



# **Sussex County Council Public/Media Packet**

**MEETING:  
June 18, 2019**

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

## COUNTY COUNCIL

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



# Sussex County

DELAWARE  
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## SUSSEX COUNTY COUNCIL

### AGENDA

JUNE 18, 2019

10:00 A.M.

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes

#### Reading of Correspondence

#### Public Comments

#### Presentation on Balloons Over Sussex – Gina Derrickson, Director of Development, Sussex Academy Foundation

#### Todd Lawson, County Administrator

1. Public interview of Board of Adjustment nominees Dr. Kevin Carson and Jeff Chorman
2. Board of Adjustment Appointments
3. Planning and Zoning Commission Appointment
4. Administrator's Report

#### 10:15 a.m. Public Hearings

#### Fiscal Year 2020 Budget and Related Ordinances

#### **ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS**



**10:15 a.m. Public Hearings (continued):**

**“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 ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020”**

**Hans Medlarz, County Engineer**

- 1. Disposition of County Real Property - Red Mill Pond South Pump Station**
- 2. Delaware Center for the Inland Bays, Site Reforestation & Meadow Creation Close-Out**
  - A. Sussex County Landfill #3 Angola Close-Out**
  - B. Sussex County Landfill #6 Omar Authorization**
- 3. Weston Solutions, Inc.**
  - A. Approval of Funding for FY 2020, FY 2021, and FY 2022**
- 4. GHD, Inc. Base Contract**
  - A. Amendment 19 – South Coastal Regional Wastewater Facility (SCRWF) Miscellaneous Design Modifications**

**Grant Requests**

- 1. Georgetown Historical Society for Carriage House landscaping**
- 2. City of Seaford for Nanticoke Riverfest**
- 3. Seaford Tomorrow for 1st Saturdays events**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Conditional Use No. 2156 filed on behalf of Christine and Joseph R. Hudson**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WELLNESS CLASSES (INCLUDING YOGA, MASSAGE MEDITATION, ACUPUNCTURE AND LECTURES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.33 ACRES, MORE OR LESS” (Conditional Use No. 2156) filed on behalf of Christine and Joseph R. Hudson (land lying on the northwest side of Coastal Highway (Route 1), approximately 0.28 mile south of Hudson Road) (Tax I.D. No. 235-16.00-75.00 and 77.00) (911 Address: 14904 Coastal Highway, Milton)**

**Change of Zone No. 1876 filed on behalf of Debora Reed**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS” (lying on the north side of Savannah Road, approximately 152 feet northeast of Parker Run) (Tax I.D. No. 335-12.06-1.00) (911 Address: 1525 Savannah Road, Lewes)**

**Conditional Use No. 2169 filed on behalf of Debora Reed**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRE, MORE OR LESS” (land lying on the north side of Savannah Road, approximately 152 feet northeast of Parker Run) (Tax I.D. No. 335-12.06-1.00) (911 Address: 1525 Savannah Road, Lewes)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 11, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 11, 2019**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 11, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**Call to Order**

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

Mr. Vincent called the meeting to order.

**M 289 19  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of June 4, 2019 were approved by consent.

**Public  
Comments**

A public comment period was held and the following people spoke: Jim Martin, Paul Reiger and Dan Kramer.

**Procla-  
mation/  
Home  
Ownership  
Month**

A Proclamation entitled "PROCLAIMING THE MONTH OF JUNE AS HOME OWNERSHIP MONTH IN SUSSEX COUNTY" was presented to Brad Whaley and Brandy Nauman, who accepted the Proclamation on behalf of the County's Community Development and Housing Department and the Sussex County Association of Realtors.

**Board of  
Adjustment  
Retirements/  
Nominations**

Mr. Lawson announced the retirements of John Mills and Dale Callaway from the Board of Adjustment. Mr. Vincent nominated Dr. Kevin Carson to replace John Mills (District 1). Mr. Burton nominated Jeff Chorman to replace Dale Callaway (District 3). Mr. Lawson also announced that the term of Ellen Magee expires in June 2019. Mr. Rieley stated that he intends to nominate Ellen Magee (District 5) for a second term on the Board of Adjustment. Mr. Lawson stated that the application process will be

**BofA (continued)** initiated for the District 1 and District 3 appointments and that the District 5 appointment will be placed on a future agenda for reappointment.

**Advisory Committee/ Aging ...** Mr. Lawson announced that a vacancy (District 1) exists on the Advisory Committee for the Aging and Adults with Physical Disabilities. Mr. Vincent stated that he would like to appoint Helen Pase to fill that vacancy.

**M 290 19 Approve Appointment to Advisory Committee for the Aging and Adults with Physical Disabilities** A Motion was made by Mr. Wilson, seconded by Mr. Burton, that the Sussex County Council approves the appointment of Ms. Helen Pase to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities, effective immediately, for a term of two years.

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

**Administrator's Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, The Estuary – Phase 2-1 (Construction Record) and The Woodlands – Phase 3 received Substantial Completion effective June 3<sup>rd</sup> and June 5<sup>th</sup>, respectively.

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

**Second Quarter Employee Recognition Awards** Mrs. Jennings reported that the County recognizes employees for exceptional service. Mrs. Jennings announced that three employees received Honorable Mention for the Second Quarter of 2019: Kristin Cooper of the South Coastal Library, Chad Maris, Paramedic, and Anna West, Paramedic.

**General Labor & Equipment Contract/Award of Contract Extension** Hans Medlarz, County Engineer, reported that the General Labor & Equipment Contract is due to expire on July 1, 2019. As presented at the initial award, the Contract allows for two (2) one-year extensions at the County's discretion. Mr. Medlarz stated that the contractor's performance is satisfactory, and a one-year extension is in the County's best interest and, therefore, the Engineering Department suggests that Council exercise the first one-year extension option under the unit prices previously bid, in the amount up to \$7,395,000.00, allowing for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport. This amount does not include emergency repair services to existing facilities through July 1, 2020. This type of work, in addition to scope changes, will be presented to Council on a case by case basis.

**M 291 19  
Approve  
Award of  
Contract  
Extension/  
General  
Labor &  
Equipment  
Contract**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the award of the first one-year contract extension for Contract 19-01, FY-19 General Labor & Equipment Contract, be approved at the unit price as previously bid in the amount up to \$7,395,000.00 for FY 2020.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**The Owl's  
Nest  
Chapter 96  
Sussex  
Community  
Improvements  
Project**

**Patrick Brown, Project Engineer, presented the election results for the Owl's Nest Chapter 96 Sussex Community Improvements Program: a total of eight (8) votes were cast in-person and by absentee ballot. All eight votes were "Yes" votes with zero (0) "No" votes cast, indicating the property owners are in favor of the project. Although vote totals indicate 47% property owner participation, the outcome of the Election is determined by actual votes cast in the Election. Mr. Brown reported that, based on the affirmative results of the Election, the Engineering Department recommends proceeding with the improvements and authorizing the Finance Director and County Engineer to determine a uniform billing rate based on actual costs after substantial completion.**

**M 292 19  
Adopt  
R 013 19**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Resolution No. R 013 19 entitled "A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE OWL'S NEST CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Sherwood  
Forest  
North  
Expansion/  
Public  
Hearing  
Results**

**John Ashman, Director of Utility Planning, presented the public hearing results for the Sherwood Forest North Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). This expansion includes all the remaining parcels within the Sherwood Forest Subdivision and miscellaneous parcels along Bay Farm Road. The results of the public hearing were 68 in favor and 53 opposed out of 167 polled. The Engineering Department recommends extending the boundary to include the Sherwood Forest Area.**

**M 293 19  
Adopt  
R 014 19**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Resolution No. R 014 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS IN STEELE’S DEVELOPMENT AND SHERWOOD FOREST SOUTH ON THE SOUTH SIDE OF JOHN J. WILLIAMS HIGHWAY, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (SHERWOOD FOREST NORTH EXPANSION – LONG NECK AREA).**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Use of  
Existing  
Infra-  
structure  
Agreement/  
Beebe  
Medical  
Center**

**John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement between Beebe Medical Center – South Coastal ED & Cancer Center and Sussex County. The project is located in the Sussex County Unified Sanitary Sewer District (Millville Area); the project will be utilizing the County’s existing infrastructure. This Agreement will allow Beebe Medical Center, Inc., Developers of South Coastal ED & Cancer Center, to connect 30.67 EDUs to the existing infrastructure in exchange for a catch-up contribution of \$54,923.00. Payment will be required prior to receiving substantial completion of the on-site infrastructure. System Connection Charges in place at the time of building permit request will still apply.**

**M 294 19  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Beebe Medical Center Inc. for a capacity allocation in the regional transmission system, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Old  
Business/  
Proposed  
Ordinance  
Relating  
to Cluster  
Subdivisions**

**Under Old Business, the Council considered the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”.**

**Janelle Cornwell, Planning and Zoning Director, reported that the Planning and Zoning Commission recommended approval of the Proposed Ordinance.**



**Old  
Business/  
Proposed  
Ordinance  
Relating  
to Cluster  
Subdivisions  
(continued)**

**The Sussex County Council held a Public Hearing on the Proposed Ordinance on May 14, 2019 at which time action was deferred.**

**Council members, along with Ms. Cornwell and Vince Robertson, Assistant County Attorney, discussed the Proposed Ordinance and comments heard at the Public Hearing on May 14, 2019.**

**Mr. Burton presented an amendment to the Proposed Ordinance to remove the yield plan.**

**M 295 19  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the record made during the public hearing held before Sussex County Council, that “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS” is hereby amended to add a new “Section 2” as follows, with the current “Section 2. ‘Effective Date’” renumbered as “Section 3. ‘Effective Date’”.**

**Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-25 “Height, Area and Bulk Requirements” is hereby amended at subsection F.(3)(a) thereof by deleting subsection F.(3)(a)[2] in its entirety, as set forth in brackets as follows:**

**F. Review procedures for cluster developments.**

**(3) . . .**

**(a) . . .**

**[[2] The applicant must submit a “yield plan” that accurately depicts the maximum number of dwelling units possible on the same tract under the current applicable conventional (non-cluster) development regulations.**

**[a] The yield plan shall be completed to scale, and accurately depict potential lots, streets, and storm drainage facilities. However, the yield plan is not required to contain the same level of engineering detail required for a subdivision plan.**

**[b] The yield plan shall depict all wetlands, wooded areas, waterways or other water bodies.**

**[c] The applicant shall comply with §115-25A(2) or §115-25B(3), as applicable. In addition, the maximum number of dwelling units allowed on a cluster development tract shall not be greater than the maximum number of dwelling units determined to be possible under the yield plan prepared for that same tract, plus the number of additional units allowed if the applicant proffers the required per unit fee provided for under §115-25B(3) and F (3)(d) as provided for in Ordinance 1842.**

**[i] The yield plan shall not have any legal standing**

**M 295 19  
(continued)**

**except for the purposes of determining maximum density allowed under a cluster development.]**

**Motion Adopted: 4 Yeas, 1 Nay.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Nay; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 296 19  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the effective date in Section 2 (renumbered Section 3) shall be six (6) months from the date of adoption by Sussex County Council.**

**Motion Adopted: 4 Yeas, 1 Nay.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Nay; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Council members continued discussion on the Proposed Ordinance.**

**M 297 19  
Adopt  
Ordinance  
No. 2658**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2658 entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS", as amended.**

**Motion Adopted: 3 Yeas, 2 Nays.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Nay;  
Mr. Wilson, Nay; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

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

**M 298 19  
Countywide  
Youth  
Grant and  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, second by Mr. Hudson, to give \$1,000.00 (\$500.00 from Countywide Youth Grants and \$500.00 from Mr. Vincent's Councilmanic Grant Account) to TeenSHARP for Delaware Goes to College Sussex Boot Camp expenses.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 299 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Town of Greenwood for Greenwood Police Department's Night Out Event.**

**M 299 19  
(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 300 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$3,500.00 from Mr. Rieley's Councilmanic Grant Account to Gumboro Community Association to revitalize the grounds and landscaping of the Gumboro Community Center.**

**Motion Adopted: 4 Yeas, 1 Nay.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Nay; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinances**

**Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS" (Conditional Use No. 2189) filed on behalf of Grace Malone (Tax I.D. No. 332-2.00-75.00) (911 Address: None Available).**

**Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS" (Conditional Use No. 2190) filed on behalf of Steven and Helene Falcone (Tax I.D. No. 334-5.00-212.00 and 213.00) (911 Address: 17662 Beaver Dam Road, Lewes).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**M 301 19  
Go Into  
Executive  
Session**

**At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Executive  
Session**

**At 11:12 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land**

**(continued) acquisition. The Executive Session concluded at 11:31 a.m.**

**M 302 19 At 11:35 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, Reconvene Regular Session to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 303 19 A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex Approve Land Acquisition County Council approves the County's participation in Round 23 of the Delaware Agricultural Preservation Program for the acquisition of an agricultural easement for parcels known as Land 2019-E, Land 2019-F, Land 2019-G, Land 2019-H, Land 2019-I, Land 2019-J, Land 2019-K, and Land 2019-L.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 304 19 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at Adjourn 11:36 a.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

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

# 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, 2019 through June 30, 2020 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 18, 2019, 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.

<b>SUSSEX COUNTY, DELAWARE</b>	
<b>SUMMARY OF ANNUAL SERVICE CHARGES JULY 1, 2019 – JUNE 30, 2020</b>	
<b><u>District</u></b>	<b>Annual Service Charge \$/EDU</b>
DEWEY BEACH WATER	312.00
UNIFIED SEWER	292.00

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

<b><u>Area</u></b>	<b>Annual Assessment Charge</b>		
	<b><u>Distribution or Collection \$/foot</u></b>	<b><u>Transmission and/or Treatment \$/foot</u></b>	<b><u>Total \$/foot</u></b>
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	3.92	.58	4.50
FENWICK ISLAND SEWER	.28	.04	.32
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
HOLTS LANDING SEWER	.68	2.36	3.04
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>2</sup>	5.23	2.36	7.59
LONG NECK SEWER	2.86	.19	3.05
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	6.07	.57	6.64
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	4.10	2.67	6.77
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

<u>Area</u>	<b>Annual Assessment Charge - Continued</b>		
	<b>Distribution or Collection \$/foot</b>	<b>Transmission and/or Treatment \$/foot</b>	<b>Total \$/foot</b>
ANGOLA NORTH SEWER	.95	8.05	9.00
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
BLADES – CONCORD ROAD AREA SEWER	4.24	0.00	4.24
	<b>\$/EDU</b>		
DEWEY BEACH AND HENLOPEN ACRES SEWER	296.04		
<u>Notes:</u>			
1. Part of the Ellendale Sanitary Sewer Area.			
2. Part of the Holts Landing Sanitary Sewer Area.			
3. Part of the Dagsboro-Frankford Sanitary Sewer Area.			
“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, 2019 through June 30, 2020 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.

<b>SUSSEX COUNTY, DELAWARE</b>			
<b>SUMMARY OF SYSTEM CONNECTION CHARGES</b>			
<b>JULY 1, 2019– JUNE 30, 2020</b>			
<b>District</b>	<b>Connection Charge</b>		<b>Total System Connection Charge \$/EDU</b>
	<b>Transmission \$/EDU</b>	<b>Treatment \$/EDU</b>	
DEWEY BEACH WATER	1,155	0	1,155
UNIFIED SANITARY SEWER	2,480	3,880	6,360
UNIFIED - BLADES	1,071	2,499	3,570
UNIFIED - ELLENDALE	2,400	5,600	8,000
UNIFIED - GOLF VILLAGE <sup>2</sup>	-	-	-
UNIFIED - WOODLANDS OF MILLSBORO <sup>3</sup>	-	-	-
<u>Notes:</u>			
1. “EDU” means equivalent dwelling unit.			
2. Amount equal to the Town of Georgetown’s Impact Fee.			
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, 2019 through June 30, 2020 for the Unified Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

<b>SUSSEX COUNTY, DELAWARE</b>	
<b>ONE-TIME SEPTIC INSTALLATION FEE</b>	
<b>JULY 1, 2019 – JUNE 30, 2020</b>	
<b>District</b>	<b>One-time Septic Installation Fee \$/EDU</b>
Unified Sanitary Sewer	2,889
Notes: (1) "EDU" means "Equivalent Dwelling Unit."	

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: \$312.00 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: \$292.00 per EDU;
- B. For an assessment rate per billable front foot for distribution: see below; and
- C. For an assessment rate per billable front foot for transmission and/or treatment: see below.
- D. For assessment rate by EDU: see below.

