feet west along Route 54. This section of pipe is planned in the right of way and supplemental field run topographic and field survey will extend to the existing right of way.
- An additional sanitary sewer will extend, approximately 400 feet south, from the proposed gravity sewer at the intersection of Rt 54 and Williamsville Rd to serve a single property along Williamsville Road. This lateral is proposed to be in Williamsville Rd ROW. The supplemental topographic field survey will span the existing Williamsville Road right of way.
- An additional sanitary sewer will extend, approximately 120 feet north, from the proposed gravity sewer at the intersection of Rt 54 and New Road to serve a single property along New Road. This lateral is proposed to be located in the New Road ROW. The supplemental topographic field survey will span the existing New Road right of way.

Task 1 Additional Field Run Topographic and Boundary Surveys

A. Perform a topographical survey of the supplemental areas described above and prepare base maps for the development of design and contract drawings and to complete the permitting described herein. Perform Boundary Survey and Tax Map/Deed Research to establish the extent of the DelDot and public ROW and private property lines. County to obtain right of entry for access to private property. Hazen will provide a figure to be included with the right of entry agreements and easements to be prepared by the County depicting the proposed areas.

B. Contact Miss Utility to mark existing utilities within the public right of way and within the project corridor. Survey the existing utility markings. Survey storm pipe, gravity sewer inlet and outlet crown and invert elevations as well as other utilities that are accessible. It is assumed the Miss Utility, environmental field delineations and archeological field work will be performed prior to or concurrent with the field run surveys.

C. Survey delineated environmental features in the project corridor including drainage ditches, streams and stream buffers, wetlands and buffers, etc. See Task 2 below for desktop and field delineation of environmental features and resources impacted by the proposed project.

Task 2 Additional Environmental Field Delineations and Wetland Study Revisions

Identify environmental resource impacts, permitting, design and mitigation requirements (for the supplemental areas described above) — this task item will include desktop review of available environmental resource mapping as well as field delineation of the resources.

- A. Field identify environmental resources, impacts, permitting & mitigation requirements associated with the sewer alignment and provide an updated environmental field delineation report.
- B. Environmental Resource Mapping. Prepare an existing conditions plan that maps the environmental constraints for the alignment. Designs will attempt to avoid and minimize impacts to environmental constraints to the extent possible.
- C. Wetland & Stream Delineation. Define jurisdictional wetland/stream boundaries along the alignment, to determine the limits of associated wetland and stream buffers.

Task 3 Environmental Report Revisions

Provide an updated Environmental Report ER [Originally Dated 12-30-15) (including the supplemental areas described previously) in accordance with RUS Bulletin 1794A-602 (and any amendment to said bulletin) entitled "Guide for Preparing the Environmental Report for Water and Environmental Program Proposals".

Task 4 Phase 1 Archeological Survey

Additional archaeological field investigations are required due to the changes in the alignment of the project. It had been initially planned that the project would be placed in the DelDOT right-of-way of Route 54. However, the project will now be placed in an approximate 30-foot wide easement south of the DelDOT Right-of-Way (ROW) for Route 54.

The proposed investigation will: 1) conduct a new Phase I-level location-identification survey along the approximate center of the 30-foot wide easement for the locations shown in Attachment A. It is anticipated that six (6) shovel tests will be needed for this task, assuming the results are negative. However, an allowance is also included in the event of positive finds requiring additional shovel tests. 2) Intensive Phase I Plus testing will be undertaken at seven previous find/site locations on the south side of the Route 54 ROW within the proposed 30-foot wide easement. Two transects of shovel tests will be completed and located at 10-foot intervals, approximately 15 feet apart across each previous find location. The size of each site for the purposes of this investigation are considered to be of the following sizes:

- 7S-K-215: Assume a site length of 120 feet.
- Find Spot 1: Assume a "site" length of 50 feet.
- 7S-K-216: Assume a site length of 50 feet.
- 7S-K-217: Assume a site length of 50 feet.
- 7S-K-200: Assume a site length of 50 feet.
- 7S-K-222: Assume a site length of 200 feet.
- 7S-K-223: Assume a site length of 200 feet.

In general it will be assumed that artifact densities and types will be consistent with those reported in the initial investigation at these locations (see Winterhoff, December 2015).

The artifacts will be processed for curation by the Division of Historical and Cultural Affairs. Analysis will assess depositional processes and research potential as they relate to the potential National Register of Historic Places eligibility of these sites. An artifact inventory, identifying material by form/material and function, a site plan, and an updated archaeological site form will be provided for each site and included in the report of the investigations. A portion of an USGS 7.5 minute quadrangle and a project map will show the location of the additional area for Phase I testing and the location of each test area/site investigated.

The report will be presented as an addendum to Winterhoff's (December 2015) report and will include a statement of methods, field and data analysis results, and interpretations/conclusions that clearly address the potential National Register eligibility of each resource identified or tested, and suitable appendices. The report will be prepared in draft and final versions.

See Attachment B for the Archeological Services proposal from our sub-consulatnat.

Task 5 Test Pits and Utility Locate

Due to the increased length of the proposed gravity sewer as well as the number of "sewer lateral" crossings of Rt 54 (approximately 10) that are now anticipated as a result of the preliminary coordination with DELDOT, additional utility locate and designate services will be required to supplement the limited budget for these services in the original proposal. We have included an allowance that will allow the number of test pits and utility locates from 5 to 10 on this project to be used at key crossing locations during design.

Task 6 USDA/DNREC Report Updates, Coordination and Comment Response

- The County has requested Hazen submit the latest update to the PER and ER reflecting the alignment changes to DNREC for review in expediting design. This information was delivered on April 15, 2016. Additional field work and delineations will be completed as stipulated above and the reports updated as needed based on agency comments on information submitted on April 15 and final field work. ***As part of this work Hazen will continue to coordinate with DNREC and USDA regarding all updates and respond to agency comments in order to secure approval and funding for the project. The time to continue to coordinate and update the report with the respective agencies is included.***

ASSUMPTIONS

The following scope assumptions serve as the basis for the scope of work and the estimated fee for this project.

1. A Phase I Environmental Site Assessment (ESA) will not be required for this project because the County is acquiring easements and not fee simple purchasing property.
2. The County will be responsible for all right of entry agreements and any additional homeowner coordination to perform field work.
3. From an archeological perspective, in general it will be assumed that artifact densities and types will be consistent with those reported in the initial investigation at these locations (see Winterhoff, December 2015).
4. The County will be responsible for acquisition and any negotiations for utility easement purchases, including plat and deed descriptions. Hazen will provide the contract drawing type figures depicting the proposed easements for the County's use.
5. Off-site services associated with afforestation / reforestation, wetland mitigation etc. are unknown at this time because they are dependent on the project impact.

DELIVERABLES

1. Revised Environmental Field Delineation Report
2. Updated PER and ER Report DNREC/USDA
3. Phase 1 Archeological Report (addendum to Winterhoff's Report [December 2015])
4. Graphics to support County easement acquisition efforts.
5. Contract documents, including plans and specifications, that cover the additional project limits and alignment area

SCHEDULE

The following is the revised schedule for this project based on the additional field, permitting, agency approval and design services required:

- Submit Updated/Revised ER and PER to Regulators/Funders - April 15, 2016
- Additional Field Work and Borings – May/June 2016

- 60% Design Development Submittal – July 1, 2016 (Assuming Agency Funding Approvals)
- 90% Construction Document Submittal/Permitting – August 5, 2016
- 100 % Bid Ready/Permits Obtained – September 23, 2016

FEE

We are requesting authorization of an additional \$ 42,424 for these services. Total revised fees for this project are \$ 192,032.05. (Original \$ 149,608.05 plus \$ 42,424) This fee is based on the hours and rates for staff categories as shown in the fee derivation spreadsheet in Attachment C. The burdened hourly rates used are in accordance with our Miscellaneous Engineering contract. Hazen and Sawyer will invoice the County, based on the burdened salary rates provided in the Cost Estimate Table. Travel expenses will be billed at actual cost incurred. Mileage will be billed at the current County mileage reimbursement rate for the current year the travel date occurred. Sub-consultant utilized on this project will be billed as a direct cost. Other direct costs will be billed in accordance with the Agreement between Owner and Engineer for Professional Services Dated August 2015.

IN WITNESS WHEREOF, the parties hereunto have caused this Exhibit A-1 to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

Michael Vincent
President, Sussex County Council

Date

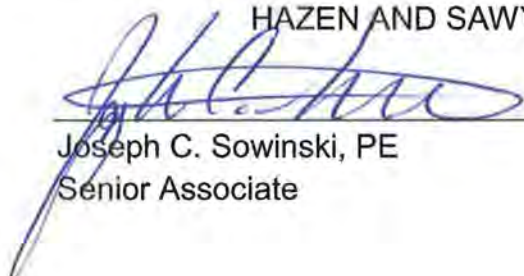
APPROVED AS TO FORM

David N. Rutt, Esq.
Assistant Sussex County Attorney

ATTEST:

Robert Griffith
Clerk of the Sussex County Council

FOR THE ENGINEER:
HAZEN AND SAWYER



Joseph C. Sowinski, PE
Senior Associate

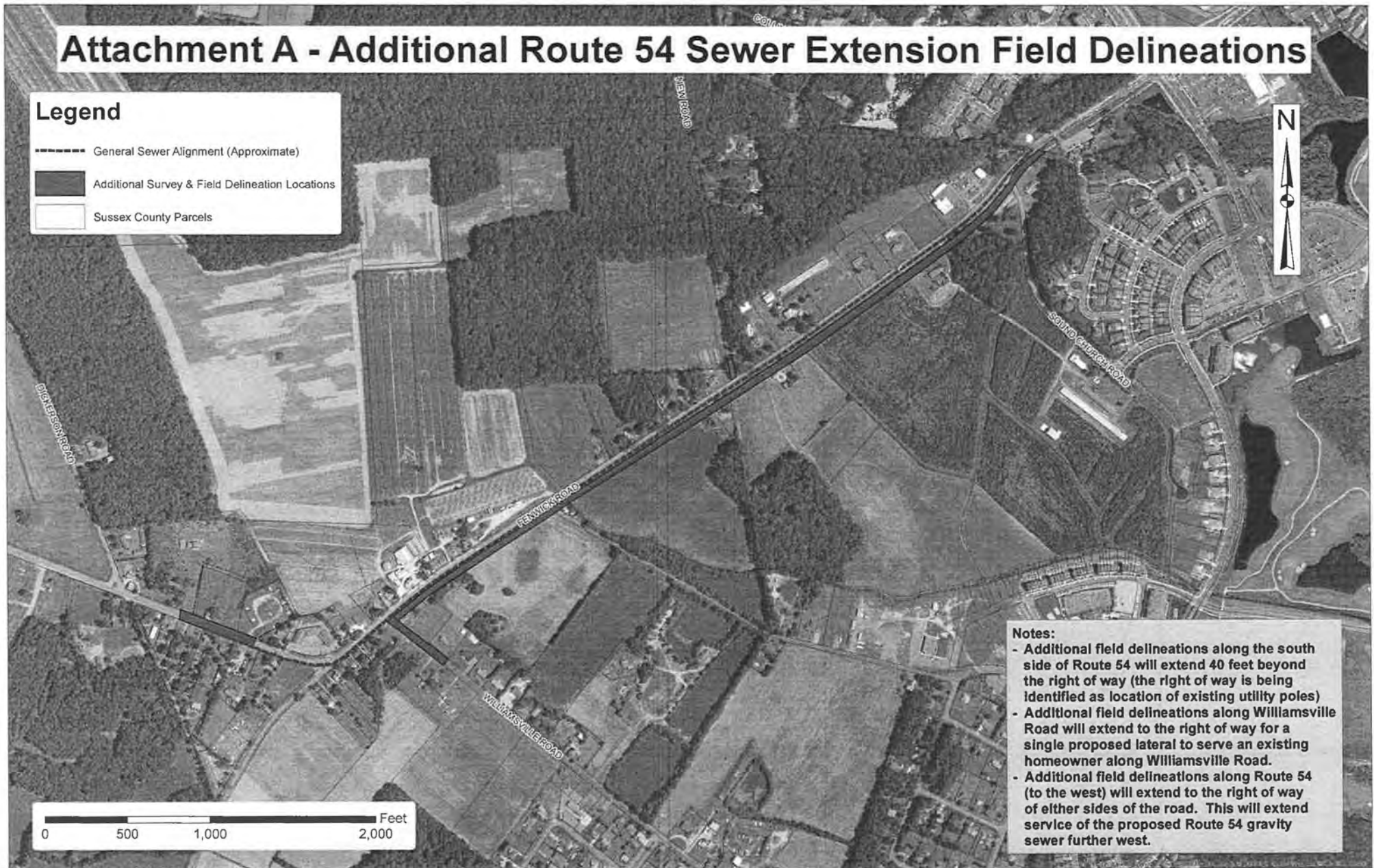
4/18/16

WITNESS:

Attachment A - Additional Route 54 Sewer Extension Field Delineations

Legend

- General Sewer Alignment (Approximate)
- Additional Survey & Field Delineation Locations
- Sussex County Parcels



Notes:

- Additional field delineations along the south side of Route 54 will extend 40 feet beyond the right of way (the right of way is being identified as location of existing utility poles)
- Additional field delineations along Williamsville Road will extend to the right of way for a single proposed lateral to serve an existing homeowner along Williamsville Road.
- Additional field delineations along Route 54 (to the west) will extend to the right of way of either sides of the road. This will extend service of the proposed Route 54 gravity sewer further west.

Proposal for Archaeological Survey Fenwick Island Sanitary Sewer District Expansion,
Williamsville, Delaware

March 23, 2016

By: Edward Otter, Ph. D., Edward Otter, Inc. 1704 Camden Avenue Salisbury, Delaware 21801

INTRODUCTION

This proposal for archaeological study, prepared by Edward Otter, Inc. The project consists of a Phase 1 archaeological survey of land proposed for sewer improvements as part of a proposed sanitary district expansion for the Fenwick Island Sanitary Sewer District. This study is required under section 106 of the National Historic Preservation Act of 1966, as amended. It is assumed that funds for the project are derived, at least in part, from the U.S. Department of Agriculture.

New sewer line is to be placed along a portion of Route 54, with small extensions along Williamsville Road, Sand Cove Road, New Road, and Sound Church Road (Figure 1). This work is a follow-up to work conducted previously (Winterhoff 2015)

Edward Otter, Inc. is well qualified to conduct this study. Sussex County has hired Edward Otter Inc. in the past. Qualifications and resumes are available on request. Edward Otter, Inc. is fully insured and complies with all State and Federal labor laws. Insurance certificates are available upon request.

GOALS

Since the initial archaeological work, new areas have been added to the project and other design changes have been proposed. Also, seven areas have been identified as archaeological sites and additional testing is to be done at those locations. The goal of this study is to determine if any archaeological sites exist within the added project area and to further test the seven previously identified sites.

SCOPE OF WORK

Field Work

Following the specifications prepared by John McCarthy of DNREC, the added area, an additional 275 feet along Williamsville Road, will be tested with a series of shovel tests. A single line of tests no greater than 50 feet apart will be excavated.

