

## Sussex County Council Public/Media Packet

# MEETING: **June 13, 2017**

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Sussex County Council 2 The Circle | PO Box 589 Georgetown, DE 19947 (302) 855-7743 MICHAEL H. VINCENT, PRESIDENT GEORGE B. COLE, VICE PRESIDENT ROBERT B. ARLETT IRWIN G. BURTON III SAMUEL R. WILSON JR.



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

Sussex County Council

#### <u>AGENDA</u>

#### JUNE 13, 2017

#### <u>10:00 A.M.</u>

Call to Order

Approval of Agenda

Approval of Minutes

**Reading of Correspondence** 

Public Comments

Todd Lawson, County Administrator

- 1. Legislative Update
- 2. County Administrator's Report

10:15 a.m. Public Hearings

FY 2018 Budget and Related Ordinances

"AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, SECTION 62-16 OF THE CODE OF SUSSEX COUNTY TO CONFORM TO THE DELAWARE CODE WHICH PROHIBITS CIVIL UNIONS AS OF JULY 1, 2013, TO INCREASE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES OUTSIDE OF THE OFFICE OF THE CLERK OF THE PEACE FOR SUSSEX COUNTY, AND TO INSTITUTE A FEE TO RECORD EACH MARRIAGE WITH THE MARRIAGE BUREAU"

"AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-19D. OF THE CODE OF SUSSEX COUNTY TO LIMIT THE "FIRST-TIME HOME BUYER" TRANSFER TAX EXCEPTION TO THE GRANTEE'S ONE-HALF OF THE SUSSEX COUNTY REALTY TRANSFER TAX"



"AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, § 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY'S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR"

#### ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS

"AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS"

"AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2018"

#### Hans Medlarz, County Engineer

- 1. General Labor & Equipment Contract, Project #17-01
  - A. Change Order No. 5
  - **B.** One Year Contract Extension Request
- 2. Taxiway C Pavement Rehabilitation Phase I, Project #17-02
  - A. Recommendation for Award

#### John Ashman, Director of Utility Planning

1. Tidewater Landing – Use of Existing Infrastructure Agreement

#### Patti Deptula, Director of Special Projects

1. Mount Joy - Oak Street Proposed Sussex County Streetlighting District

#### Grant Requests

- 1. Eastern Shore AFRAM Festival for expenses
- 2. Delaware National Guard Youth Foundation for summer recreational camp
- 3. Rehoboth Art League for a building project

#### Introduction of Proposed Zoning Ordinances

#### Council Members' Comments

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

#### Possible Action on Executive Session Items

#### 1:30 p.m. Public Hearings

Conditional Use No. 2076 filed on behalf of Joseph Mark Zdurienick

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.157 ACRES, MORE OR LESS" (located on the north side of Johnson Road in the Smokey Hollow development) (Tax I.D. No. 533-18.00-20.01-20.10) (911 Address: None Available)

<u>Conditional Use No. 2075 filed on behalf of Burton's Pond, LLC (Burton's Pond</u> Section II)

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS" (located at the southwest corner of John J. Williams Highway (Route 24) and Sloan Road (Road 49) (Tax I.D. No. 234-17.00-29.00 (portion of)) (911 Address: None Available)

<u>Adjourn</u>

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Sussex County Council meetings can be monitored on the internet at <u>www.sussexcountyde.gov</u>.

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In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on June 6, 2017, at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

####

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 6, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 6, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

	Michael H. Vincent George B. Cole Robert B. Arlett Irwin G. Burton III Samuel R. Wilson Jr. Todd F. Lawson Gina A. Jennings J. Everett Moore Jr.	President Vice President Councilman Councilman Councilman County Administrator Finance Director County Attorney
Call to	The Invocation and Pledge of	Allegiance were led by Mr. Vincent.
Order	Mr. Vincent called the meetin	g to order.
M 251 17 Amend and Approve Agenda	Agenda by deleting "Conser259-2, Sussex County ProjectView Expansion of the Bethapprove the agenda, as amendMotion Adopted:5 Yeas.Vote by Roll Call:Mr. ArhMr. Wit	Wilson, seconded by Mr. Cole, to amend the at Agenda" and "Wastewater Agreement No. t No. 81-04, The Reserves – Clubhouse, Ocean nany Beach Sanitary Sewer District" and to ded. ett, Yea; Mr. Burton, Yea; lson, Yea; Mr. Cole, Yea; ncent, Yea
Minutes	The minutes of May 23, 2017	were approved by consent.
Public Comments	Public Comments	
Comments	Paul Reiger commented on matters relating to a dog kem	a recent Board of Adjustment meeting and nel application.
	Dan Kramer commented on is not being enforced.	the County's sign ordinance and asked why it
Wastewater Agreement	Mr. Lawson presented a consideration.	Wastewater Agreement for the Council's

M 252 17A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the<br/>recommendation of the Sussex County Engineering Department, for Sussex<br/>County Council Project No. 81-04, Agreement No. 597-2, that the Sussex<br/>County Council execute a Construction Administration and Construction<br/>Inspection Agreement between Sussex County Council and Woodlands<br/>Development, LLC" for wastewater facilities to be constructed in The<br/>Woodlands – Phase 2, located in the Miller Creek Sanitary Sewer District".

Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Second Quarter Employee Recognition Awards Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of twenty four (24) employees received recognition for the Second Quarter of 2017. Mrs. Jennings announced that three employees received recognition for the Second Quarter of 2017. Susan Wise, employee at the Airport, was selected to receive the Second Quarter Customer Service Award, and two employees received Honorable Mention: Jennifer Norwood in Planning and Zoning and Will Godwin in Assessment.

tion/HomeA Proclamation entitled "PROCLAIMING THE MONTH OF JUNE ASOwnership"HOME OWNERSHIP MONTH" IN SUSSEX COUNTY" was presentedMonthto representatives of the Sussex County Association of Realtors.

Discussion Regarding Special Events Mr. Lawson presented information on the definition of special events within County Code. He noted that this topic was brought up during the May 23rd Council meeting. Vince Robertson, Assistant County Attorney, and Janelle Cornwell, Director of Planning and Zoning, also presented information on the section of the County Code (within Chapter 115) which allows special events. A discussion was held on how the County handles requests for special events, especially in regard to the 3-day time limit and limiting the number of events held. Also discussed was whether or not a draft ordinance needs to be written to clarify areas of concern. Mr. Lawson stated that staff and Legal Counsel will prepare an outline for Council's review and comment.

Adminis-<br/>trator'sMr. Lawson read the following information in his Administrator's Report1.Delaware State Police Activity ReportThe Delaware State Police year-to-date activity report for April 2017

is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of April. trator's Report

#### Adminis-2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following (continued) projects have received Substantial Completion: Hopkins - Pettyjohn Subdivision (aka Red Mill Pond North) – Phase 5, effective May 19th; Ocean View Beach Club – Amenities Sewer, effective May 22<sup>nd</sup>; and Park Shore (Henlopen Station), effective May 31st.

3. Linda J. Willey

It is with sadness that we note the passing of County pensioner Linda J. Willey on Sunday, May 28th. Ms. Willey began her career with Sussex County in July 1978 and retired from the Community Development & Housing Division as a Secretary in July 2002 with 24 vears of service. We would like to express our condolences to the Willey family.

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

Jamie Sharp, Assistant County Attorney, presented a draft ordinance to the Discussion/ Amendment County Code regarding the separation distance between on-premise signs and off-premise signs. He advised that, currently, the Code prohibits an to Code off-premise sign from being within 50 feet of an on-premise sign and an on-Regarding premise sign from being within 50 feet of an off-premise sign. Mr. Sharp **On-Premises** stated that the draft ordinance would address the separation requirement and Offand would not preclude the erection of an on-premise sign within 50 feet of **Premises** an off-premise sign. This would address an issue with businesses wanting to advertise on the same property as the business when there currently exists an off-premise billboard nearby.

> This Ordinance revises the provisions of Chapter 115, Article XXI, Section 159.5(B)(1) of the Sussex County Code related to the placement of signs in Sussex County.

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE Introduction of Proposed TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 **Ordinance**/ ("ZONING"), ARTICLE XXI ("SIGNS"), SECTION 159.5(B)(1)". The Proposed Ordinance will be advertised for Public Hearing. Signs

Scope of Janelle Cornwell, Director of Planning and Zoning, and Vince Robertson, Work Assistant County Attorney, presented a recommendation of the Planning and Zoning Commission to expand the scope of work with McCormick **Related to** Taylor regarding the 2018 Comprehensive Plan. The expanded scope Comprewould include an additional 1,337 hours of work for an additional cost not hensive to exceed \$165,087.25. She stated that much of the additional hours are for Land Use the meetings with the Planning and Zoning Commission. The scope also Plan includes the additional meetings/interviews requested with the Council and various municipalities.

Scope of Work Related to Compre- hensive	Ms. Cornwell and Council members discussed the process for the development of the Comprehensive Plan. Ms. Cornwell stated that Council will receive a draft (estimated to be in August) and may review and modify it; thereafter, the Council will hold a Public Hearing (early 2018). Ms. Cornwell stated that the expanded scope of work covers the entire Comprehensive Plan from initial meetings through the final plan for total estimated hours of 3,172 and a total cost not to exceed \$435,193.31.		
Land Use Plan (continued)			
M 253 17 Approve Expanded Scope	A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the expanded scope for the 2018 Comprehensive Land Use Plan, not to exceed \$435,193.31.		
Compre- hensive	Motion Adopted: 4 Yeas, 1 Nay.		
Land Use Plan	Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Nay; Mr. Cole, Yea; Mr. Vincent, Yea		
Draft Ordinances/ General Obligation Bonds	Mrs. Jennings presented two draft ordinances authorizing the issuance of General Obligation Bonds of Sussex County for the cost of the design, construction, and equipping of the Route 54 Expansion of the Fenwick Island Area of the Unified Sanitary Sewer District and the Angola North Sewer Project of the Unified Sanitary Sewer District. Both bond issuances are backed by the County's full faith and credit and are within the legal debt limit of the County.		
Introduction of Proposed Bond Ordinances	Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".		
	Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".		
Intro- duction/ Director of Environ- mental	The Proposed Ordinances will be advertised for Public Hearing. Hans Medlarz, County Engineer, introduced Edwin Tennefoss, the next Director of Environmental Services. Mr. Tennefoss will replace Heather Sheridan, the current Director of Environmental Services, who is retiring.		

Services

MOU/ Flood Avoidance Assessment and Action Plan/ CIB	between the County achieving the object Action Plan for Dela an opportunity for wastewater infrastru	ted for consideration a Memorandum of Understanding and the Center for the Inland Bays for the purpose of ives relating to the Flood Avoidance Assessment and ware's Inland Bays. Mr. Medlarz explained that this is an 80% grant / 20% match for the assessment of ucture in the Inland Bays Area. Mr. Medlarz and conditions of the program and grant funding.		
M 254 17 Approve Funding Match and MOU with CIB	A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves a \$20,000 match for the Delaware Center for Inland Bays (CIB) as part of a request for funding under the DNREC Sustainable Communities Program and approves a Memorandum of Understanding with CIB under the terms and conditions, as presented at this Council meeting.			
	Motion Adopted:	5 Yeas.		
	Vote by Roll Call:	Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea		
Milton Library Foundation/ Repair Design Eng. Contract	Mr. Medlarz presented a request for Contract Amendment No. 1 to the Davis Bowen and Friedel Non-USDA Base Contract for the design of the Milton Library Foundation Repair Project. Mr. Medlarz discussed the structural problem of the library building and stated that the root cause of the problem is a compromised bulkhead losing soil during tide cycles.			
M 255 17 Approve Contract Amend- ment/ Milton	recommendation of t the Base EJCDC Ag the amount not to	by Mr. Cole, seconded by Mr. Arlett, based upon the the Engineering Department, that Amendment No. 1 to creement with Davis, Bowen & Friedel be approved in exceed \$25,000.00 for design of the Milton Library n a time and material basis.		
Library	Motion Adopted:	5 Yeas.		
Foundation Repair Design	Vote by Roll Call:	Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea		
Pump Station 210 Forcemain/ IBRWF Contract/ C/O & SC	Substantial Completi Regional Wastewater 15-08B. Mr. Medla	ted a Balancing Change Order and request to grant ion for the Pump Station 210 Forcemain to Inland Bays r Facility – Plantation and Kendale Roads – Contract rz reported that construction began on January 4, 2016 bstantially Complete on February 18, 2017.		