<u>Area</u>	<b>Annual Assessment Charge</b>		
	<b><u>Distribution or Collection</u></b> <b><u>\$/foot</u></b>	<b><u>Transmission and/or Treatment</u></b> <b><u>\$/foot</u></b>	<b><u>Total</u></b> <b><u>\$/foot</u></b>
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	3.92	.58	4.50
FENWICK ISLAND SEWER	.28	.04	.32
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
HOLTS LANDING SEWER	.68	2.36	3.04
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>2</sup>	5.23	2.36	7.59
LONG NECK SEWER	2.86	.19	3.05
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	6.07	.57	6.64
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	4.10	2.67	6.77
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



<u>Area</u>	<b>Annual Assessment Charge - Continued</b>		
	<b><u>Distribution or Collection</u></b> \$/foot	<b><u>Transmission and/or Treatment</u></b> \$/foot	<b><u>Total</u></b> \$/foot
ANGOLA NORTH SEWER	.95	8.05	9.00
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
BLADES – CONCORD ROAD AREA SEWER	4.24	0.00	4.24
	<b>\$/EDU</b>		
DEWEY BEACH AND HENLOPEN ACRES	296.04		
<u>Notes:</u>			
1. Part of the Ellendale Sanitary Sewer Area.			
2. Part of the Holts Landing Sanitary Sewer Area.			
3. Part of the Dagsboro-Frankford Sanitary Sewer Area.			
“foot” means assessable footage			
“EDU” means equivalent dwelling unit			

- E. Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.
- F. For a connection charge per equivalent dwelling unit, see below:

<b>District</b>	<b>Connection Charge</b>		<b>Total System Connection Charge</b> \$/EDU
	<b>Transmission</b> \$/EDU	<b>Treatment</b> \$/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>	-	-	-
<u>Notes:</u>			
1. Amount equal to the Town of Georgetown’s Impact Fee.			
2. Amount equal to the Town of Millsboro’s Impact Fee.			

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

- A. For a one-time septic installation charge, per equivalent dwelling unit:  
\$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, 2019.

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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE TH DAY OF JUNE 2019.

ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

PROPOSED

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2020

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2020 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<b><u>Revenues:</u></b>	
<u>Taxes</u>	
Real Property - County	\$ 14,442,600
Real Property - Library	1,693,400
Realty Transfer	22,500,000
Fire Service	1,500,000
Penalties and Interest	140,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	200,000
Housing and Urban Development	1,880,000
Payments in Lieu of Taxes	5,400
State Grants	
Paramedic	4,478,600
Local Emergency Planning Commission	70,000
Library	340,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	160,000
Recorder of Deeds	3,700,000
Recorder of Deeds - Maintenance	41,000
Recorder of Deeds - Town Realty Transfer Tax	70,000
Register of Wills	1,150,000
Sheriff	2,000,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
General Government Fees	
Building Permits & Zoning Fees	2,100,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	130,000
Building Inspection Fees	1,640,000
Airport Operations/Economic Development	626,500
Miscellaneous Fees	66,000
Private Road Review & Inspection Fees	1,615,000
<u>Miscellaneous Revenue</u>	
Fines and Forfeits	40,000
Investment Income	1,000,000
Miscellaneous Revenues	217,369
<u>Other Financing Sources</u>	
Interfund Transfers In	70,000
Appropriated Reserve	<u>19,025,000</u>
<b><u>Total Revenues</u></b>	<b><u>\$ 81,460,499</u></b>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2020 is as follows:

<u>Expenditures</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<u>General Government</u>	
County Council	\$ 703,301
Administration	509,814
Legal	500,000
Finance	2,073,819
Assessment	1,968,639
Building Code	1,025,773
Mapping and Addressing	908,370
Human Resources & General Employment	988,618
Records Management	277,636
Facilities Management	2,298,013
Information Technology	2,120,504
Constable	1,167,077

<u>Expenditures (continued)</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<u>Planning and Zoning</u>	1,844,352
<u>Paramedics</u>	16,999,575
<u>Emergency Preparedness</u>	
Administration	601,915
Emergency Operations	2,718,095
Communications	421,450
Local Emergency Planning Committee	85,343
<u>Engineering</u>	
Engineering Administration	958,515
Public Works	728,334
<u>Library</u>	
Administration	744,853
Operations	2,581,508
<u>Economic Development</u>	
Economic Development	384,472
Safety and Security	514,161
Airport and Business Park	979,474
<u>Community Development</u>	2,430,560
<u>Grant-in-aid</u>	15,705,515
<u>Constitutional Offices</u>	
Marriage Bureau	229,962
Recorder of Deeds	995,943
Register of Wills	639,068
Sheriff	670,340
<u>Other Financing Uses</u>	
Transfers Out	10,085,500
Additional Pension Contribution	5,000,000
Reserve for Contingencies	1,600,000
<b><u>Total Expenditures</u></b>	<b><u>\$ 81,460,499</u></b>

Section 3. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees and miscellaneous fee changes from fiscal year 2019 for the Fiscal Year Ending June 30, 2020 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 one-quarter 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 changes.
  - 1.) Public Works Plan Review Fee - Chapter 99 – Subdivision - Per unit for (2) reviews of submitted plans fee increased from \$42 to \$45
  - 2.) Public Works Field Inspection Fees - Chapter 99 increased from 7% to 8% based on an independently verified Construction Cost Estimate
  - 3.) Utility Enterprise -Waste hauler fee - Septage Treatment Charges increased from \$.070 to \$.076 per gallon
  - 4.) Register of Wills - Will Receiving and Indexing Fee - \$10 per will
  - 5.) Register of Wills - Testator Will Examination Fee - without amendment \$2 per occurrence
  - 6.) Register of Wills - Receiving Codicil Will Fee – for existing indexed and file Will - \$5 per occurrence
  - 7.) Register of Wills - Receiving Amendment or Change to the Original Memorandum Fee - \$5 per occurrence
  - 8.) Register of Wills - Web Search Subscription Service Fee – Single User - \$25 per user per month
  - 9.) Register of Wills – Web Search Subscription Service Fee – Multiple Users - \$100 per month for firm with unlimited users

Section 4. Sussex County Code Chapter 99 and Chapter 110 Miscellaneous Fee and Charges Schedule is as follows:

Area	Fee Description	Fee	Unit of Measure
Public Works	Plan Review Fees - Chapter 99 - Flat fee for (2) reviews of submitted plans	\$2,500.00	Flat Fee
Public Works	Plan Review Fees - Chapter 99 - Per unit for (2) reviews of submitted plans	\$45.00	Per Unit (addition to Flat Fee)
Public Works	Plan Review Fees - Chapter 99 - Third Additional reviews - after first (2) reviews	60%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fourth Additional reviews - after first (3) reviews	50%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fifth Additional reviews - after first (4) reviews	40%	Original Plan Review fees
Public Works	Plan Review Fees - Plan Revisions - Chapter 99 - After obtaining County approval.	\$1,000.00	Each
Public Works	Field Inspection Fees - Chapter 99	8%	Based on Accepted Construction Cost Estimates (independently verified)
Public Works	Field Inspection - Overtime - Holiday or Weekend hours	\$50.00	Per Hour
Utility Enterprise	Damage to County Infrastructure from outside sources.	Varies	Actual Cost or Equipment rates based on FEMA Schedule
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat fee including (2) reviews of submitted plans	\$2,000.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	\$20.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	\$1,500.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - per unit including (2) reviews of submitted plans	\$10.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees -Chapter 110 - Third Additional reviews - after first (2) Sewer/Water plan review	60%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fourth Additional reviews - after first (3) Sewer/Water plan review	50%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110- Fifth Additional reviews - after first (4) Sewer/Water plan review	40%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Plan Revisions - Chapter 110 - After obtaining County approval.	\$1,000.00	Each
Utility Enterprise	Pump Station Review Fees – Chapter 110	\$2,500.00	Flat Fee including 2 reviews of submitted plans

<b>Department – Area</b>	<b>Fee Description</b>	<b>Fee</b>	<b>Unit of Measure</b>
Utility Enterprise	Field Inspection Fees - Chapter 110	15%	Based on Accepted Construction Cost Estimates (independently verified)
Utility Enterprise	Rescheduled connection inspections - each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	\$100.00	Per Occurrence
Utility Enterprise	Field Inspection - Overtime	\$50.00	Per Hour
Utility Enterprise	Sewer/Water Connection Permits	\$100.00	Per Permit
Utility Enterprise	Availability fee for Private Fire Service	\$250.00	Annually
Utility Enterprise	Waste hauler's annual septage discharge license fee	\$250.00	Annually
Utility Enterprise	Waste hauler fee - Septage Treatment Charges	\$0.076	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	\$100.00	Each
Utility Enterprise	Water Turn Off or On Fee	\$300.00	Each
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	\$50.00	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	\$25.00	5,000 Gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	\$4.00	1,000 Gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	\$500.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring Fee	\$250.00	Annually
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	\$500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	\$750.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	\$1,500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - Over 150.0 Acres	\$2,500.00	Each
Utility Enterprise	Sewer Service Concept Evaluation Fee	\$1,000.00	Each
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges



Section 5. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2020 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2020</u>
Appropriated Reserves	\$ 6,960,000
Federal Grant	4,140,000
Interfund Transfer (RTT)	10,000,000
Investment Income (net)	20,000
State Grant	230,000
	<hr/>
<b><u>Total Revenues and Other Financing Sources</u></b>	<b><u>\$ 21,350,000</u></b>
<b><u>Expenditures:</u></b>	
Administrative	
Building and Building Improvements	625,000
Information Technology Infrastructure	2,000,000
Land Acquisition/Improvements	3,050,000
Airport and Industrial Park	
Stormwater Improvements	900,000
Airport Masterplan	500,000
Water Plant Improvements	100,000
Hangar	2,100,000
Land Acquisition	600,000
RW 4-22 Expansion	375,000
Pavement Improvements	600,000
Business Park Improvements	3,400,000
RW 10-28 Taxiway	4,100,000
Engineering	
Property Acquisition	750,000
Public Safety	
Public Safety Building	1,000,000
Stations and Property Acquisition	1,250,000
	<hr/>
<b><u>Total Capital Improvement Expenditures</u></b>	<b><u>\$ 21,350,000</u></b>

Section 6. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2020 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<b><u>Revenues and Other Financing Sources</u></b>	
Operating Revenues	
Service Charges	\$ 22,712,660
Holding Tank Fees	425,000
Licenses, Permit, and Review Fees	1,350,000
Miscellaneous Fees	504,000
Non-Operating Revenues	
Assessment Charges	8,537,029
Capitalized Ord. 38 Fees	2,398,199
Connection Fees	3,614,635
Investment Results	914,000
Miscellaneous Revenues	200,000
Other Financing Sources	
Available Funds	62,670
Transfers	85,500
	<hr/>
<b><u>Total Revenues and Other Financing Sources</u></b>	<b><u>\$ 40,803,693</u></b>
 <b><u>Expenses:</u></b>	
Administrative Costs	\$ 8,361,636
Operations and Maintenance Costs	13,511,059
Capital Expenditures	5,397,397
Debt Service	13,533,601
	<hr/>
<b><u>Total Expenses and Debt Service</u></b>	<b><u>\$ 40,803,693</u></b>

Section 7. 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.

Section 8. The County Pay Plan and Salary Structure for Fiscal Year Ending June 30, 2020 shall be adopted by with this Ordinance.

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
1	\$ 21,218	\$ 26,523	\$ 31,827
2	\$ 22,279	\$ 27,848	\$ 33,418
3	\$ 23,393	\$ 29,240	\$ 35,090
4	\$ 24,563	\$ 30,703	\$ 36,843
5	\$ 25,791	\$ 32,238	\$ 38,687
6	\$ 27,080	\$ 33,851	\$ 40,620
7	\$ 28,435	\$ 35,542	\$ 42,651
8	\$ 29,855	\$ 37,320	\$ 44,784
9	\$ 31,349	\$ 39,185	\$ 47,023
10	\$ 32,916	\$ 41,145	\$ 49,374
11	\$ 34,562	\$ 43,203	\$ 51,844
12	\$ 36,291	\$ 45,362	\$ 54,434
13	\$ 38,105	\$ 47,631	\$ 57,157
14	\$ 40,010	\$ 50,012	\$ 60,015
15	\$ 42,011	\$ 52,512	\$ 63,015
16	\$ 44,111	\$ 55,138	\$ 66,165
17	\$ 46,316	\$ 57,895	\$ 69,474
18	\$ 48,632	\$ 60,790	\$ 72,947
19	\$ 51,064	\$ 63,830	\$ 76,595
20	\$ 53,617	\$ 67,020	\$ 80,425
21	\$ 56,297	\$ 70,372	\$ 84,446
22	\$ 59,112	\$ 73,890	\$ 88,669
23	\$ 62,068	\$ 77,584	\$ 93,103
24	\$ 65,172	\$ 81,464	\$ 97,757
25	\$ 68,430	\$ 85,537	\$ 102,645
26	\$ 71,851	\$ 89,815	\$ 107,777
27	\$ 75,443	\$ 94,305	\$ 113,166
28	\$ 79,216	\$ 99,021	\$ 118,824
29	\$ 83,177	\$ 103,972	\$ 124,765
30	\$ 87,335	\$ 109,171	\$ 131,004
31	\$ 91,703	\$ 114,629	\$ 137,554
32	\$ 96,288	\$ 120,360	\$ 144,431
33	\$ 101,102	\$ 126,377	\$ 151,653
34	\$ 106,158	\$ 132,697	\$ 159,236

Section 9. 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 10. This Ordinance shall become effective on July 1, 2019.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE     TH DAY OF JUNE 2019.

ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

TODD F. LAWSON  
COUNTY ADMINISTRATOR

(302) 855-7742 T  
(302) 855-7749 F

tlawson@sussexcountyde.gov




**Sussex County**

DELAWARE  
sussexcountyde.gov

**Memorandum**

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson   
County Administrator

RE: **DISPOSITION OF COUNTY REAL PROPERTY**  
**RED MILL POND SOUTH PUMP STATION**

DATE: June 14, 2019

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Per the County's policy for the disposition of County real property, I am providing you with the following report.

The property in question was conveyed to Sussex County on December 10, 2007, by Red Mill Pond Developers, LLC, as part of the pump station parcel in the Red Mill Pond South Subdivision. After the pump station construction, the developer made changes to the record plan modifying rights-of-way and open space. The changes to the plan required that the remainder of the parcel not needed by the County be incorporated in the enlarged open space. The total size of the remainder to be disposed equals approximately 1,100 square feet.

The following pertains to this property:

1. The subject property was part of the pump station parcel in the Red Mill Pond South Subdivision.
2. The Engineering Department and Mapping Division noticed that the latest record plan submission required the transfer of a portion of the pump station property.
3. The present use of the property is vacant.
4. No appraisal was performed; the subject property has no value.
5. No County funds were expended in acquiring, preserving, improving, restoring, or reclaiming the property.



Memo to Council – Disposition of County Real Property

June 14, 2019

Page 2 of 2.

6. The property cannot be used by any other County department, the State, or local political subdivision. The highest and best use is subdivision open space.

Based on this information, I am recommending the disposition of the property by transferring it back to Red Mill Pond Developers, LLC, as part of the open space.

Please let me know if you have any questions or concerns.

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## MEMORANDUM

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Samuel R. Wilson, Jr.  
The Honorable John L. Rieley  
The Honorable Douglas B. Hudson

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

RE: ***Delaware Center for the Inland Bays, Site Reforestation & Meadow Creation  
A. Sussex County Landfill #3 Angola Close-out***

DATE: June 18, 2019

Sussex County has partnered with the Delaware Center for Inland Bays (CIB) on numerous occasions. The most notably collaboration is the County owned James Farm, which is currently leased to the CIB. Both parties are always investigating possible other partnerships in the Inland Bays, as part of the Comprehensive Conservation and Management Plan (CCMP) while at the same time gaining credits under the proposed County's Clean Water Enhancement Program.

On August 14, 2018 Council awarded a 5-year contract to RK&K, Inc. for professional environmental and engineering services for development of environmental remediation projects and programmatic assistance in setting up storm water management districts and/or storm water management banking in the Inland Bays and the Sussex County portion of the Chesapeake Bay Watersheds. The purpose of the program is for the County to provide long term, efficient and environmentally responsible means for compliance with state and federal regulatory programs.

The first opportunity to restore a landfill buffer area arose at the Angola Landfill #3. The site is in proximity of a perennial streams which ultimately drains to Rehoboth Bay. The CIB proposed a reforestation and meadow creation plan to the previously farmed property protecting waterways and wetlands, reducing nutrient loading as well as sustaining various animal species.

January 29, 2019 Council approved CIB's Reforestation & Meadow Creation Proposal, at a cost not to exceed \$10,386.07. On April 6, 2019 almost 2,500 trees were planted by CIB staff and volunteers including neighbors as well as Girl & Boy Scout troops, service learning groups, and conservation corps. The organization of the volunteer force proved more complex than anticipated and CIB exceeded the authorized amount by \$1,557.98. The Engineering Department now requests additional funding for CIB in that amount to close out the project.



## DELAWARE CENTER FOR THE INLAND BAYS

To: HANS MEDLARZ, SUSSEX COUNTY

From: VICTORIA SPICE, DELAWARE CENTER FOR THE INLAND BAYS CC: CHRIS BASON (CIB), DR. MARIANNE WALCH (CIB), BRITTANY BURSLEM (CIB)

Date: JUNE 5, 2019

Re: REQUEST FOR MODIFICATION OF FUNDS TO SUPPORT REFORESTATION OF SUSSEX COUNTY LANDFILL #3

---

Comments: The attached proposal was presented to Sussex County Council in January 2019, and the Council approved funding to the Center for the Inland Bays (CIB) in the amount of \$10,386.07 for reforestation of the Landfill #3 site in Angola, DE. The project was implemented by the CIB on April 6, 2019. 2,435 trees were planted by CIB staff and 76 volunteers. Surrounding HOA's and neighbors were approached to participate as well as local Girl & Boy Scout Troops, service learning groups, and conservation corps. Additionally, an estimated 83.4 pounds of total nitrogen, and 2.3 pounds of total phosphorous will be prevented from entering nearby surface waters each year, and over 3 million pounds of carbon dioxide will be sequestered over a year 20-year period.