For the previously identified sites, each area will have two transects of shovel tests placed 15 feet apart with tests placed at 10 foot intervals. This also conforms to the design prepared by DNREC.

In all cases, tests will be dug according to industry standards. All soils will be removed in stratigraphic layers. All soils will be screened through ¼ inch mesh hardware cloth to recover artifacts. Tests will be at least 16 inches across (40 cm) and will be excavated into sterile subsoil. The soil profile of each test will be prepared including soil texture, munsell color, and depths. A map will be prepared showing the location of each shovel test.

Laboratory Work

Laboratory curation will involve the cleaning and labeling of the artifacts along with packaging them in appropriate bags and boxes according to the standards provided by the Delaware State Museum.

All documents generated by this study will be prepared for curation along with the artifacts. Field forms and maps will be produced (or reproduced) on acid free paper and submitted along with the artifacts to the Delaware State Museum. All photographs will be provided in Tiff format on digital storage and, if requested, hard copies will be printed on equipment and with materials meeting the National Park Service archival standards for digital photographs.

Analysis of the material involves cataloging all recovered artifacts. Basic data categories will be provenience, broad temporal association (Historic vs. prehistoric), general material, specific material and type name. Also, functional categories for historic artifacts, fashioned after Stanley South's categorization (South 1977), will be used. Categories will include but may not be limited to architecture, kitchen, and personal.

Cataloged artifacts will be analyzed for distribution across the project area. A series of maps differentiating temporal association and function will be produced and included in the report. Each area of artifacts will be discussed as to its potential for containing significant archaeological deposits and recommendations will be made regarding the need for additional study.

Report

A draft and final report will be prepared as an addendum to the Winterhoff report. The report will document the goals, methods, and findings of this study. All appropriate graphics will be included. Any sites identified during this project will be recorded with the State of Delaware. Updated site forms may need for the known sites.

FEE

The total cost for this project is \$ 7,450.00. This price includes all expenses involved in completing this project including labor, equipment, supplies, travel, report production, and any required meetings. An invoice for this amount will be submitted upon approval of the report by the SHPO.

SUSSEX COUNTY ENGINEERING DEPARTMENT

Attachment C

ROUTE 54 SEWER EXPANSION OF THE FENWICK ISLAND SANITARY SEWER DISTRICT - SCOPE AMENDMENT NO. 1

Engineering, Design, Permitting and Construction Documents - Expanded Service Area and Alignment Outside Public ROW

MISCELLANEOUS ENGINEERING SERVICES CONTRACT

Task	Hazen and Sawyer								Direct Cost Expenses		Total Fee
	Senior Associate / Associate	Senior Principal Engineer	Principal Engineer	Designer	CADD Technician	Clerical	Total Labor Hours	Total Direct Labor Fee			
Hourly Fee:	\$183	\$141	\$113	\$99	\$70	\$56					
Scope Amendment Services											
1. Additional Field Topographic/Boundary Survey	1	2			16	1	20	\$ 1,641	\$ 11,600.00	S	\$ 13,241.00
2. Additional Environmental Field Delineations and Wetland Study Revision	1		2		4		7	\$ 689	\$ 2,700.00	E	\$ 3,389.00
3. Environmental Report Revisions	1		4		4		9	\$ 915	\$ 4,000.00	E	\$ 4,915.00
4. Phase 1 Archeological Survey	1	2	8		12	2	25	\$ 2,321	\$ 7,450.00	A	\$ 9,771.00
5. Utility Test Pit and Locate (5 additional)		2	4		8	2	16	\$ 1,406	\$ 5,000.00	G	\$ 5,000.00
6. USDA/DNREC Funding Reports Updates, Coordination and Comment Response	2	8	16		20		46	\$ 4,702			\$ 4,702.00
Total	6	14	34	-	64	5	123	\$ 11,674	\$ 30,750.00		\$ 42,424.00

(1) See Attachment A for proposed area

(2) Miss Utility will be contacted for Utility marking prior to all subsurface investigations and for utility test pits.

(3) Environmental Field Delineations, Geotechnical work, and Survey will be executed at the same time.

T = Transportation

R = Reproduction

G = Geotechnical

S = Survey

E = Environmental Services

A = Phase 1 Archeological Survey



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

PORTABLE GENERATOR SUSSEX COUNTY PROJECT 16-24

Project 16-24, Portable Generator, was advertised in the News Journal and Delaware State News on April 13th and April 20th. During this time, the invitation to bid was posted on the County website. Considerable effort was taken to reach out to electrical contractors, resulting in fourteen planholders. However, only one company bid the project.

We consider the bid received from Cummins Power Supply to be a fair price, and recommend procuring the generator from them.



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

MOTION

BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THAT THE BASE BID FOR CONTRACT 16-24, PORTABLE GENERATOR, BE AWARDED TO CUMMINS POWER SYSTEMS, LLC, OF BRISTOL, PA., IN THE AMOUNT OF \$75,339.00.

HANS MEDLARZ
COUNTY ENGINEER
MAY 3, 2016



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

400 HIGH STREET
SEAFORD, DE 19973
PH: 302.628.1421
FAX: 302.628.8350

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
MICHAEL D. MCARTHUR, AIA
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE

JOHN E. BURNSWORTH, PE
MICHAEL G. KOBIN, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
VINCENT A. LUCIANI, PE
JERRY KOTRA
ANDREW J. LYONS, JR., PE
KATHERINE J. MCALLISTER, PE

April 13, 2016

Sussex County Engineering Department
P.O. Box 589
Georgetown, DE 19947

Attn: Joseph Wright, P.E.

Re: Sussex County Improvement (SCI) Project No. 14-13A
Utility Relocations
Substantial Completion/Conditional Acceptance

Dear Mr. Wright,

It is GMB's recommendation that the work on the Sussex County Improvement (SCI) Project No. 14-13A - Utility Relocations be declared substantially complete in accordance with the Contract Documents as of March 2, 2016 and that the 60 day Conditional Acceptance period begin. Please note that the commencement of the applicable warranties required by the Contract Documents begins on the date of the completion of the Conditional Acceptance period (May 1, 2016).

A "Punch-List" of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of the CONTRACTOR to complete all Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by the CONTRACTOR within 60 days of the above date of Substantial Completion.

If there are any questions, or if you require any additional information, please feel free to call.

Sincerely,

Vincent Luciani, P.E.
Construction Services Division Leader

VAL/ccd

Enclosure

cc: SCED: Attn: Patti Deptula, (w/encl.)
SCED: Attn: Helen Naylor (w/encl.)
AP Croll: Attn: Scott Fowler, (w/encl.)

■ ■ ■ ■

**ARCHITECTS
ENGINEERS**

400 HIGH STREET
SEAFORD, DE 19973
PH: 302.628.1421
FAX: 302.628.8350

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

April 27, 2016

Sussex County Engineering Department
P.O. Box 589
Georgetown, DE 19947

Attn: Joseph Wright, P.E.

Re: Sussex County Improvement (SCI) Project No. 14-13A
Utility Relocations
Final Balancing Change Order

Dear Mr. Wright,

Enclosed are five (5) originals of the Final Balancing Change Order for the project. The Change Order is in the amount of an increase of \$6,241.75. The increase in contract amount was due to adjustments of conduit amounts and locations during construction as directed by various utility company personnel.

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,



Vincent Luciani, P.E.
Construction Services Division Leader

VAL/ccd

Enclosure

cc: SCED: Attn: Patti Deptula, (w/encl.)
SCED: Attn: Helen Naylor (w/encl.)
AP Croll: Attn: Scott Fowler, (w/encl.)

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SUSSEX SHORES SUBDIVISION – CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT
PROJECT NO. 14-13 A
UTILITY RELOCATIONS
FINAL BALANCING CHANGE ORDER TABULATION
April 22, 2016

					Contract Amount		As-Built Qty.	As-Built Amt.	Adjustment
	Description	Size or Depth	Unit	Quantity	Unit Price	Item Total	Quantity	Item Total	
Part A	Sussex County Improvement Project - Utility Improvements								
A-1	Mobilization	-	LS	1	27,000.00	\$27,000.00	1.00	\$27,000.00	\$0.00
A-2	Rigid PVC Conduit Installation	4"	LF	13,942	4.75	\$66,224.50	14014.00	\$66,566.50	\$342.00
A-3	Rigid PVC Conduit Installation	3"	LF	1,590	4.20	\$6,678.00	2239.00	\$9,403.80	\$2,725.80
A-4	HDPE Conduit Installation	2"	LF	24,460	3.90	\$95,394.00	23009.00	\$89,735.10	-\$5,658.90
A-5	HDPE Conduit Installation	1"	LF	7,350	3.10	\$22,785.00	6474.00	\$20,069.40	-\$2,715.60
A-6	Ductbank Trench Excavation	-	LF	7,850	30.40	\$238,640.00	8409.00	\$255,633.60	\$16,993.60
A-7	Sand Backfill	-	ton	2,200	16.00	\$35,200.00	2719.95	\$43,519.20	\$8,319.20
A-8	Dense Graded Aggregate		SY	3,490	10.35	\$36,121.50	3309.87	\$34,257.15	-\$1,864.35
A-9	Restoration Outside Paved Areas	-	LS	1	35,000.00	\$35,000.00	1.00	\$35,000.00	\$0.00
	PART A SUBTOTAL					\$563,043.00		\$581,184.75	\$18,141.75
Part B	Contingent Bid Items								
B-1	Excavation Below Subgrade	-	CY	200	16.00	\$3,200.00	0	\$0.00	-\$3,200.00
B-2	Furnish and Place Gravel Bedding	-	CY	50	70.00	\$3,500.00	0	\$0.00	-\$3,500.00
B-3	Furnish and Place Special Backfill (Type C)	-	CY	150	18.00	\$2,700.00	0	\$0.00	-\$2,700.00
B-4	Miscellaneous Excavation & Backfill	-	CY	100	25.00	\$2,500.00	0	\$0.00	-\$2,500.00
	PART B SUBTOTAL					\$11,900.00		\$0.00	-\$11,900.00
	TOTALS:					\$574,943.00		\$581,184.75	\$6,241.75

SUSSEX SHORES SUBDIVISION - CHAPTER 96 SCI PROJECT
PROJECT NO. 14-13 A
UTILITY RELOCATIONS
FINAL BALANCING CHANGE ORDER - DOCUMENTATION OF ADJUSTED QUANTITIES
4/22/2016

The following is a brief explanation for quantity adjustment on the Sussex Shores project.

Item	Description	Adjustment	Explanation
A-1	Mobilization	No adjustment	
			There were various minor adjustments throughout the project which I would consider normal "adjustments". There were also "out of scope" changes made at the request of Delmarva. Of particular note, there was additional conduit installed at the end of Surf out to Pa. Ave, and from Surf to a transformer located at the condo building at the end of Surf Road. There were also a couple of short runs at the ally between Ayers and Bennet. Both 4" and 3" dia conduit were installed.
A-2	4" dia. Rigid PVC Conduit Installation	72 LF above contract amount	
A-3	3" dia. Rigid PVC Conduit Installation	649 LF above contract amount	See explanation for item A-2
A-4	2" dia. HDPE Conduit Installation	1451 LF below contract amount	In general, changes to phone and CATV during construction were minimal compared to electric
A-5	1" dia. HDPE Conduit Installation	876 LF below contract amount	In general, changes to phone and CATV during construction were minimal compared to electric
A-6	Ductbank Trench Excavation	559 LF above contract amount	See explanation for item A-2
A-7	Sand Backfill	520 tons above contract amount	The overage of sand is both due to the additional trench work and the fact that some of the trenches became wider, both due to changes in the amount of conduit placed and managing the difficult soil conditions.
A-8	Dense Graded Aggregate	180 CY below contract amount	Although the ductbank length increased, much of the additional ductbank trenches were in unpaved areas not requiring DGA.
A-9	Restoration Outside Paved Areas	No adjustment	

Date of Issuance: April 26, 2016	Effective Date: April 26, 2016
Owner: Sussex County	Owner's Contract No.: 12-23
Contractor: Kuhn Construction Company	Contractor's Project No.: K14030
Engineer: George, Miles & Buhr, LLC	Engineer's Project No.: 120223.A
Project: Pump Station No. 207 and Force Main	Contract Name: Pump Station No. 207 and Force Main

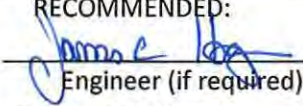
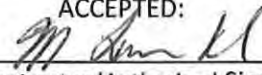
The Contract is modified as follows upon execution of this Change Order:

Description: Correction of Final Adjustment and Balancing of Unit Price Items in the amount of \$4,062.10.

Attachments: *[List documents supporting change]*

1. Revised Final Adjustment and Balancing of Unit Price Items and Change Orders. Spreadsheet dated 4/26/16.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,123,810.90</u>	Original Contract Times: Substantial Completion: <u>270</u> days Ready for Final Payment: <u>60</u> days days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>141,745.31</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>3,982,065.59</u>	Contract Times prior to this Change Order: Substantial Completion: <u>270</u> days Ready for Final Payment: <u>60</u> days days or dates
[Increase] [Decrease] of this Change Order: \$ <u>4,062.10</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days or dates
Contract Price incorporating this Change Order: \$ <u>3,986,127.69</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>270</u> days Ready for Final Payment: <u>60</u> days days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u>	By: _____	By: <u></u>
Engineer (if required)	Owner (Authorized)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title <u>VICE PRESIDENT</u>
Date: <u>4-26-16</u>	Date _____	Date <u>4-27-16</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____

**PUMP STATION NO. 207
SUSSEX COUNTY, DELAWARE
GMB FILE NO. 120223**

"REVISED" FINAL ADJUSTMENT AND BALANCING OF UNIT PRICE ITEMS AND CHANGE ORDERS								
Item No.	Description	Size	Units	Bid Quantity	Unit Price	Actual Quantity	ADD	DEDUCT
SCHEDULE A - UNIT PRICES BID								
A1	Mobilization		LS	1	\$ 200,000.00	1	\$ -	\$ -
A2	New Pump Station #207 Construction & Existing Pump Station Demolition		LS	1	\$ 1,317,000.00	1	\$ -	\$ -
A3	Furnish and Install PVC Force Main (outside pavement)	18"	LF	3897	\$ 85.00	3882	\$ -	\$ (1,275.00)
A3a	Testing PVC Force Main (outside pavement)	18"	LF	3897	\$ 5.00	3882	\$ -	\$ (75.00)
A3b	Restoration PVC Force Main (outside pavement)	18"	LF	3897	\$ 10.00	3882	\$ -	\$ (150.00)
A4	Furnish and Install PVC Force Main (outside pavement)	24"	LF	188	\$ 159.80	188	\$ -	\$ -
A4a	Testing PVC Force Main (outside pavement)	24"	LF	188	\$ 9.40	188	\$ -	\$ -
A4b	Restoration PVC Force Main (outside pavement)	24"	LF	188	\$ 18.80	188	\$ -	\$ -
A5	Furnish and Install PVC Force Main (inside pavement)	18"	LF	215	\$ 204.00	241	\$ 5,304.00	\$ -
A5a	Testing PVC Force Main (inside pavement)	18"	LF	215	\$ 12.00	241	\$ 312.00	\$ -
A5b	Restoration PVC Force Main (inside pavement)	18"	LF	215	\$ 24.00	241	\$ 624.00	\$ -
A6	Furnish and Install PVC Force Main inside pavement)	24"	LF	1624	\$ 157.25	1608	\$ -	\$ (2,516.00)
A6a	Testing PVC Force Main (inside pavement)	24"	LF	1624	\$ 9.25	1608	\$ -	\$ (148.00)
A6b	Restoration PVC Force Main (inside pavement)	24"	LF	1624	\$ 18.50	1608	\$ -	\$ (296.00)
A7	Furnish and Install PVC (inside roadway)	24" w/3" Base Course	LF	1000	\$ 259.25	1032	\$ 8,296.00	\$ -
A7a	Testing PVC (inside roadway)	24" w/3" Base Course	LF	1000	\$ 15.25	1032	\$ 488.00	\$ -
A7b	Restoration PVC (inside roadway)	24" w/3" Base Course	LF	1000	\$ 30.50	1032	\$ 976.00	\$ -
A8	Furnish and Install HDPE Force Main Via Directional Drill without Casing Home Depot Entrance	24"	LF	1	\$ 145,000.00	1	\$ -	\$ -
A9	Plantation Road	24"	LF	1	\$ 174,000.00	1	\$ -	\$ -

