

Sussex County Council Public/Media Packet

**MEETING:
July 16, 2019**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

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SUSSEX COUNTY COUNCIL

AGENDA

JULY 16, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Recognition of Retiree – Jeff Cox, Deputy Director, EMS
2. Recognition of retiring Board of Adjustment members John Mills and Dale Callaway
3. Recognition of former Board of Adjustment member and former Building Code Appeal Board member Bruce Mears
4. Introduction of new Airport Manager
5. Legislative Update
6. Administrator's Report

10:15 a.m. Public Hearing

Smith Annexation of the Sussex County Unified Sanitary Sewer District (Chapel Branch Area)



Hans Medlarz, County Engineer

1. Coastal Airport, Old Terminal Building Redevelopment Update
2. Bulk Delivery of 50% Caustic, Project M19-33
 - A. Recommendation to Award
3. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”
4. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”
5. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

John Ashman, Direction of Utility Construction

1. Use of Existing Infrastructure Agreements
 - A. Frankford Business Park
 - B. Bishops Landing
 - C. Ocean View Beach Club North
 - D. Beebe Healthcare Rehoboth Health Campus

Grant Requests

1. Mariner Middle School for Business Professionals of America for conference expenses
2. West Rehoboth Community Land Trust for affordable low income housing
3. ITN Southern Delaware for Quality of Life: Aging in Place program

4. West Side New Beginnings for community safety and minor renovations
5. Coastal Concerts for musical scholarships
6. Chamber of Commerce for Greater Milford for the Riverwalk “Freedom” Festival
7. First State Community Action Agency for Kimmeytown Community Day

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

1:30 p.m. Public Hearings

Conditional Use No. 2178 filed on behalf of Steven and Carrie Coleman

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING AND FABRICATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.605 ACRES, MORE OR LESS” (land lying on the south side of Laurel Road (Route 24) approximately 0.46 mile west of Jestice Farm Road (Tax I.D. No. 232-19.00-30.00) (911 Address: 14716 Laurel Road, Laurel)

Change of Zone No. 1877 filed on behalf of Schiff Land Development Company, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS” (land lying on the southeast side of John J. Williams Highway (Route 24) approximately 0.45 mile southwest of Oak Orchard Road (Tax I.D. No. 234-29.00-66.00, 66.01 & 66.02) (911 Address: None Available)

Change of Zone No. 1878 filed on behalf of Captain’s Way Development, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO ALLOW FOR GARAGE STUDIO APARTMENTS FOR CHANGE OF ZONE NO. 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS” (land lying on the northeast side of Milton Ellendale Highway (Route 16) approximately 0.34 mile east of Hollytree Road) (Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00) (911 Address: None Available)

Change of Zone No. 1880 filed on behalf of Craig Kormanik

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (land lying on the southwest side of Indian Mission Road (Route 5) approximately 785 feet northwest of John J. Williams Highway (Route 24) (Tax I.D. No. 234-23.00-261.00) (911 Address: 31792 Indian Mission Road, Millsboro)

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 9, 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 25, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 25, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 327 19
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, 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 18, 2019 were approved by consent.

**Public
Comments**

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

**Delaware
Agricultural
Lands
Preser-
vation
Program**

Mr. Lawson presented for discussion the 2019 Delaware Agricultural Lands Preservation Program. On June 24, 2019, the Delaware Agricultural Lands Preservation Foundation released its selections for Round 23 of the Preservation Program. On June 19, 2019, the Council voted to participate in Round 23 and approved the expenditure of funds for the acquisition of easements totaling \$1.0 million. In all, 111 farms totaling 9,382 acres were preserved in Round 23 with the average discount being 66 percent. In Sussex, 66 farms were preserved totaling over 5,500 acres; and, with the Council's additional contribution of \$1.0 million, an additional 8 farms and 726 acres were preserved. Mr. Lawson presented the list of 8 farms purchased with County funds (parcels known as Land 2019 E through L). Since 2003, including the most recent effort, the County has contributed approximately \$3.0 million to protect more than 3,500 acres of farmland in Sussex County.