M 256 17 Approve Balancing Change Order and Grant Substantial Completion/ Pump Station 210	recommendation of Change Order for Plantation, Robins decreases the Con \$2,882,995.03, and February 18, 2017	e by Mr. Arlett, seconded by Mr. Cole, based upon the f the Engineering Department, that the Balancing Contract #15-08B, Pump Station #210 Forcemain: onville and Kendale Roads, be approved, which tract amount by \$259,344.97, for a new total of that Substantial Completion be granted effective f, along with a forty-seven (47) calendar-day time held retainage be released in accordance with the
Forcemain Contract	Motion Adopted:	5 Yeas.
	Vote by Roll Call: Councilman Burton	Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea left the meeting.
<b>D</b>		And of Heller Director and Mr. Madless successful a

**Request to** John Ashman, Director of Utility Planning, and Mr. Medlarz presented a **Post Notices**/ request to prepare and post notices for the Route 54, Williamsville Phase II Route 54/ Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Williams-Island Area). The proposed expansion includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road. The ville Engineering Department received requests from three property owners **Expansion**/ Fenwick interested in having the County extend the District boundary. Mr. Ashman noted that this limited extension can be completed at a 5% additional Island construction cost to the existing Route 54 project; system connection Area charges will be rolled into the financing for all existing residential customers.

A discussion was held regarding the previous Route 54 Expansion, and this proposed project's impact on the previous project. Also discussed were rates and construction costs for both of the Route 54 Expansion projects.

M 257 17 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Engineering Department is authorized to prepare and post notices for the Authorize Prepare Williamsville Phase II Expansion of the Sussex County Unified Sanitary and Post/ Sewer District to include parcels primarily from West Line Road to Dickerson Road along Route 54 (Lighthouse Road), as presented on June 6, Notices/ Route 54/ 2017. Williamsville **Motion Adopted:** 4 Yeas, 1 Absent. **Expansion**/ Fenwick Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent; Island Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea Area

Referendum Results/ Mulberry Knoll Area/ SCUSSD M 258 17 Adopt R 011 17	Mr. Ashman presented the referendum results for the creation of the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District: forty-nine (49) For and seventeen (17) Against the creation of the District. Mr. Ashman presented a Proposed Resolution to establish the District. A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 011 17 entitled "MULBERRY KNOLL AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE <u>DELAWARE CODE"</u>		
	Motion Adopted:	4 Yeas, 1 Absent.	
	Vote by Roll Call:	Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea	
Grant		wii. v incent, i ea	
Requests	Mrs. Jennings prese	nted a grant request for the Council's consideration.	
M 259 17 Council- manic Grant	A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,500.00 (\$750.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to Selbyville Middle School for Heart in the Game Health Fair.		
	Motion Adopted:	4 Yeas, 1 Absent.	
	Vote by Roll Call:	Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea	
<b>T</b> ( <b>1</b> (•			

Introduction Mr. Wilson introduced the Proposed Ordinance entitled "AN of Proposed ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF Ordinances SUSSEX COUNTY FROM Α **MR-RPC** MEDIUM DENSITY **RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY** TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT -**RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF** ZONE NO. 1764 (ORDINANCE NO. 1770) CONDITIONS 17A AND 17D TO EXTEND TIMEFRAME ONE YEAR FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373 ACRES, MORE OR LESS" (Change of Zone No. 1828) filed on behalf of Coastal Club (a/k/a Marine Farm) (Tax I.D. No. 334-11.00-5.00, 334-11.00-395.00 and 396.00) (911 Address: Not Available).

> Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WEDDING VENUE WITHIN AN EXISTING BARN ON APPROXIMATELY 2 ACRES AROUND THE BARN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED,

IntroductionSUSSEX COUNTY, CONTAINING 49.12 ACRES, MORE OR LESS"of Proposed(Conditional Use No. 2099) filed on behalf of Richard and Dawn JamisonOrdinances(Tax I.D. No. 531-12.00-92.00 (portion of)) (911 Address: 4647 Woodpecker(continued)Road, Seaford).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS" (Conditional Use No. 2102) filed on behalf of Arturo Granados – Gonzalez (Tax I.D. No. 233-12.00-17.02) (911 Address: 30639 Vines Creek Road, Dagsboro).

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR Α **RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EOUINE-**ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS" (Conditional Use No. 2103) filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc. (Tax I.D. No. 235-26.00-17.14) (911 Address: 17170 Harbeson Road, Milton).

Council	Council Members' C	Comments
Members'		
Comments		d correspondence he received regarding concerns about bout affordable housing.
	Mr. Arlett asked for	weekly legislative updates in June.
M 230 17	A Motion was made	e by Mr. Cole, seconded by Mr. Wilson, to adjourn at
Adjourn	12:12 p.m.	
	Motion Adopted:	4 Yeas, 1 Absent.
	Vote by Roll Call:	Mr. Arlett, Yea; Mr. Burton, Absent;
	-	Mr. Wilson, Yea; Mr. Cole, Yea;
		Mr. Vincent, Yea
		Respectfully submitted,

Robin A. Griffith Clerk of the Council

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

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V., SECTION 62-16 OF THE CODE OF SUSSEX COUNTY TO CONFORM TO THE DELAWARE CODE WHICH PROHIBITS CIVIL UNIONS AS OF JULY 1, 2013, TO INCREASE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES OUTSIDE OF THE OFFICE OF THE CLERK OF THE PEACE FOR SUSSEX COUNTY, AND TO INSTITUTE A FEE TO RECORD EACH MARRIAGE WITH THE MARRIAGE BUREAU.

WHEREAS, Sussex County Code, Chapter 62, Article V, Section 62-16 establishes the fees to be charged by the Clerk of the Peace for performing marriage ceremonies and civil unions; and

WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 62, Section 62-16 to be consistent with Title 13, Chapter 2, <u>Civil</u> <u>Unions</u>, Section 218(a) of the Delaware Code which prohibits civil unions as of July 1, 2013; and

WHEREAS, Sussex County further desires to amend Section 62-16F., G., J. and K. by increasing the fees for ceremonies performed outside of the office of the Clerk of the Peace for Sussex County; and

WHEREAS, Sussex County desires to institute a fee for recording each marriage with the Marriage Bureau.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 62, Article V, Section 62-16, Enumeration of Fees, by deleting the language in brackets and adding the underlined language as follows:

- "A. The fee for a marriage[ or civil union] license issued by the Clerk of the Peace for Sussex County to a Delaware resident shall be \$50 each.
- B. The fee for providing a marriage[ or civil union] license issued by the Clerk of the Peace for Sussex County to a non-Delaware resident shall be \$100 each.

- C. The fee for providing a certified copy of a marriage[ or civil union] license issued by the Clerk of the Peace for Sussex County shall be \$25 each.
- D. The fee for conducting a Memorable Marriage[ or Civil Union] Ceremony for a Delaware resident in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, shall be \$50.
- E. The fee for conducting a Memorable Marriage[ or Civil Union] Ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a non-Delaware resident shall be \$100.
- F. The fee for conducting a Memorable Marriage[ or Civil Union] Ceremony outside of the office of the Clerk of the Peace for Sussex County for a Delaware resident shall be \$[75]100.
- G. The fee for conducting a Memorable Marriage[ or Civil Union] Ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be \$[150]<u>175</u>.
- H. The fee for performing a renewal of marriage[ or civil union] vows ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a Delaware resident shall be \$50.
- I. The fee for performing a renewal of marriage[ or civil union] vows ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a non-Delaware resident shall be \$100.
- J. The fee for performing a renewal of marriage[ or civil union] vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a Delaware resident shall be \$[75]100.
- K. The fee for performing a renewal of marriage[ or civil union] vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be \$[150]<u>175</u>."
- L. <u>Each marriage license recorded in the Marriage Bureau in</u> <u>Sussex County shall be charged a recording fee of \$20.</u>

<u>M.</u> There shall be no fee for any services set forth in this § 62-16 for any active United States military personnel or veterans regardless of residency. For purposes of this section, "veterans" shall be defined as set forth in the Internal Revenue Manual 4.76.26.2.1."

Section 2. Effective Date. This Ordinance shall become effective on July 1, 2017.

#### <u>Synopsis</u>

This Ordinance deletes all references to civil unions to be consistent with Title 13, Chapter 2, <u>Civil Unions</u>, Section 218(a) of the Delaware Code which prohibits civil unions as of July 1, 2013. This Ordinance also increases the fees the Clerk of the Peace charges to Delaware residents and non-Delaware residents for marriage ceremonies performed outside of the office of the Clerk of the Peace for Sussex County, and institutes a \$20 fee for recording each marriage with the Marriage Bureau.

Deleted text is in brackets. Additional text is underlined.

AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-19D. OF THE CODE OF SUSSEX COUNTY TO LIMIT THE "FIRST-TIME HOME BUYER" TRANSFER TAX EXCEPTION TO THE GRANTEE'S ONE-HALF OF THE SUSSEX COUNTY REALTY TRANSFER TAX.

WHEREAS, Chapter 103, Article IV, Section 103-19D. of the Code of Sussex County currently excepts from the Sussex County Realty Transfer Tax transactions where all grantees qualify as first-time home buyers under Section 103-18H.; and

WHEREAS, Section 103-19A. provides that the Sussex County transfer tax shall be split equally between the grantor and grantee unless otherwise agreed to by the parties; and

WHEREAS, Sussex County desires to amend Chapter 103, Article IV, Section 103-19D. to limit the first-time home buyer exception solely to the grantee's portion of the Sussex County realty transfer tax as defined in Section 103-19A.; and

WHEREAS, grantors shall still be subject to and required to pay grantor's portion of the Sussex County realty transfer tax as defined in Section 103-19A.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 103, Article IV, Section 103-19D., entitled "<u>Rate of tax; when payable; exception"</u>, is hereby amended by deleting the language in brackets and inserting the underlined language in its place and stead as follows:

"D. [There shall be no tax imposed on those]<u>Unless otherwise</u> <u>agreed to by the parties, on transfers where all grantees qualify</u> as first-time home buyers, <u>no transfer tax shall be imposed on</u> <u>the grantee's portion of any transfer tax as defined in § 103-19A.</u> <u>hereof</u>. For purposes of this article, "first-time home buyer" shall have that meaning given in § 103-18H. <u>The first-time home buyer</u> <u>exception shall not relieve the grantor from payment of grantor's</u> portion of the transfer tax as defined in § 103-19A. hereof."

Section 2. Effective Date. This Ordinance shall become effective on July 1, 2017.