"REVISED" FINAL ADJUSTMENT AND BALANCING OF UNIT PRICE ITEMS AND CHANGE ORDERS

Item No.	Description	Size	Units	Bid Quantity	Unit Price	Actual Quantity	ADD	DEDUCT
A10	Rt. 1	24"	LF	1	\$ 368,000.00	1	\$ -	\$ -
A11	Furnish and Install Combination Air Vacuum Valve and Manhole	18"	LS	3	\$ 10,350.00	2	\$ -	\$ (10,350.00)
		24"	LS	2	\$ 17,202.00	2	\$ -	\$ -
A12	Furnish and Install Tee, Valves and Cap at Beaverdam		LS	1	\$ 37,560.00	1	\$ -	\$ -
A13	Furnish and Install termination at PS 210		LS	1	\$ 68,800.00	1	\$ -	\$ -
A14	Mill 2"		LS	6724	\$ 4.90	6723.3	\$ -	\$ (3.43)
A15	Furnish and Install Type C Hot Mix Overlay 2"		LS	6724	\$ 14.80	6723.3	\$ -	\$ (10.36)
A16	Landscaping Allowance	-	LS	1	\$ 15,000.00	0	\$ -	\$ (15,000.00)
SCHEDULE B								
B1	Contingent Unclassified Excavation	-	CY	500	\$ 11.00	6.48	\$ -	\$ (5,428.72)
B2	Contingent Borrow Material, Borrow Type "C" (Backfill)	-	CY	1000	\$ 16.00	383.65	\$ -	\$ (9,861.60)
B3	Contingent Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	-	Ton	200	\$ 25.00	0.00	\$ -	\$ (5,000.00)
B4	Contingent Porous Fill Material, Coarse Aggregate No. 57 Stone	-	Ton	1200	\$ 30.00	0.00	\$ -	\$ (36,000.00)
B5	Contractor Down Time (Main Line Crew)	-	Hour	30	\$ 450.00	0.00	\$ -	\$ (13,500.00)
B6	Furnish and Place 4,000 psi Concrete	-	CY	100	\$ 150.00	11.44	\$ -	\$ (13,284.00)
B7	Replacement of Existing Storm Drain Pipes	-	LF	200	\$ 30.00	0.00	\$ -	\$ (6,000.00)
B8	Asphalt Adjustment	-	LS	1	\$ 10,000.00	0.00	\$ -	\$ (10,000.00)
SCHEDULE C								
C1	Secure Modified Proctor Tests on Trench Backfill	-	EA	10	\$ 150.00	1	\$ -	\$ (1,350.00)
C2	Secure Field Density Tests on trench Backfill	-	EA	120	\$ 75.00	19	\$ -	\$ (7,575.00)
C3	Mill 2"	-	SY	1000	\$ 5.00	410.1	\$ -	\$ (2,949.50)
C4	Furnish and Install Type C Hot Mix Overlay 2"	-	SY	1000	\$ 15.00	410.1	\$ -	\$ (8,848.50)

Subtotal ADD / (DEDUCT) - Sch A thru C

\$ 16,000.00 \$ (149,621.11)

Change Order No.1 -

C01	F&I 18" Flow Meter & Vault		LS	1	\$ 64,088.00	1	\$ 64,088.00	\$ -
C01	F&I 24" PVC in Road (A7)		LF	1150	\$ 305.00	0	\$ -	\$ (350,750.00)
C01	Mill 2" (A14)		SY	1533	\$ 4.90	0	\$ -	\$ (7,511.70)
C01	F&I Type C Hotmix Overlay 2" (A15)		SY	1533	\$ 14.80	0	\$ -	\$ (22,688.40)
C01	F&I 24" FM O.P. Shady Lane (A17)		LF	1150	\$ 272.00	1150	\$ 312,800.00	\$ -
C01	Store Material Moved From A07		LF	1145	\$ 60.25	0	\$ -	\$ (68,986.25)
C01	Stored Material Installed from A07		LF	1145	\$ 60.25	0	\$ 68,986.25	\$ -

Subtotal ADD / (DEDUCT)

\$ 445,874.25 \$ (449,936.35)

"REVISED" FINAL ADJUSTMENT AND BALANCING OF UNIT PRICE ITEMS AND CHANGE ORDERS								
Item No.	Description	Size	Units	Bid Quantity	Unit Price	Actual Quantity	ADD	DEDUCT
TOTAL ADD / (DEDUCT)							\$ 461,874.25	\$ (599,557.46)
Subtotal Change Order No.2 - BALANCING CHANGE ORDER		Net Change		ADD/(DEDUCT)			\$ (137,683.21)	
Less Change Order No.1							\$ (4,062.10)	
Total Change Order No.2							\$ (133,621.11)	
Original Contract Amount							\$ 4,123,810.90	
Change Order No.1							\$ (4,062.10)	
Contract Total Including Previous Change Orders (Total of 1 Change Orders)							\$ 4,119,748.80	
REVISED FINAL CONTRACT TOTAL (with Balancing Change Order)							\$ 3,986,127.69	
Previous Certificates for Payment (No.1-9)							\$ 3,786,821.31	
Subtotal Amount Due							\$ 199,306.38	
Total Due							\$ 199,306.38	

Subtotal Change Order No.2 is inclusive of all items including Change Order No.1. Since Change Order No.2 included Change Order No.1 the revised contract amount should had been the Original Contract Amount of \$4,123,810.90 less the subtotal of change order no.2 of \$137,683.21 which takes the revised final contract total to \$3,986,127.69 (not \$3,982,065.59 as noted on Change Order No.2).

Since the contract was reduced by \$4,062.10 by Change Order No.1 then the amount of Change Order No.2 should had been \$137,683.21 - \$4,062.10 = \$133,621.11.

Therefore Change Order No.3 is for the amount of \$4,062.10 which was previously deducted twice.

OLD BUSINESS
May 3, 2016

This is to certify that on February 25, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change of Zone. At the conclusion of the public hearing, the Commission moved and passed that this application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

PUBLIC HEARINGS

C/Z #1795 – Bay Forest Club, LLC c/o Natelli Communities, Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC (Medium Density Residential District – Residential Planned Community) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for the purpose of correcting the number of units for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 385.00 acres, more or less. The property is located east of Road 347 (Whites Neck Road) and north of Road 349 (Old Mill Road) (911 Address; None Available) Tax Map I.D. 134-8.00-15.02 and numerous other parcels.

Mr. Lank advised the Commission that DelDOT comments were not requested since the purpose of this application is to correct the number of units within the project.

The Commission found that the County Engineering Department Utility Planning Division provided comments on this application on February 23, 2016 referencing that the project is within the Millville Expansion Area of the Bethany Beach Sanitary Sewer District; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$6,304.00 per EDU; that the parcels will receive sewer service through an extension of existing sewers within the existing Bay Forest Club; that the developer will undertake construction of necessary extensions at their cost; that conformity to the South Coastal Area Planning Study, 2005 Update will be required; that connection to the sewer district is mandatory; that the proposed project is in a recent expansion area and sanitary sewer service is available to the parcels; that the proposed project is within planning study assumptions for sewer service and

there will be adequate capacity for the projects proposed 913 units as indicated on the approved sanitary sewer concept plan; that the County requires design and construction of the collection and transmission system to meet County Engineering Department requirements and procedures; that the County Engineer must approve the connection points; that a sewer concept plan was approved for 913 units on December 1, 2015; that if pipeline alignments will change, a revised sanitary sewer concept plan must be submitted for review and approval; and that a concept plan is required.

The Commission found that Morris Ritchie Associations, Inc. provided an Exhibit Booklet on behalf of the applicants referencing the application; an introduction; references to existing conditions; proposed conditions; RPC conditions; a conclusion with attached exhibits of the Amended Master Plan, and a plan of a portion of the project north of Collins Creek.

Mr. Lank advised that Commission that the Department had received 14 mail returns to date of the approximate 580 public notices mailed.

The Commission found that Tom Natelli of Natelli Communities was present on behalf of the application with James Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A., and Ken Usab, Professional Engineer with Morris & Ritchie Associates, Inc. and that they stated in their presentation and in response to questions raised by the Commission that the Bay Forest Residential Planned Community project was approved in 2004 for 808 units; that in 2008 the site plan for the project was amended to incorporate the boundaries of the Byewood Subdivision and that the access to the Byewood Subdivision was relocated internally into the project; that in 2014 a rezoning application was filed and approved incorporating the Jim's Hideaway campground property and the Mitchell property into the project for an additional 84 units and a relocated entrance design creating a total of 892 units; that in redesigning the layout of the project there were several enclaves of small areas found that could be converted to additional lots; that this proposal is intended to correct and improve those areas with 21 additional units for a total of 913 units overall; that the County Engineering Department has confirmed that 913 units are within sewer capacity allocations; that originally buffers existed between the project and the Jim's Hideaway and the Mitchell properties; that by incorporating those properties the buffers were removed; that the 21 units will be a part of the project; that central water and central sewer are provided; that the streets interconnect; that they are submitting suggested Findings of Fact and Conditions of Approval for consideration; that the units have been intended since the project first started; that the overall land plan has not changed; and that the area being developed includes the proposed 21 unit expansion.

The Commission found that there were no parties present in support of the application.

The Commission found that Robert Danzig was present, not in opposition, but questioning if one of the areas proposed for additional units is the site of the model home under-construction or in wetlands.

The Commission found that Mr. Usab responded that the units will be adjacent to the model home and not in any wetlands.

The Commission found that Joseph Loughran, a resident in the project, stated that a single family home model and a townhouse model exist in the project.

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

On February 25, 2016 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On March 10, 2016 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Change of Zone No. 1795 for Bay Forest Club, LLC, c/o Natelli Communities, Inc. for a change in zone to an MR-RPC Medium Density Residential District – Residential Planned Community for the purpose of correcting the number of units within the existing approved Residential Planned Community project based upon the record made during the public hearing and for the following reasons:

This is an infill in the existing Residential Planned Community development. It consists of several scattered home-sites within the overall project. The areas will be integrated into the existing development and will be subject to the conditions imposed upon Change of Zone No. 1526 and Change of Zone No. 1741 with the exception of the total number of units for the development.

The number of units associated with this application shall be 21. As a result, the total number of units for the Bay Forest project shall now be 913 units.

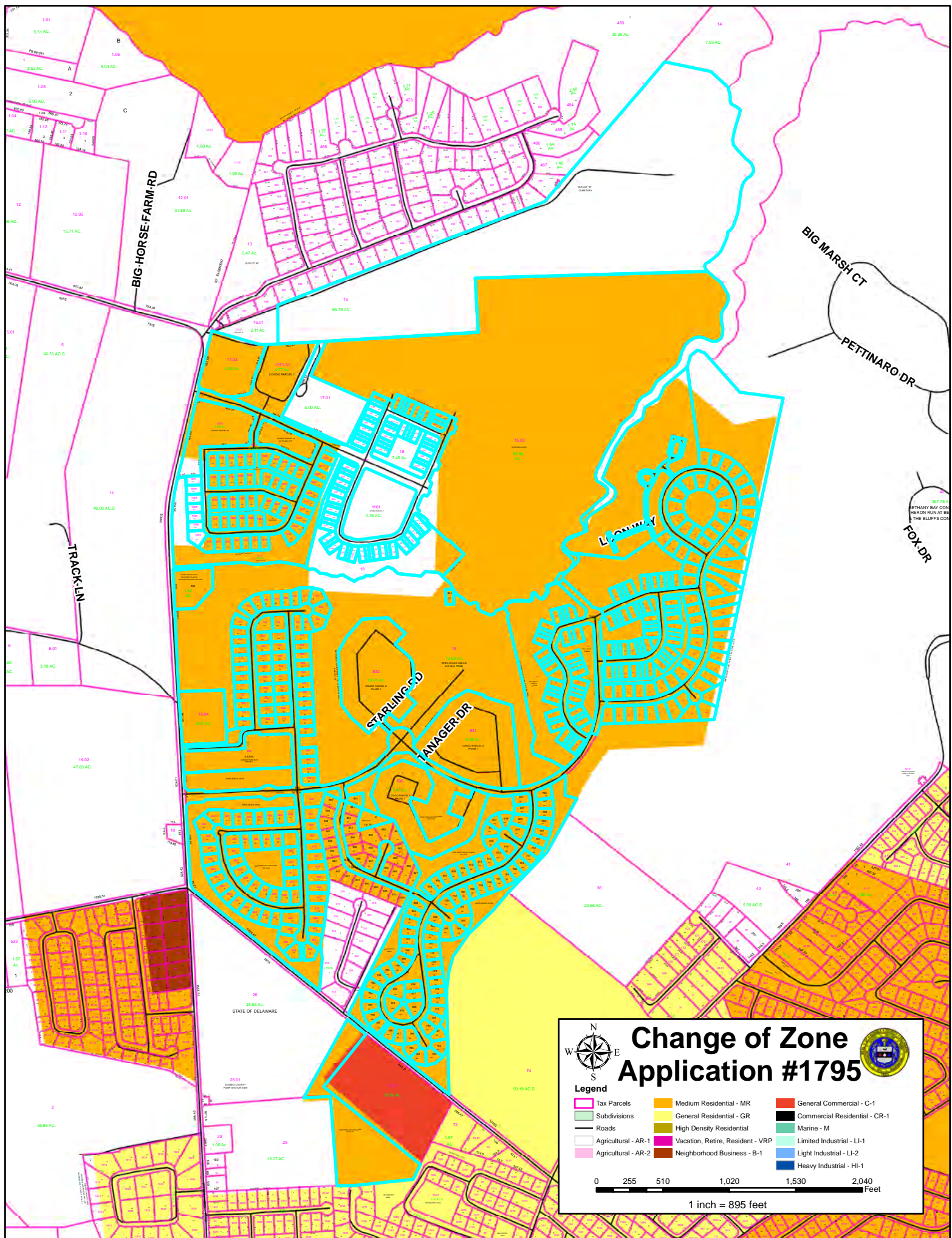
The additional units fall within the sewer capacity allocated to this project.