The estimated budget submitted with the proposal included funding for 110 hours of CIB Project Manager labor to plan, coordinate and implement the reforestation effort. However, actual time required to complete the project was 163.5 hours, exceeding the original budget estimate by \$1,557.98.

The project exceeded initial estimates for the following reasons:

1. To meet project goals for diversity of native tree species planted, multiple nurseries had to be used to supply the required plant materials. Procurement and coordination of deliveries required more staff time than originally planned.
2. To reduce total project cost, the CIB proposed to use volunteer labor for planting the trees. Preparation of the site to make planting organized and efficient for the volunteers required more staff time than anticipated. Additionally, flagging was installed to facilitate future mowing and maintenance required by County staff.
3. This was the first of several restoration projects to be completed with Sussex County. After completion of the work at this site, we now have a better understanding of the time and effort required to organize and implement similar projects using large groups of volunteers. This will allow us to submit more accurate project estimates to the Council for future efforts.

The CIB respectfully requests reimbursement of the additional labor costs, in the amount of \$1,557.98.



## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
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# Sussex County

DELAWARE  
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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable I.G. Burton, III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

RE: ***Weston Solutions, Inc. - Landfill Professional Services Firm  
Approval of FY 20, 21 & 22 Scope of Services***

DATE: June 18, 2019

Sussex County operated up to six (6) municipal landfills from 1968 to 1984. Over time each site was converted to a transfer station upon reaching its original landfill capacity. Gradually the transfer stations were closed concluding in 1994. The landfill sites were later identified pursuant to Delaware Code, Title 7, Chapter 91 under the Delaware Hazardous Substance Cleanup Act (HSCA). They are regulated by the Department of Natural Resources and Environmental Control (DNREC). The Division of Waste & Hazardous Substances, along with the Division of Water, administer and oversee the regulatory site management.

The State and the County mutually agreed on an Operations & Maintenance (O&M) plan, as well as, a formally recorded Environmental Covenant document for each site. In addition, Sussex County Landfill No.5 in Laurel is a delisted USEPA Federal Superfund Program site. It is governed by supplementary regulatory directives, as specified in a Notice of Conciliation agreement (NOC) made between the EPA, DNREC and Sussex County.

As part of the approved O&M plans, and the agreed upon NOC, a groundwater monitoring program was established, and groundwater sampling is conducted annually. All six Sussex County Landfill sites have monitoring requirements established by the Site Investigation and Restoration Branch (SIRB) of DNREC's Division of Waste & Hazardous Substances.

The present-day monitoring regimen is mainly a result of the inclusion of Laurel landfill on the USEPA Superfund Site listing in 1988, and subsequent inclusion of the other five Sussex County Landfill sites: LF1-Bridgeville, LF2-Stockley, LF 3-Angola, LF 4-Anderson Crossroads, and LF 6-Omar, on the Hazardous Substance Control Act (HSCA) site listing in 1994.



Weston Solutions, Inc. has negotiated all outside regulatory on behalf of Sussex County reducing landfill monitoring keeping the County in regulatory compliance. Weston's staff performs the annual landfill groundwater monitoring outlined in the legal agreements between the State and County including two Memorandums of Understanding (MOU), the first signed in 1988, and the second in 2000; a Landfill Closure Plan in 2003; a Landfill Operations and Maintenance Plan in 2005; a Notice of Conciliation for the Laurel landfill in 1996; and Environmental Covenants for all six landfill sites in 2015. Weston also compiles and submits to DNREC the mandatory annual reports for both the NOC and the O&M agreements.

In a Memorandum dated June 25, 1990, the Sussex County Administrator at that time, stated that the original selection of Weston for the County's landfill consulting work met all requirements of State law. A Basic Ordering Agreement for their work was subsequently compiled, reviewed by the County Attorney and then approved by Sussex County Council on April 16, 1991. The Engineering Department has continued to utilize Weston Solutions, Inc. under this Basic Operating Agreement for all landfill consulting and monitoring. On March 14, 2017 County Council reaffirmed Weston Solutions, Inc. as the Landfill Professional Services Consultant for a five (5) year period starting July 1, 2017, based on their expertise and past performance with a total FY18 budget not to exceed \$96,900.00.

Prior to every new budget year, Weston provides a scope of work, and cost estimates in a task order format. These cost estimates are included in the Engineering Department annual budget. Weston Solutions, Inc.'s projected monitoring costs for compliance with the two programs are \$66,900.00. The Engineering Department budget also includes a request for \$30,000, to be used for any other technical services associated with landfill-related activities. The FY 20 back-up information is attached.

Therefore, the Engineering Department requests approval of the FY 20, 21 and 22 amounts for Weston Solutions, Inc.'s services not to exceed \$96,900.00 per year and authorization for the County Engineer to execute the associated fiscal year task orders based on acceptable consultant performance during the previous fiscal year.



Weston Solutions, Inc.  
1400 Weston Way  
P.O. Box 2653  
West Chester, PA 19380  
610-701-3000  
WestonSolutions.com

March 28, 2019

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

**Re: FY 2020 Scope of Work and Cost Estimates**

Dear Mr. Medlarz:

This letter contains Weston Solutions, Inc.'s (WESTON's) scope of work (SOW) and estimated costs for providing technical consulting services to Sussex County (County) related to the six County landfills for fiscal year 2020 (FY20).

**FY20 SCOPE OF WORK**

The anticipated tasks to be performed by WESTON in the County's FY20 (extends from July 1, 2019 to June 30, 2020) are provided below.

**NOTICE OF CONCILIATION (NOC) PROGRAM**

WESTON will continue to collect groundwater samples for laboratory analysis and obtain water level measurements at the Laurel Landfill pursuant to the conditions of the NOC and the program modifications approved by the Delaware Department of Natural Resources and Environmental Control-Site Investigation and Restoration Section (DNREC-SIRS) in May 2016. Sampling is anticipated to be performed in late 2019.

Following receipt of the laboratory data packages from the 2019 sampling event, WESTON will review the laboratory data packages, and if the data are acceptable, enter the sampling results into the Access database established for the Laurel Landfill. We assumed that the sampling results would be satisfactory and require no resampling activities. We will then upload the 2019 results to create a draft data summary table, which will be provided to Sussex County for review and discussion. We understand that Sussex County will provide a draft data summary table to the owner of each supply well sampled.

Consistent with DNREC requirements, WESTON will prepare a report to summarize the tasks completed by Sussex County to satisfy NOC requirements. This report will include a description of the 2019 sampling activities and results. Groundwater contour maps, data



Mr. Hans Medlarz, P.E.  
Sussex County Engineering Department

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March 28, 2019

summary tables and parameter concentration plots will be prepared by WESTON to support report discussion. Based on the evaluation of the site groundwater results and discussion with Sussex County, this report will include recommendations as appropriate for any proposed program modification for the Laurel Landfill. A draft copy of this report will be provided to Sussex County for review and comment. It will be finalized based on comments received and submitted to the County for submission to the DNREC.

### **OPERATIONS AND MAINTENANCE (O&M) PROGRAM**

As you know, in January 2019, the “July 2017-June 2018 Annual Report for the Five Sussex County, DE Landfills” (Annual Report) was submitted to the DNREC-SIRS. This report summarized activities associated with the continued maintenance and water quality monitoring at the Anderson Crossroads, Angola, Bridgeville, Omar and Stockley Landfills. This report also contained recommendations for the proposed abandonment of one deep monitoring well (i.e., AXD-1) at the Anderson Crossroads Landfill. By letter on March 11, 2019, the DNREC-SIRS approved the Annual Report; however, the DNREC-SIRS required postponement of any plan to abandon deep monitoring well AXD-1 at the Anderson Crossroads Landfill (in the DNREC-SIRS letter, this well was incorrectly referenced to the Angola Landfill). We have discussed revisiting this well abandonment recommendation with the DNREC-SIRS since monitoring well AXD-1 at the Anderson Crossroads Landfill is apparently experiencing downhole leakage and needs to be properly plugged and abandoned.

In the March 2019 approval letter, DNREC-SIRS recommended resampling the two sampling locations at Chapel Branch Creek (i.e., creek flowing adjacent to the Angola Landfill) in spring 2019 to confirm the previous surface water quality results. Additionally, in spring 2019, we will collect water samples from the two remaining agricultural wells in the Spring Breeze Subdivision for mercury analysis. WESTON will summarize these sampling results and provide this information to the County.

We plan to conduct the aforementioned surface water and agricultural well sampling under the existing Purchase Order issued by the County for the landfill work. The work scope and cost estimate presented in this letter was developed assuming that no additional activities would be required based on the results of the agricultural well and Chapel Branch Creek sampling.

### **Groundwater/Surface Water Monitoring Program**

WESTON will collect groundwater and surface water samples for laboratory analysis and obtain water level measurements at the Anderson Crossroads, Angola, Bridgeville, Omar and Stockley Landfills. Sampling is anticipated to be performed in late 2019. The FY20



Mr. Hans Medlarz, P.E.  
Sussex County Engineering Department

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March 28, 2019

sampling program for the five County landfills will be consistent with the current monitoring program approved by the DNREC-SIRS.

Following receipt of the laboratory data packages from the 2019 sampling event, WESTON will review the laboratory data packages, and if the data are acceptable, enter the sampling results into the Access database established for the landfill sites. We assumed that the sampling results would be satisfactory and require no resampling activities. We will then upload the 2019 results to create draft data summary tables for each landfill, which will be provided to Sussex County for review and discussion. Based on comments received, WESTON will finalize the data summary tables and they will be provided to the County for submission to the DNREC and well owners.

### **Annual O&M Report**

WESTON will prepare the Annual O&M Report to describe all O&M activities completed at the five landfills (excludes the Laurel Landfill) in the period July 2018 - June 2019. The following information will be included in the Annual O&M Report.

- Description of O&M activities completed at the five landfills in the prior year.
- Summary of the laboratory results from the water sampling program performed at each landfill. Groundwater contour maps, data summary tables and parameter concentration plots will be prepared by WESTON to support report discussion.
- Copies of the completed monthly and annual landfill inspection forms. We have assumed that County personnel would continue to conduct the monthly landfill inspections and continue site maintenance (e.g. removing illegally disposed waste). The annual inspection will be performed jointly by Sussex County and WESTON personnel.
- Copy of any landfill deficiency report completed by Sussex County and a description of corrective action(s) taken by the County to address the identified deficiency.
- Recommendations as appropriate for modifying the monitoring activities at the landfills based on the evaluation of the groundwater and surface water quality data and discussion with Sussex County.
- Schedule including any modification or update.

A draft copy of the Annual O&M Report will be provided to Sussex County for review and comment. WESTON will finalize this report based on any comments received from



Mr. Hans Medlarz, P.E.  
Sussex County Engineering Department

March 28, 2019

the County. The final Annual O&M Report will be submitted by the County to the DNREC.

**Other Landfill-related Activities**

Consistent with previous years, WESTON’s estimate for FY20 includes a cost allocation of \$20,000 to cover other landfill-related activities, such as cap or erosion repair or other landfill-related activities required at the landfill site(s) and requested by Sussex County. If non-routine landfill support activities are requested (e.g., abandoning the deep monitoring well at the Anderson Crossroads Landfill), WESTON will provide a work scope and cost estimate to Sussex County to complete the requested activity. WESTON will perform the non-routine landfill work activity only after Sussex County has reviewed and approved the work scope and cost estimate.

**OTHER TECHNICAL SUPPORT SERVICES**

In keeping with the previous agreement reached with Sussex County, WESTON’s estimate for FY20 activities includes a cost allocation of \$10,000 to cover technical support services requested by the County and not covered under the aforementioned landfill work tasks. Such activities may include technical review of documents, meetings, or other technical support requested by the County.

**FY20 COST ESTIMATES**

WESTON estimates that the FY20 work activities described herein can be accomplished for the probable costs presented below. Cost estimates were developed based on the work assumptions presented above.

**NOC Program**

- Groundwater sample collections and water level measurements at the Laurel Landfill, laboratory sample analysis, data management, and preparation of groundwater monitoring report. \$18,900

**O&M Program**

- Groundwater and surface water sample collections and water level measurements at five landfills, laboratory sample analysis, data management, preparation of groundwater/surface water data summary table and the Annual O&M Report. \$47,000



Mr. Hans Medlarz, P.E.  
Sussex County Engineering Department

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March 28, 2019

- Other landfill-related activities requested by Sussex County. \$20,000  
(allocated cost)

**Other Technical Support**

- Other technical support services provided by WESTON at the County's request. \$10,000  
(allocated cost)

WESTON proposes to perform the work activities described herein on the basis of Time and Materials. To avoid misunderstanding, the Time and Materials cost presented above is a cost that WESTON believes will cover the work scope described in this letter, but no guarantees are made or implied.

**TERMS AND CONDITIONS**

The Terms and Conditions set forth in the Basic Ordering Agreement (dated 16 April 1991) between Sussex County Council and WESTON is applicable for the work tasks described herein.

With your approval, WESTON will establish separate work orders to track the project costs to complete the work scope activities described in this letter. We expect that Sussex County will issue a new Purchase Order for this work assignment.

Should you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

WESTON SOLUTIONS, INC

Thomas A. Drew, P.G.

Principal Project Manager

Jaisimha Kesari, P.E., BCEE

Vice President

- c: Michele Warren - Sussex County
- Patrick Brown – Sussex County
- Dave Cairns - WESTON

**TASK ORDER # LF-2020-1**

**FROM: SUSSEX COUNTY COUNCIL (CLIENT)**

**TO: WESTON SOLUTIONS, INC. (WESTON)**

In accordance with the Terms and Conditions of a Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 14, 2017, CLIENT hereby authorizes WESTON to perform the following work:

Task Order No.: LF-2020-1 (Weston Work Order **TBD**)

Sussex County Contract No.: **TBD**

Job Title: **TECHNICAL SUPPORT FOR LANDFILL OPERATIONS & MAINTENANCE (O&M) PLAN**

Effective Date of Task Order: July 1, 2019

Scope of Work: One round of sampling in December 2019 for landfills, laboratory sample analysis, data management, and reporting. Preparation of the Annual O&M Report for five landfills.

Estimated Cost: \$ 47,000

Schedule: Commence July 01, 2019  
Complete June 30, 2020

Deliverables: Groundwater data summary tables and Annual O&M Report for five landfills.

Additional Provisions: N/A

**AUTHORIZED BY CLIENT:**

BY: \_\_\_\_\_  
Hans M. Medlarz, P.E., Sussex County Engineer

\_\_\_\_\_  
Date

**ACCEPTED BY WESTON:**

BY: \_\_\_\_\_  
Thomas A. Drew, P.G.

\_\_\_\_\_  
Date



**TASK ORDER # LF-2020-2**

**FROM: SUSSEX COUNTY COUNCIL (CLIENT)**  
**TO: WESTON SOLUTIONS, INC. (WESTON)**

In accordance with the Terms and Conditions of the Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 14, 2017, CLIENT hereby authorized WESTON to perform the following work:

Task Order No.: LF-2020-2 (Weston Work Order **TBD**)

Sussex County Contract No.: **TBD**

Job Title: **GROUNDWATER SAMPLING AND TECHNICAL ASSISTANCE FOR SUSSEX COUNTY LANDFILL # 5 - LAUREL**

Effective Date of Task Order: July 1, 2019

Scope of Work: One round of sampling in December 2019, laboratory sample analysis, data management, and reporting per Sussex County's Notice of Conciliation (NOC) with DNREC/EPA.

Estimated Cost: \$ 18,900

Schedule: Commence July 01, 2019  
Complete June 30, 2020

Deliverables: Groundwater monitoring report for Laurel Landfill.

Additional Provisions: N/A

**AUTHORIZED BY CLIENT:**

BY: \_\_\_\_\_  
Hans M. Medlarz, P.E., Sussex County Engineer

\_\_\_\_\_  
Date

**ACCEPTED BY WESTON:**

BY: \_\_\_\_\_  
Thomas A. Drew, P.G.