**Adminis-
trator's
Report**

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

1. Sussex County Housing Needs + Market Analysis

The Sussex County Housing Needs + Market Analysis has been completed by the County's housing consultant, Lisa Sturtevant & Associates (LSA). The analysis examined the demographic, economic, and market trends that are driving current and future demand for housing in Sussex County. The report is the first deliverable provided by LSA in their efforts to develop a Housing Opportunities and Market Evaluation for the County. The analysis will help form the framework for a housing strategy that LSA is currently developing. A copy of the Housing Needs + Market Analysis can be found on the County's website at sussexcountystate.gov/HOME.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for May 2019 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 197 troopers assigned to Sussex County for the month of May.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Tidalwalk (aka Back Creek) and Tidewater Landing – Phase 3A received Substantial Completion effective June 19th and June 24th, respectively.

4. Holiday and Council Meeting Schedule

County offices will be closed on Thursday, July 4th, for the Independence Day holiday. In addition, Council will not meet on July 2nd or July 9th. The next regularly scheduled Council meeting will be held on Tuesday, July 16th.

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

**Insurance
Recommen-
dation**

Andrea Wall, Manager of Accounting, presented a recommendation for insurance coverage. She noted that, as the County approaches the renewal of its insurance package on July 1, the County's broker, Alliant Insurance Services, Inc., recommended that Sussex County market the property and liability package. These lines were targeted for marketing this year due to the hardening property market in which many accounts are seeing double digit increases without claim activity. Alliant wants to ensure that the pricing for the property line is competitive and offers the best value to the County. Although Alliant approached over twelve markets with the County's property and liability package, quotes were only received from the incumbent Glatfelter and a combined Great American/Liberty Mutual

**Insurance
Recommendation
(continued)**

quote. Mrs. Wall recommended that the County remain with Glatfelter for property and liability package coverages; this recommendation is supported by the County's insurance consultant, Scott Agar. Mr. Agar was present to discuss his support of the recommendation.

**M 328 19
Authorize
Placement
of Insurance
Coverage**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based on the recommendation of Alliant Insurance Services, Inc., Insurance Buyer's Council, and the Sussex County Finance Department, that the Sussex County Council authorizes the placement of insurance coverage as presented for the period of July 1, 2019, through June 30, 2020, at a cost not to exceed \$1,514,445.00.

Motion Adopted: 5 Yeas.

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

**Bill Print
and
Mailing
Services
RFP**

Katrina Mears, Manager of Billing Services, Collections and Treasury, presented the results for a Request for Proposal (RFP) for bill printing and mailing services for the County's annual tax and sewer quarterly billings. She noted that the previous contract expired. Mrs. Mears reported that eight proposals were received; a summary of the bid evaluations and a pricing analysis of each bidder was presented. The bids were graded on total cost, experience, technical approach and turn-around time. Based on an evaluation of the bids received, it is recommended that Sussex County select Touch Point Communications to provide bill print and mailing services for the next three fiscal years with the option to extend the contract for another three years by mutual agreement.

**M 329 19
Approve
Contract
for Bill
Print and
Mailing
Services**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Finance Department, that the Sussex County Council approves a three-year contract with Touch Point Communications with an annual base cost of \$17,700.00 with the option to renew another three years by mutual agreement.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 330 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to Eastern Shore AFRAM Festival for festival expenses.

**M 330 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 331 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Rieley to give \$8,336.00 (\$7,336.00 from Mr. Burton's Councilmanic Grant Account and \$1,000.00 from Mr. Rieley's Councilmanic Grant Account) to Fort Miles Historical Association for Lighthouse Reach Overlook.

Motion Adopted: 5 Yeas.

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

**M 332 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 Primeros Pasos Early Learning Center for playground equipment.

Motion Adopted: 5 Yeas.

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

**M 333 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$2,318.00 from Mr. Wilson's Councilmanic Grant Account to Grace-N-Mercy for summer youth 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 334 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$3,000.00 (\$1,500.00 each from Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to Woodbridge High School Marine Corps JROTC Booster Club for the Annual Halloween 5K Run/Walk.

Motion Adopted: 5 Yeas.