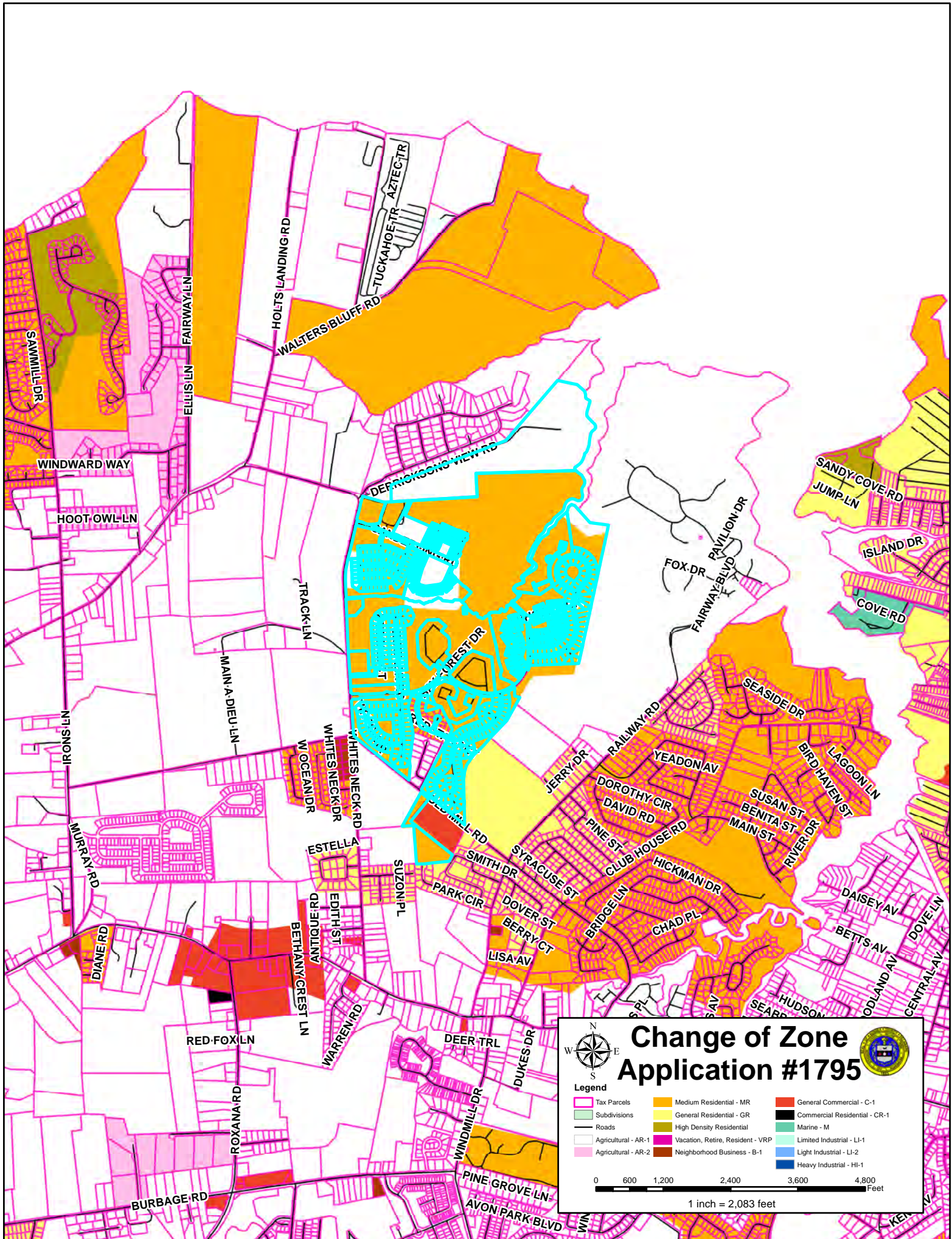
Any wetlands within the area covered by this application shall be appropriately and clearly marked for the information of the residents and the homeowners association.

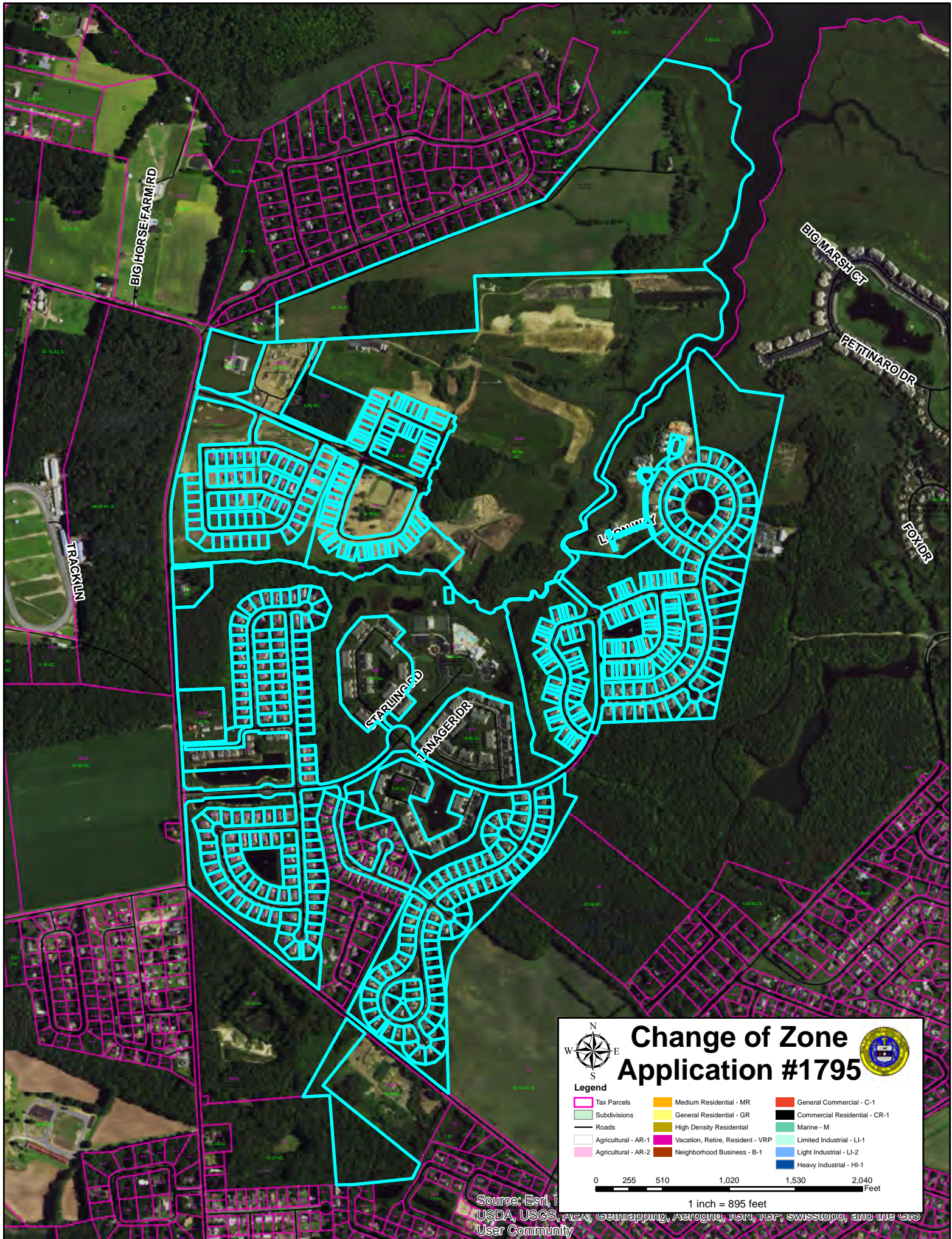
No parties appeared in opposition to this application.

Before the applicant may proceed with any construction of the areas covered by this application, the applicant shall submit a revised Master Plan combining Change of Zone No. 1526 and Change of Zone No. 1741 and this change of zone application into the entire Bay Forest development. This Master Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons stated. Motion carried 4 – 0.







Introduced 2/02/16

Council District No. 4 - Cole

Tax Map I.D. No. 134-8.00-15.02 and numerous other parcels

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR THE PURPOSE OF CORRECTING THE NUMBER OF UNITS FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385 ACRES, MORE OR LESS

WHEREAS, on the 1st day of October 2015, a zoning application, denominated Change of Zone No. 1795 was filed on behalf of Bay Forest Club, LLC c/o Natelli Communities, Inc.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1795 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Road 347 (Whites Neck Road) and north of Road 349 (Old Mill Road) and being more particularly described per the attached legal description prepared by Morris & Ritchie Associates, Inc. and containing 385 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.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Girl Scout Troop 1482		
PROJECT NAME:	Odyssey of the Mind Team		
FEDERAL TAX ID:	51-0064337	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	c/o Girl Scouts of the Chesapeake Bay		
	225 Old Baltimore Pike		
	Newark	DE	19702
	(CITY)	(STATE)	(ZIP)
PHONE:	800-341-4007	EMAIL:	
CONTACT PERSON:	Rebecca Lowe		
TITLE:	Leader, Girl Scout Troop 1482/Coach, Odyssey of the Mind Team		
ADDRESS:	7 Drake Knoll		
	Lewes	DE	19958
	(CITY)	(STATE)	(ZIP)
PHONE:	302-381-1124	EMAIL:	rebecca.w,lowe@gmail.com

TOTAL FUNDING REQUEST: \$ 1,000.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 500.00

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? 11.6

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☐ Other _____

- ☐ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons

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

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

8

SECTION 3: PROGRAM SCOPE

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

We are Girl Scout Troop 1482, based in Lewes. Five years ago we formed an Odyssey of the Mind (OM) team. OM is an international educational program for students from kindergarten through college that reinforces STEAM (Science, Technology, Engineering, Art, and Math) learning through creative problem-solving, teamwork, healthy competition, and, most importantly, fun. Team members apply their creativity and intelligence to solve problems ranging from building mechanical devices to presenting their own interpretation of literary classics. They then bring their solutions to competition on the local, state, and World level.

We are juniors who attend the following schools: Cape Henlopen High School, Sussex Technical High School, and Sussex Academy. We are the first Girl Scout OM team in Delaware and one of the few in the nation. In 2013 we were the first Girl Scout OM team in Delaware history to earn the right to go to the World Finals and have been honored to return to Worlds in 2014 and 2015. Last year, at the World Finals in Michigan, our team competed against 58 other teams in our division and tied for 9th place overall and placed first in our division in the Spontaneous Problem Solving portion of the competition.

On April 9, 2016 our team competed in the Delaware State Tournament and for a fourth time will represent Delaware at the OM World Finals in May 2016 in Iowa. We competed in Problem 3 against 7 other high school teams in our division. We placed first and were one of only two teams in the entire tournament (out of 102 teams participating) that earned the 350 Club Award. This award celebrates the rare occurrence of a team receiving top scores in every facet of the OM competition, resulting in a perfect score of 350.

The total cost to send six team members, one coach, and one adult chaperone to the World Finals in Iowa is \$8800. To date we have raised \$4000. We are seeking funding from a variety of sources to cover the remaining amount and would appreciate any assistance you could provide. Last year Sussex County Council gave our team a grant of \$500 to attend the 2015 World Finals. We would like to ask Council to consider awarding us a \$1000 grant this year, as it is significantly more expensive to travel to Iowa than Michigan.

By supporting this project, you help promote the mission of Girl Scouts - building girls of courage, confidence, and character, who make the world a better place. You also will help foster creativity, teamwork, and problem solving. We hope our success in OM will encourage other girls and Girl Scouts, in particular, to try Odyssey of the Mind.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 4,000.00
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)	
Travel (round trip airfare and rental van in Iowa)	-3278
Food and lodging	-4820
Mandatory Delaware OM t-shirts	-80
Pins for trading (a popular activity at Worlds)	-450
TOTAL EXPENDITURES	-\$ 8,628.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 4,628.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Girl Scout Troop 1482 agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Rebecca Lowe

Applicant/Authorized Official

April 17, 2016

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

Submit

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	The Town of Laurel		
PROJECT NAME:	4th of July Fireworks Display		
FEDERAL TAX ID:	51-6000168	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	201 Mechanic Street		
	Laurel	De	19956
	(CITY)	(STATE)	(ZIP)
PHONE:	3028752277	EMAIL:	laureltm@comcast.net
CONTACT PERSON:	Jamie Smith		
TITLE:	Town Manager		
ADDRESS:	201 Mechanic Street		
	Laurel	De	19956
	(CITY)	(STATE)	(ZIP)
PHONE:	3028752277	EMAIL:	laureltm@comcast.net

TOTAL FUNDING REQUEST: \$ 1,200.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 1,000.00

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? 7.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
8,000

SECTION 3: PROGRAM SCOPE

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

The funding being requested is to go towards the cost of the Town of Laurel's annual fireworks display. The total cost display is \$16,000. The 4th of July event is in its 22nd year of existence. The event includes a parade, musical entertainment, food and non food vendors and the highlight of the day is the wonderful fireworks display. People come from all over to watch our fireworks. They jam the town, park along U. S. Route 13, park all along Woodland Ferry Road all the way to Bethel.


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	\$ 16,000.00
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)	
Fireworks	16000
TOTAL EXPENDITURES	\$ 16,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 32,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Laurel agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.


 Applicant/Authorized Official

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION

NAME: TRUE BLUE JAZZ INC.

PROJECT NAME: 2016 TRUE BLUE JAZZ SERIES

FEDERAL TAX ID: 47-1429059

NON-PROFIT: ☒ YES ☐ NO

ADDRESS: 31408 Heron Circle

Lewes
(CITY)

DE
(STATE)

19958
(ZIP)

PHONE: 610-804-5048

EMAIL: info@truebluejazz.org

CONTACT PERSON: Eddie Sherman / Peggy Raley

TITLE: Founders / Co-Producers

ADDRESS: 31408 Heron Circle

Lewes
(CITY)

DE
(STATE)

19958
(ZIP)

PHONE: 610-804-5048

EMAIL: info@truebluejazz.org

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?