#### <u>Synopsis</u>

This Ordinance amends Sussex County Code, Chapter 103, Article IV, Section 103-19D. to provide that the first-time home buyer exception to the Sussex County transfer tax shall apply solely to the grantee's portion of the transfer tax as defined in Section 103-19A. Grantor shall still be subject to payment of grantor's portion of the of the transfer tax as defined in Section 103-19A.

Deleted language is in brackets. Additional text is underlined.

#### ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, § 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY'S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR.

WHEREAS, Chapter 103, Article IV, § 103-29.1 of the Code of Sussex County currently provides that Sussex County shall provide a realty transfer tax distribution of \$15,000 to incorporated municipalities which do not collect realty transfer taxes or which collect realty transfer taxes but receive less than \$20,000 in revenue during any fiscal year, with the exception that the City of Milford receives a distribution of \$7,500 each fiscal year; and

WHEREAS, Sussex County desires to amend Chapter 103, Article IV, § 103-29.1 to modify the calculation of the Sussex County realty transfer tax distribution whereby the county's distribution shall hereinafter be the difference between the total municipal realty transfer tax revenue collected during the fiscal year and \$20,000, with the City of Milford receiving a fixed distribution of \$10,000 each fiscal year.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 103, Article IV, § 103-29.1, entitled "<u>Transfer of funds to municipalities</u>", is hereby amended by deleting the language in brackets and inserting the underlined language in its place and stead as follows:

"Any incorporated municipality within Sussex County which does not collect a realty transfer tax or which collects a realty transfer tax but which, during its fiscal year, receives less than \$20,000 in revenue from its realty transfer tax shall receive a distribution from the county [of \$15,000 ]from the county's realty transfer tax receipts. <u>The county distribution to any qualifying municipality shall be equal</u> to the difference between the total realty transfer tax revenue collected by the municipality during any given fiscal year and <u>\$20,000</u>, provided that the City of Milford shall receive a <u>fixed</u> distribution of \$[7,500]10,000. Each qualifying municipality shall submit written verification to the county, in a form acceptable to the county, of realty transfer tax revenue no later than 60 days from the end of its fiscal year. Use of such distribution shall be limited to those uses of realty transfer tax revenue as provided in Title 22 of the Delaware Code."

Section 2. Effective Date. This Ordinance shall become effective on July 1, 2017.

#### <u>Synopsis</u>

This Ordinance amends Sussex County Code, Chapter 103, Article IV, § 103-29.1 to provide that the county's distribution to any incorporated municipality within Sussex County which does not collect a realty transfer tax, or which collects a realty transfer tax but which during its fiscal year receives less than \$20,000 in revenue from its realty transfer tax, shall receive a county distribution equal to the difference between the total realty transfer tax revenue collected by the municipality during any given fiscal year and \$20,000, with the exception of the City of Milford which shall receive a fixed \$10,000.00 distribution each fiscal year.

Deleted language is in brackets. Additional text is underlined.

## NOTICE OF PUBLIC HEARING ASSESSMENT ROLLS FOR SUSSEX COUNTY DEWEY BEACH WATER DISTRICT AND THE UNIFIED SANITARY SEWER DISTRICT

The Dewey Beach Water District and the Unified Sanitary Sewer District assessment rolls for the period from July 1, 2017 through June 30, 2018 have been completed and filed in the Sussex County Billing Division located at the County Administrative Offices, 2 The Circle, Georgetown, Delaware. The assessment rolls may be reviewed in the Sussex County Billing Division between the hours of 8:30 a.m. and 4:30 p.m., local time, Mondays through Fridays, except on legal holidays recognized by the Sussex County Council.

The Sussex County Council will meet and hold a public hearing at 10:15 a.m., local time, on Tuesday, June 13, 2017, in Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware to hear and consider any objections that may be made to the assessment rolls.

The proposed annual service charges used in preparing the assessment rolls are presented below.

SUSSEX COUNTY, DELAWARE			
SUMMARY OF ANNUAL SERVICE CHARGES JULY 1, 2017 – JUNE 30, 2018			
District	Annual Service <u>Charge</u> \$/EDU		
DEWEY BEACH WATER	305.76		
UNIFIED SEWER	286.00		

The proposed annual assessment charges used in preparing the assessment rolls are presented below.

SUSSEX COUNTY, DELAWARE					
SUMMARY OF ANNUAL ASSESSMENT CHARGES JULY 1, 2017 – JUNE 30, 2018					
Area	Annua Distribution Or <u>Collection</u> \$/foot	l Assessment Cha Transmission And/or <u>Treatment</u> \$/foot	<u>Total</u> \$/foot		
OCEAN WAY ESTATES I & II	2.29	.00	2.29		
OCEAN VIEW EXPANSION	2.82	.86	3.68		
CEDAR NECK EXPANSION	2.61	.78	3.39		
NORTH MILLVILLE EXPANSION	4.41	.77	5.18		
FENWICK ISLAND SEWER	.28	.04	.32		
HOLTS LANDING SEWER	.68	2.58	3.26		
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>2</sup>	5.23	2.58	7.81		
LONG NECK SEWER	3.34	.23	3.57		
DAGSBORO-FRANKFORD SEWER	.38	.22	.60		
PRINCE GEORGE'S ACRES SUBDISTRICT <sup>3</sup>	4.63	.22	4.85		
WEST REHOBOTH SEWER EXPANSION	1.48	.84	2.32		
MILLER CREEK SEWER	6.10	.82	6.92		
ELLENDALE SEWER	.96	.92	1.88		
NEW MARKET VILLAGE SUBDISTRICT <sup>1</sup>	3.97	.92	4.89		
OAK ORCHARD SEWER	2.16	2.19	4.35		
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19		

BAY VIEW ESTATES SEWER	4.37	2.81	7.18
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.45	3.13	6.58
GOLF VILLAGE SEWER	1.47	0.00	1.47
WOODLANDS OF MILLSBORO SEWER	.00	.42	.42
JOHNSON'S CORNER SEWER	2.60	1.95	4.55

Notes:

- 1. Part of Ellendale Sewer of the Unified Sanitary Sewer District.
- 2. 3. Part of Holts Landing Sewer of the Unified Sanitary Sewer District.
- Part of Dagsboro-Frankford Sewer of the Unified Sanitary Sewer District.

"foot" means assessable footage. "EDU" means equivalent dwelling unit.

The Sussex County Council will also consider the proposed system connection charges for the period from July 1, 2017 through June 30, 2018 for the Dewey Beach Water District; Unified Sanitary Sewer District; and the sub areas of the Unified Sanitary Sewer District known as Blades Sewer, Ellendale Sewer, Golf Village Sewer and the Woodlands of Millsboro Sewer.

The System Connection Charge shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service, and shall be billed and payable in a manner determined by the County. The proposed system connection charges are presented below.

nection Charge ssion Treatment J \$/EDU	Total System Connection Charge \$/EDU
U <b>\$/EDU</b>	
0	1,155
3,880	6,360
2,499	3,570
5,600	8,000
-	-
-	-
1	1 2,499

own of rgetown amount equa s imp

3. Amount equal to the Town of Millsboro's Impact Fee. The Sussex County Council will also consider the one-time septic installation charge for the period from July 1, 2017 through June 30, 2018 for the Unified Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

#### 

After holding the public hearing, the Sussex County Council will establish, at one of its regularly scheduled meetings, the assessment rolls to be known respectively as the "Dewey Beach Water District Assessment" and "Unified Sanitary Sewer District Assessment." Unless otherwise posted in the Office of the Clerk of the Sussex County Council, the Sussex County Council meets regularly every Tuesday at the posted time, in the County Administrative Offices, 2 The Circle, Georgetown, Delaware. After holding the public hearing, the Sussex County Council may change or amend the assessment rolls as it deems necessary or just and may confirm and adopt the assessment rolls as originally proposed, or as amended, or changed.

#### ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Dewey Beach Water District are established as follows:

A. For an annual service charge: \$305.76 per EDU;

Section 2. The annual service charge, annual assessment rate for distribution

and transmission and/or treatment, and connection charge for the Unified Sanitary

Sewer District is established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For distribution, an assessment rate per billable front foot: see below; and
- C. For transmission and/or treatment, an assessment rate per billable front foot: see below.

Annual Assessment		Assessment Char	ge
Area	Distribution Or <u>Collection</u> \$/foot	Transmission And/or <u>Treatment</u> \$/foot	<u>Total</u> \$/foot
OCEAN WAY ESTATES I & II	2.29	.00	2.29
OCEAN VIEW EXPANSION	2.82	.86	3.68
CEDAR NECK EXPANSION	2.61	.78	3.39
NORTH MILLVILLE EXPANSION	4.41	.77	5.18
FENWICK ISLAND SEWER	.28	.04	.32
HOLTS LANDING SEWER	.68	2.58	3.26
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>2</sup>	5.23	2.58	7.81
LONG NECK SEWER	3.34	.23	3.57
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT <sup>3</sup>	4.63	.22	4.85

WEST REHOBOTH SEWER EXPANSION	1.48	.84	2.32
MILLER CREEK SEWER	6.10	.82	6.92
ELLENDALE SEWER	.96	.92	1.88
NEW MARKET VILLAGE SUBDISTRICT <sup>1</sup>	3.97	.92	4.89
OAK ORCHARD SEWER	2.16	2.19	4.35
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	4.37	2.81	7.18
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.45	3.13	6.58
GOLF VILLAGE SEWER	1.47	0.00	1.47
WOODLANDS OF MILLSBORO	0.00	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55

Notes:

- Part of the Ellendale Sanitary Sewer District.
   Part of the Holts Landing Sanitary Sewer District.
   Part of the Dagsboro-Frankford Sanitary Sewer District.

"foot" means assessable footage

"EDU" means equivalent dwelling unit

For a connection charge per equivalent dwelling unit, see below: D.

	Connection Charge		Total System	
District	Transmission \$/EDU	Treatment \$/EDU	Connection Charge \$/EDU	
DEWEY BEACH WATER	1,155	0	1,155	
UNIFIED SEWER	2,480	3,880	6,360	
BLADES SEWER	1,071	2,499	3,570	
ELLENDALE SEWER	2,400	5,600	8,000	
GOLF VILLAGE SEWER <sup>1</sup>	-	-	-	
WOODLANDS OF MILLSBORO <sup>2</sup>	-	-	-	
Notes:1.Amount equal to the Town of Ge2.Amount equal to the Town of Mi	0 1	e.		