\_\_\_\_\_  
Date

**TASK ORDER # LF-2020-3**

**FROM: SUSSEX COUNTY COUNCIL (CLIENT)**

**TO: WESTON SOLUTIONS, INC. (WESTON)**

**In accordance with the Terms and Conditions of the Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 14, 2017, CLIENT hereby authorized WESTON to perform the following work:**

**Task Order No.: LF-2020-3 (Weston Work Order **TBD**)**

**Sussex County Contract No.: **TBD****

**Job Title: **TECHNICAL SUPPORT FOR OTHER MISCELLANEOUS ITEMS****

**Effective Date of Task Order: July 1, 2019**

**Scope of Work: Other technical support services provided by Weston at Sussex County's request, including technical review of documents, meetings and consultations.**

**Estimated Cost: \$ 10,000**

**Schedule: Commence July 01, 2019  
Complete June 30, 2020**

**Deliverables: As necessary**

**Additional Provisions: N/A**

**AUTHORIZED BY CLIENT:**

**BY: \_\_\_\_\_  
Hans M. Medlarz, P.E., Sussex County Engineer**

\_\_\_\_\_  
**Date**

**ACCEPTED BY WESTON:**

**BY: \_\_\_\_\_  
Thomas A. Drew, P.G.**

\_\_\_\_\_  
**Date**

**TASK ORDER # LF-2020-4**

**FROM: SUSSEX COUNTY COUNCIL (CLIENT)**

**TO: WESTON SOLUTIONS, INC. (WESTON)**

**In accordance with the Terms and Conditions of the Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 14, 2017, CLIENT hereby authorized WESTON to perform the following work:**

**Task Order No.: LF-2020-4 (Weston Work Order **TBD**)**

**Sussex County Contract No.: **TBD****

**Job Title: LANDFILL OPERATIONS & MAINTENANCE PROGRAM**

**Effective Date of Task Order: July 1, 2019**

**Scope of Work: Site inspection, removal of debris, or other landfill-related activities as needed for Sussex County landfill properties**

**Estimated Cost: \$ 20,000**

**Schedule: Commence July 01, 2019  
Complete June 30, 2020**

**Deliverables: As necessary.**

**Additional Provisions: N/A**

**AUTHORIZED BY CLIENT:**

**BY: \_\_\_\_\_  
Hans M. Medlarz, P.E., Sussex County Engineer**

\_\_\_\_\_  
**Date**

**ACCEPTED BY WESTON:**

**BY: \_\_\_\_\_  
Thomas A. Drew, P.G.**

\_\_\_\_\_  
**Date**

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable I.G. Burton, III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

**RE:** *GHD, Inc. Base Contract  
Approval of Amendment No.19*

**DATE:** June 18, 2019

GHD, Inc., held the County's engineering services contract associated with the South Coastal Regional Wastewater Facility (SCRWF) since December 7, 200; Council reaffirmed GHD as the "Engineer of Record" in 2016 and again on May 14, 2019 at which time Council also included professional services associated with the City's Wastewater Treatment Plant. Since contract inception, Sussex County awarded seventeen (18) amendments for additional services under said base contract.

Amendments 11, 12 & 13 were associated with the ongoing 3rd capital upgrade project at the SCRWF. The 11th amendment covering planning and conceptual design was approved by Council on October 25, 2016 and used in the 2018 budgeting process. The 12th amendment was approved August 22, 2017 for development of construction documents and on July 11, 2017 Council awarded the 13th one for electrical and control value engineering and constructability reviews.

Amendments 14, 15, 16 & 17 were associated with the City's Wastewater Treatment Plant. On July 24, 2018, Council approved the 14<sup>th</sup> for design services of the City's WTP Phase 2 capital upgrade project. On October 2, 2018 Council approved the 15<sup>th</sup> for design services associated with the wastewater transmission line crossing of the Lewes-Rehoboth Canal allowing Pump Station No. 203 to be diverted to the City's treatment plant. On February 5, 2019 Council approved the 16<sup>th</sup> incorporating scope changes to the electrical motor control center design scope, as part of the City's WTP Phase 2 project.



On March 26, 2019 Council approved the 17<sup>th</sup> for a flow diversion of Pump Station No. 204 to the existing gravity sewer on the opposite side of SR-1 allowing said station to flow to the City's treatment plant. On June 4, 2019 Council approved the 18<sup>th</sup> for the design of the headworks improvements under an expanded scope of the City's Phase 2 project.

The Engineering Department is now requesting Council's approval of Amendment No. 19 for the 3rd capital upgrade project at the SCRWF in an amount not to exceed \$108,074.01 covering the following scope:

1. Army Corps of Engineers Permitting:

Through the permitting process with the DNREC Division of Watershed Stewardship Drainage Program it was determined that the US Army Corps of Engineers may require a permit for work in the tax ditches. Given the time it would take to obtain a jurisdictional determination (9 months), it was decided to seek a permit directly triggering a full National Environmental Policy Act review

2. Fiber Optic Network and Security Camera Changes:

- a. Inclusion of an additional new PCS Cabinet at the Vehicle Storage Building, as well as a new electrical service to a new transformer and new panelboards.
- b. The County requested that GHD revise the design documents to include the reconnection of 14 existing cameras to the PCS, and to modify design to incorporate Cisco 4000 series Ethernet switches in lieu ethernet switches.
- c. The County's IT Department requested an additional 9 cameras with concept for the best way to include the required power and controls infrastructure.
- d. The County IT further requested to develop a concept for how the County can best accommodate third party remote access to OEM equipment.
- e. Integration of the existing fiber optic connection between the State Communications Tower and the O&M Building.

3. Inclusion of Precast, Post-tensioned Concrete Construction Option:

Document revision allowing bids on the basis of precast in addition to post-tensioned concrete construction.

4. Headworks Change:

Revision of the Sequence of Construction to match a plan for consolidating the influent force mains outside of SCRWF.

5. Lagoon Sludge Handling:

Modification of the interim sludge handling strategy during construction.

The item 3-5 in this amendment offer significant construction cost savings outweighing the design cost increase.

**SOUTH COASTAL REGIONAL WASTEWATER FACILITIES**

**SUSSEX COUNTY, DELAWARE**

**CONTRACT AMENDMENT NO. 19**

This contract amendment, **Contract Amendment No. 19** dated \_\_\_\_\_, **2019** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD, Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

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

**ARTICLE FOUR**

**FEE STRUCTURE**

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 18** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Additional Design Services for the SCRWF Treatment Upgrade No. 3** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **One Hundred Eight Thousand, Seventy-Four dollars and One cents (\$108,074.01)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

**ARTICLE FOURTEEN**

**INCORPORATED DOCUMENTS**

- 14.2 **Attachment A: Consultant's Scope of Services, Additional Design Services for the SCRWF Treatment Upgrade No. 3 with Man-hour Spreadsheets. (Contract Amendment No. 19).**

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **19** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:  
SUSSEX COUNTY

\_\_\_\_\_  
President, Sussex County Council

PREVIOUSLY APPROVED FORM


\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD, Inc.

  
\_\_\_\_\_  
Thor Young, P.E.

WITNESS:

\_\_\_\_\_



## ATTACHMENT A

May 30, 2019

Mr. Hans M. Medlarz, PE  
Sussex County  
PO Box 589  
2 The Circle  
Georgetown, DE 19947

Dear Mr. Medlarz:

**Re: Design Engineering Services Proposal  
Additional Design Services for the SCRWF Treatment Upgrade No. 3**

GHD is pleased to submit this proposal for Design Engineering Services for Additional Design Services for the joint SCRWF Treatment Upgrade No. 3 and Rehoboth Beach WWTP CIP Upgrade Phase 2 project.

### Overview

Under Amendment No. 12 (signed September 19, 2017) GHD is preparing bid documents for the expansion of the South Coastal Regional Wastewater Facilities (SCRWF). Under Amendment Nos. 14 (signed July 31, 2018) and 16 (signed February 5, 2019) this project was expanded to be a multi-prime, joint contract with the Rehoboth Beach Wastewater Treatment Plant (RBWWTP) CIP Upgrade Phase 2. The scope and fee presented herein additional detailed design engineering to provide Bid Documents and Bid Phase engineering services for changed and additional scope to be included in the project. It is anticipated that construction engineering and inspection will be covered under a future amendment to be negotiated once the project is bid and awarded for construction.

### PER Scope of Services

GHD will provide the following additional design services for the joint project, noting that the Scope of Services for Amendment Nos. 12, 14 and 16 remain valid, except as amended by the changes or additions described herein:

1. SCRWF USACE Permitting:
  - a. It was determined through the permitting process with the DNREC Division of Watershed Stewardship Drainage Program that the US Army Corps of Engineers may require Nationwide Permits to be obtained for work in the SCRWF tax ditches. Given the time it would take to obtain a jurisdictional determination (9 months), it was decided to seek a permit directly. This effort has also required duplicate copies to be submitted to National Marine Fisheries Service, Habitat Conservation Division, Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, Delaware Division of Historic and Cultural Affairs, along with subsequent engagement and coordination efforts with these agencies.





2. SCRWF Inclusion of Precast, Post-tensioned Concrete Construction Option:
  - a. Upon County request, GHD has revised the design documents to allow for General Contractors to bid on the basis of precast, post-tensioned concrete construction for the new aeration tanks and/or clarifiers. This required the preparation of additional specifications, revisions to the electrical design to ensure the design was suitable for both construction options as well as a significant coordination effort.
3. SCRWF Fiber Optic Network and Security Camera Changes:
  - a. The County requested that GHD revise the design documents to include an additional new PCS Cabinet at the Vehicle Storage Building, as well as a new electrical service to a new transformer and new panelboards. These additions will require revisions to the electrical drawings for the fiber optic loop and site power distribution, as well as to specifications and the sequence of construction narrative.
  - b. The County requested that GHD revise the design documents to include the reconnection of 14 existing cameras to the PCS, and to modify design to incorporate Cisco 4000 series Ethernet switches in lieu of 3000 series Ethernet switches.
  - c. The County has requested that GHD evaluate potential locations for an additional 9 cameras, and to develop a concept for the best way to include the required power and controls infrastructure in the upgrade design. GHD electrical engineers have attended a number of meetings (teleconference and in person) to help develop the concept with input from the County IT staff.
  - d. On request, GHD has contributed to meetings and discussions with the County IT staff to develop a concept for how the County can best accommodate third party remote access to OEM equipment.
  - e. On request, GHD has contributed to meetings and discussions with the County staff regarding the existing fiber optic connection between the State Communications Tower and the O&M Building, and incorporated a new duct bank and fiber optic connection into the design documents.
4. SCRWF Headworks Change
  - a. In the Sequence of Construction Review Workshop, the County requested that GHD revise the design documents to match a plan for consolidating the influent force mains outside of the Headworks. The previously proposed rise box expansion and solids pump will be eliminated, and the new arrangement will include two force mains in the pipe gallery only. GHD will include designs for temporary piping to be used while rise box repairs are being completed, influent flow meters, and will revise the sequence of construction narrative accordingly. The design documents will also be revised to eliminate the new influent flow meter vault to be located adjacent to Aeration Tank Nos. 5-8, and to also include removal of the existing strap-on flow meter from the existing influent flow meter vault adjacent to Aeration Tank Nos. 1-4.



5. SCRWF Lagoon Pumps

- a. The County has requested that GHD modify the strategy for providing pumps in the lagoons. This change has required revisions to the electrical drawings for site power distribution, the lagoons and the sludge building, as well as to the MCC design, the pump specifications, and the sequence of construction narrative.

Schedule

The following schedule is proposed for the joint project:

- 1. Final Bid Documents: August 23, 2019
- 2. Advertise to Bidders: August 30, 2019

Exclusions

The following items are not included in GHD's Scope of Services:

- 1. Design of items not noted here or in Amendments 12, 14, or 16.
- 2. Construction Phase services including inspection.
- 3. Materials testing services.
- 4. Additional meetings or tasks beyond those identified in Amendments 12, 14, or 16.
- 5. Additional budgeted effort beyond that included in the attached Hour and Cost Summary Table.

Engineering Fee

GHD proposes to provide engineering services for the Design Engineering Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's annually adjusted audited overhead rate, plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval:

Description	Cost
Direct Wage Costs	\$35,276.00
Overhead and Fringe Benefits	\$62,791.28
Expenses	\$200.00
Fixed Fee	\$9,806.73
<b>TOTAL</b>	<b>\$108,074.01</b>

Please let us know if you have any questions or comments regarding this proposal.



Sincerely,

GHD

A handwritten signature in black ink, appearing to read "Thor Young", written in a cursive style.

Thor Young, PE

Principal

TAY/SPC/

Attachments: GHD 2017 Hourly Rates  
Hour and Cost Summary Table

GHD, Inc.  
Hourly Direct Rate Ranges By Classification  
Effective July 1, 2017

Personnel Category	Hourly Rate (\$/Hr)	
	Minimum	Maximum
Principal	72.00	78.00
Associate	58.00	70.00
Senior Engineer	50.00	70.00
Project Manager	45.00	56.00
Project Engineer	38.00	48.00
Engineer	25.00	36.00
Managing Designer	45.00	50.00
Senior Designer	30.00	35.00
Designer	24.00	30.00
Drafter	20.00	25.00
Senior Rep	30.00	42.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	25.00

Rates are subject to annual adjustment  
Rates do not include overhead and profit





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Georgetown Historical Society  
PROJECT NAME: Carriage House landscaping  
FEDERAL TAX ID: 51 0255141 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: To preserve, protect and display the history of Georgetown, Sussex County and the State of Delaware

ADDRESS: 510 S. Bedford St.

Georgetown De 19947  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rosalie Walls  
TITLE: Corresponding Secretary  
PHONE: 302-855-9660 EMAIL: marvelmuseum@gmail.com

**TOTAL FUNDING REQUEST: \$4,945.00**

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

If YES, how much was received in the last 12 months? 10,000

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 15%

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 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
125,000 \_\_\_\_\_

## 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.

Surrounding the new Carriage building that will house the Return Day carriages that is being built the building code requires landscaping to be placed. We are requesting funding to help buy the trees, bushes and plants that need to be planted.



### 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)	
<b>TOTAL REVENUES</b>	6,000.00
<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>	
landscape labor costs	\$ 7,000.00
architectural engineering, permits and fees	-\$ 3,000.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 10,000.00</b>

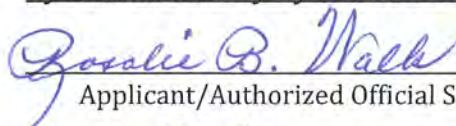
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown Historical Society agrees that:  
(Name of Organization)

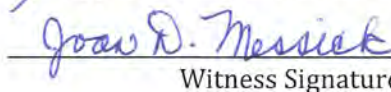
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

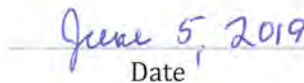
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
Applicant/Authorized Official Signature

  
Date

  
Witness Signature

  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

*99*

**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.

*Francis B. Walls*  
Applicant/Authorized Official Signature

*Joan D. Merick*  
Witness Signature

*CORRESPONDING SECRETARY*  
Title

*June 5, 2019*  
Date

*Wilson  
6-11-19*



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: City of Seaford

PROJECT NAME: Nanticoke Riverfest

FEDERAL TAX ID: 51-6000241

NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: The City of Seaford will provide its residents and businesses with good governance, positive customer service, and a desirable quality of life.

ADDRESS: 414 High Street

P.O. Box 1100

Seaford

(CITY)

DE

(STATE)

19973

(ZIP)

CONTACT PERSON: Katie Hickey

TITLE: Superintendent of Parks & Recreation

PHONE: 302-629-6809 EMAIL: seafordrec@seafordde.com

**TOTAL FUNDING REQUEST: \$1,500.00**

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 8%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
6,000 + 8,000

## SECTION 3: PROGRAM SCOPE

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

The Nanticoke Riverfest has been a part of the City of Seaford for 24 years (going on 25). This family-friendly event provides people with free live entertainment, a large children's area, a vintage car show, local food and craft vendors (including our shoppes downtown), and an annual float-in down the Nanticoke river.

not only does this evnt bring thousands of people from Seaford and its surrounding areas, it also highlights the heart of our downtown. Over the last several years, people have shied away from downtown Seaford due to businesses closing or lack of businesses available. However, our downtown is slowly bringing itseld back to life by adding new businesses one by one. It is the City's goal to bring people to downtown and that is exactly what Riverfest does.

To accommodate thousands of people takes a lot of planning, funding, volunteers, and local support. Our event is primarily funded through donations from local sponsors. We hope that you will consider supporting the Nanticoke Riverfest, in order for us to support our downtown.

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)	
<b>TOTAL REVENUES</b>	23,000.00
<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>	
Advertising	-\$ 2,000.00
Entertainment	-\$ 6,000.00
Grounds and Logistics	-\$ 7,200.00
Children's Area	-\$ 3,000.00
Various Events	-\$ 3,500.00
Miscellaneous	-\$ 4,000.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 25,700.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 2,700.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

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

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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

Kate H.

Applicant/Authorized Official

Jina

Witness

2/8/2019

Date

2/11/2019

Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

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



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**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.

Kate [Signature]  
Applicant/Authorized Official

Jim [Signature]  
Witness

Supt. of Parks & Recreation  
Title

2/8/2019  
Date

Vincent  
6-11-19  
Rev. 08/2018



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Seaford Tomorrow  
PROJECT NAME: 1st Saturdays in Seaford  
FEDERAL TAX ID: 475519548 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To make Downtown Seaford an experiential destination with a thriving, active downtown community consisting of a combination of art, dining, historical, and business attractions, leveraging natural and historical resources for the long-term economic well-being of the community.

ADDRESS: P.O. Box 26  
Seaford DE 19973  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Katie Hickey  
TITLE: Events Coordinator  
PHONE: 302-629-6809 EMAIL: seafordrec@seafordde.com

### TOTAL FUNDING REQUEST: \$1,000.00

Has your organization received other grant funds from Sussex County Government in the last year?  YES  NO  
If YES, how much was received in the last 12 months? \$500.00  
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO  
Are you seeking other sources of funding other than Sussex County Council?  YES  NO  
If YES, approximately what percentage of the project's funding does the Council grant represent? 30%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
400 - 600+

## SECTION 3: PROGRAM SCOPE

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

The Seaford Tomorrow organization was made to engage people in Downtown Seaford by supporting all of its businesses and events. Our downtown has been suffering over the past several years, but is gradually growing one new business at a time. Our organization wanted to create an event that would help bring people downtown to these businesses on a regular basis, this 1st Saturdays were created.