1000.00

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

☒ YES ☐ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|--|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Other <u>Sussex Co. Resident & Tourist E</u> | | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
1000

SECTION 3: PROGRAM SCOPE

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. True Blue Jazz Inc. is an Independent Jazz Series. We are a recognized 501c3. Born out of an overwhelming fan response to our single-night Supper Club Shows, True Blue Jazz was conceived in 2013, and is produced by Eddie Sherman and Peggy Raley. True Blue Jazz is focused on "Straight Ahead" or "Mainstream" Jazz, and features songs of the Great American Standards Songbook from 1900 to present day. 2016 celebrates our fourth year honoring America's singularly original Art Form....JAZZ. True Blue Jazz has a dedicated mission of "Preservation through Performance". We promote LIVE Straight Ahead Jazz throughout our local community of Rehoboth Beach, across the Cape Region, and beyond. Uniquely, True Blue Jazz has created a Youth Jazz Educational Initiative that serves to educate and inspire the next generation of Jazz Musicians that are being trained by our area School Music Curriculums. Sussex County Jazz Students receive discounted admission to Shows, attend Workshop with Jazz Pros, Meet & Greets with the Artists, are featured on True Blue Jazz performance venue stages, and...they vie for Scholarships. Though only a few years old, True Blue Jazz has seen several of the young student musicians we have been involved with make great strides in the mastery of their chosen instrument. They have achieved serious growth and maturity as performing artists. At this time, we have one former Cape HS Tenor Sax musician that completed a University Music Degree, and has gone on to be signed to tour internationally with the Glenn Miller Orchestra. Another current Cape HS Senior, an Alto Sax student, recently received two local Scholarships (one of these from True Blue Jazz partnered with the Rehoboth/Dewey Beach Chambers). She has been accepted by 3 University Music Education Programs. She plans to accept and attend one of these Colleges, to graduate as a Music Educator, as well as a working professional performing artist herself. These were, and are the kids, that are playing in our local Sussex County High School Bands. The encouragement, guidance, support, and welcome to our True Blue Jazz Stages that these student musicians receive from all of the professional musicians they find themselves among, is key to building their confidence and surety as performers, as well as inspiring them to strive for improvement as a player and performer. Focus and dedication to a music education in the formative years of any young person, definitively contributes immeasurably to building a better, stronger, and smarter adult citizen and member of our communities.

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	10,986.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel: (Entertainers, Concert /Production Staff)	(-13,500.00)
Operating Costs: (Hotel, F&B, Phone, Net, Office Supply)	(-2500.00)
Event / Production Insurance:	(-1200.00)
Advertising & Promotion:	(-5500.00)
Venue / Equipt Expenses: (Rental or Purchases)	(-11,000.00)
Online Ticketing / PayPal Service Fees:	(-1300.00)
Total Deficit For Project or Organization	(-35,000.00)
TOTAL EXPENDITURES	0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the TRUE BLUE JAZZ INC. agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Eddie Sherman / Peggy Raley - Founders/Producers
Applicant/Authorized Official

April 13, 2016
DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Friends of the Bridgeville Library		
PROJECT NAME:	Summer Reading Program and Team Program		
FEDERAL TAX ID:	13-4364310	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	Bridgeville Library		
	600 South Cannon Street		
	Bridgeville	DE	19933
	(CITY)	(STATE)	(ZIP)
PHONE:	302-337-7401	EMAIL:	karen.johnson@lib.de.us
CONTACT PERSON:	Patricia Jordan-Smith		
TITLE:	Vice-President, Friends of the Bridgeville Library		
ADDRESS:	59 Ruddy Duck Lane		
	Bridgeville	DE	19933
	(CITY)	(STATE)	(ZIP)
PHONE:	302-337-7186	EMAIL:	thimspat@aol.com

TOTAL FUNDING REQUEST: \$ 750.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 500.00

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

☒ YES ☐ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

2,384

SECTION 3: PROGRAM SCOPE

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

The Friends of the Bridgeville Library would like to make a donation to support the local library summer reading program. We are definitely interested in supporting the summer teen program. We are planning to promote both of these programs to the three area schools. Summer reading programs help children retain and enhance their reading skills over the summer. In addition, the Bridgeville Library provides a haven for children to have a positive environment for reading. What's more, the number of books that children read during the summer is consistently related to academic gains.

The Bridgeville Library has an outstanding program this year to keep both children and teens reading and being entertained for the summer. The Friends of the Bridgeville Library believe that it is crucial to keep the children in our community involved with positive and entertaining activities. Specifically, we are hoping to support the library with the following programs:

Tom Crowl's " The Hungry Games" Summer Reading Program
A performance of "Puss in Boots" by the Rehoboth Summer Children's Theatre
Teen Team Olympics

Please note that for the Budget in Section 4 that I have just listed the programs that the Friends of the Bridgeville Library would like to support with your grant.

Thanks you.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Tom Crowl's "The Hungry Games" Summer Reading Program	295
Puss and Boots by the Rehoboth Summer Children's Theatre	195
Teen Olympics	260
TOTAL EXPENDITURES	\$ 750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 750.00

SECTION 5: STATEMENT OF ASSURANCES

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

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Patricia Jordan-Smith, Vice President, Friends of the Bridgeville Library

 Applicant/Authorized Official

April 13, 2016

 DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAME: Lower Sussex Little League

PROJECT NAME: Operating expenses - registration fees

FEDERAL TAX ID: 51-0256243 NON-PROFIT: ☒ YES ☐ NO

ADDRESS: 34476 Pyle Center Rd.

Frankford De. 19945
(CITY) (STATE) (ZIP)

PHONE: 302-539-4768 EMAIL: brucelayton@verizon.net

CONTACT PERSON: Bruce Layton

TITLE: President

ADDRESS: P.O. Box 320

Ocean View De. 19970
(CITY) (STATE) (ZIP)

PHONE: 302-539-4768 EMAIL: brucelayton@verizon.net

TOTAL FUNDING REQUEST: \$ 5,000.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 2,500.00

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 2.1

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☐ Other _____

- ☐ Cultural
☐ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons

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

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

700

Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.
We charge \$65.00 per child for registration fees. We currently have 74 children that could not pay.
 $\$65.00 \text{ times } 74 \text{ children} = \$4,810.00$

Our annual budget runs approximately \$236,000.00.

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

If this grant application is awarded funding, the Lower Sussex Little League agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Bruce Layton

Applicant/Authorized Official

3-10-16

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Friends of the Georgetown Public Library

PROJECT NAME: Annual 5K Race/Walk

FEDERAL TAX ID: 51-0403103 NON-PROFIT: ☒ YES ☐ NO

ADDRESS: 123 W. Pine Street

Georgetown DE 19947
(CITY) (STATE) (ZIP)

PHONE: 302-228-9165 EMAIL: alix.robinson@state.de.us

CONTACT PERSON: Alix Robinson

TITLE: Board Member at Large

ADDRESS: 111 S. Front Street

Georgetown DE 19947
(CITY) (STATE) (ZIP)

PHONE: 302-228-9165 EMAIL: alix.robinson@state.de.us

TOTAL FUNDING REQUEST: \$ 300.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 250.00

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

☒ YES ☐ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

Unknown

SECTION 3: PROGRAM SCOPE

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

This request is made on behalf of the Friends of the Georgetown Public Library to help fund our annual 5K Race/Walk. The funds the Friends raise as a result of this fundraising effort go to help finance the Library's budget. By way of example, in the past, the Friends have specifically allocated funds for the Library's e-book collection and toys for the children's area. In general, the Friends use 100% of the money raised to help cover the Library's operating costs.

All members of the public but specifically residents of Sussex County benefit from the wonderful services the Library offers to the public. Of particular interest to Council members may be the internet access provided to those residents who do not have internet access in their residences.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 4,000.00
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)	
Operating Costs (fee paid to Seashore Striders, estimated)	\$1000.00
TOTAL EXPENDITURES	\$ 1,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 5,000.00

SECTION 5: STATEMENT OF ASSURANCES

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

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Alix Robinson

Applicant/Authorized Official

4/22/16

DATE

To Be Introduced 05/03/16

Council District No. 4 – Cole

Tax I.D. No. 234-34.00-298.01 & 292.00

911 Address: 30842 Downs Landing Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.5052 ACRES, MORE OR LESS

WHEREAS, on the 14th day of March 2016, a conditional use application, denominated Conditional Use No. 2049 was filed on behalf of Blue Claw, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2049 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2049 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 southeast of Downs Landing Road (Road 313A) 235 feet southwest of River Road (Road 312) and being more particularly described in Deed Book 4516 Page 243 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.5052 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 05/03/16

Council District No. 3 – Deaver

Tax I.D. No. 135-11.00-78.00

911 Address: 24616 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE WITH GAS DISPENSERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS

WHEREAS, on the 16th day of March 2016, a conditional use application, denominated Conditional Use No. 2050 was filed on behalf of Two Farms, Inc. c/o Jack Whisted; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2050 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2050 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes Georgetown Highway (Route 9) and Gravel Hill Road (Route 30) and being more particularly described as:

BEGINNING at a point on the southerly right-of-way of Lewes-Georgetown Highway (U.S. Route 9) a corner for these subject lands and lands, now or formerly, of James L. and Janet L. Mitchell; thence South 21°50'01" East 326.08 feet along said Mitchell lands to a point; thence North 65°20'50" East 158.90 feet along said Mitchell lands to a point; thence South 23°15'28" East 96.52 feet along lands, now or formerly, of Willard T. Hill, to a point; thence South 65°06'56" West 421.20 feet along lands, now or formerly, of Norman C. Barnett

to a point on the easterly right-of-way of Gravel Hill Road (Route 30); thence North 23°11'05" West 288.54 feet along the easterly right-of-way of Gravel Hill Road to a point; thence North 16°19'27"East 98.38 feet along the corner cut for the intersection of Gravel Hill Road and Lewes–Georgetown Highway to a point; and thence northeasterly 205.46 feet along the southerly right-of-way of Lewes-Georgetown Highway to the point and place of beginning, said parcel containing 2.86 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

To Be Introduced 05/03/16

Council District No. 4 – Cole

Tax I.D. No. 234-12.14-54.00

911 Address: 22874 Cypress Drive, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.236 ACRES, MORE OR LESS

WHEREAS, on the 31st day of March 2016, a conditional use application, denominated Conditional Use No. 2051 was filed on behalf of Dale Thaxton; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2051 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2051 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 east of Camp Arrowhead Road (Road 279) southwest of Cypress Drive 125 feet northwest of Maple Lane and being Lot 50, Angola Neck Park Subdivision, and being more particularly described in Deed Book 3636, Page 105, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.236 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 05/03/16

Council District No. 2 – Wilson

Tax I.D. No. 530-14.00-13.00, 14.00, 16.00 and 18.01

911 Address: 14198 Sussex Highway, Greenwood

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS

WHEREAS, on the 18th day of April 2016, a conditional use application, denominated Conditional Use No. 2052 was filed on behalf of Delaware Electric Cooperative, Inc.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2052 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2052 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 Northwest Fork Hundred, Sussex County, Delaware, and lying west of Sussex Highway (U.S. Route 13) north of Adams Road (Road 583) and east of Cart Branch Road (Road 583A) and being more particularly described in Deed Book 325, Page 504; Deed Book 364, Page 61; Deed Book 479, Page 384; Deed Book 1156, Page 248; and Deed Book 1779, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 20.48 acres, more or less, within the referenced road boundaries.

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 05/03/16

Council District No. 4 - Cole

Tax Map I.D. No. 234-23.00-307.02

911 Address: 32549 Long Neck Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS

WHEREAS, on the 31st day of March 2016, a zoning application, denominated Change of Zone No. 1801 was filed on behalf of Long Neck Road, LLC; and

WHEREAS, on the ____ day of ____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1801 be ____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying north of Long Neck Road (Route 22), 1,850 feet east of Banks Road (Road 298) and being more particularly described in Deed Book 4445, Page 185, in the Office of the Recorder of Deeds in and for Sussex County, said property containing 0.689 acre, more or less.

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

To Be Introduced 05/03/16

Council District No. 3 - Deaver

Tax Map I.D. No. 335-12.00-Part of Parcel 3.00

911 Address: None Available (Acreage)

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.66 ACRES, MORE OR LESS

WHEREAS, on the 18th day of April 2016, a zoning application, denominated Change of Zone No. 1802 was filed on behalf of J.G. Townsend Jr. & Co.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1802 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the southeasterly corner of Gills Neck Road (Road 267) and Kings Highway (Road 268) and being more particularly described as:

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southerly side of Gills Neck Road (Road 267) and the easterly side of Kings Highway (Road 268); being located in Lewes and Rehoboth Hundred, Sussex County, Delaware; said piece or parcel of land being a portion of the lands of J. G. Townsend, Jr. & Co.; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the southerly right-of-way line of Gills Neck Road (Road 267, width varies) with the easterly right-of-way line of Kings Highway (Road 268, 100' wide); said beginning point being coordinated on the Delaware State Grid System as North 275,225.16 feet, East 732.729.15, thence:

- 1) leaving said Kings Highway and running by and with said southerly right-of-way line of Gills Neck Road, South 75°47'58' East 410.52 feet to a point, thence,**
- 2) leaving said Gills Neck Road and running through the lands of J.G. Townsend, Jr. & Co., the following two courses and distances, South 21°53'57' West 1,292.42 feet to a point, thence running,**
- 3) North 68°06'03" West 395.24 feet to a point on the aforesaid easterly right-of-way line of Kings Highway, thence,**
- 4) running by and with said Kings Highway, the following two courses and distances, by and with a curve deflecting to the right with an arc length of 79.47 feet, a radius of 4237.52 feet, a chord bearing and distance of North 20°51'37" East 200.08 feet, thence running,**
- 5) North 21°23'51" East 1,158.01 feet to the point and place of beginning; containing 11.66 acres of land, more or less;**

SUBJECT TO and together with easements, conditions and restrictions as shown on the plot entitled "Gills Neck Road, Chesapeake Utilities Easement", as recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 183, Page 34.

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

PUBLIC HEARINGS

May 3, 2016

This is to certify that on January 28, 2016 and on February 25, 2016 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that this applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

PUBLIC HEARINGS

C/U #2042 – Beachfire Brewing Company, LLC

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for a microbrewery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5,000 square feet, more or less. The property is located at the southeast corner of Central Avenue and Johnston Street (911 Address: 19841 Central Avenue, Rehoboth Beach) Tax Map I.D. 334-13.20-24.00.

The Commission found that the applicant provided a survey of the property showing the existing pole building and gravel parking area on the site.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on October 28, 2015 referencing that a Traffic Impact Study was not recommended and that the current Level of Service of Road 273 (Hebron Road) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on January 27, 2016 referencing that the property is located in the West Rehoboth Expansion Area; that wastewater capacity is available based upon the assumption that the total equivalent dwelling unit (EDU) sewer assessment does not exceed 4.0 EDUs; that the actual EDU assessment for the proposed use as a brewery is not known; that Ordinance 38 construction will not be required; that the current System Connection Charge Rate is \$5,775.00

per EDU; that the parcel is served with a 6-inch lateral located along the parcel frontage on Johnston Street and the applicant's Engineer/Architect shall determine whether sufficient capacity is provided or the installation of an 8-inch lateral shall be required; that installation of a larger lateral shall be performed at the applicant's expense; that conformity to the North Coastal Planning Study will be required; that a concept plan is not required; that Best Management Practices or Industrial Permit is required; that in order to determine whether a Best Management Practices or Industrial Permit is required, the applicant shall complete an Industrial Waste Program Survey and Questionnaire; that the application can be obtained from and submitted to the Director of Utility Permits; that the applicant shall submit said survey and questionnaire prior to requesting a building permit; that the applicant will be advised of the appropriate application fee due after permit type is determined; and that the applicant shall anticipate providing a sampling port and flow meter as part of the distillery process plumbing.