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

For a one-time septic installation charge, per equivalent dwelling unit: Α. \$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2017.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

#### ORDINANCE NO.

## AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2018

#### THE COUNTY OF SUSSEX HEREBY ORDAINS:

<u>Section 1.</u> The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2018 is as follows:

<u>Revenues:</u>	<u>Amount Year</u> <u>Ending</u> June 30, 2018
Taxes	
Real Property - County	\$ 13,705,238
Real Property - Library	1,606,806
Realty Transfer	20,100,000
Fire Service	1,200,000
Penalties and Interest	140,000
Intergovernmental	
Federal Grants	
Emergency Operations	155,000
Housing and Urban Development	1,884,500
Payments in Lieu of Taxes	5,700
State Grants	
Paramedic	4,050,356
Local Emergency Planning Commission	69,000
Library	341,000
Department of Health	110,000
Charges for Services	
Constitutional Office Fees	
Marriage Bureau	168,000
Recorder of Deeds	3,500,000
Recorder of Deeds - Maintenance	35,000
Recorder of Deeds - Town Realty Transfer Tax	34,000
Register of Wills	1,000,000
Sheriff	2,000,000

	<u>Amount Year</u>
	<u>Ending</u> June 30, 2018
General Government Fees	
Building Permits & Zoning Fees	1,880,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	124,000
Building Inspection Fees	1,340,000
Airport Operations/Economic Development	511,400
Miscellaneous Fees	66,700
Private Road Review & Inspection Fees	960,000
Miscellaneous Revenue	
Fines and Forfeits	31,000
Investment Income	668,000
Miscellaneous Revenues	232,010
Other Financing Sources	
Interfund Transfers In	70,000
Appropriated Reserve	12,179,000
<u>Total Revenues</u>	\$ 68,726,340

<u>Section 2.</u> The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2018 is as follows:

Expenditures	<u>Amount Year</u> <u>Ending</u> June 30, 2018
General Government	
County Council	\$ 674,207
Administration	462,488
Legal	500,000
Finance	1,991,195
Assessment	1,867,267
Building Code	865,071
Mapping and Addressing	877,819
Human Resources	671,771
General Employment	358,027
Records Management	240,618
Building and Grounds	2,005,090
Information Technology	1,559,984
Constable	1,179,900

Expenditures (continued) Planning and Zoning	<u>Amount Year</u> <u>Ending</u> June 30, 2018 1,822,497
Paramedics	15,473,109
Emergency Preparedness	
Administration Emergency Operations Communications Local Emergency Planning Committee	615,169 2,386,012 344,789 81,776
Engineering Engineering Administration Public Works	1,115,752 856,921
Library Administration Operations	759,406 2,376,514
Economic Development	
Economic Development Safety and Security Airport and Industrial Park	163,507 522,026 825,556
Community Development	2,246,403
Grant-in-aid Constitutional Offices	11,584,574
Marriage Bureau Recorder of Deeds Register of Wills Sheriff	226,667 1,187,226 586,653 612,846
Other Financing Uses	
Transfers Out Additional Pension Contribution Reserve for Contingencies	85,500 10,000,000 1,600,000
<u>Total Expenditures</u>	\$ 68,726,340

<u>Section 3.</u> The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees and miscellaneous fee increases from fiscal year 2017 for the Fiscal Year Ending June 30, 2018 is as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program Building Permit surcharge of onequarter of one percent (.25%) of construction values.
- (c) Cluster Fee for density bonus.
  - 1.) The Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar \$15,000 per unit in excess of two dwelling units per acre.
  - 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville \$15,000 per unit in excess of two dwelling units per acre.
  - 3.) For the Environmentally Sensitive Developing Area \$20,000 per unit in excess of two dwelling units per acre.
- (d) Miscellaneous Fee Increases or Decreases
  - 1.) Plan Review Fees for Chapter 99 Road projects flat rate of \$2,500 plus \$42 per unit which includes two reviews for submitted plans, additional reviews in excess of these two reviews will be charged as follows: third plan review fee will be 60% of the original plan review fee, fourth plan review fee will be a fee of 50% of the original plan review fee, and the fifth plan review fee will be a fee of 40% of the original plan review fee.
  - 2.) Plan Review Fees for Chapter 110 Sewer Projects flat rate of \$2,000 plus \$20 per unit which includes two reviews for submitted plans, additional reviews in excess of these two reviews will be charged as follows: third plan review fee will be 60% of the original plan review fee, fourth plan review fee will be a fee of 50% of the original plan review fee, and the fifth plan review fee will be a fee of 40% of the original plan review fee. (Note revised fees include cost to review complete project including pump stations and forcemains)
  - 3.) Plan Review Fees for Chapter 110 Water Projects flat rate of \$1,500 plus \$10 per unit which includes two reviews for submitted plans, additional reviews in excess of these two reviews will be charged as follows: third plan review fee will be 60% of the original plan review fee, fourth plan review fee will be a fee of 50% of the original plan review fee, and the fifth plan review fee will be a fee of 40% of the original plan review fee.
  - 4.) Bulk water usage fee for purchase of 5,001 gallons or more will increase to \$4.00 per 1,000 gallons.
  - 5.) Wastewater holding tank discharge permit will decrease to \$100.00
  - 6.) Emergency water Turn Off Fee will change to After Hours Turn On or Off Fee of \$300.00.
  - 7.) Industrial Wastewater Discharge Permit for all permit categories \$500.00.
  - 8.) Industrial Wastewater Discharge Annual Monitor and Inspection Fee for all permit categories \$250.00

<u>Section 4.</u> The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2018 is as follows:

<b>Revenues and Other Financing Sources</b>		<u>mount Year</u> <u>Ending</u> 1ne 30, 2018
Appropriated Reserves	\$	8,571,250
Federal Grant		436,500
Interfund Transfer (RTT)		4,000,000
Investment Income		20,000
State Grant		414,250
Total Revenues and Other Financing Sources	\$	13,442,000
Expenditures:		<u>mount Year</u> <u>Ending</u> me 30, 2018
Administrative		
Building and Building Improvements	\$	1,737,000
Information Technology Upgrades	Ψ	1,140,000
Land Acquisition/Improvements		2,000,000
Airport and Industrial Park Stormwater Improvements Electrical Upgrades Land Acquisition Building Improvements Aeronautical Obstruction RW 10-28 Parallel Taxiway Industrial Park Improvements Pavement Improvements Engineering Landfill Property Acquisition		200,000 500,000 540,000 45,000 120,000 485,000 3,650,000 1,525,000
Public Safety		400.000
Mobile Command Unit		400,000
Stations		950,000
<b>Total Capital Improvement Expenditures</b>	\$	13,442,000

<b><u>Revenues and Other Financing Sources</u></b>	Amount Year Ending June 30, 2018
Operating Revenues	
Service Charges	\$ 21,362,782
Holding Tank Fees	272,000
Licenses, Permit, and Review Fees	761,700
Miscellaneous Fees	242,192
Non-Operating Revenues	
Assessment Charges	8,660,940
Capitalized Ord. 38 Fees	1,600,000
Connection Fees	2,035,174
Investment Results	469,373
Miscellaneous Revenues	150,000
Other Financing Sources	
Transfers	85,500
Available Funds	 461,858
<b>Total Revenues and Other Financing Sources</b>	\$ 36,101,519
	<b>Amount Year</b>
	<b>Ending</b>
Expenses:	<u>June 30, 2018</u>
Administrative Costs	\$6,971,111
Operations and Maintenance Costs	12,494,567
Capital Expenditures	5,517,201
Debt Service	 11,118,640
Total Expenses and Debt Service	 \$36,101,519

<u>Section 5.</u> The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2018 is as follows:

<u>Section 6.</u> Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Grade	Minimum	Midpoint	Maximum
1	\$20,394	\$25,493	\$30,591
2	\$21,414	\$26,767	\$32,121
3	\$22,484	\$28,105	\$33,727
4	\$23,609	\$29,511	\$35,413
5	\$24,789	\$30,986	\$37,184
6	\$26,028	\$32,536	\$39,043
7	\$27,330	\$34,162	\$40,995
8	\$28,696	\$35,871	\$43,045
9	\$30,131	\$37,664	\$45,197
10	\$31,638	\$39,547	\$47,457
11	\$33,220	\$41,525	\$49,830
12	\$34,881	\$43,601	\$52,321
13	\$36,625	\$45,781	\$54,937
14	\$38,456	\$48,070	\$57,684
15	\$40,379	\$50,473	\$60,568
16	\$42,398	\$52,997	\$63,596
17	\$44,518	\$55,647	\$66,776
18	\$46,743	\$58,429	\$70,115
19	\$49,081	\$61,351	\$73,621
20	\$51,535	\$64,418	\$77,302
21	\$54,111	\$67,639	\$81,167
22	\$56,817	\$71,021	\$85,225
23	\$59,658	\$74,572	\$89,487
24	\$62,641	\$78,301	\$93,961
25	\$65,773	\$82,216	\$98,659
26	\$69,061	\$86,327	\$103,592
27	\$72,514	\$90,643	\$108,772
28	\$76,140	\$95,175	\$114,210
29	\$79,947	\$99,934	\$119,921
30	\$83,944	\$104,931	\$125,917
31	\$88,142	\$110,177	\$132,213
32	\$92,549	\$115,686	\$138,823
33	\$97,176	\$121,470	\$145,764
34	\$102,035	\$127,544	\$153,053

<u>Section 7.</u> The County Pay Plan and Salary Structure for Fiscal Year Ending June 30, 2018 shall be adopted by with this Ordinance.

<u>Section 8.</u> The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County

Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 9. This Ordinance shall become effective on July 1, 2017.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ST DAY OF JUNE 2017.

#### ENGINEERING DEPARTMENT

ADMINISTRATION AIRPORT & INDUSTRIAL PARK ENVIRONMENTAL SERVICES PUBLIC WORKS RECORDS MANAGEMENT UTILITY ENGINEERING UTILITY PERMITS UTILITY PLANNING FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

### **Memorandum**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President The Honorable I.G. Burton, III The Honorable Robert B. Arlett The Honorable Samuel R. Wilson, Jr.

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

(302) 855-7718

(302) 855-7774

(302) 855-7730

(302) 855-7703

(302) 854-5033

(302) 855-7717

(302) 855-7719

(302) 855-1299

(302) 855-7799

RE: GENERAL LABOR & EQUIPMENT CONTRACT PROJECT NO. 17-01 AWARD OF CHANGE ORDER NO. 5 & ONE-YEAR CONTRACT EXTENSION OPTION

DATE: June 13, 2017

During the Fiscal Year 2017 Budget Process, the Engineering Department introduced the concept of a time and material contract to reduce the capital project backlog. On June 21, 2016, Council awarded the General Labor & Equipment Contract - Project #17-01 to George & Lynch, Inc. Previously the Engineering Department had requested Change Order(s) No.1 thru No.4 for a total \$1,295,358.00, which were approved by Council adjusting the Contract to \$3,393,254.80.

The initial scope plus Change Orders No. 1 & 2 covered capital projects mostly requested by the Environmental Services Division in its 2017 budget and the gravity sewer extension for the Rio Rico sewer district area respectively. The Engineering Department is currently re-evaluating the Rio Rico gravity extension; results of said evaluation will be presented to Council later. Change Order No. 3 was initiated for directional drilling on Chapel Branch Road, without increase to the contract amount, due to a deletion of a similar drill under The Ditch in Fenwick Island. Change Order No.4 covered Airport improvements such as drainage upgrades and electrical site work.

The Engineering Department will complete all the Pump Station work listed on the initial scope at award of the contract, except for PS 32 located next to The Ditch, which requires a complex easement acquisition. Once the pump station rehabilitation/rebuild work started, the existing site conditions encountered had deteriorated beyond initial assumptions forcing the Engineering Department to initiate additional piping and concrete work based on modified designs correcting said deficiencies.



Proposed Change Order No. 5 will supplement, if necessary, original scope items approved under the original General Labor and Equipment Contract, as well as scope items added to the Airport work authorized under Change Order No.4. The encounter of differing site conditions at the Airport coupled with electrical scope additions expanded the change order beyond the initial estimates. The Engineering Department requests Council's approval of the scope modification and associated <u>Change Order No. 5 for Project #17-01</u>, in the amount of \$150,000.00.