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

**M 335 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$2,500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Laurel for Market Square Park bandstand improvements.

Motion Adopted: 5 Yeas.

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

**M 336 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$2,000.00 (\$1,000.00 each from Mr. Rieley's and Mr. Burton's Councilmanic Grant Accounts) to ITN Southern Delaware for Quality of Life: Aging in Place program 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 337 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$5,500.00 (\$2,500.00 from Mr. Wilson's Councilmanic Grant Account and \$3,000.00 from Mr. Rieley's Councilmanic Grant Account) to Millsboro Historical Society for the Godwin School for maintenance and repair costs.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinance**

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS" (Change of Zone No. 1890) filed on behalf of W&B Hudson Family LTD (Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00) (911 Address: None Available). The Proposed Ordinance will be advertised for Public Hearing.

**Omar
Landfill
Site/Re-
forestation
Project**

Hans Medlarz, County Engineer, reported on a reforestation project to restore a landfill buffer area at the Omar Landfill Site #6. The Center for the Inland Bays (CIB) proposes a two-phase, multi-year reforestation and wetland creation project in cooperation with the Sussex Conservation District on the previously farmed property protecting waterways and

**Omar
Landfill
Site/Re-
forestation
Project
(continued)**

wetlands, reducing nutrient loading as well as sustaining various animal species. The 20-acre parcel located off of Burbage Road is uniquely suited for this approach because a first order stream and tax ditch, Blackwater Creek, runs adjacent to the parcel, draining nutrients and run-off to the Little Assawoman Bay. Mr. Medlarz advised that the Engineering Department requests approval of CIB's proposal in an amount not to exceed \$211,151.00. Capital project funding has been budgeted in FY20 under the landfill section of the budget. In addition, the completed project will generate future credits under the County's Clean Water Enhancement Program offsetting the capital cost.

**M 338 19
Approve
Proposal
with
CIB/Re-
forestation
Project**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the "Afforestation & Wetland Creation at Burbage Road" Proposal between Sussex County and the Delaware Center for the Inland Bays to re-establish a wetland forest at the Omar Landfill Property, providing various measures of environmental protection for land and waterways in the amount of \$211,151.00.

Motion Adopted: 5 Yeas.

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

**IBRWF
Irrigation
Rigs Re-
placement
Project**

Hans Medlarz, County Engineer, presented a request to grant Substantial Completion for the Inland Bays Regional Wastewater Facility (IBRWF) Irrigation Rigs Replacement, Project 19-21. Mr. Medlarz reported that construction commenced on April 15, 2019 and was completed on June 7, 2019. It was noted that there was no change order associated with the close-out.

**M 339 19
Grant
Substantial
Completion/
IBRWF
Irrigation
Rigs Re-
placement
Project**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion for Project 19-21, Inland Bays Regional Wastewater Facility (IBRWF) Irrigation Rigs Replacement be granted, effective June 7, 2019, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

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

**M 340 19
Go Into
Executive
Session**

At 10:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to potential/pending litigation and land acquisition.

M 340 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

Executive Session **At 10:45 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to potential/pending litigation and land acquisition. The Executive Session concluded at 12:03 p.m.**

M 341 19
Reconvene **At 12:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

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

M 342 19
Recess **At 12:07 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 343 19
Reconvene **At 1:30 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

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

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

Mr. Wilson joined the meeting.

**Public Hearing/
CU 2173** **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CATERING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,**

**Public
Hearing/
CU 2173
(continued)**

CONTAINING 1.08 ACRES, MORE OR LESS” (Conditional Use No. 2173) filed on behalf of Ray Richardson (Tax I.D. No. 234-9.00-6.02) (911 Address: 21170 Doddtown Road, Harbeson).

The Planning and Zoning Commission held a Public Hearing on this application on May 23, 2019 at which the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 23, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Fred Townsend, Attorney, was present on behalf of the application with Ray Richardson, the Applicant. Mr. Townsend stated that the Applicant would like to operate an on-site catering business; that a 20 x 24 square foot building is proposed and will be compatible with the existing home on the site; that the Applicant lives in the existing home on the site; that no patrons visit the site; that all foods will be prepared on-site and transported off-site; that the Applicant proposes to have one or two employees; that the proposed use will not have any substantive impact on traffic; that no sign is requested or needed; that the Applicant will comply with DeIDOT for any entrance requirements; that the dumpster will be screened; and that the Applicant accepts the recommended conditions of the Planning and Zoning Commission.