1st Saturdays are free monthly events held from 4:00pm - 7:00pm every first Saturday of the month from June thru September and is suitable for all ages. We provide live entertainment by local artists as well as outdoor games, and samples of local beer and wines. We allow a variety of local vendors to come and set up a table each month that offer anything from local produce to handmade items, to food trucks serving up some delicious food.

Our only income is profits from our vendor fees and our beer and wines sales. 1st Saturdays have been established for about 5 years now and we are eager to help it grow but with growth comes more expenses. We have always struggled to pay for entertainment, supplies, games, and giveaways in order for people to keep visiting our events. We hope you will consider supporting 1st Saturdays so that we are able to support our downtown and its businesses.

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)	
<b>TOTAL REVENUES</b>	1,300.00
<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>	
Advertising	-\$ 350.00
Logistics	-\$ 800.00
Supplies	-\$ 300.00
Entertainment	-\$ 2,000.00
<b>TOTAL EXPENDITURES</b>	-\$ 3,450.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$ 2,150.00

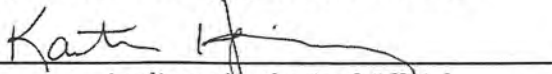
### SECTION 5: STATEMENT OF ASSURANCES

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

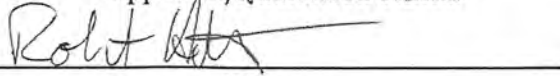
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
\_\_\_\_\_  
Applicant/Authorized Official

2/8/2019  
Date

  
\_\_\_\_\_  
Witness

2/8/2019  
Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

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

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**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.

Kate Hich  
Applicant/Authorized Official

Robert [Signature]  
Witness

Events Coordinator  
Title

2/8/2019  
Date

Vincent  
6-11-19  
Rev. 08/2018

JANELLE M. CORNWELL, AICP  
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**Sussex County**  
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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 12, 2019

RE: County Council Report for CU 2156 Christine and Joseph R. Hudson

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The Planning and Zoning Department received an application (CU 2156 Christine and Joseph R. Hudson) for a Conditional Use for parcel 335-12.06-1.00 to allow for wellness classes (including yoga, massage meditation, acupuncture, and lectures) to be located on Coastal Hwy (Rt. 1). The Planning and Zoning Commission held a public hearing on May 9, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

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

The Commission found that Mrs. Christine Hudson was present on behalf of her application; Mrs. Hudson stated she would like to operate a wellness center; that there would be no changes to the site; that the wellness center would only be active during the weekdays and not when church is in session; that there could be than less 12 students and no more than 20 people in a class; that the classes would be held three times a week; that sometimes lectures and meditation would also take place; that the classes usually last an hour to an hour and 45 minutes; that all classes would end by 7:30 pm; that there is an existing sign on the building and that there would be no other employees.

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

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

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

At their meeting of May 23, 2019, The Planning Commission discussed the application which has been deferred since May 9, 2019.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use 2156 for Christine and Joseph R. Hudson for wellness classes (including yoga, massage, meditation,





acupuncture, and lectures) based upon the record made during the public hearing and for the following reasons:

1. The property is in an AR-1 District, and it has been used for church purposes for many years. Churches are a permitted use in the AR-1 District.
2. The proposed uses are very consistent with the types of uses that occur within a church. But for the fact that this particular use is operated by someone not affiliated with the church for commercial purposes, it would likely be permitted as a church use.
3. The proposed uses are very limited in nature and should not have any impact on neighboring properties or roadways.
4. The use is of a public or semi-public character that will provide a beneficial service for residents and visitors of Sussex County.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following limited conditions:
  - A. All of the applicant's uses shall occur within the existing structures or outdoors.
  - B. As long as the uses occur within the existing structures, no site plan approvals shall be required from the Planning & Zoning Commission. Any change or expansion of the existing structures shall require site plan approval, and possibly a new public hearing if the changes are substantial.

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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Jamie Whitehouse, Planning & Zoning Manager  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 2, 2019  
RE: Staff Analysis for CU 2156 Christine and Joseph R. Hudson

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2156 Christine and Joseph R. Hudson to be reviewed during the May 9, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 235-16.00-75.00 and 235-16.00-77.00 to grant a conditional use of land in an AR-1 Agricultural Residential Zoning District for wellness classes (including yoga, massage, meditation, acupuncture and lectures) to be located on the northwest side of Coastal Highway (Rt.1), approximately 0.28 mile south of Hudson Road. The size of the property is 3.33 acres +/-.

The 2018 Sussex County Comprehensive Plan ("the Plan") provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Areas.

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

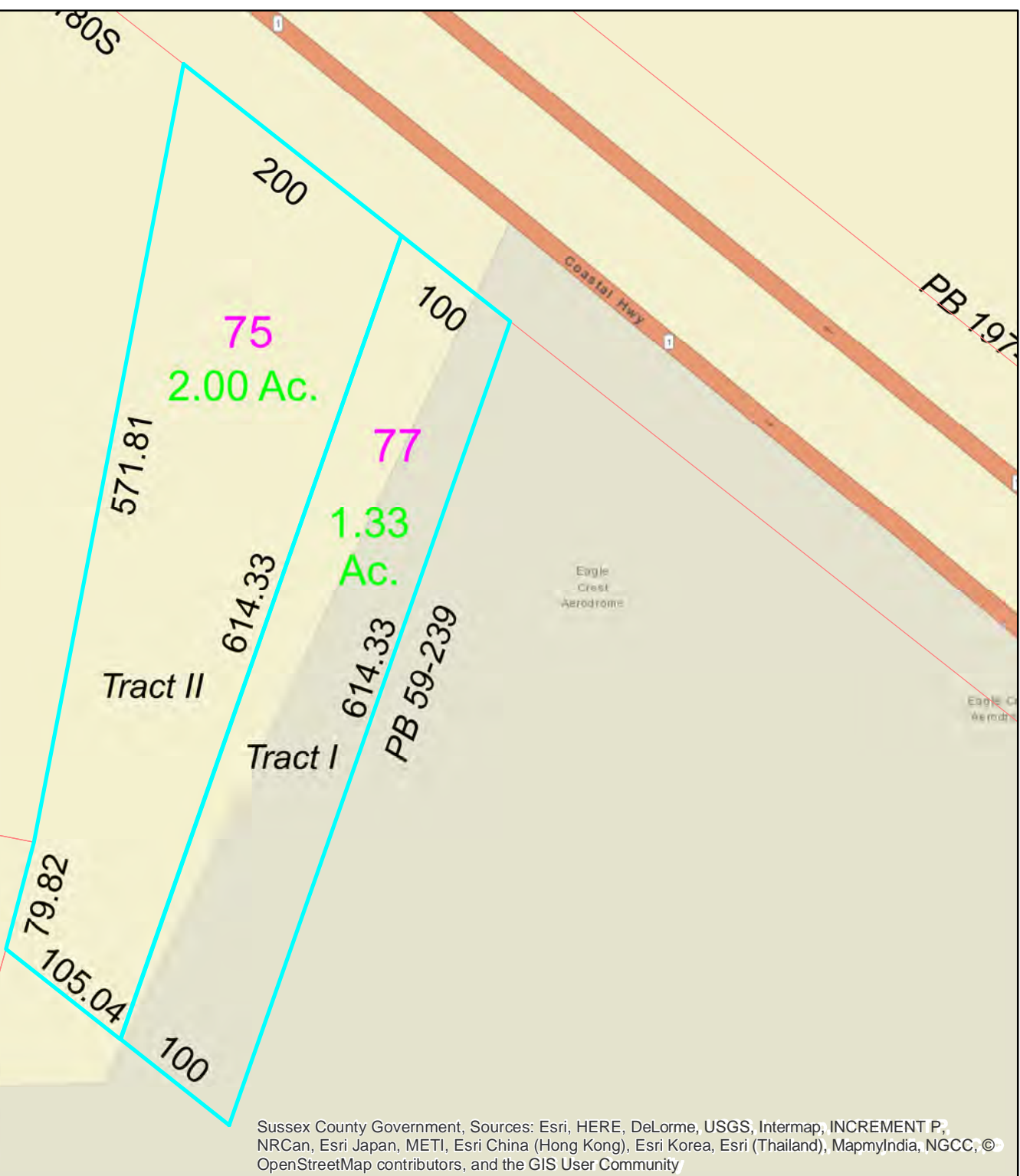
The property is zoned AR-1 (Agricultural Residential District.) The adjoining properties are all zoned AR-1 (Agricultural Residential Zoning District). There are two large parcels approximately 500' to the north west that are zoned C-1 (General Commercial Zoning District).

There is one Conditional Use within a 1-mile radius of the site. This is CU 1988 for a medical office center at 14614 Coastal Highway (235-16.00-64.00). The Conditional Use was approved on August 5, 2014.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for wellness classes, to serve nearby residents, could be considered consistent with the land use, area zoning and uses.

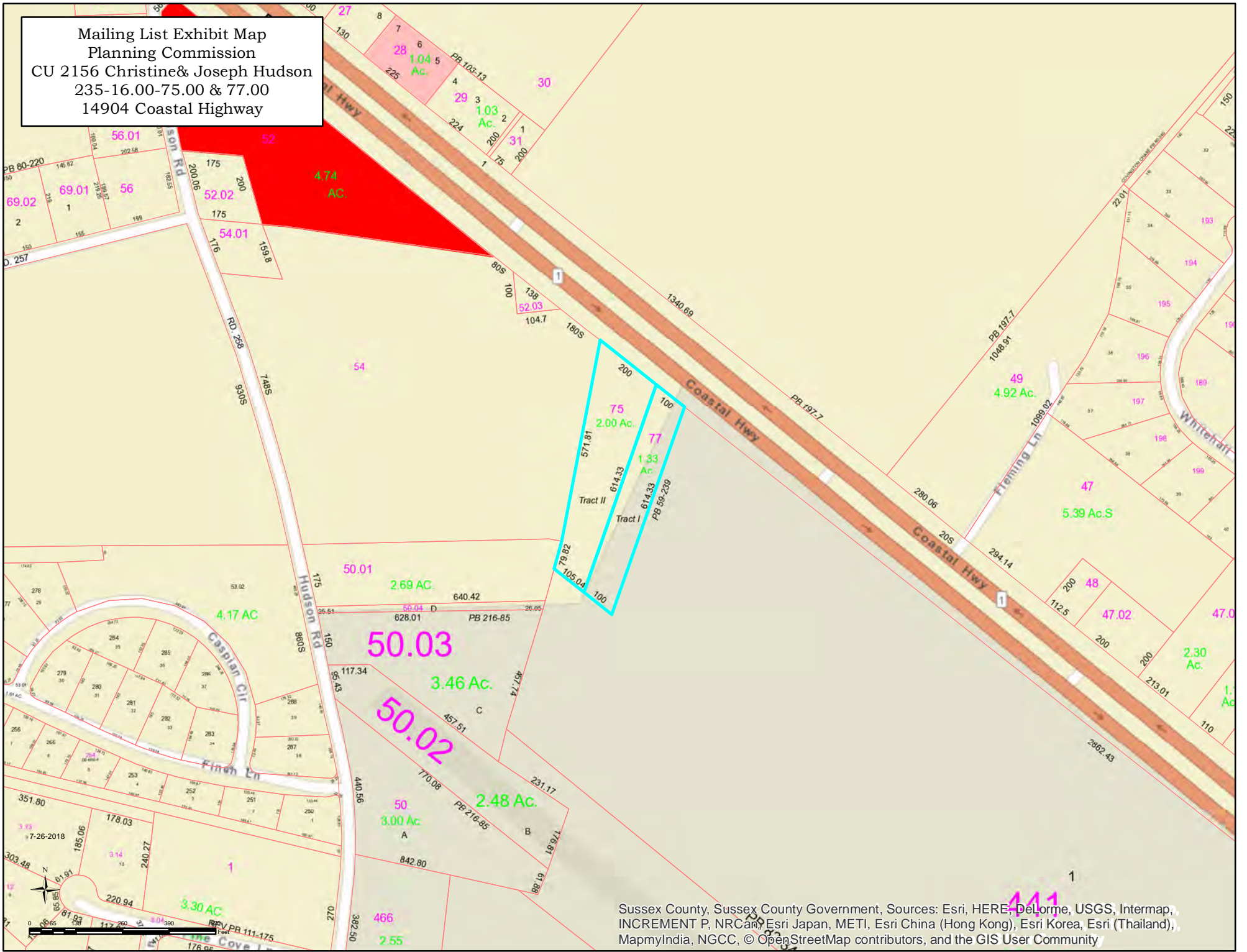


Mailing List Exhibit Map  
Planning Commission  
CU 2156 Christine & Joseph Hudson  
235-16.00-75.00 & 77.00  
14904 Coastal Highway

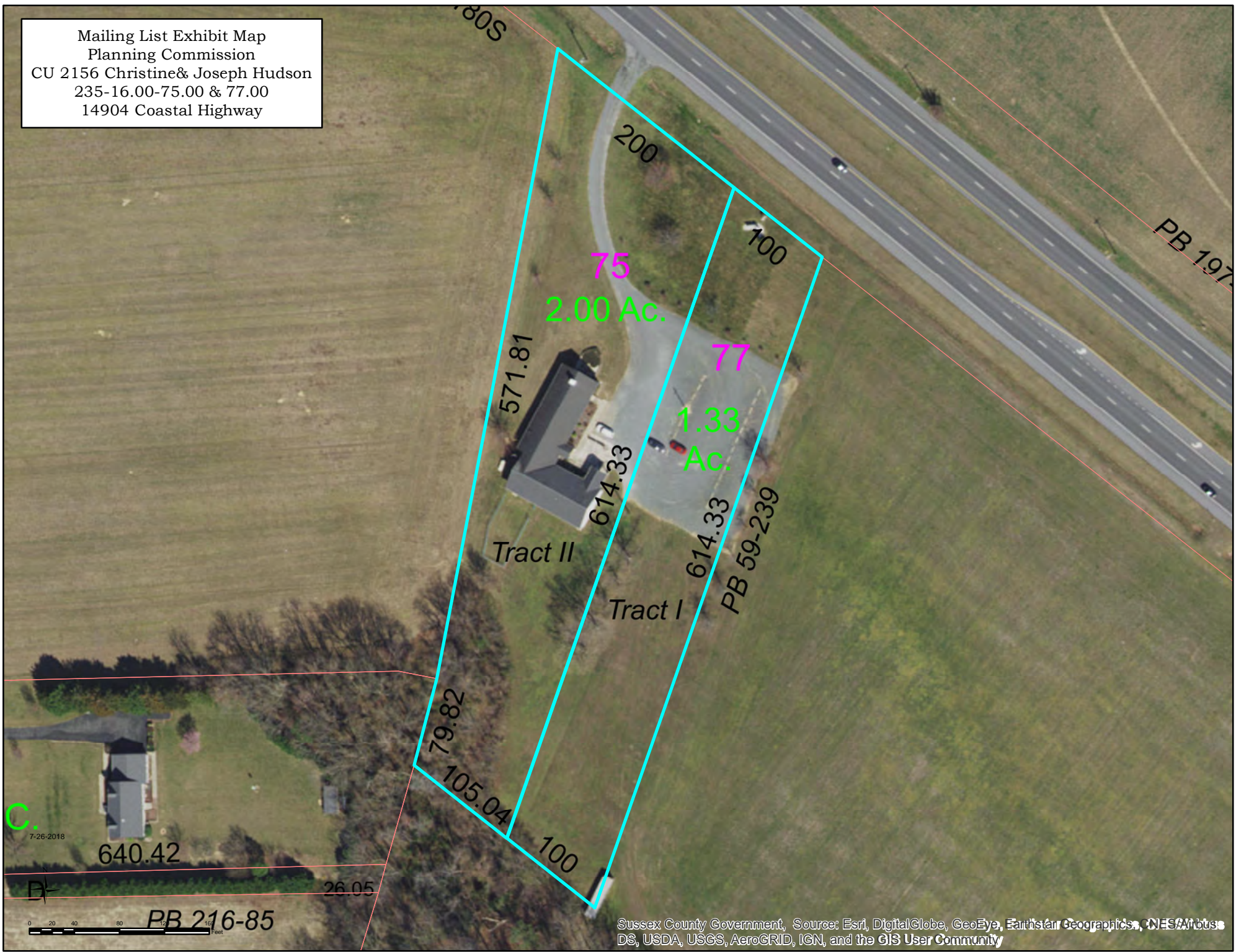


Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Mailing List Exhibit Map  
 Planning Commission  
 CU 2156 Christine & Joseph Hudson  
 235-16.00-75.00 & 77.00  
 14904 Coastal Highway



Mailing List Exhibit Map  
Planning Commission  
CU 2156 Christine & Joseph Hudson  
235-16.00-75.00 & 77.00  
14904 Coastal Highway



**Introduced 03/12/19**

**Council District No. 3 – Burton**

**Tax I.D. No. 235-16.00-75.00 and 77.00**

**911 Address: 14904 Coastal Highway, Milton**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WELLNESS CLASSES (INCLUDING YOGA, MASSAGE MEDITATION, ACUPUNCTURE AND LECTURES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.33 ACRES, MORE OR LESS**

**WHEREAS, on the 11th day of September 2018, a conditional use application, denominated Conditional Use No. 2156, was filed on behalf of Christine and Joseph R. Hudson; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2156 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2156 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest side of Coastal Highway (Route 1), approximately 0.28 mile south of Hudson Road, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 3.33 acres, more or less.**

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

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 12, 2019

RE: County Council Report for CZ 1876 Robert M. and Debora A. Reed

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The Planning and Zoning Department received an application (CZ 1876 Robert M. and Debora A. Reed) to allow for a Change of Zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential District) for parcel 335-12.06-1.00 located at 1525 Savannah Rd. The Planning and Zoning Commission held a public hearing on May 9, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

At the request of the applicant, the Commission agreed to consolidate the next two items C/Z #1876 and C/U #2169 into one public hearing. Ms. Cornwell, Director of Planning and Zoning explained that, although the two applications will be heard together with that there would ultimately be two votes, one for each application, when any action is taken by the Commission.