The General Labor & Equipment Contract is due to expire on July 1, 2017. As presented at the initial award, the contract allows for a one year extension at the County's discretion. The contractor's performance is satisfactory and a one-year extension is in the County's best interest. Therefore, the Engineering Department suggests to Council to exercise the one-year extension option under the unit prices previously bid, in the amount of \$4,300,000.00, allowing for continued project completion as budgeted in the capital projects for environmental services and the airport. The amount does not include emergency repair services to existing facilities through July 1, 2018. This type of work, in addition to scope changes, will be presented to Council on a case by case basis.



#### SUSSEX COUNTY CHANGE ORDER REQUEST

#### A. <u>ADMINISTRATIVE</u>:

1.	Project Name: FY 17 GENERAL LABOR & EQUIPMENT		
2.	Susse	ex County Contract No.	17-01
3.	Chan	ge Order No.	5
4.	Date Change Order Initiated -		6/13/17
5.	a.	Original Contract Sum	\$2,097,896.00
	b.	Net Change by Previous Change Orders	\$1,295,358.00
	C.	Contract Sum Prior to Change Order	<u>\$3,393,254.80</u>
	d.	Requested Change	\$150,000.00
	e.	Net Change (No. of days)	0
	f.	New Contract Amount	\$3,543,254.80
6.	Conta	act Person: Hans Medlarz, P.E.	

Telephone No. (302) 855-7718

#### B. REASON FOR CHANGE ORDER (CHECK ONE)

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

X 7. Other (explain below):

# C. BRIEF DESCRIPTION OF CHANGE ORDER:

Completion of work items budgeted for the FY 17 General Labor & Equipment Contract, which incurred additional costs due to the extent of deterioration to the infrastructure.

# D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No No

# E. <u>APPROVALS</u>

1. George & Lynch, Project General Contractor

Signature	Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date

# ENGINEERING DEPARTMENT

ADMINISTRATION AIRPORT & INDUSTRIAL PARK ENVIRONMENTAL SERVICES PUBLIC WORKS RECORDS MANAGEMENT UTILITY ENGINEERING UTILITY PERMITS UTILITY PLANNING FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

# <u>Memorandum</u>

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable I.G. Burton, III The Honorable Robert B. Arlett

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

(302) 855-7718

(302) 855-7774

(302) 855-7730

(302) 855-7703

(302) 854-5033

(302) 855-7717

(302) 855-7719

(302) 855-1299

(302) 855-7799

# RE: TAXIWAY C PAVEMENT REHABILITATION, PHASE I PROJECT NO. 17-02 RECOMMENDATION FOR AWARD

DATE: June 13, 2017

Delaware Coastal Airport maintains a Pavement Preventive Maintenance Program which regularly assesses the strength and condition of all airfield pavements. Consistent with our own observations and a recent pavement failure involving an aircraft from PATS/ALOFT, a structural evaluation performed in July 2016 rated Taxiway C with reduced allowable loads and need for rehabilitation. This project is the first phase to address that need. Phase II will be performed in Spring 2018 and was made a separate project to accommodate the access needs of ALOFT to/from their hangars.

Bids for Project #17-02, Taxiway C Pavement Rehabilitation, Phase I", were opened on May 11, 2017. Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to contractors on our vendor list. Three (3) bids were received and a copy of the bid results are attached. The bids ranged from \$560,008. to \$973, 120. with an Engineer's estimate of \$ 730,900.

Funding for this project was initially provided in the FY17 budget but reallocated based on requests from airport users to delay work until beyond Summer 2017 to facilitate their pending operations and need for Runway 4-22 to remain fully open. Closures to Runway 4-22 were minimized to a total of seven (7) calendar days with a start date after Labor Day and the project was re-budgeted in the FY 18 budget. Work will begin on or about September 11 for a duration of forty (40) calendar days.

The low bidder is George & Lynch, Inc., of Dover, Delaware, at the bid amount of \$560,008.00. The Sussex County Engineering Department recommends awarding the project to George & Lynch, Inc.



## ENGINEERING DEPARTMENT

ADMINISTRATION	
AIRPORT & INDUSTRIAL PARK	
ENVIRONMENTAL SERVICES	
PUBLIC WORKS	
RECORDS MANAGEMENT	
UTILITY ENGINEERING	
UTILITY PERMITS	
UTILITY PLANNING	
FAX	

(302) 855-7718 (302) 855-7774 (302) 855-7730 (302) 855-7703 (302) 854-5033 (302) 855-7717 (302) 855-7719 (302) 855-1299 (302) 855-7799





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

# TAXIWAY C PAVEMENT REHAB, PHASE I BID OPENING, 11:00 a.m., THURSDAY, MAY 11, 2017

BIDDER	TOTAL BID
George & Lynch, Inc. *	\$560,008.00
Allan Myers MD, Inc.	\$884,295.00
A-Del Construction	\$973,120.00

\*Apparent Low Bidder



# ENGINEERING DEPARTMENT

ADMINISTRATION	(30
AIRPORT & INDUSTRIAL PARK	(30
ENVIRONMENTAL SERVICES	(30
PUBLIC WORKS	(30
RECORDS MANAGEMENT	(30
UTILITY ENGINEERING	(30
UTILITY PERMITS	(30
UTILITY PLANNING	(30
FAX	(30

302) 855-7718 302) 855-7774 302) 855-7730 302) 855-7703 302) 855-7703 302) 855-7717 302) 855-7719 302) 855-1299 302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

# Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable Robert B. Arlett The Honorable Irwin G. Burton III

FROM:

RE: Use of Existing Infrastructure Agreement Tidewater Landing/CMF Tidewater Landing, LLC.

John Ashman, Director of Utility Planning

DATE: May 25, 2017

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

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

Under the proposed arrangement, the wastewater from the Tidewater Landing development will be connected to an existing regional forcemain. In return for utilization of said infrastructure CMF Tidewater Landing, LLC will contribute **\$84,097.69** for the perpetual use of these transmission facilities.



#### USE OF EXISTING INFRASTRUCTURE AGREEMENT

#### TIDEWATER LANDING

THIS AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of 2017, by and between:

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

CMF TIDEWATER LANDING, LLC, a Delaware Limited Liability Company and developer of a project known as Tidewater Landing, hereinafter called the "Developer."

#### WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 234-6.00-975.00, to be known as Tidewater Landing ("Project") and;

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

WHEREAS, County has determined by study known as Goslee Creek Planning Study, that the Project can be served by the regional infrastructure and;

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

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

- Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to <u>213</u> (which includes (18) potential offsite parcels) equivalent dwelling units to County's existing transmission system and to utilize the existing capacity in said system, Developer agrees to contribute <u>\$84,097.69</u> for the perpetual use of said transmission facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.

1 Page

- (4) Payment of the contribution must be submitted prior to receiving substantial completion of the pumpstation.
- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the Sussex County Code for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the Sussex County Code and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the Sussex County Code.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for

any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 111 Rockville Pike, Suite 1100, Rockville MD 20850.

3 Page

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

# FOR THE COUNTY:

{Seal}

By:

(President - Sussex County Council)

(DATE)

ATTEST:

Robin A. Griffith Clerk of the County Council

APPROVAL TO FORM:

Assistant County Attorney

FOR CMF TIDEWATER LANDING, LLC

(Seal) By Cliffis Garland

5/25/17 (DATE)

WITNESS:

Rich RISHOL CHEA

# PETITION TO ESTABLISH A STREETLIGHTING DISTRICT

# FOR THE MOUNT JOY OAK STREET COMMUNITY

# SUSSEX COUNTY, DELAWARE

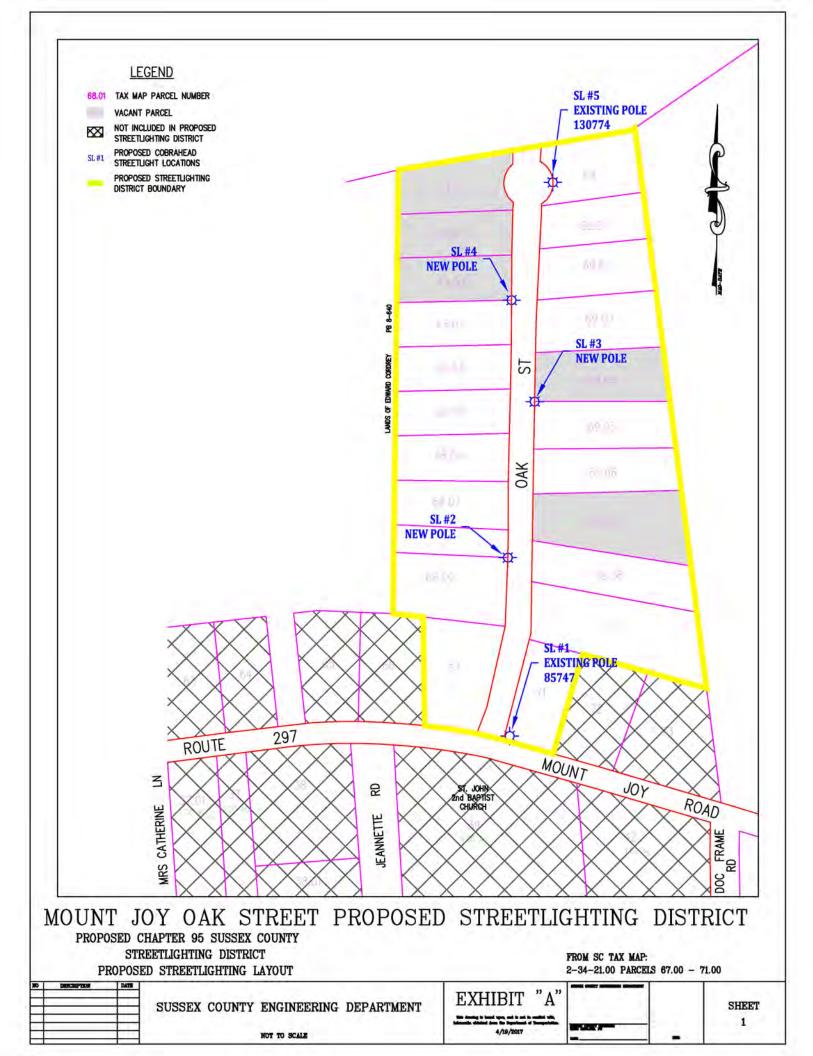
To the Sussex County Council, Delaware:

I, the undersigned **owner of property having an improvement**(s) constructed for residential or business use, situated on lands within the Suburban Community known as Mount Joy, on Oak Street, and located on Sussex County Tax Map Number 2-34-21, Parcels 67 through 71, do hereby petition the Sussex County Council to submit the question of organizing a Streetlighting District in accordance with Sussex County Code, Chapter 95 - Streetlighting, to an Election. The proposed streetlighting district boundary shall be as shown on **Exhibit "A"** attached hereto, showing the parcels of land, and roadways to be located within the Streetlighting District.

Printed Name:		
Signature:		
Mailing Address:		
Lot No.: If known	No. of Improvements:	
Sussex County	7 Tax Map ID #: 2-34-21 - Parcel	
STATE OF DE	ELAWARE	
COUNTY OF	SUSSEX	
before me, t	ABERED, That on this <u>day of</u> , A.D., 201 the Subscriber, a Notary Public for the State and C , party to this indenture, known to	County aforesaid,
such, he or she	acknowledged this indenture to be his or her act and deed, and his vn proper handwriting.	
SO SWOPN A	ND SUBSCRIBED before me the day and year aforesaid	

SO SWORN AND SUBSCRIBED before me the day and year aforesaid.