Mr. Lank advised the Commission that the Department has received seven (7) letters in support of the application from immediate neighbors and area residents. Copies of the letters were provided for the Commission for review.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A. was present on behalf of Beachfire Brewing Company, LLC with Harry Metcalfe and Patrick Staggs of Beachfire Brewing Company, LLC and that they stated in their presentation and in response to questions raised by the Commission that the site is already improved by a pole building containing 1,500 square feet with a bathroom; that their primary intent is to establish a research developmental facility for testing and tasting of distilled flavors of craft beers; that the site is zoned C-1 General Commercial; that they are proposing a small tasting room containing approximately 390 square feet of public space with seating for 20 clients/customers; that they anticipate processing 37 barrels of craft beer per month, which is only 11% of a typical brewpub licensed application; that spent grains from the processing/distilling operation will be shipped or picked up by a local farmer; that flow meters have already been installed; that the site is just off of the bike trail and that they hope to attract some of the cyclist coming off of the trail; that bike racks will be installed; that deliveries will be at a minimum; that there will be limited distribution from this location since it is intended to be a testing facility; that once they get their product line established they hope to create a production facility at a larger site more centralized in the County; that there are several storage and warehouse facilities in the immediate area; that they anticipate a minimal amount of traffic; that one of the partners has a background in the brewing business; that they have established financial backing; that they are not aware of any proposed residential units being planned in the general area; that they have received several letters in support of the application from neighbors and area residents; that a restaurant could have been built on the site without a public hearing; that they will have two (2) brewers and one (1) maintenance employee on site; that entry access will be from Central Avenue; that the parking lot is already paved; that the only outside improvements will be the propane tanks; that business hours for the tasting room will be from 11:00 a.m. to midnight six (6) days per week during the summer season, and three (3) to (4) days per week during the off season; that brewing will be performed daily/year round; that the facility will be a full service micro-brewery as brewed on-site; that signage will only be on the building; that the outside appearance of the building will appear to be a warehouse; and that they will be using a steam-boiler with no odors discharged outside.

The Commission found that Brenda Melbourne and Reverend Janet Maull Martin were present in opposition and expressed concerns about the impact on the community and the children in the community; that several children live in close proximity to the building; that they oppose the intended tasting use; that they are concerned about truck traffic; that the Commission should defer or deny to allow the applicants to meet with the residents of the area; that the building appeared overnight; that no one in the neighborhood knew what was going to take place on the property; that it is a case involving alcohol and a tasting room in a microbrewery and will impact a residential community; that a recent proposal for a microbrewery in Dewey Beach had that application rejected by local residents and the Town Council until a compromise was reached; that that application was on a major artery road where bars already exists; that the applicants are proposing a brewery pub and that traffic to the brewery pub will impact Central Avenue in the West Rehoboth area; that Central Avenue contains a small cluster of homes with five (5) families with nine (9) children; that Central Avenue is only a short block away from Hebron Road; that there are a few business establishments on Hebron Road, but they are not high traffic retail operations; that the applicants did not contact local residents about their plans, except for the family that they have helped with water; that the applicants have not contacted the West Side New Beginning Board; and that the applicants should have taken the time to meet with the residents to establish a good community relationship and understanding of the concerns from the residents of the West Rehoboth area.

The Commission found that Tim Cottor was present, not in opposition, but with concerns about odors and the impact on the proposed Henlopen Station expansion; questioning the use of a temporary facility; that he has concerns about noises; and that he has no objection to the tasting room.

The Commission found that Patrick Staggs, a partner and brewer, in response to questions raised by the Commission, stated that noise is minimal, an internal pump noise that should not be heard outside of the building; that there should not be any odors outside; that spent grains will be picked up daily by a local farmer; that the equipment is state-of-the art with modern technologies; that cleanliness improves quality; that their purpose and intent is to create flavors for testing; that some neighbors have stopped by and introduced themselves, and voiced no objections; and that they have met several of the neighbors.

The Commission found that Harold Dukes, in response to questions raised by the Commission, stated that the immediate neighbors, who have children, were notified and have voiced no objections.

The Commission found that Brenda Melbourne requested to ask a question and was permitted, questioning if children are allowed in the tasting room; and advising the Commission that Carol Hazzard, the neighbor across the street, was not notified of the application.

The Commission found that Harry Metcalfe advised them that a tasting room serves samplings of craft brews that are created on the premises; that their proposal is not a sit down and drink all day bar, it is a microbrewery in a 1,500 square foot building with a tasting room which has 12 stools,

and 2 table that seat 4 people; that there are no outside speakers; and that children are allowed in the tasting room, but not allowed to seat at the bar.

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

On January 28, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On February 11, 2016 the Commission discussed this application under Old Business.

Mr. Smith stated that he is prepared to make a motion on this application and asked the Commissioners if they had any comments prior to his motion; that the Commission holds public hearings so that they can make a recommendation to the Sussex County Council; and that the Delaware ABC (Alcoholic Beverage Commission) also has jurisdiction.

Mr. Robertson added that Federal regulations also exist for breweries.

Mr. Johnson stated that the site is already zoned C-1 General Commercial and could permit a bar or restaurant without the necessity of a public hearing.

Mr. Robertson added that the primary use intended is the brewery.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2042 for Beachfire Brewing Company, LLC for a conditional use for a micro-brewery based upon the record made during the public hearing and for the following reasons:

- 1) This is an application for a micro-brewery in a C-1 General Commercial District.
- 2) In the C-1 General Commercial District, taverns, restaurants with alcoholic beverage services, bars and other commercial uses are permitted by right. This Conditional Use, except for the fact that the applicant is manufacturing the beer on the premises as a primary use, is similar to permitted uses under the C-1 General Commercial regulations.
- 3) The conditional use is limited by the size of the property, the building already situated upon it and parking requirements. These factors limit the size and scope of the use and the applicants have stated that they have no intentions of expanding the use.
- 4) Aside from the brewing operations, the tasting area will be very small, with very few seats. Again, this is a smaller public space for the consumption of alcohol than would be permitted within a restaurant under the property's C-1 General Commercial zoning.
- 5) The brewing operations will not have an adverse effect on the neighboring properties or the community. The applicants have stated that all the brewery operations will occur within the building, and there are not any sounds or smells that will come from the building during these operations.
- 6) The tasting area of the micro-brewery will not adversely affect neighboring properties, roadways or the community. Again, it is small in scope and no different than other uses permitted under the C-1 General Commercial zoning.
- 7) This recommendation is, however, subject to the following conditions:
 - a. The applicant must comply with all State and Federal requirements for the brewery and tasting room operations.

- b. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.
- d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.
- e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #2045 – 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 31.34 acres, more or less. The property is located southwest of Oak Orchard Road (Route 5 and Road 297) approximately 600 feet south of John J. Williams Highway (Route 24) and fronting the southerly right-of-way of John J. Williams Highway (Route 24). (911 Address: None Available). Tax Map I.D. 234-29.00-69.01 – 69.11.

The Commission found that DelDOT provided comments in the form of a letter, dated December 2, 2015, and a Support Facilities Report referencing that since this project will generate less traffic than the commercial/business uses that could be established by commercially developing the site a Traffic Impact Study is not warranted; that a Traffic Impact Study was performed for the original proposed commercial development of the site; and that the applicant will still be required to make an equitable contribution toward the DelDOT project at the intersection of Route 24/Oak Orchard Road/Mount Joy Road.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum on February 23, 2015 referencing that the project is in the Oak Orchard Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,510.00 per EDU; that sewer connection points are available; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that sewer capacity is available on the basis of 6.67 EDU per acre or 142 EDU; that the project slightly exceeds sewer system design assumptions; that sewer connection points have been provided; that an existing sewer easement across the property will be addressed during the concept plan review phase; that the County requires design and construction of the collection and transmission system to meet County Engineering requirements and procedures; that the County Engineer must approve the connection points; that a sewer concept plan must be submitted for review and approval prior to any sewer construction; that one time system connection charges will apply; and that a concept plan is required.

The Commission found that Davis, Bowen & Friedel, Inc. provided copies of the PLUS comments and their responses to PLUS; an Environmental Assessment and Public Facilities Evaluation Report; their transmittal letter and Service Level Evaluation Request that was sent to DelDOT referencing the proposed land use and the approved land use; the previously approved site access and DelDOT off-site requirements; the reduction in proposed site access points; the reduction in proposed land use, due to the size and projected traffic; a trip generation study; DelDOT projects; a summary with attachments relating to the Zoning Map; the Future Land Use Map; previously approved entrances; previously approved construction plans; approved minor subdivisions; traffic impact studies; current trip generations; PLUS comments and Responses; and DelDOT contracts.

Mr. Lank advised the Commission that the Department has not received any correspondence in support of or in opposition to this application to date.

The Commission found that James Fuqua, Esquire of Fuqua, Yori and Willard, P.A. was present on behalf of the applicants with Ring Lardner, Professional Engineer of Davis, Bowen and Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the applicants were out of state and apologize for not being available for the public hearing; that they are proposing 142 multi-family units on 31.34 acres of land; that access to the site will be from Oak Orchard Road; that the parcel contains approximately 1,000 feet of frontage along John J. Williams Highway; that the site is zoned B-1 Neighborhood Business; that the property to the west is an undeveloped C-1 General Commercial zoned property; that the property to the south is a GR General Residential subdivision; that the properties to the east include the Nanticoke Indian Museum and the Boys and Girls Club and Oak Orchard Road; that the entrance will be limited to Oak Orchard Road; that multi-family use can be considered permitted if the Conditional Use is approved; that the property was purchased in 2002 with the B-1 Neighborhood Business zoning, and a 24 lot business park subdivision was proposed; that the business park subdivision never developed; that in 2005 a mixed use business and multi-family proposal was submitted proposing 99 units; that the Planning and Zoning Commission had recommended approval of a Conditional Use for that purpose for a reduced 79 units in March of 2006; that the mixed use proposal never developed; that another site plan was filed for a shopping center with nine (9) buildings and 800 parking spaces, which never developed; that the area has grown with multiple rezoning applications providing commercial space for large groceries, convenience stores, drug stores, etc.; that the real estate market for commercial space in the area has decreased along with the economic slowdown in the County; that the Oak Orchard Sewer District also caused delay in planning for construction; that the applicants feel that multi-family use is a more appropriate use of this property at this time; that proposing 142 units conforms to the Sewer District capacity allocation; that the site is located in the Oak Orchard Sanitary Sewer District; that central water will be provided by Tidewater Utilities; that the land is cleared, not wooded; that the site is not in a flood zone; that there are no wetlands on the property; that no historical or cultural issues have been found on the property; that the stormwater facilities will be designed per the Sussex Conservation District regulations; that the site is located in the Indian River Volunteer Fire Company service area; that the site is in the Indian River School District; that DelDOT has advised them that the only vehicular access to the site will be from Oak Orchard Road; that there will not be any vehicular access from John J. Williams Highway; that the use is less impacting than commercial uses; that the Delaware State

Housing Authority supports the intended use; that they are proposing to create a boulevard drive with internal access; that the drives will be built to County specifications; that the recreation area will include a pool, pool house, and tot lots; that they are proposing set-asides for possible interconnection to the adjacent property to the west; that they are planning an open space area adjoining the Nanticoke Indian Museum; that sidewalks will be provided; that a 10-foot wide landscape strip/screen will be provided on the south side, adjacent to Oak Meadows Subdivision; that a 6-foot high privacy fence is proposed to be erected on the west side; that landscaping and a multi-use path are proposed along Route 24; that stormwater management facilities will be designed subject to the approval of the Sussex Conservation District with wet ponds and infiltration areas; that there will be no more run-off than what already exists; that the use is appropriate and conforms to the Comprehensive Land Use Plan and the Zoning Code; that they are submitting suggested proposed Findings of Fact for consideration; that water currently settles near the center of the property and then runs off toward the southwest corner of the property and then drains toward the Indian River Bay to the south; that they will not be impacting any wellhead protection areas; that the Department of Education did not comment on the application when the application was reviewed by PLUS; that they will be submitting plans to the Indian River School District for information on the need and location of a bus stop; that DelDOT requires that the entrance plan be reviewed by DART; that DelDOT estimates that the proposed project will generate 90% less traffic than a large scale commercial use; that the project will actually improve drainage in the area and on adjacent properties; that there should be no negative impact on adjacent developments; that an existing sewer line easement exist between the site and the museum property; that the developer is proposing additional landscaping along the property line with the museum and the Boys and Girls Club; that there should be approximately 40 feet between the property line to the south and any buildings; that an existing Tidewater Utilities easement along the rear line will be extinguished; that sidewalks can be extended to the Boys and Girls Club entrance and/or Oak Orchard Road; that the buildings will be either two or three stories tall; and that the units may be sold in the \$200,000.00 price range.

Ms. Cornwell provided the Commission with comments prepared by the staff when they reviewed the application.

The Commission found that there were no parties present in support of the application.

The Commission found that Natosha Carmine, Chief of the Nanticoke Tribe, John Baqun, a resident of Oak Meadows, and Ronney Wright, a property owner across John J. Williams Highway, were present and expressed concerns that the Nanticoke Indian Museum is a historic site; that the Tribe is concerned about the impact of any development on the Museum property; that the Tribe is concerned about traffic and traffic volumes existing and increased due to this and other projects; that the Tribe does not want foot traffic crossing their property due to safety concerns and trespassing; that there are drainage concerns in the area; that the Tribe would have liked to have been informed more about the details of the project; that they would hope that the building heights will conform to the height of the museum building; that they would like consideration in the landscaping in the buffer areas; that an earthen berm may benefit the Oak Meadows subdivision; that, today, the site has approximately 5 acres of standing water on it at a depth of 2 foot; that the Oak Meadows community has been impacted by runoff from the site in the past; that the majority of the lots in Oak Meadows are occupied year round; that an entrance

to the westerly end of the site on Route 24 may resolve some of the traffic issues; that parking lot lighting may impact the residents in the area; that vehicular lights may also impact the residents in the area; that fencing and landscaping along Route 24 may help in blocking out vehicular lights; that the use of a tribal name for the project and street names may be appropriate; and that the residents of the area are aware that DelDOT will be improving and widening Route 24.

The Commission found that Mr. Lardner responded to the lighting questions by advising the Commission that street lights will be downward illuminated and will be designed and located by the Delaware Electric Cooperative, the electrical utility for the area.

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

On February 25, 2016 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On March 10, 2016 the Commission discussed this application under Old Business/

Mr. Ross stated that he has a motion prepared for consideration and added that he hopes that the developer will work with the Nanticoke Indian Museum when naming the project.

Mr. Ross stated that he would move that the Commission recommend approval for Conditional Use No. 2045 for Robert and Deborah Reed for a conditional use for multi-family dwelling structures based upon the record made during the public hearing for the following reasons:

- 1) The property contains approximately 1,000 feet of frontage along Route 24.
- 2) The applicants purchased the property in 2002 with the B-1 Neighborhood Business zoning in place. At that time, a 24 lot business park subdivision was proposed and approved, but never developed.
- 3) In 2005, a mixed-use business and multi-family proposal was submitted with 99 units on this property. The Planning and Zoning Commission recommended approval of a conditional use for this purpose in 2006. This mixed-use development was never built on the property.
- 4) Another site plan was submitted and approved for a shopping center with 9 buildings and 800 parking spaces. That proposal was never developed on the property either.
- 5) This application is consistent with the prior approvals for the property.
- 6) The site of the proposed conditional use is located in a Developing Area according to the Sussex County Comprehensive Plan. Multi-family residential development is an appropriate use in this Area.
- 7) The residential development will be served as part of a Sussex County Sanitary Sewer District and central water will be provided by a public utility company.
- 8) The site is located adjacent to Route 24, a major roadway. The development will comply with all roadway and entrance improvements required by the Delaware Department of Transportation. In addition, the proposed residential development will have a significantly lower traffic impact than if the site was developed for commercial or business uses.
- 9) The proposed development is located in close proximity to existing services, other commercial zonings and uses and employment opportunities.