Ms. Cornwell advised the Commission that submitted into the record for both applications is a Site Plan, an exhibit booklet, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, the results from DelDOT Service Level Evaluation request indicating that a TIS is not required, comments from the State of Delaware Preliminary Land Use Service ("PLUS") and response to the PLUS comments, Environmental Assessment and Public Facility report. Twenty letters received in opposition of the application were read by Ms. Cornwell into the record.

The Commission found that Mr. Jim Fuqua, an Attorney with Fuqua, Willard, Stevens, and Schab, Mr. Robert and Mrs. Debbie Reed, the applicants, and Zac Crouch, with Davis, Bowen, & Friedel were present on behalf of the application; that Mr. Fuqua stated the proposed applications are requesting a Change in Zone to MR and a Conditional Use for 24 single-family detached condominium units; that the parcel contains 6.1 acres and is an L-shaped parcel; that the parcel has 160 ft. frontage on Savannah Road, a depth of 670-feet, and has 772-feet of width along the rear property line; that the parcel is mostly cleared and there are several old buildings that would be removed; that adjacent to the parcel is a house with a chiropractor office and next to that is the entrance road to the Villages of Five Points; that the north boundary of the property borders the Villages of Five Points; that to the east of the property the site borders two lots in the Covey Creek Development; that the Applicants had purchased the property in September 2018; that back in 2016 there was a contract for another buyer and the contract was contingent on a approval of a Conditional Use for a therapy and a fitness



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center; that the previous Conditional Use (CU 2074) consisting of 67,000 square foot building with 200 parking spaces; that the proposed hours of operation were 5:00 am to 11:00 pm, Monday through Friday and 8:00 am to 8:00 pm, on Saturday and Sunday; that there was opposition expressed by the neighbors in the area and County Council ultimately denied the Conditional Use application: that the reasons for the denial stemmed from the large bulk of the proposed building and the size of the parking lot which were out of character with the neighborhood and existing business uses nearby; that the impact of the proposed use would not be minimal and would be entirely different than existing uses with an adverse impact on existing residential uses; that the proposed use was out of character with the surrounding area which is trending towards small commercial uses and residential use; that the Applicants have carefully considered the reasons stated by the County Council for denial and also considered the land use very carefully in relation to the Comprehensive Plan and the Official Zoning Map for Sussex County; that the parcel is located in the State Spending Strategies Level 2; that the surrounding parcels are located in the State Spending Strategies Level 1 and Level 2: that the Land Use Classification per the 2019 Comprehensive Plan the land is “Coastal Area”; that the “Coastal Area” is a growth area; that the plan states that a range of housing types is permitted in the “Coastal Area”; that the plan states that while the County bases density on 2 units per acre being appropriate throughout the “Coastal Area”; that medium and high-density can be appropriate in certain locations; that that property is adjacent to MR zoning; that the property north of the site is the Villages of Five Points and has large commercial use; that the property to the east of the site is Covey Creek Subdivision which is zoned MR; that front portion of the property is adjacent to B-1 zoning and as well as AR-1; that there is B-1 zoning across the street; that there had been numerous approved Conditional Uses along the road; that there is also C-1 zoning in the area; that there about 12 Conditional Uses which include (Application No. 2116), (Application No. 2137), and (Application No. 2160) all were recently approved and on the same road; that the proposed application meets the permitted density and is consistent with the zoning in the area and the Land Use Plan; that the proposed development would have public water provided by Tidewater Utilities; that sewer would be provided by Sussex County; that Sussex County Engineering Department had confirmed that the 24 units conform to the Engineering’s Department system design assumption of 4 units per acre and that wastewater capacity is available; that the stormwater management facilities would be designed and constructed within DNREC and Sussex Conservation District regulations; that the proposed development would utilize Best Management Practices and bio retention areas would be used to provide infiltration; that DelDOT did not warrant a TIS and it was not required; that the proposed site entrance would be designed and constructed in accordance DelDOT requirements; that there are no State tidal wetlands or Federal non-tidal wetlands located on the property; that the parcel is not located in a flood zone; that are no known threatened or endangered species, no historical or archeological features on the property; that the site is located in the Cape Henlopen School District; that the proposed development would be provided fire protection by Lewes Fire Department; that the site is near shopping areas, medical offices and Beebe Hospital; that the proposed application is for 24 single-family detached residential condominium units; that the condominium association would maintain the open space, common areas, entrance, buffers, and stormwater facilities; that the entrance would have a shared use path and landscaping across the front of the property; that there would be a stormwater retention area located on the western side of the entrance road and that would result in the closest home being 220-feet back from Savannah Road and it would also provide an attractive landscape buffer along the road to accord with the Lewes Byways objectives; that there is a second stormwater area located where the drive turns to the east; that there would be a 20-foot landscape buffer along the perimeter of the property; that the landscape buffer along the north boundary, borders the common area of the Villages of Five Points; that the Village of Five Points has a partially landscaped buffer in their common area and it is approximately 35-feet wide at the closest point



between a lot in the Villages of Five Points and this site's property line; that the closest lot in the Villages of Five Points has a buffer of 30-feet and abuts the 20-foot landscape for this site; that in addition there would be a 30-foot rear yard setback for Units 8 through 14; that the total open space would be 61% of the site; that there would be a sidewalk located along the western and northern side of the drive and in front of units 20 to 24; that the drive would have curb and gutters; that there would be street lighting; that all owners would be members of the condominium association. Mr. Fuqua outlined that he wished to respond to the written comments received from interested parties; that the proposed project is not a high-density development; that the proposed project is for MR zoning which is the Medium-Density Residential Zone; that the proposed application is not for a RPC ("Residential Planned Community"); that the proposed application is for a change of Zone to MR and a Conditional Use; that the Applicants did not propose or request a RPC nor a cluster subdivision; that the proposed application is in compliance with the Code; that the proposed Conditional Use is for single-family detached residential condominiums without lot lines; that in a condominium development, the land around the dwellings would be designated as common area and there would be no lot lines between the Units; that the proposed application would meet the height requirements outlined within the Code; that the proposed plan does not encroach into the property lines of the Villages of Five Points; that a 10-foot rear yard setback in an MR zone is the correct setback; that there is no requirement in the Zoning Ordinance for a 20-foot landscape buffer for a Conditional Use but the Commission may require this; that this property does border open space of the Villages of Five Points with some landscaping and a swale; that the closest lot line in the Villages of Five Points would be 35-feet away from the proposed project property line and the closest home in the Village of Five Points would have a 10-foot rear yard setback that is required and then there would be 35-feet of the Villages of Five Points open space in addition to this; that the proposed project would have 20-feet of landscape buffer and 10-feet of additional rear yard setback; that the closet home to the Villages of Five Points would 75-feet from the closest home in the proposed project and those two homes would be separated by two landscaped buffers; that a single-family detached residential condominium is a multi-family dwelling and is allowed per Code; that the proposed application is similar to many other single-family detached condominium communities that are approved as Conditional Uses in the County; that some of the commercial uses on Savannah Road are in converted homes and some are more intense uses in large commercial buildings; that across from the east section of the Villages of Five Points are five large, three-story multi-family buildings that are part of the Villages of Five Points Residential Planned Community; that the Villages of Five Points was approved as an RPC containing 586 residential units, 260 single-family lots, 144 apartments, 110 townhouses, and 72 condominiums; that the documents submitted by the opponents to the scheme propose a compromise to reduce the density by reducing the number of units to 18 units; that the opponents outline that the height should be reduced to 26-feet and that a 50-foot rear yard building setback from the boundary with the Villages of Five Points should be considered, and that the homes be required to have an exterior appearance that is consistent with single-family homes in the surrounding area. Mr. Fuqua outlined that the terms are not a compromise offer and, in effect, what the opponents want to do is rewrite the Zoning Ordinance to create a new zone; that what the opponents are proposing is best described as a reverse spot zoning and the Applicant rejects these terms; that the Planning and Zoning Commission decision should be based on the Land Use Plan and County Code; that proposed findings for the Change of Zone request and findings and conditions for the Conditional Use request were submitted into the record.

Ms. Stevenson asked about the size of the proposed units, to which Ms. Cornwell pointed out that units would be around 2,500 square feet.

Mr. Crouch stated the proposed dimensions of the units range from 65-feet to 80-feet in depth, with a range of units widths; that the proposed units would be one-story or two-story units; that there would not be any three-story units; that Mr. Fuqua stated that there would be a variety and mixture of houses; that the proposed project would not be an age-restricted community; that because of the size of the site, there would be no planned amenities other than some benches and possibly a gazebo; that Mr. Crouch stated occupiers could park one vehicle in the garage and would be able to park two vehicles in the driveway; and that the houses would be located 18-feet from the curb.

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

That the Commission found that Ms. Jan Allmaras, Mr. Sullivan, Ms. Luci Angeline, Mr. Jim Walpole, and Mr. Bob Viscount spoke in opposition to the application; that Ms. Allmaras stated she is representing 14 others from the Village of Five Points (there was a show of 15 hands from those people present); that residents had to familiarize themselves as to the requirements for multi-family dwelling; that the area contains a mixture of low-density and medium-density; that a Conditional Use for Old Orchard Ventures was approved in 2016 subject to 18 conditions and is the most similar to this project; that there is not a lot of multi-family Conditional Uses in the area; that the approved Conditional Use help clean up the Donovan Brownfield site; that the Medium Residential Density Zone is part of a planned community; that there are no multi-family communities in the area; that many of the parcels on the west side of this site have been converted from single-family homes to offices; that MR zoning adheres to Table I in the Code; that some areas of Table II in the Code do not apply to multi-family dwelling structures; that the Code states you should see Table I for detached single-family dwellings; that if it is a detached single-family dwelling and it would comply with the single-family dwelling regulations; that all the homes around this parcel are zoned MR and adhere to the requirements of Table I; that she has concerns with the compliance of this scheme with Table I and Table II; that the proposed project exceeds the requirements for high-density; that the proposed project needs flexibility and consistency; that this project would have an adverse impact on property values; that there are existing old chicken houses on the parcel; that the Villages of Five Points have planted trees within the buffer area; that the trees are on the Association property and some trees were planted at the homeowner's expense; that she thinks detached single-family dwellings are desirable on the site and have met with Mr. Reed and the scheme has incorporated some of their ideas; that the homeowners' have sent Mr. Reed conditions that they recommended for the project; that some of the recommendations are that the maximum number of units would 18 and the maximum height for the units would be 26-feet; that the proposed project is not for modest size homes and are larger than many of the homes in the East Village; that she recommends that the homes that are being proposed to be built, be built similar to the detached single-family dwellings in the Village at Five Points; that she recommends that the exterior of the proposed houses match the homes single-family homes in the area. Chairman Wheatley stated that, Mr. Fuqua testified that the proposed project would have a 30-foot rear yard; that Ms. Cornwell, stated that, Mr. Fuqua testified that there would be a minimum of 10-foot rear yard setback except for lots 8 through 14 which would have a 30-foot rear yard setback and that would be an addition to the 20-foot forested landscape buffer; that the ones with a minimum 10-foot buffer and would have a 30-foot setback from the edge of the house to the property line; that Mr. Robertson stated if this was an MR subdivision with single-family lots, it would be by Code to have 20-foot forest landscape buffer and 10-foot rear yard setbacks; that Mr. Robertson asked whether Ms. Allmaras' objection is to the Conditional Use that allows so many number of lots vs an MR subdivision, to which Ms. Allmaras stated yes; that Ms. Allmaras stated MR zoning is reasonable but not multi-family based on what the Applicant is currently proposing; that the 18 units instead of the 24 units proposed would have less impact on the space to the rear; that in summary, the residents

represented by Ms. Allmaras request the application be denied; that Mr. Sullivan stated he welcomes residential use instead of commercial use such as the fitness center previously denied; that he thinks the current proposal is putting too much development onto the lot; that he could live with the 30-foot rear yard setback and the 20-foot forested landscape buffer. Ms. Angeline asked about the mechanism to control the buffer proposed; that Mr. Robertson stated if the application does get approved, the Code requires a Site Plan to be submitted and approved, showing the plantings that are required per linear amount of feet; that all the plantings would have to be shown on the Final Site Plan which the Planning and Zoning staff reviews and then it would come back in front of the Commission for approval; that the project would have to be bonded so that there is bond in place to ensure that the plants are put in; that all of these would appear in any conditions of approval; that this is not a subdivision and people would not be able to buy individual lots and put individual houses on the lots; that there would be Condominium Declaration Plans and it would also be shown on the Final Site Plan; that the Declaration Plan does get recorded so that they are on record for everyone to view and the plan cannot say one thing and they cannot build something different; that Mr. Walpole had concerns about the Applicant's exhibit booklet and wanted to know when the booklet was filed; that Ms. Cornwell stated the exhibit booklet was received on April 29, 2019 and put into the public file; Mr. Robertson stated that since this is an application for a Change in Zone and a Conditional Use, the Planning and Zoning Commission would hold a public hearing and make a recommendation and then there would be a second public hearing held before the Sussex County Council; that anyone wishing to view or address anything in the booklet, would be able to address and comment on this before the next hearing before Sussex County Council; that through the Sussex County's website there is the ability to view the applications, materials, and packets for upcoming hearings; that Mr. Viscount commented that the proposed development does not meet the multi-family definition as outlined in the Code; that he thought that the previous comments made by Ms. Allmaras were very accurate; that whilst there are other Conditional Uses for single-family condominium communities in the wider area; that they are not necessarily located in the locality where the proposed project is going to be. Mr. Viscount outlined that he is in complete agreement with the comments and logic outlined within Ms. Allmaras' presentation.

At the conclusion of the public hearing, the Commission discussed the applications.

Chairman Wheatley outlined that condominiums are normally considered as multi-family developments even though the units in this proposal look like single family homes; that this might be something that the County may seek to better define within the Code in the future; that he noted that the chicken houses referred to in public speaking appear to have been in situ for a long period of time. The Commission discussed the amount of parking for the number of units and whether garages would be provided for the units and whether there would be overflow parking. The Commission also discussed the separation between the units of the proposed development and the adjoining development. Ms. Stevenson asked whether the Final Site Plan would require support from DelDOT, and whether there is a numerical requirement for open space should the zoning be changed to MR. Ms. Cornwell confirmed that there is no numerical requirement for multi-family in MR but a cluster subdivision, for example, would normally require 30% of the site to be open space.