Notary Public Notary Public





# **PROPOSED MOTION**

# MOUNT JOY OAK STREET

# PROPOSED STREETLIGHTING DISTRICT

BE IT MOVED THAT SUSSEX COUNTY COUNCIL HAS DETERMINED THE COMMUNITY, KNOWN AS "MOUNT JOY - OAK STREET", SATISFIES THE CRITERIA OF A SUBURBAN COMMUNITY, AS DEFINED IN CHAPTER 95 OF THE SUSSEX COUNTY STREETLIGHTING CODE, PARAGRAPH 95-1, AND AUTHORIZES THE SUSSEX COUNTY ENGINEERING DEPARTMENT TO CIRCULATE THE ATTACHED PETITION FORM TO DETERMINE IF A STREETLIGHTING DISTRICT MAY BE ESTABLISHED, AS REQUIRED BY CHAPTER 95 OF THE SUSSEX COUNTY STREETLIGHTING CODE.

Presentation to Sussex County Council: June 13, 2017

By: Patricia Lowe Deptula Director of Special Projects

Approved on: \_\_\_\_\_



# SUSSEX COUNTY GOVERNMENT GRANT APPLICATION

	at and assessed	10) 10(4) († 40)			
ORGANIZATION NAME: Eastern AFRAM Festival, Inc.					
PROJECT NAME: Eastern Shore AFRAM Festival 2017					
FEDERAL TAX ID:	05-0595124				
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?					
	YES NO *I	F YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION: Our mission is to strengthen the community through the building of cultural awareness. We believe strongly in diversity and unity. We are brining together many aspects of the African diaspora, as well as building unity in our Sussex County and neighboring communities.					
ADDRESS:					
	Seaford	DE	19973		
	(CITY)	(STATE)	(ZIP)		
CONTACT PERSON:	Herbert G. C	Quick	Ŷ		
TITLE:	Treasurer				
PHONE: 302.629.4949 Herb@hamiltongraphics.com					
	TOTAL FUNDING REC	QUEST: \$1000.00			
Has your organization r the last year?		from Sussex County Government	in YES NO		

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

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

500

YES NO

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 38%

PR	OGRAM CATEGORY (choose all that ap	ply)
Fair Housing	Health and Human Services	Cultural
Infrastructure <sup>1</sup>	Other Festival	🗌 Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Minority	Low to Moderate Income <sup>2</sup> Other Community	
Elderly Persons Minority	Low to Moderate Income <sup>2</sup> Other Community  BENEFICIARY NUMBER	Youth

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

2017 is the 22nd edition of the AFRAM festival. The event began in 1996 as a small basketball tournament in Nutter Park (Seaford), and has grown significantly. Five years ago, the event moved to the Seaford Sports Complex, giving room for expansion, adequate parking, and an opportunity to return to the roots of the cultural experience. The Complex is directly across from the Gov. William Ross Mansion, a former slaveholding plantation.

The festival addresses issues facing the community by including non-profit agencies representing healthcare, government, education, ministry, shelter, and public safety. The presence of these agencies provides an opportunity for the community to access information and services from qualified agency representatives.

Annually, AFRAM honors a group which has worked tirelessly and ceaselessly within the community. This year, Delmarva Teen Challenge will be honored for its rehabilitative and counselling work in the areas of substance abuse and other life-controlling issues.

Our mission is strengthen the community through the continued building of cultural awareness. As a cultural event, our festival program presents authentic music and dance from Gambia, Guinea and other areas from within the African diaspora.

This grant is requested in order to assist with funding for festival staging & tents, audio, and pre-event internet publication for the 2017 festival performances.

Eastern Shore AFRAM Festival is one of the two major annual events held in Seaford. We are not aware of any other African diaspora oriented festivals in lower Delaware.

This family-friendly event is inclusive of all members of the community and surrounding areas.

Marketing is achieved through television, radio, internet, and print media. The event is well covered within a typical 100 mile radius of Seaford.

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

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

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

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

<b>REVENUE</b> Please enter the current support your organization receives for this project	
(not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2,500.0
<b>EXPENDITURES</b> 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)	
Production: Audio System	-\$ 750.00
Equipment Rental: Tents & Staging	-\$ 1,500.00
Marketing: Email Blasts	-\$ 250.00
TOTAL EXPENDITURES	-\$ 2,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

sections's strandariant on additionality

If this grant application is awarded funding, the <u>Eastern Shore AFRAM Festival, Inc.</u> agrees that:

(Name of Organization)

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

All information and statements in this application are accurate and complete to the best of my 4) information and belief. 5) All funding will benefit only Sussex County residents. All documents submitted by the applicant are defined as public documents and available for 6) review under the Freedom of Information Act of the State of Delaware. All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not 7) be used to advance or inhibit religious purposes. In the event that the awarded funding is used in violation of the requirements of this grant. 8) the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice. May 22, 2017 euch 11 Applicant/Authorized Official Date May 22, 2017 Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

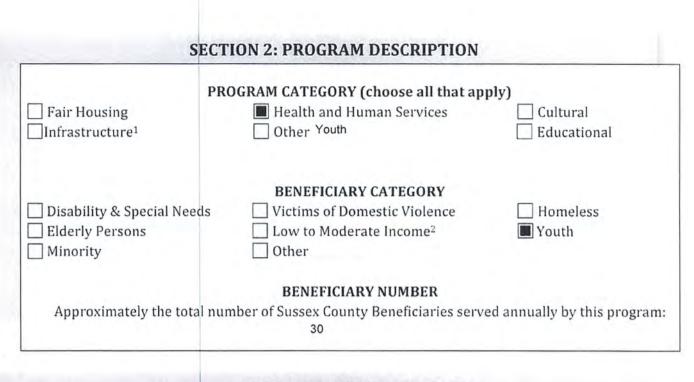
Date



# SUSSEX COUNTY GOVERNMENT GRANT APPLICATION

	SECTION 1 APPLICA	ANT INFORMATION	- 1
ORGANIZATION NAME PROJECT NAME: FEDERAL TAX ID: DOES YOUR ORGANIZA ORGANIZATION'S MISS	Delaware Nation "Camp Colwell" 81-4980810 TION OR ITS PARENT OR YES NO *I SION: The DNGYF missio	NON-PROFIT: IN YI SANIZATION HAVE A RELIGIOUS AFFILIA F YES, FILL OUT SECTION 3B. n is to develop discipline, character, and	TION?
ADDRESS:			
CONTACT PERSON: TITLE: PHONE:	Christine Kub Board Chair 302-540-0711	ik <sub>EMAIL:</sub> dngyf@yahoo.com	
		1 000	

TOTAL FUNDING REQUEST: 1,000
Has your organization received other grant funds from Sussex County Government in YES INO the last year?
If YES, how much was received in the last 12 months?
If you are asking for funding for building or building improvements, do you own the NAM YES NO building in which the funding will be used for?
Are you seeking other sources of funding other than Sussex County Council?
If YES, approximately what percentage of the project's funding does the Council grant represent? $< 5\%$



# **SECTION 3: PROGRAM SCOPE**

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

Camp Colwell is a summer recreational camp. Approximately 130 military youth, ages 9-17 converge on Camp Colwell every July.

The weeklong summer camp is held at the Guard's Bethany Beach Training Site, where dependents of current and retired Delaware Guard members spend seven days together.

The intent of this camp is to promote respect, friendship, leadership, team skills, self-confidence, and self-esteem and community involvement. The camp aims to assist youth in gaining an understanding of why their Guard parent serves in the National Guard and to help our Guard youth cope with the stress and confusion of separation/deployment.

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

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

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

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

n/a

<b>REVENUE</b> Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	40,000
<b>EXPENDITURES</b> 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)	
Camp Colwell, 105 campers	-38,560
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

# SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the DNG Youth Foundation \_\_\_\_\_agrees that:

(Name of Organization)

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

# SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official

24 May 2017 Date 24 May 2017 Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

ZOTT MAY 2



# SUSSEX COUNTY GOVERNMENT

**GRANT APPLICATION** 

	SECTION 1 APPLICANT INF	ORMATION		
ORGANIZATION NAME: Rehoboth Art League				
PROJECT NAME: Paynter Studio Preservation				
FEDERAL TAX ID:	51-0097839	NON-PROFIT:	🔲 YES 🗌 NO	
DOES YOUR ORGANIZATI	ON OR ITS PARENT ORGANIZAT	ION HAVE A RELIGIOUS AFF	FILIATION?	
	YES NO *IF YES, FI	LL OUT SECTION 3B.		
ORGANIZATION'S MISSION: The Rehoboth Art League, with the people of Delaware and its visitors, encourages artists and arts education and sponsors exhibits and programs that reflect the diversity of the community in an historic setting and in partnership with other organizations.				
ADDRESS:	12 Dodds Lane			
	Rehoboth Beach	DE	19971	
	(CITY)	(STATE)	(ZIP)	
CONTACT PERSON:	Sara Ganter			
TITLE:	Chief Operating Off	icer		
PHONE:	302-227-8408 EMAIL: sara@rehobothartleague.org			
	TOTAL FUNDING REQUEST:	\$5,000	-	
Has your organization red the last year?	eived other grant funds from Su	ssex County Government in	🔳 YES 🗌 NO	
If YES, how much was received in the last 12 months? \$1,000				
If you are asking for fundi building in which the fund	ng for building or building impro ing will be used for?	vements, do you own the	YES NO	
Are you seeking other sou	Are you seeking other sources of funding other than Sussex County Council?			
If YES, approximately what percentage of the project's funding does the Council grant represent? 10%				

PR	OGRAM CATEGORY (choose all that ap	ply)
Fair Housing	Health and Human Services	Cultural
Infrastructure <sup>1</sup>	Other	Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income <sup>2</sup>	<b>Youth</b>
Minority	Other All populations served	
Elderly Persons	Low to Moderate Income <sup>2</sup>	☐ Youth

# **SECTION 3: PROGRAM SCOPE**

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

Founded in 1938, the Rehoboth Art League continues its long-standing mission of encouraging artists and arts education through its exhibits, programs, events, and historic campus in Henlopen Acres. The Rehoboth Art League is now seeking grant funding that will allow us to preserve one of our oldest buildings on campus, the Paynter's Studio, our first formal educational space.

The studio itself—a single floor, two-room wing of an abandoned farmhouse built in 1780—was moved via boat from Lewes to our current campus in 1938. It has been updated over the years only with basic electric (no heating or cooling) for the interior and exterior lights and maintains the original architectural stylings of its late-1700s construction. Over the course of the past 80+ years, the building has been used for exhibits, events, Sunday afternoon tea for members, and it is also known for the "Doors of Fame," where Delaware artists and dignitaries who visited the art league would sign the doors of the studio. The building, always free and open to the public, remains a wonderful representation of the central role that arts education has played within the Rehoboth Art League.

After discovering holes in the Paynter's Studio wood shingle roof in 2016 and covering the roof with a tarp (a temporary solution), we have noticed that the building is continuing to deteriorate and needs a complete roof replacement, roof beam reinforcement, and external drainage improvements to ensure the building's long-term integrity. To help deter future moss growth (which eats away at wood shingles) and immediate roofing issues, we would like to install an asphalt shingle roof on the Paynter's Studio to give it a longer lifespan and more resilience to the elements. The replacement of the roof will also entail reinforcing the building's roof beams, which is structurally required. Additionally, we will be removing the skylight of the building (not original), which has created additional leak issues around its perimeter. And to help address drainage problems around the building, we will be installing gutters to help direct rainwater to the corners of the building, where it will then funnel into rain barrels. The south side of the building will be regraded with a gentle slope to help carry the water away from the building's foundation. Currently, water and soil runs toward the building, is collected around its siding, and housing damaging moisture against the Paynter's shingles. The gutters, along with the targeted regrading of soil, should help to eliminate the further pile up of organic matter against the sides of the building and, therefore, will help reduce the deterioration of the siding and foundation materials. By preserving this historic building's structure with new roofing and drainage elements, it will remain accessible to the public for years to come as part of art league and Sussex County history.