- 10) The proposed density of 142 multi-family units is appropriate for this site and the County Engineering Department has stated that sewer capacity is available for this density.
- 11) This recommendation is subject to the following conditions:
- a. There shall be no more than 142 multi-family units constructed on the site.
 - b. All entrances, intersections, roadways and multi-modal improvements required by the Delaware Department of Transportation shall be completed by the applicant in accordance with the Department's requirements.
 - c. The development shall be served by Sussex County sewer as part of the Oak Orchard Sanitary Sewer District.
 - d. The residential development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - f. The applicant shall submit as part of the Final Site Plan review a landscape plan showing the proposed tree and shrub landscape design.
 - g. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sediment control facilities and other common areas.
 - h. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - i. Construction, site work, grading and deliveries of construction materials, landscape materials and fill on, off or to the property shall only occur between Monday and Friday during the hours of 8:00 a.m. and 6:00 p.m. and on Saturday between the hours of 9:00 a.m. and noon.
 - j. As stated by the applicant, there shall be a recreation area that will include a pool, pool house, and playground areas. These amenities shall be open and available to the residents prior to the issuance of the 96th residential building permit.
 - k. As stated by the applicant, sidewalks shall be provided throughout the development as shown on the perimeter site plan, with the addition of the sidewalk connecting to the Boys and Girls Club.
 - l. A landscape buffer shall be provided between this property and the Nanticoke Indian Museum. Details of the buffer shall be shown on the landscape plan included as part of the Final Site Plan review process.
 - m. As proposed by the applicant, a six-foot high privacy fence shall be erected along the west side of the property and landscaping and a multi-modal path shall be installed along Route 24. Also, a 10 foot wide landscaping strip with screening shall be provided along the south side of the project, adjacent to the Oak Meadows Subdivision.
 - n. Any streetlights associated with the project shall be downward screened so that they do not shine on adjacent properties or roadways.
 - o. This preliminary approval is contingent upon the applicant submitting a revised preliminary site plan either depicting or noting the conditions of this approval upon it.

The staff shall review and approve the revised site plan upon confirmation that the conditions of approval have been depicted or noted on it.

- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/Z #1792 – Ray C. & Candice E. Sammons

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 (General Commercial District) to an AR-1 (Agricultural Residential District) for a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 20,833 square feet, more or less. This property is located at the southwest corner of Oak Grove Road (Road 549B) and North Oak Grove Road (Road 549) (911 Address: 2568 Oak Grove Road, Seaford) Tax Map I.D. 531-8.00-26.01.

Mr. Lank advised that Commission that DelDOT comments were not requested since this application is a downzoning from C-1 General Commercial to AR-1 Agricultural Residential.

The Commission found that the County Engineering Department Utility Planning Division provided comments on January 27, 2016 in the form of a memorandum advising that the property is located in the Western Sussex Planning Area #3; that use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the property is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Ray C. Sammons and Candice E. Sammons were present on behalf of their application and stated that the property was originally rezoned to C-1 General Commercial so that he could operate his heating and air conditioning business; that the business has been closed since 1993; that they have been advised that if they sold the property the buyers would be required to obtain a commercial loan since the property was zoned commercially; that there would be no negative impact on the community by rezoning this property since all of the properties in the area are zoned AR-1 Agricultural Residential; and that the area is predominantly used either agriculturally or residentially.

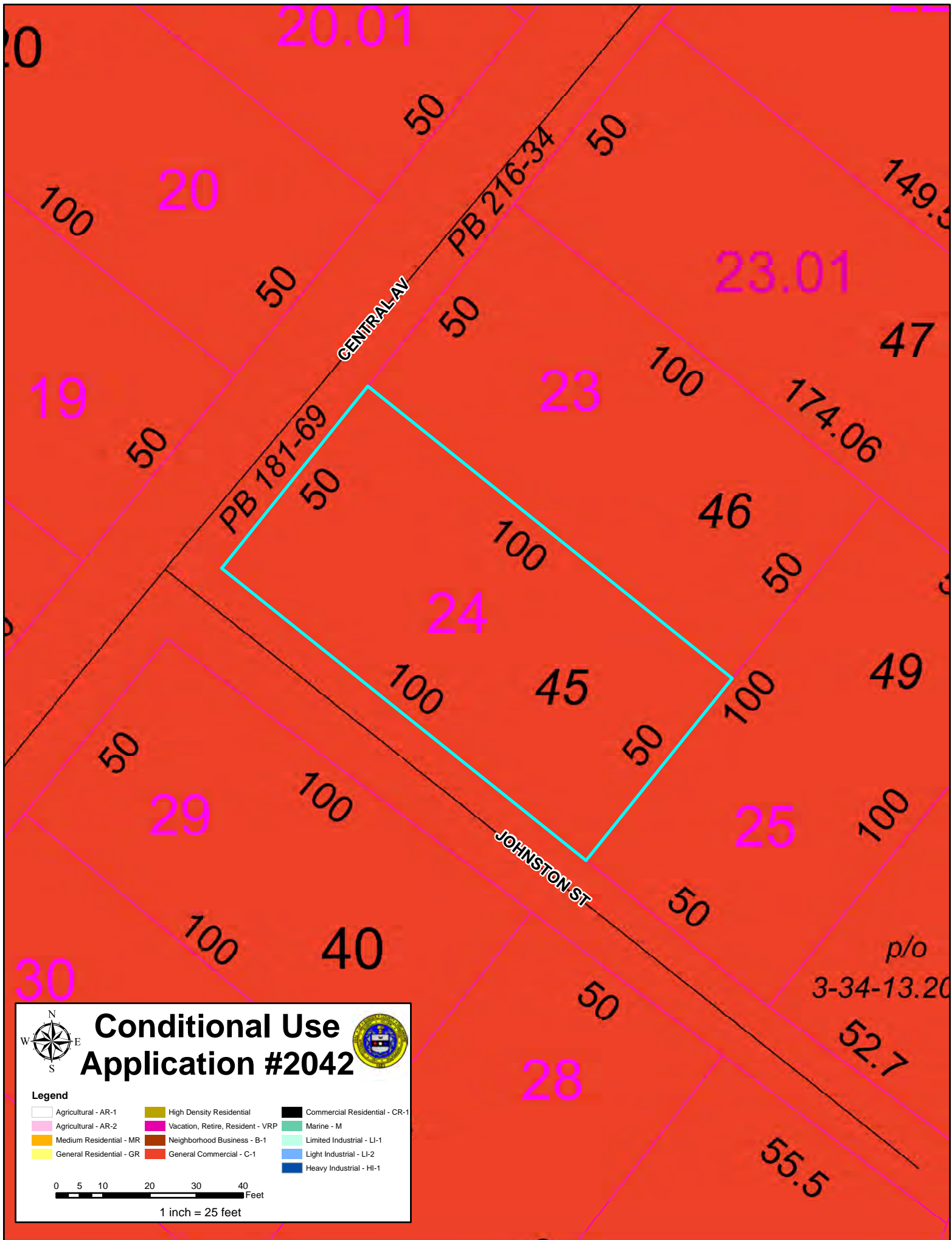
The Commission found that there were no parties present in support of or in opposition to this application.

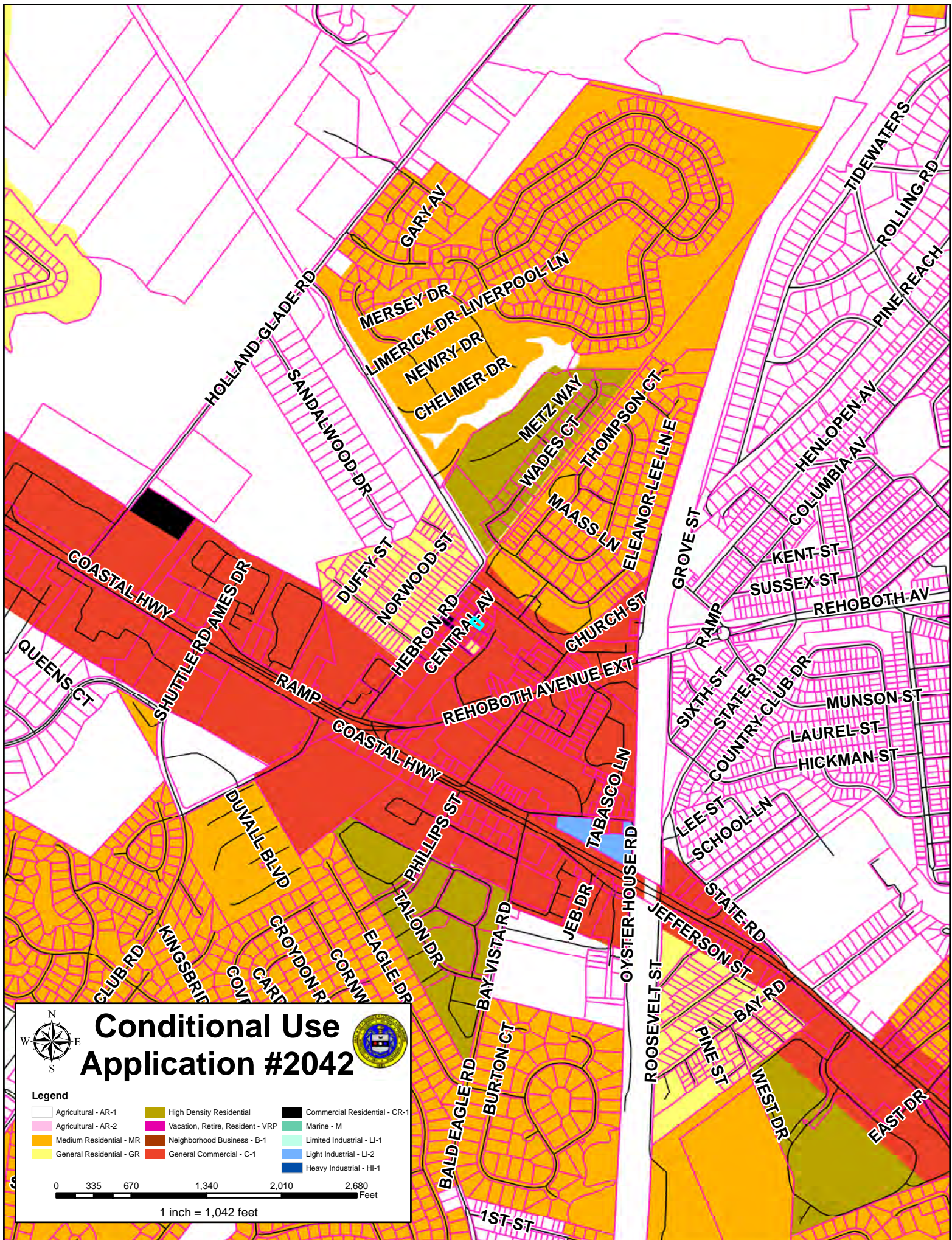
At the conclusion of the public hearings, the Commission discussed this application.

Mr. Smith stated that he would move that the Commission recommend approval of Change of Zone No. 1792 for Ray C. and Candice E. Sammons for a downzoning from C-1 General Commercial to AR-1 Agricultural Residential based on the record made during the public hearing and for the following reasons:

- 1) The property is surrounded by AR-1 Agricultural Residential lands, and rezoning this parcel to AR-1 Agricultural Residential will make it consistent with the area zoning.
- 2) The property was previously rezoned to C-1 General Commercial by the applicants for their business. That business no longer exists, so there is no reason to continue with C-1 General Commercial zoning on this property.
- 3) The property is only 20,833 square feet in size. It would be very difficult to develop this property commercially given the size of it. AR-1 Agricultural Residential zoning is more appropriate for a parcel of this size.
- 4) The rezoning will not adversely affect area properties or roadways. Downzoning it to AR-1 Agricultural Residential should have a positive impact on the area.
- 5) No parties appeared in opposition to this application.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.





Introduced 1/05/16

Council District No. 4 - Cole

Tax Map I.D. No. 334-13.20-24.00

911 Address: 19841 Central Avenue, Rehoboth

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS

WHEREAS, on the 28th day of October 2015, a conditional use application, denominated Conditional Use No. 2042 was filed on behalf of Beachfire Brewing Company, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2042 be _____; and

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

NOW, THEREFORE,

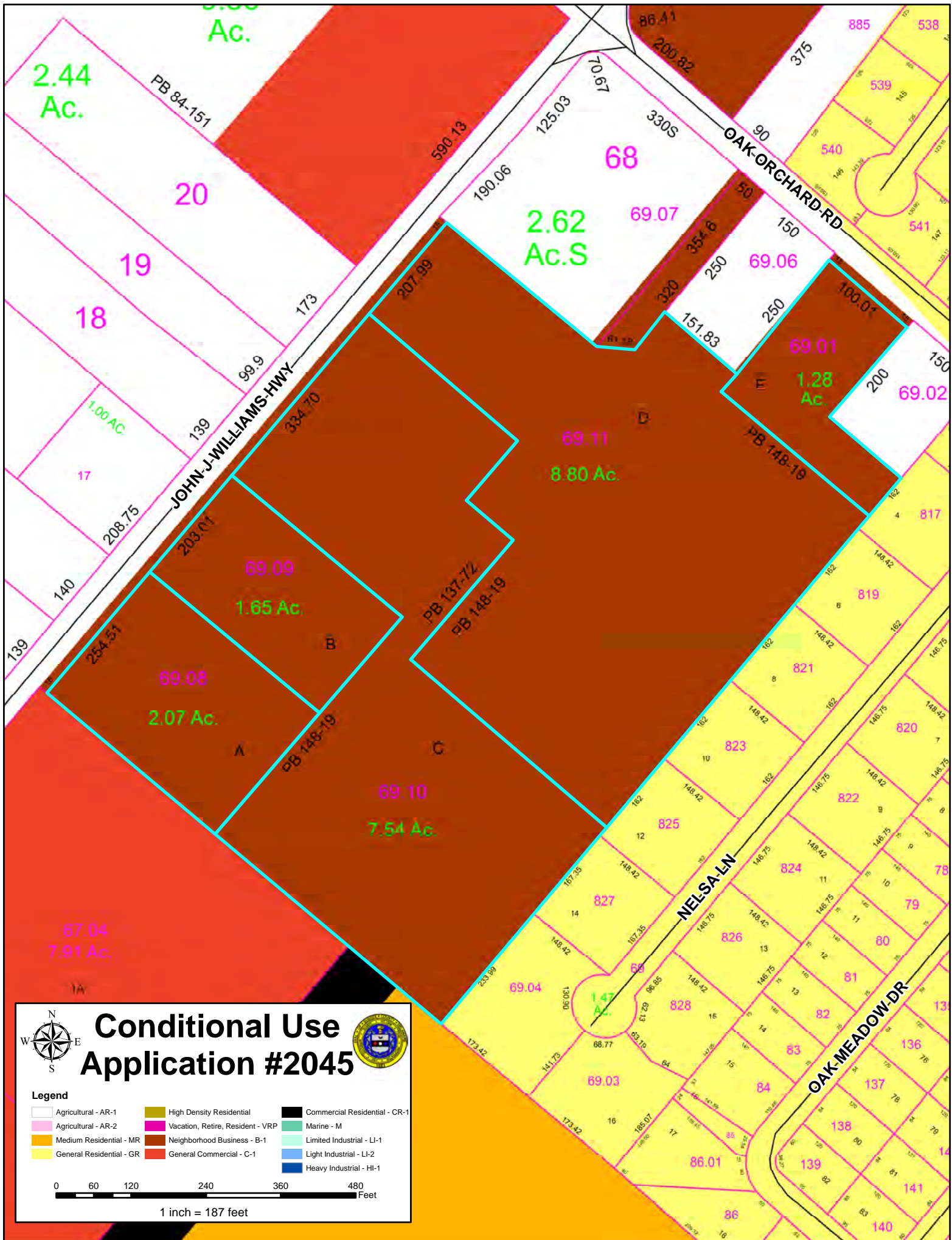
THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2042 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 at the southeast corner of Central Avenue and Johnston Street and being more particularly described as lot 45 Block 4 of the "George E. Shockley's" Development, said parcel containing 5,000 square feet, more or less.