In reference to Change of Zone 1876, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

In reference to Conditional Use 2169, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

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

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

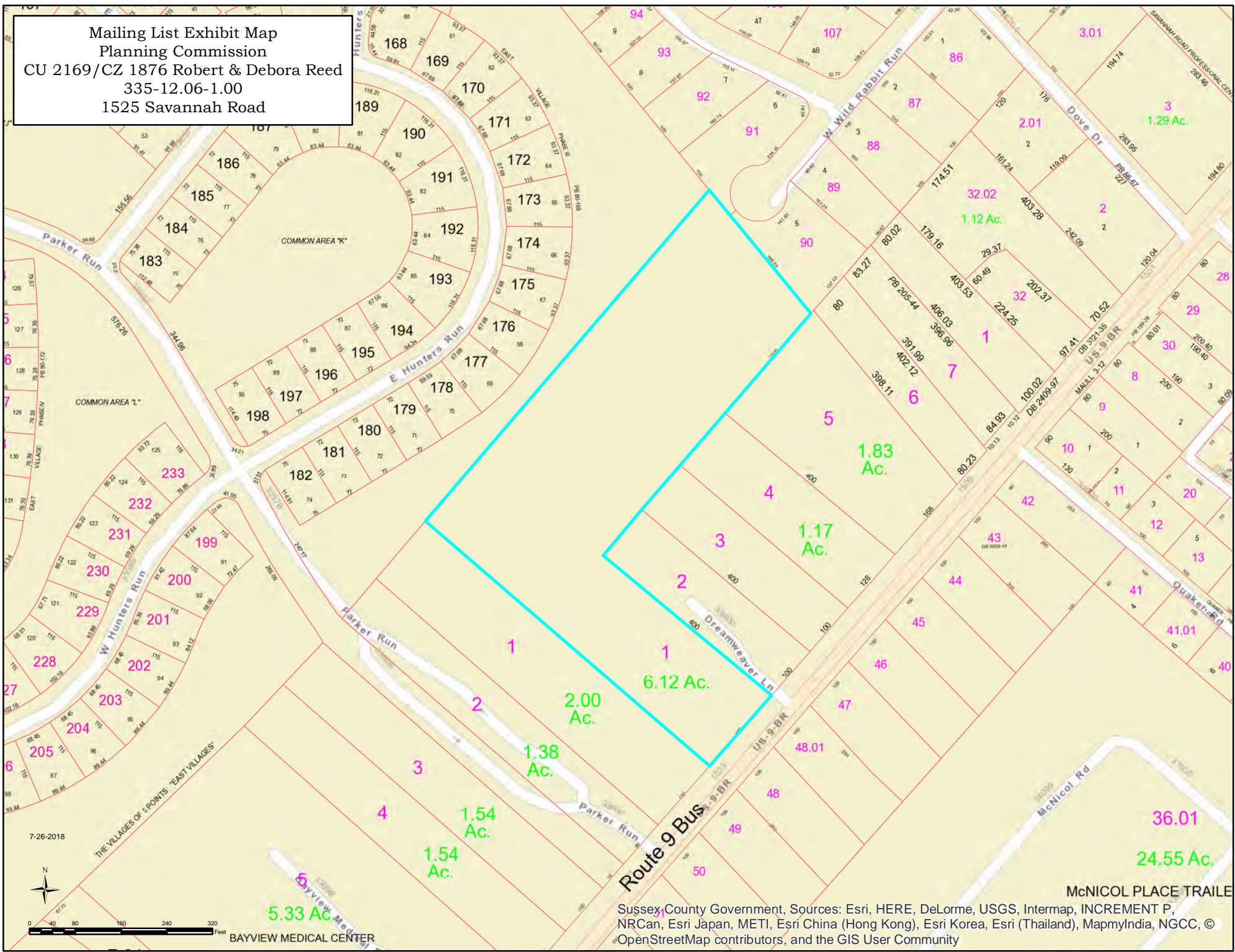
At their meeting of May 23, 2019, The Planning Commission discussed the application which has been deferred since May 9, 2019.

Ms. Wingate moved that the Commission recommend approval of Change in Zone 1876 for Robert M. and Debora A. Reed for a change in zone from AR-1 to MR (Medium Density Residential) based upon the record made during the public hearing and for the following reasons:

1. The site is along Savannah Road, which has developed with a variety of housing types and large and small businesses. There is MR zoning to the rear of this property and elsewhere in the vicinity. There are also properties with C-1, B-1, and conditional uses for business and office uses. MR zoning is consistent with the ongoing development trends of this area.
2. In this general area, which is near the Five Points commercial area and the Wescoats Corner intersection, there are single-family homes, multi-family homes, townhouses, and a manufactured home community.
3. The site is in the Environmentally Sensitive Developing Area according to the prior Comprehensive Plan and the Coastal Area of the current Sussex Comprehensive Plan, which is a Growth Area. MR zoning is appropriate in this area according to the Plan.
4. The site is served by central sewer provided by Sussex County.
5. The site is served by central water provided by a publicly regulated water system.
6. The Sussex County Zoning Code states that the purpose of MR zoning is to provide Medium Density Residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is one of the last vacant parcels in this area of Savannah Road, and it is adjacent to MR zoning and office uses. It is basically an infill rezoning to MR. This location is appropriate for MR zoning according to the stated purpose of the District.
7. The change in zone will not adversely affect neighboring properties or roadways.
8. For all of these reasons, my recommendation is to approve the application for a change in zone from AR-1 to MR.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with conditions stated in the motion. Motion carried 3-1. Mr. Mears was absent.

Mailing List Exhibit Map  
Planning Commission  
CU 2169/CZ 1876 Robert & Debora Reed  
335-12.06-1.00  
1525 Savannah Road



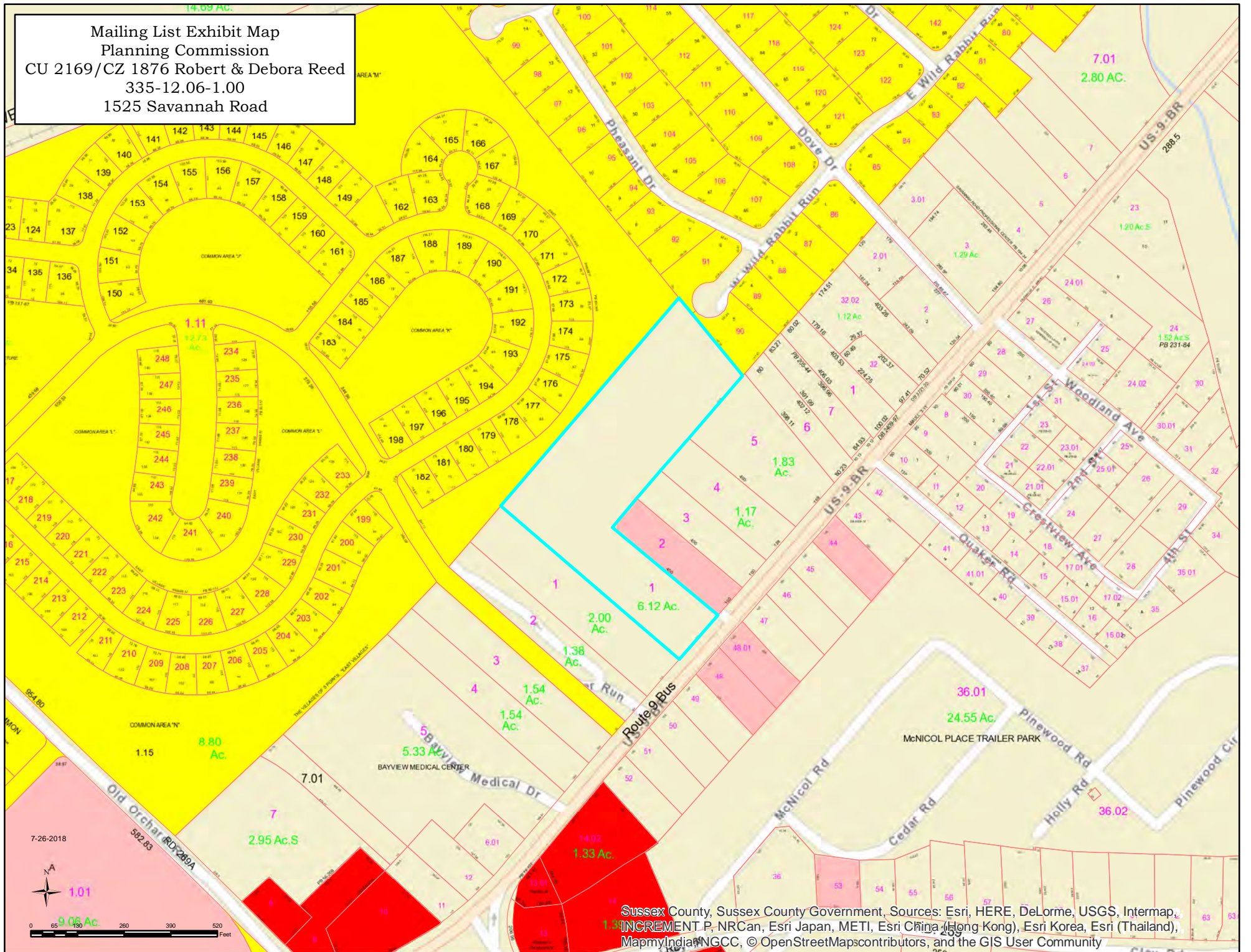
7-26-2018



BAYVIEW MEDICAL CENTER

McNICOL PLACE TRAILER  
Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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CU 2169/CZ 1876 Robert & Debora Reed  
335-12.06-1.00  
1525 Savannah Road



Mailing List Exhibit Map  
Planning Commission  
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335-12.06-1.00  
1525 Savannah Road



**Introduced 01/15/19**

**Council District No. 3 - Burton  
Tax I.D. No. 335-12.06-1.00  
911 Address: 1525 Savannah Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS**

**WHEREAS, on the 2nd day of January 2019, a zoning application, denominated Change of Zone No. 1876, was filed on behalf of Robert M. and Deborah A. Reed; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1876 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 MR Medium-Density 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road approximately 152 feet northeast of Parker Run and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 6.113 acres, more or less.**

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



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: June 12, 2019

RE: County Council Report for CU 2169 Robert M. and Debora A. Reed

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The Planning and Zoning Department received an application (CU 2169 Robert M. and Debora A. Reed) for a Conditional Use for parcel 335-12.06-1.00 to allow for multi-family to be located at 1525 Savannah Rd. The Planning and Zoning Commission held a public hearing on May 9, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the applicant, the Commission agreed to consolidate the next two items C/Z #1876 and C/U #2169 into one public hearing. Ms. Cornwell, Director of Planning and Zoning explained that, although the two applications will be heard together with that there would ultimately be two votes, one for each application, when any action is taken by the Commission.

Ms. Cornwell advised the Commission that submitted into the record for both applications is a Site Plan, an exhibit booklet, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, the results from DelDOT Service Level Evaluation request indicating that a TIS is not required, comments from the State of Delaware Preliminary Land Use Service ("PLUS") and response to the PLUS comments, Environmental Assessment and Public Facility report. Twenty letters received in opposition of the application were read by Ms. Cornwell into the record.

The Commission found that Mr. Jim Fuqua, an Attorney with Fuqua, Willard, Stevens, and Schab, Mr. Robert and Mrs. Debbie Reed, the applicants, and Zac Crouch, with Davis, Bowen, & Friedel were present on behalf of the application; that Mr. Fuqua stated the proposed applications are requesting a Change in Zone to MR and a Conditional Use for 24 single-family detached condominium units; that the parcel contains 6.1 acres and is an L-shaped parcel; that the parcel has 160 ft frontage on Savannah Road, a depth of 670-feet, and has 772-feet of width along the rear property line; that the parcel is mostly cleared and there are several old buildings that would be removed; that adjacent to the parcel is a house with a chiropractor office and next to that is the entrance road to the Villages of Five Points; that the north boundary of the property borders the Villages of Five Points; that to the east of the property the site borders two lots in the Covey Creek Development; that the Applicants had purchased the property in September 2018; that back in 2016 there was a contract for another buyer and the contract was contingent on an approval of a Conditional Use for a therapy and a fitness



center; that the previous Conditional Use (CU 2074) consisting of 67,000 square foot building with 200 parking spaces; that the proposed hours of operation were 5:00 am to 11:00 pm, Monday through Friday and 8:00 am to 8:00 pm, on Saturday and Sunday; that there was opposition expressed by the neighbors in the area and County Council ultimately denied the Conditional Use application: that the reasons for the denial stemmed from the large bulk of the proposed building and the size of the parking lot which were out of character with the neighborhood and existing business uses nearby; that the impact of the proposed use would not be minimal and would be entirely different than existing uses with an adverse impact on existing residential uses; that the proposed use was out of character with the surrounding area which is trending towards small commercial uses and residential use; that the Applicants have carefully considered the reasons stated by the County Council for denial and also considered the land use very carefully in relation to the Comprehensive Plan and the Official Zoning Map for Sussex County; that the parcel is located in the State Spending Strategies Level 2; that the surrounding parcels are located in the State Spending Strategies Level 1 and Level 2: that the Land Use Classification per the 2019 Comprehensive Plan the land is “Coastal Area”; that the “Coastal Area” is a growth area; that the plan states that a range of housing types is permitted in the “Coastal Area”; that the plan states that while the County bases density on 2 units per acre being appropriate throughout the “Coastal Area”; that medium and high-density can be appropriate in certain locations; that that property is adjacent to MR zoning; that the property north of the site is the Villages of Five Points and has large commercial use; that the property to the east of the site is Covey Creek Subdivision which is zoned MR; that front portion of the property is adjacent to B-1 zoning and as well as AR-1; that there is B-1 zoning across the street; that there had been numerous approved Conditional Uses along the road; that there is also C-1 zoning in the area; that there about 12 Conditional Uses which include (Application No. 2116), (Application No. 2137), and (Application No. 2160) all were recently approved and on the same road; that the proposed application meets the permitted density and is consistent with the zoning in the area and the Land Use Plan; that the proposed development would have public water provided by Tidewater Utilities; that sewer would be provided by Sussex County; that Sussex County Engineering Department had confirmed that the 24 units conform to the Engineering’s Department system design assumption of 4 units per acre and that wastewater capacity is available; that the stormwater management facilities would be designed and constructed within DNREC and Sussex Conservation District regulations; that the proposed development would utilize Best Management Practices and bio retention areas would be used to provide infiltration; that DelDOT did not warrant a TIS and it was not required; that the proposed site entrance would be designed and constructed in accordance DelDOT requirements; that there are no State tidal wetlands or Federal non-tidal wetlands located on the property; that the parcel is not located in a flood zone; that are no known threatened or endangered species, no historical or archeological features on the property; that the site is located in the Cape Henlopen School District; that the proposed development would be provided fire protection by Lewes Fire Department; that the site is near shopping areas, medical offices and Beebe Hospital; that the proposed application is for 24 single-family detached residential condominium units; that the condominium association would maintain the open space, common areas, entrance, buffers, and stormwater facilities; that the entrance would have a shared use path and landscaping across the front of the property; that there would be a stormwater retention area located on the western side of the entrance road and that would result in the closest home being 220-feet back from Savannah Road and it would also provide an attractive landscape buffer along the road to accord with the Lewes Byways objectives; that there is a second stormwater area located where the drive turns to the east; that there would be a 20-foot landscape buffer along the perimeter of the property; that the landscape buffer along the north boundary, borders the common area of the Villages of Five Points; that the Village of Five Points has a partially landscaped buffer in their common area and it is approximately 35-feet wide at the closest point

between a lot in the Villages of Five Points and this site's property line; that the closest lot in the Villages of Five Points has a buffer of 30-feet and abuts the 20-foot landscape for this site; that in addition there would be a 30-foot rear yard setback for Units 8 through 14; that the total open space would be 61% of the site; that there would be a sidewalk located along the western and northern side of the drive and in front of units 20 to 24; that the drive would have curb and gutters; that there would be street lighting; that all owners would be members of the condominium association. Mr. Fuqua outlined that he wished to respond to the written comments received from interested parties; that the proposed project is not a high-density development; that the proposed project is for MR zoning which is the Medium-Density Residential Zone; that the proposed application is not for a RPC ("Residential Planned Community"); that the proposed application is for a change of Zone to MR and a Conditional Use; that the Applicants did not propose or request a RPC nor a cluster subdivision; that the proposed application is in compliance with the Code; that the proposed Conditional Use is for single-family detached residential condominiums without lot lines; that in a condominium development, the land around the dwellings would be designated as common area and there would be no lot lines between the Units; that the proposed application would meet the height requirements outlined within the Code; that the proposed plan does not encroach into the property lines of the Villages of Five Points; that a 10-foot rear yard setback in an MR zone is the correct setback; that there is no requirement in the Zoning Ordinance for a 20-foot landscape buffer for a Conditional Use but the Commission may require this; that this property does border open space of the Villages of Five Points with some landscaping and a swale; that the closest lot line in the Villages of Five Points would be 35-feet away from the proposed project property line and the closest home in the Village of Five Points would have a 10-foot rear yard setback that is required and then there would be 35-feet of the Villages of Five Points open space in addition to this; that the proposed project would have 20-feet of landscape buffer and 10-feet of additional rear yard setback; that the closet home to the Villages of Five Points would 75-feet from the closest home in the proposed project and those two homes would be separated by two landscaped buffers; that a single-family detached residential condominium is a multi-family dwelling and is allowed per Code; that the proposed application is similar to many other single-family detached condominium communities that are approved as Conditional Uses in the County; that some of the commercial uses on Savannah Road are in converted homes and some are more intense uses in large commercial buildings; that across from the east section of the Villages of Five Points are five large, three-story multi-family buildings that are part of the Villages of Five Points Residential Planned Community; that the Villages of Five Points was approved as an RPC containing 586 residential units, 260 single-family lots, 144 apartments, 110 townhouses, and 72 condominiums; that the documents submitted by the opponents to the scheme propose a compromise to reduce the density by reducing the number of units to 18 units; that the opponents outline that the height should be reduced to 26-feet and that a 50-foot rear yard building setback from the boundary with the Villages of Five Points should be considered, and that the homes be required to have an exterior appearance that is consistent with single-family homes in the surrounding area. Mr. Fuqua outlined that the terms are not a compromise offer and, in effect, what the opponents want to do is rewrite the Zoning Ordinance to create a new zone; that what the opponents are proposing is best described as a reverse spot zoning and the Applicant rejects these terms; that the Planning and Zoning Commission decision should be based on the Land Use Plan and County Code; that proposed findings for the Change of Zone request and findings and conditions for the Conditional Use request were submitted into the record.

Ms. Stevenson asked about the size of the proposed units, to which Ms. Cornwell pointed out that units would be around 2,500 square feet.