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

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

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

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

SECTION 4: BUDGET	
<b>REVENUE</b> Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	21,000.00
<b>EXPENDITURES</b> 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. <b>(Put amounts in as a negative)</b>	
Plans and Permitting	-\$ 5,500.00
Demolition	
Roof Framing/Roofing, Flashing	
Ceilings & Coverings	
Site Work/Regrading/Floor Framing	
Electrical	
	-\$ 45,500.00
TOTAL EXPENDITURES	-\$ 51,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 30,000.00

# **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the <u>Rehoboth Art League</u> agrees that:

(Name of Organization)

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

4)	All information and statements in this application are accurate and complete to the best of my information and belief.			
5)	All funding will benefit only Sussex County reside	ents.		
6)	All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.			
7)	All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.			
8)	In the event that the awarded funding is used in violation of the requirements of this gran			
.,		Sussex County within a timeframe designated		
	by Sussex County by written notice.			
		5/18/2017		
		5/18/2017 Date		
	by Sussex County by written notice.			

Completed application can be submitted by:

- Email: gjennings@sussexcountyde.gov
- Mail: Sussex County Government Attention: Gina Jennings PO Box 589 Georgetown, DE 19947

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

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

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

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

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

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

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

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

Applicant/Authorized Official

a 5400

Witness

Date

Int

Council District No. 4 - Cole Tax I.D. No. 134-9.00-70.00 911 Address: Not Available

#### ORDINANCE NO.

# AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS

WHEREAS, on the 16th day of May 2017, a zoning application, denominated Change of Zone No. 1829, was filed on behalf of Theresa Elizabeth Murray Irrevocable Trust; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1829 be

\_\_\_\_\_; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [GR General 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 Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Cedar Neck Road, approximately 475 feet north of Hickman Road, and being more particularly described per the attached deed prepared by Procino-Wells & Woodland, LLC, said parcel containing 5.58 acres, more or less. This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

-OBE-MIRODUCEL

Council District No. 2 - Wilson Tax I.D. No. 135-16.00-23.00 911 Address: Not Available

#### ORDINANCE NO.

# AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 24.98 ACRES, MORE OR LESS

WHEREAS, on the 26th day of May 2017, a zoning application, denominated Change of Zone No. 1830, was filed on behalf of H. Dale Parsons; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1830 be

\_\_\_\_; and

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

# NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the southeast corner of Lewes Georgetown Highway (Route 9) and Steiner Road, and being more particularly described per the attached survey prepared by Pennoni Associates, Inc., and Adams-Kemp Associates, Inc., said parcel containing 24.98 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. ROBERT C. WHEATLEY, CHAIRMAN MARTIN L. ROSS, VICE CHAIRMAN R. KELLER HOPKINS DOUGLAS B HUDSON KIM HOEY STEVENSON



# Sussex County Planning & Zoning Commission

# PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 11, 2017

Application:	CU 2076 Joseph Mark Zduriencik	DH
Owner/Applicant:	Joseph Mark Zduriencik 37671 Lakeridge Dr. Selbyville, DE 19975	
Site Location:	Smokey Hollow Ln. and Lakeridge Dr. within the Smokey Hollow Subdivision, north of Johnson Rd. approximately 2,209 ft. west of Dickerson Rd.	
Zoning:	AR-1 (Agricultural Residential District)	
Current Use:	Wooded and Vacant Subdivision	
Proposed Use:	Event Venue	
Comprehensive Land Use Plan Reference:	Low Density Areas	
Councilmatic District:	Mr. Arlett	
School District:	Indian River School District	
Fire District:	Roxana Fire District	
Sewer:	On-site septic	
Water:	On-site well	
Site Area:	62.157 ac. +/-	
Tax Map ID.:	533-18.00-20.01 through 533-18.00-20.10	
Location:	Smokey Hollow Ln. and Lakeridge Dr. within the Smokey Hollow Subdivision, north of Johnson Rd. approximately 2,209 ft. west of Dickerson Rd.	



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





Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 3, 2017

RE: County Council Report for CU 2076 Joseph Mark Zdurienick

On December 19, 2016, the Planning and Zoning Department received an application (CU 2076 Joseph Mark Zdurienick) to allow for a Conditional Use for an event venue. The Planning and Zoning Commission held a public hearing on May 11, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that there was a staff analysis submitted into record as part of the application were comments received from DelDOT, Sussex Conservation District, and the Sussex County Utility Planning Division; and that the applicant submitted a site plan and exhibit booklet.

The Commission found that Joseph Mark Zdurienick was present on behalf of his application; that Mr. Zdurienick spoke that the application is for tented events; that he would like to build a barn on the property; that there would be a maximum of 200 to 250 people at each event; that the events would be held 2 to 3 times a month; that he is the only one that lives there; that this is a recorded subdivision; that he does not have plans to sell any lots; that the streets are in; that he is the only property owner of all lots and has the ability to use any lot for the tented events; that if a potential lot is sold then this may impact the Conditional Use; that the parking area will be on the grass with telephone poles and parallel parking; that the land is pretty solid and if the venue grows, it will possibly become a gravel parking lot; that the events would end at 10:00 pm; that no sign is needed; that all the facilities will be brought in until the barn gets built; that when the barn gets built, they will have DNREC approvals; that all the events will be catered; that there will eventually be lighting; that the road narrows to one lane to over the ditch; and that there could be a Condition put on the Conditional Use, that he own all the lots.

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

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

Motion by Mr. Hudson, seconded by Mrs. Stevenson, and carried unanimously to defer action. Motion carried 5-0.









# Memorandum

To: Sussex County Planning Commission Members From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant Date: May 4, 2017 RE: Staff Analysis for CU 2076 Joseph Mark Zdurienick

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2076 Joseph Mark Zdurienick to be reviewed during the May 11, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 533-18.00-20.01 through 533-18.00-20.10 to allow for the use as an event venue. The size of the property to be used for the Conditional Use is 62.157 ac. +/-. The property is zoned GR (General Residential District).

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

The surrounding land uses to the north are Environmentally Sensitive Developing Areas and Mixed Residential Areas. The land uses to the west and south are Low Density Areas and Mixed Residential Areas. The land uses to the east are Environmentally Sensitive Developing Areas and Low Density Areas. The Mixed Residential Areas land use designation recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units. Non-Residential Uses are not encouraged.

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

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for an event venue might not be considered consistent with the land use, surrounding zoning and uses.



# Introduced 01/31/17

Council District No. 5 – Arlett Tax I.D. No. 533-18.00-20.01-20.10 911 Address: None Available

#### ORDINANCE NO.

# AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.157 ACRES, MORE OR LESS

WHEREAS, on the 19th day of December 2016, a conditional use application, denominated Conditional Use No. 2076, was filed on behalf of Joseph Mark Zduriencik; and WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and

Zoning Commission recommended that Conditional Use No. 2076 be \_\_\_\_\_; and

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

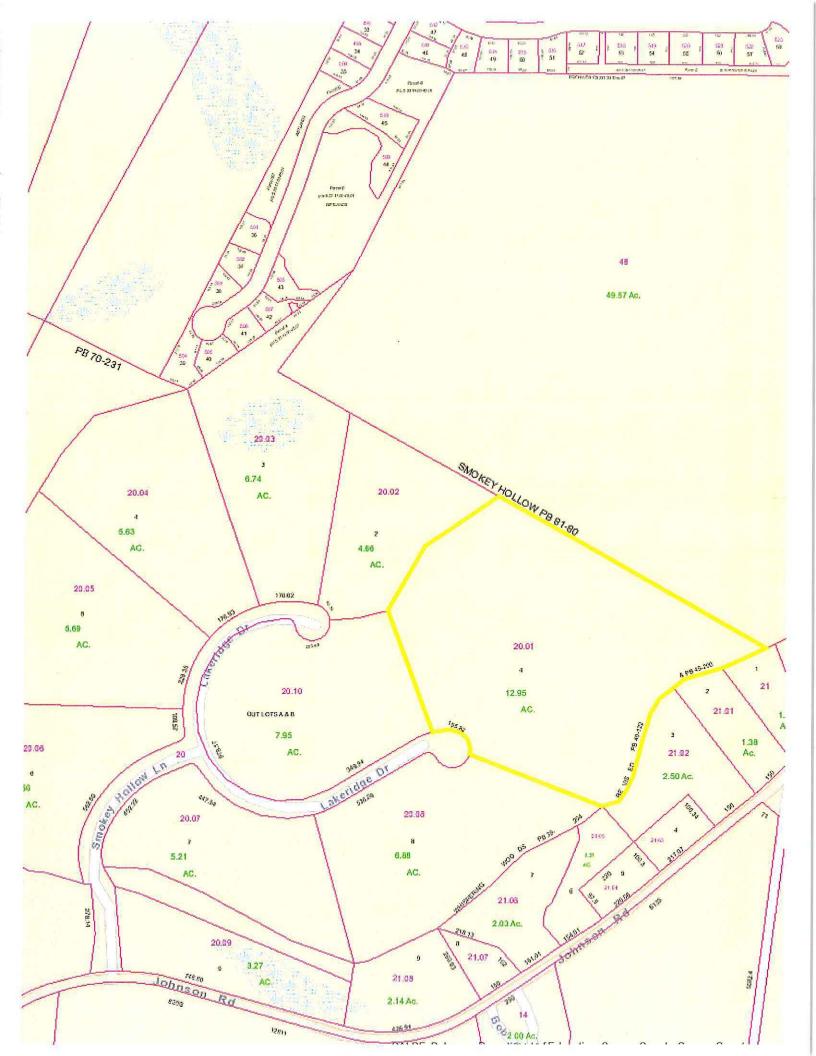
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

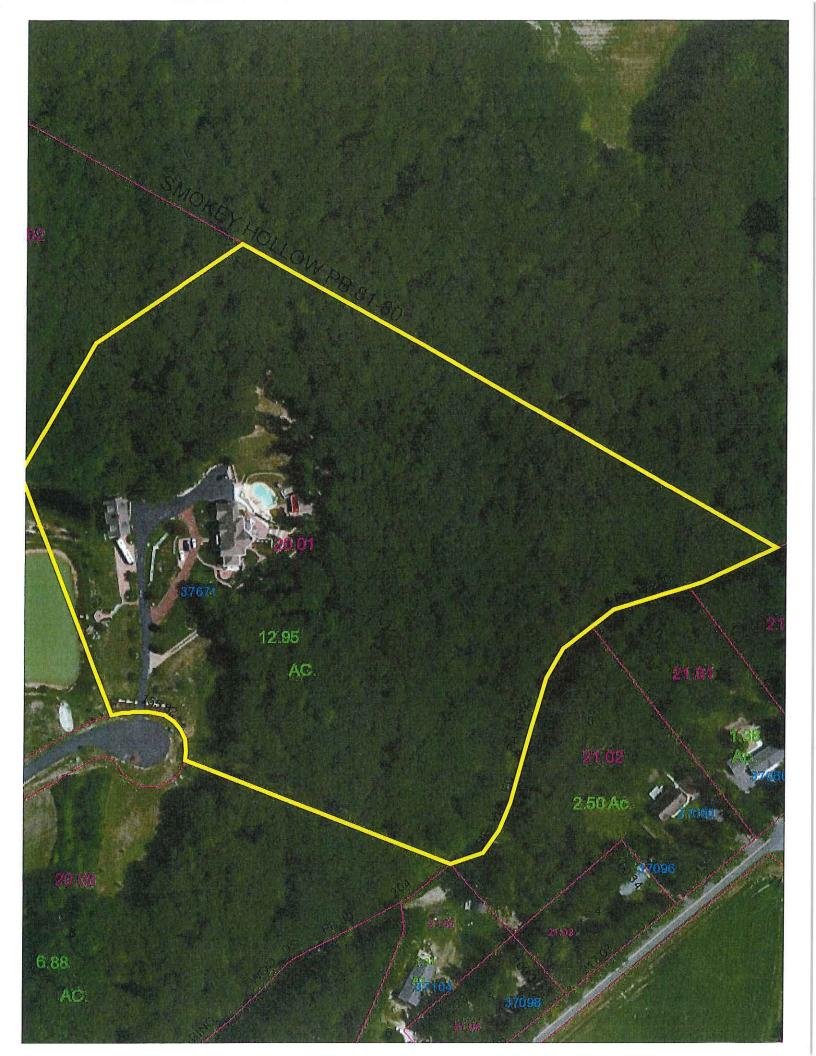
Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2076 as it applies to the property hereinafter described.