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




















Conditional Use Application #2045

Legend

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

060120240360480

Feet

1 inch = 187 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Introduced 1/26/16

Council District No. 4 – Cole

Tax I.D. No. 234-29.00-69.01 and 69.08 – 69.11

911 Address: None Available

ORDINANCE NO. ____

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

WHEREAS, on the 6th day of November 2015, a conditional use application, denominated Conditional Use No. 2045 was filed on behalf of Robert and Deborah Reed RE/MAX Realty Group; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2045 be _____; and

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

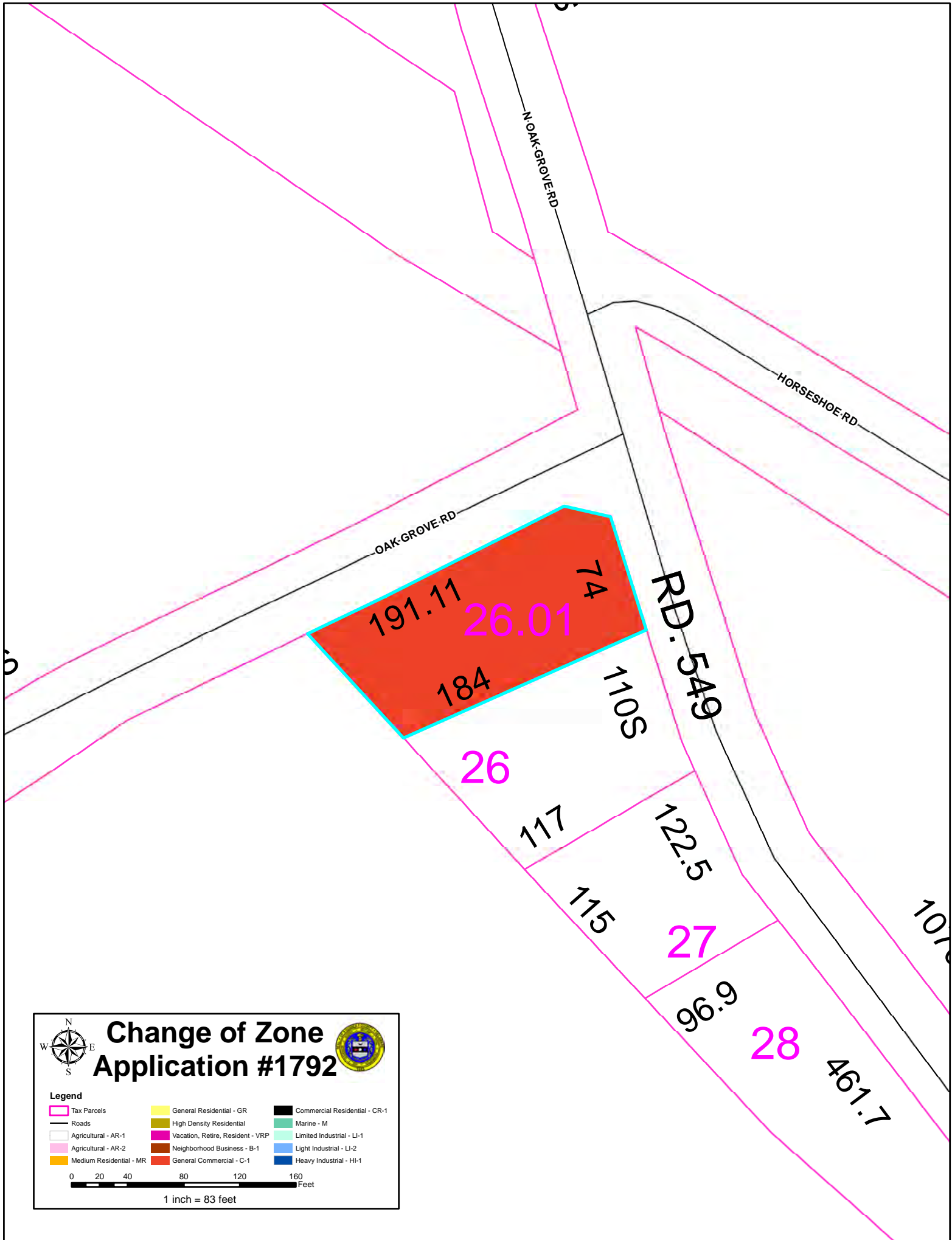
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

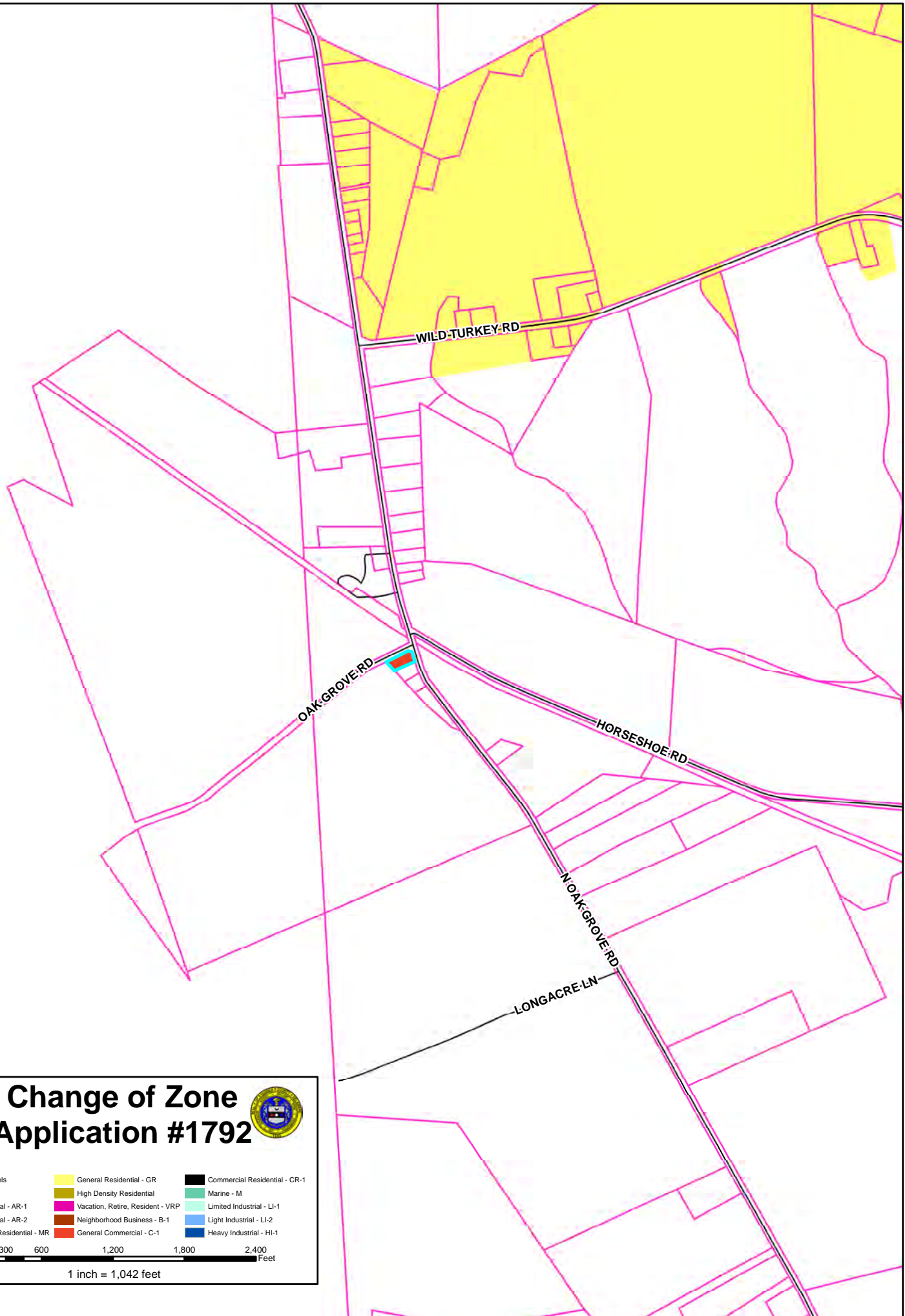
Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2045 as it applies to the property hereinafter described.



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 southwest of Oak Orchard Road (Route 5 and Road 297) approximately 600 feet south of John J. Williams Highway (Route 24) and fronting the southerly right-of-way of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description provided by Davis Bowen & Friedel, Inc., said parcel containing 21.34 acres, more or less.

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






















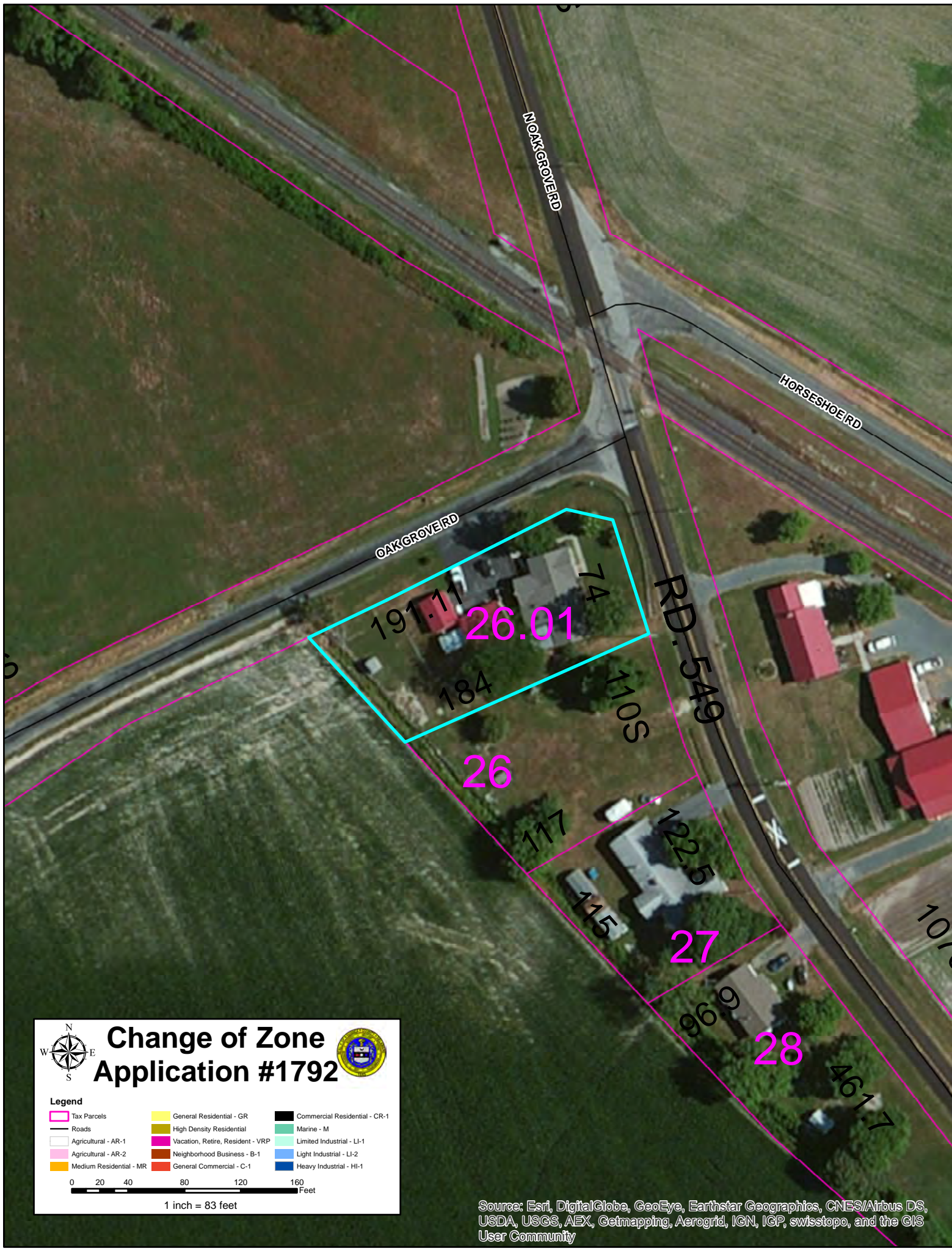
Change of Zone Application #1792

Legend

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

0 300 600 1,200 1,800 2,400 Feet

1 inch = 1,042 feet

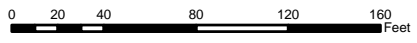


Change of Zone Application #1792



Legend

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



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Introduced 1/05/16

Council District No. 1 - Vincent

Tax Map I.D. No. 531-8.00-26.01

911 Address: 2568 Oak Grove Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,833 SQUARE FEET, MORE OR LESS

WHEREAS, on the 12th day of October 2015, a zoning application, denominated Change of Zone No. 1792 was filed on behalf of Ray C. & Candice E. Sammons; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1792 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Seaford Hundred, Sussex County, Delaware, and lying at the southwest corner of Oak Grove Road (Road 549B) and North Oak Grove Road (Road 549) and being more particularly described as follows:

BEGINNING at an iron pipe on the southerly right-of-way of Oak Grove Road (Road 549B), a corner for these subject lands and lands, now or formerly, of Willin Farms, Inc.; thence easterly, southeasterly, and southerly along the southerly right-of-way of Oak Grove Road (Road 549B) and the westerly right-of-way of North Oak Grove Road (Road 549) approximately 326.37 feet to an iron pipe on the westerly right-of-way of North Oak Grove Road, a corner with lands, now or formerly, of Claudell Sammons; thence south 77°56'00" west 190.24 feet along said Sammons lands to a point; thence north 33°41'00" west 99.21 feet along aforementioned Willin Farms, Inc. lands to the point and place of beginning, and containing 20,833 square feet, more or less.

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