Mr. Crouch stated the proposed dimensions of the units range from 65-feet to 80-feet in depth, with a range of units widths; that the proposed units would be one-story or two-story units; that there would not be any three-story units; that Mr. Fuqua stated that there would be a variety and mixture of houses; that the proposed project would not be an age-restricted community; that because of the size of the site, there would be no planned amenities other than some benches and possibly a gazebo; that Mr. Crouch stated occupiers could park one vehicle in the garage and would be able to park two vehicles in the driveway; and that the houses would be located 18-feet from the curb.

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

That the Commission found that Ms. Jan Allmaras, Mr. Sullivan, Ms. Luci Angeline, Mr. Jim Walpole, and Mr. Bob Viscount spoke in opposition to the application; that Ms. Allmaras stated she is representing 14 others from the Village of Five Points (there was a show of 15 hands from those people present); that residents had to familiarize themselves as to the requirements for multi-family dwelling; that the area contains a mixture of low-density and medium-density; that a Conditional Use for Old Orchard Ventures was approved in 2016 subject to 18 conditions and is the most similar to this project; that there is not a lot of multi-family Conditional Uses in the area; that the approved Conditional Use help clean up the Donovan Brownfield site; that the Medium Residential Density Zone is part of a planned community; that there are no multi-family communities in the area; that many of the parcels on the west side of this site have been converted from single-family homes to offices; that MR zoning adheres to Table I in the Code; that some areas of Table II in the Code do not apply to multi-family dwelling structures; that the Code states you should see Table I for detached single-family dwellings; that if it is a detached single-family dwelling and it would comply with the single-family dwelling regulations; that all the homes around this parcel are zoned MR and adhere to the requirements of Table I; that she has concerns with the compliance of this scheme with Table I and Table II; that the proposed project exceeds the requirements for high-density; that the proposed project needs flexibility and consistency; that this project would have an adverse impact on property values; that there are existing old chicken houses on the parcel; that the Villages of Five Points have planted trees within the buffer area; that the trees are on the Association property and some trees were planted at the homeowner's expense; that she thinks detached single-family dwellings are desirable on the site and have met with Mr. Reed and the scheme has incorporated some of their ideas; that the homeowners' have sent Mr. Reed conditions that they recommended for the project; that some of the recommendations are that the maximum number of units would 18 and the maximum height for the units would be 26-feet; that the proposed project is not for modest size homes and are larger than many of the homes in the East Village; that she recommends that the homes that are being proposed to be built, be built similar to the detached single-family dwellings in the Village at Five Points; that she recommends that the exterior of the proposed houses match the homes single-family homes in the area. Chairman Wheatley stated that, Mr. Fuqua testified that the proposed project would have a 30-foot rear yard; that Ms. Cornwell, stated that, Mr. Fuqua testified that there would be a minimum of 10-foot rear yard setback except for lots 8 through 14 which would have a 30-foot rear yard setback and that would be an addition to the 20-foot forested landscape buffer; that the ones with a minimum 10-foot buffer and would have a 30-foot setback from the edge of the house to the property line; that Mr. Robertson stated if this was an MR subdivision with single-family lots, it would be by Code to have 20-foot forest landscape buffer and 10-foot rear yard setbacks; that Mr. Robertson asked whether Ms. Allmaras' objection is to the Conditional Use that allows so many number of lots vs an MR subdivision, to which Ms. Allmaras stated yes; that Ms. Allmaras stated MR zoning is reasonable but not multi-family based on what the Applicant is currently proposing; that the 18 units instead of the 24 units proposed would have less impact on the space to the rear; that in summary, the residents

represented by Ms. Allmaras request the application be denied; that Mr. Sullivan stated he welcomes residential use instead of commercial use such as the fitness center previously denied; that he thinks the current proposal is putting too much development onto the lot; that he could live with the 30-foot rear yard setback and the 20-foot forested landscape buffer. Ms. Angeline asked about the mechanism to control the buffer proposed; that Mr. Robertson stated if the application does get approved, the Code requires a Site Plan to be submitted and approved, showing the plantings that are required per linear amount of feet; that all the plantings would have to be shown on the Final Site Plan which the Planning and Zoning staff reviews and then it would come back in front of the Commission for approval; that the project would have to be bonded so that there is bond in place to ensure that the plants are put in; that all of these would appear in any conditions of approval; that this is not a subdivision and people would not be able to buy individual lots and put individual houses on the lots; that there would be Condominium Declaration Plans and it would also be shown on the Final Site Plan; that the Declaration Plan does get recorded so that they are on record for everyone to view and the plan cannot say one thing and they cannot build something different; that Mr. Walpole had concerns about the Applicant's exhibit booklet and wanted to know when the booklet was filed; that Ms. Cornwell stated the exhibit booklet was received on April 29, 2019 and put into the public file; Mr. Robertson stated that since this is an application for a Change in Zone and a Conditional Use, the Planning and Zoning Commission would hold a public hearing and make a recommendation and then there would be a second public hearing held before the Sussex County Council; that anyone wishing to view or address anything in the booklet, would be able to address and comment on this before the next hearing before Sussex County Council; that through the Sussex County's website there is the ability to view the applications, materials, and packets for upcoming hearings; that Mr. Viscount commented that the proposed development does not meet the multi-family definition as outlined in the Code; that he thought that the previous comments made by Ms. Allmaras were very accurate; that whilst there are other Conditional Uses for single-family condominium communities in the wider area; that they are not necessarily located in the locality where the proposed project is going to be. Mr. Viscount outlined that he is in complete agreement with the comments and logic outlined within Ms. Allmaras' presentation.

At the conclusion of the public hearing, the Commission discussed the applications.

Chairman Wheatley outlined that condominiums are normally considered as multi-family developments even though the units in this proposal look like single family homes; that this might be something that the County may seek to better define within the Code in the future; that he noted that the chicken houses referred to in public speaking appear to have been in situ for a long period of time. The Commission discussed the amount of parking for the number of units and whether garages would be provided for the units and whether there would be overflow parking. The Commission also discussed the separation between the units of the proposed development and the adjoining development. Ms. Stevenson asked whether the Final Site Plan would require support from DelDOT, and whether there is a numerical requirement for open space should the zoning be changed to MR. Ms. Cornwell confirmed that there is no numerical requirement for multi-family in MR but a cluster subdivision, for example, would normally require 30% of the site to be open space.

In reference to Change of Zone 1876, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

In reference to Conditional Use 2169, there was a motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

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

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

At their meeting of May 23, 2019, The Planning Commission discussed the application which has been deferred since May 9, 2019.

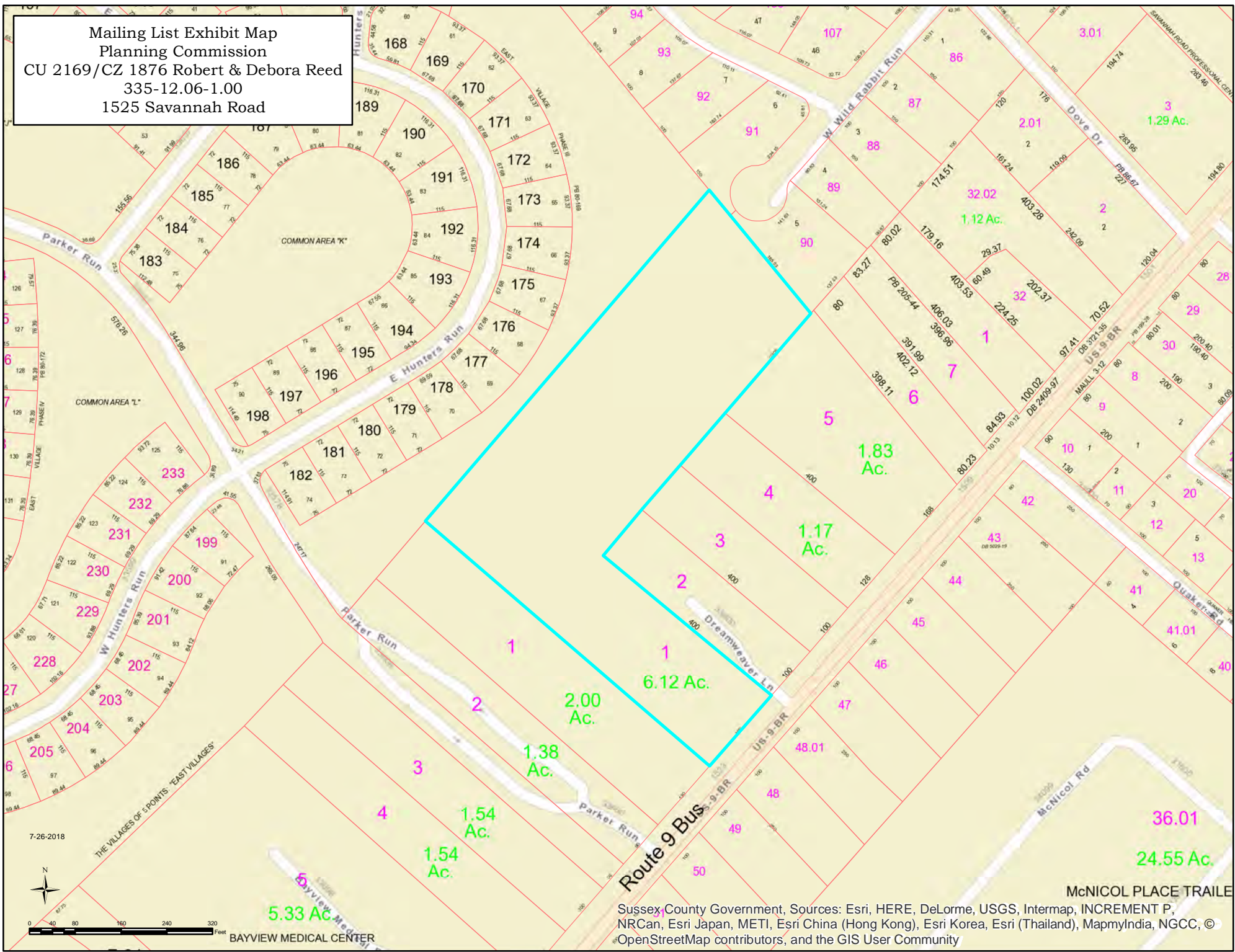
Ms. Wingate moved that the Commission recommend approval of Conditional Use 2169 for Robert M. and Debora A. Reed for multi-family dwellings in an MR (Medium Density Residential District) based upon the record made during the public hearing and for the following reasons:

1. The application seeks the approval of 24 multi-family structures on approximately 6.113 acres. This density is appropriate within the MR zone, which permits up to 4 units per acre.
2. The property is in an area where a variety of development has occurred. Lands to the north and east of this property are zoned MR with residential developments there. Lands to the south along Savannah Road are mostly developed as offices and small businesses on lands zoned B-1 or as conditional uses. This project is basically an infill development and it is consistent with these nearby uses.
3. The units are set back approximately 220-feet from Savannah Road, which is consistent with the Lewes Byways Plan.
4. The site is in the Environmentally Sensitive Developing Area according to the prior Sussex County Comprehensive Plan and the Coastal Area according to the new Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here.
5. The proposed development will not have an adverse impact on the neighboring properties or roadways. Although there was testimony in the record from a neighboring MR development about adverse impacts, there is adequate separation between the two developments and they will have a little if any, difference in appearance.
6. The development will be served by central sewer provided by Sussex County.
7. This development is an appropriate transition from the business uses on Savannah Road to the south and the more intensive uses near Wescoats corner to the north while remaining with adjacent residential development in the area.
8. The development will be served by central water.
9. This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall be 24.
  - B. The Applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of the development roadway, buffers, stormwater management facilities, erosion, and sedimentation control facilities, and other common areas.
  - C. All entrance, intersection, roadway, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
  - D. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any off-site upgrades necessary to provide service to the project.
  - E. The project shall be served by central water to provide drinking water and fire protection.
  - F. There shall be a vegetated or forested buffer of at least 20-feet in width as shown on the Preliminary Plan.

- G. As stated by the Applicant, there shall be a 30-foot building setback from the rear of the homes designated as Units 8-14 on the Preliminary Plan.
- H. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.
- I. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 8:00 am and 6:00 pm, Monday through Friday, and between 8:00 am and 6:00 pm, Saturdays between Labor Day and Memorial Day. There shall be no construction activities at the site on Sundays.
- J. As stated by the Applicant, there shall be a sidewalk along the western and northern side of the development's roadway and in front of the homes identified as Units 20 through 24 on the Preliminary Site Plan.
- K. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- L. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. There shall be 12 additional off-street parking spaces provided within the site for visitor parking. These spaces shall be shown on the Final Site Plan.
- N. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
- O. The streets shall meet or exceed County road standards and design requirements.
- P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

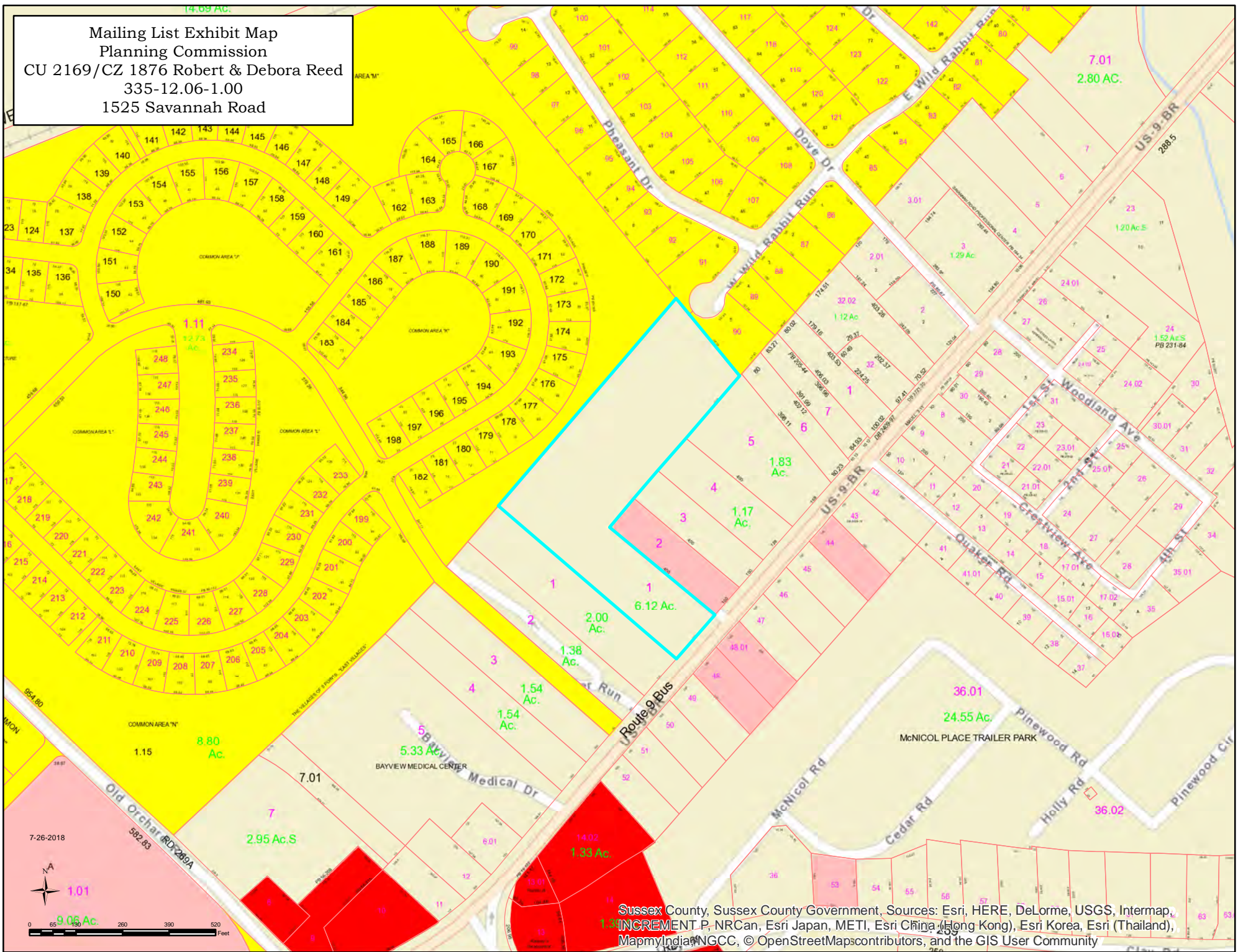
Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with conditions stated in the motion. Motion carried 4-0. Mr. Mears was absent.

Mailing List Exhibit Map  
Planning Commission  
CU 2169/CZ 1876 Robert & Debora Reed  
335-12.06-1.00  
1525 Savannah Road





Mailing List Exhibit Map  
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 1525 Savannah Road



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335-12.06-1.00  
1525 Savannah Road



**Introduced 1/15/19**

**Council District No. 3 – Burton  
Tax I.D. No. 335-12.06-1.00  
911 Address: 1525 Savannah Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRE, MORE OR LESS**

**WHEREAS, on the 2nd day of January 2019, a conditional use application, denominated Conditional Use No. 2169, was filed on behalf of Debora Reed; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2169 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2169 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road, approximately 152 feet northeast of Parker Run and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 6.113 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.**