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 north of Johnson Road in the Smokey Hollow development, and being more particularly described per the attached legal descriptions, said parcel containing 62.157 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.







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



# Sussex County Planning & Zoning Commission

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date April 6, 2017

Application:	CU 2075 Burton's Pond Section II	KH
Applicant:	Burton's Pond, LLC 20184 Phillips St. Rehoboth Beach, DE 19971	
Owner:	Burton Bray Properties, LLC 6781 Livingston Woods Ln. Naples, FL 34109	
Site Location:	Southwest corner of John J. Williams Hwy (Rt. 24) and Sloan	Rd.
Zoning:	MR (Medium Density Residential District)	
Current Use:	Agricultural	
Proposed Use:	100 Townhouses	
Comprehensive Land Use Plan Reference:	Environmentally Sensitive Developing Areas	
Councilmatic District:	Mr. Cole	
School District:	Cape Henlopen School District	
Fire District:	Rehoboth Beach and Indian River Fire Districts	
Sewer:	Tidewater Utilities, Inc.	
Water:	Tidewater Utilities, Inc.	
Site Area:	30.95 ac. +/-	
Tax Map ID.:	234-17.00-29.00	
Location:	Southwest corner of John J. Williams Hwy (Rt. 24) and Sloan	Rd.



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





### Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 3, 2017

RE: County Council Report for CU 2075 Burton's Pond, LLC (Burton's Pond Section II)

On October 12, 2016, the Planning and Zoning Department received an application (CU 2075 Burton's Pond, LLC (Burton's Pond Section II)) to allow for a Conditional Use for a multi-family dwellings (100 townhouses). The Planning and Zoning Commission held a public hearing on April 6, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted in the record was a staff analysis, comments were received from DelDOT, Sussex Conservation District, and from the Sussex County Utility Planning Division; and that the applicant submitted a site plan and exhibit booklet.

Ms. Cornwell advised the Commission that there were three letters in opposition to this application.

The Commission found David Hutt, Attorney for Morris James Wilson Halbrook and Bayard, LLP, Zachary Crouch of Davis, Bowen, and Friedel, Inc. and Ben Gordy of Ocean Atlantic, were present on behalf of the application; that Mr. Hutt stated that 10 years ago a change of zone application from AR-1 to MR-RPC was filed; that the application was approved on July 31, 2007; that the RPC has expired; that a subdivision application was filed for a property on the other side of Route 24; that the property received preliminary approval on January 26, 2017; that this application is for 100 townhomes on approximately 31 acres of land; that the townhomes lie on a little over 8 acres of the land; that two-thirds of the property will be open space; that Mr. Crouch spoke the property is zoned MR; that the property is located in a Level 2 State Strategy; that the property is located in an Environmentally Sensitive Developing Area (ESDA); that the density of this project is around 3.23 per acre; that the entrance will be on Sloan Road; that there will be 19.23 acres of open space; that the original application was for 6 multiunit buildings; that the hedgerow will remain to the south of the property; that there will be a pool house, pool, with a walking trail throughout the wooded area; and that there will be sidewalks on one side of the road; that there are no wetlands on this site; that they will try to keep all woodlands as it is today; that a TIS was done per the original application and have meet with DelDOT; that this property is in a Sussex County Sewer District; that the exhibit booklet contains comments from PLUS, TAC, Chapter 99-9C and also an Environmental Assessment report; that there will be a 30 foot buffer around the perimeter; that the existing trees are to remain; that there will be a walking trail through the woods and no trees will not be removed



as part of the trail; that there will be a buffer along both side of the road; that there will be a multiuse path along Route 24 and Sloan Road; that as part of DelDOT's requirements, Sloan Road will be relocated at the developers expense; that the realigned road will tie into Hollymount Road; that the developer will enter into a signal agreement and will install the signal at the intersection when it is warranted per DelDOT, the developer will pay for the Signal; that Mr. Gordy spoke that there will be 6 units to a building; that the standard is 3 bedrooms a unit; that square the footage for each unit will be between 1,600 square feet to 2,300 square feet; that the master bedroom will be on the 1st floor; that he meet with some of the property owners; that he is willing to supplement the woods to meet the buffer requirement; that the HOA will be shared with the single family across the street and have shared amenities; that he is a licensed realtor and has no knowledge that multi-family having a negative impact on value of surrounding properties; that Mr. Crouch spoke that the all the trees will be removed on the single family lots so they could get the house on the lots; that the conditional use will allow for townhomes; that the plan in place will address infrastructure and the developer is paying for the improvements; that the developer is going to solve ongoing problems; that the sewer will be provided by a public provider; that there are other developments similar in the area and had no impact to the value; that this is in the ESDA which the code recognized to allow for a range of housing types; that mulch, stone, or natural material will be used for the walking path; that old Sloan Road will be abandoned; that the new intersection will be designed for a signal; that Hollymount Road will also be updated; that Sloan Road will be repaired first and then Hollymount Road; that the roads will meet the current standards; that the amenities will be in by the 51<sup>st</sup> Certificate of Occupy; that old Sloan Road will be removed and grass will be planted; that there will be centralized cluster mail boxes; that the both sides can share the amenities; that there will be room for additional parking with 15-20 spaces in front of the pool; that there will be a master HOA with a sub association for the townhomes for lawn care; and that the streets meet Fire Marshal requirements.

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

The Commission found that Arnold Pitman, Karen Snoots, Jessie Ockie, Joe Caserta, Susan Bovine, Chris McDaniel, and Johanna O'Neill, spoke in opposition to the application; that they had concerns with property values; that there concerns with traffic; that the housing should be single family and not townhomes; that it is not compatible with the area; that there are too many houses; and that there was concern about wildlife in the area.

At the conclusion of the public hearings, the Commission discussed this application; that concern of square footage; that the loss of trees; that there is concern with traffic; that the value issue doesn't exist as there was no documentation.

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

At their meeting on May 11, 2017, the Commission discussed this application which has been deferred since April 6, 2017.

Mr. Ross stated that he would move the Commission recommend approval of Conditional Use No. 2075 for Burton's Pond, LLC (Burton's Pond Section II) for a multi-family (100 townhouse Units), based upon the record and the following reasons stated:

- 1. This property is currently zoned MR (Medium-Density Residential District) and the proposed project meets the purposes and requirements of the District.
- 2. This application is for a conditional use in an MR (Medium-Density Residential District) to allow for the construction of townhouses. The applicant proposes 100 dwelling units on 30.95 acres, located in Indian River Hundred, adjacent to John J. Williams Highway (Route 24) at Sloan Road (Country Road 49).
- 3. This project was previously approved as an MR-RPC by Ordinance No. 1919 (CZ No. 1610) with 102 dwelling units, adopted by County Council on July 31, 2007.
- 4. The property is in an Environmentally Sensitive Development District Overlay Zone (ESDDOZ).
- 5. The applicant has submitted the application to PLUS and has responded appropriately to the PLUS Comments and provided the Commission with the required information for its consideration.
- 6. The property contains no wetlands and is not located in a Wellhead Protection Area.
- 7. The project is designed to preserve wooded areas and the natural buffer next to the adjacent residential communities. Dwelling units will be adjacent to open space, sidewalks and walking, jogging and bike trails, promoting interconnectivity within the project. The design preserves 19 acres of open space when a grid MR subdivision would preserve significantly less open space.
- 8. The applicant has proposed 100 dwelling units within the project, which is permissible density of 3.23 units per acre within an MR (Medium Density Residential District).
- 9. The project will not adversely affect neighboring or adjacent properties. The project is consistent with existing residential development in the area.
- 10. The proposed project will be served by central water and sewer, in accordance with Federal, State and County requirements.
- 11. Through consultation with DelDOT, the proposed project shall have one (1) entrance on Sloan Road (County Road 49).
- 12. The proposed project will have both active and passive open space.
- 13. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the MR (Medium-Density Residential District).
- 14. This recommendation for approval is subject to the following conditions and stipulations:
  - A. There shall be no more than 100 townhouse units within the project.
  - B. The applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the Conditions for Burton's Pond Section 1.
  - C. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.
  - D. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.
  - E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the

requirements of the Sussex Conservation District and PCS. The Applicant, is successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

- F. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.
- G. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50<sup>th</sup> residential building certificate of occupancy for Section II.
- H. Street lighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.
- I. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.
- J. The undisturbed forested areas shall be shown on the Final Site Plan.
- K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- L. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.
- M. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.
- N. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- O. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.
- P. The interior street design shall be in accordance with or exceed Sussex County street requirement and/or specification. Street design shall include curbs, sidewalks, and street lighting.
- Q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. 1:00 p.m.
- R. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.

S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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







## Memorandum

To: Sussex County Planning Commission Members From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant Date: March 30, 2017 RE: Staff Analysis for CU 2075 Burton's Pond Section II

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2075 Burton's Pond Section II to be reviewed during the April 6, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-17.00-29.00 to allow for the use of townhouses. The size of the property to be used for the Conditional Use is 30.95 ac. +/-. The property is zoned MR (Medium Density Residential District).

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

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

The property is zoned MR (Medium Density Residential District). The properties to the north, south and east and are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned (Agricultural Residential District) and MR (Medium Density Residential District). There are no known Conditional Uses in the area. The property was rezoned to MR-RPC in July 2007 (CZ 1610). The previous application was for 102 multi-family units. The RPC portion of the property expired.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for townhouses could be considered consistent with the land use, surrounding zoning and uses.



Council District 4 / Cole Tax I.D. No. 234-17.00-29.00 (portion of) 911 Address: None Available

#### ORDINANCE NO.

### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS

WHEREAS, on the 12th day of October 2016, a conditional use application, denominated Conditional Use No. 2075 was filed on behalf of Burton's Pond, LLC (Burton's Pond Section II); and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2075 be

\_\_\_\_\_; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2075 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 at the southwest corner of John J. Williams Highway (Route 24) and Sloan Road (Route 49) and being more particularly described per the attached legal description, said parcel containing 30.95 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.