Mr. Townsend clarified that the Applicant’s name is Ray Richardson (not Roy Richardson).

There were no public comments.

The Public Hearing and public record were closed.

**M 344 19
Adopt
Ordinance
No. 2664/
CU 2173**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2664 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CATERING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Conditional Use No. 2173) filed on behalf of Ray Richardson, with the following conditions:

- A. The site shall only be used for preparing food for off-site catering.**
- B. The catering preparations shall occur within the 20 by 24 square foot building shown on the Preliminary Plan.**
- C. As stated by the Applicant, no signs shall be permitted.**
- D. The Applicant shall comply with any DeIDOT requirements for entrance approval.**
- E. Any dumpster located on the site shall be screened from view of the**

**M 344 19
(continued)**

**neighboring properties or roadways.
F. The Final Site Plan shall be subject to the review and approval of the
Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2175**

**A Public Hearing was held on the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN
AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN INDIAN RIVER
HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR
LESS” (Conditional Use No. 2175) filed on behalf of All Automotive, LLC
(Tax I.D. No. 234-16.00-27.03) (911 Address: 28858 Harmons Hill Road).**

**The Planning and Zoning Commission held a Public Hearing on this
Proposed Ordinance on May 23, 2019 at which time action was deferred.
On June 13, 2019, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 23 and
June 13, 2019.)**

Janelle Cornwell, Planning and Zoning Director, presented the application.

**Ms. Cornwell reported that, since the Public Hearing before the Planning
and Zoning Commission, a letter of support from Regina Willoughby has
been received and made a part of the record.**

**The Council found that Dan and Tom Honaker were present on behalf of
their application. They stated that they will operate a small two-man shop
that will service vehicles; that the building blends into the residential area;
that there will be no junked or unregistered vehicles; and that the only
building on the property is a “house” which actually is a large garage that
has been used for 20 years for storage.**

Public comments were heard.

**Regina Willoughby, an adjacent property owner, spoke in support of the
application.**

There were no additional public comments.

The Public Hearing and public record were closed.

**M 345 19
Adopt
Ordinance
No. 2665/
CU 2175**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2665 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS” (Conditional Use No. 2175) filed on behalf of All Automotive, LLC, with the following conditions:

- A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- B. The security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- F. There shall not be any parking in the front yard setback and the front yard setback area shall be landscaped. This landscaped area shall be shown on the Final Site Plan.**
- G. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these designated areas.**
- H. The perimeter of the Conditional Use area shall be screened from view of neighboring properties with a fence or vegetation. This screening shall be shown on the Final Site Plan.**
- I. As stated by the Applicants, the structure shall retain its residential appearance.**
- J. No cars shall be sold on the property.**
- K. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.**
- L. The site shall be subject to all DelDOT entrance and roadway requirements.**
- M. The hours of operation shall be 8:00 a.m. through 6:00 p.m., Monday through Friday, and 8:00 a.m. until Noon on Saturdays. There shall not be any Sunday hours.**
- N. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1879**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRE, MORE OR LESS” (Change of Zone No. 1879) filed on behalf of William (Ulbio) Parraga (Tax I.D. No. 135-14.00-12.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on May 23, 2019 at which time action was deferred. On June 13, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated May 23 and June 13, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that William Parraga was present on behalf of his application. He stated that he is proposing small professional offices on the site; that the site is appropriate for rezoning to B-2; that there is a commercial property adjacent to the application site and that there are other commercial properties in the area; and that the site is not suitable for a residential use due to the volume of traffic on the roadway.

There were no public comments.

The Public Hearing and public record were closed.

**M 346 19
Adopt
Ordinance
No. 2666/
CZ 1879**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2666 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRE, MORE OR LESS” (Change of Zone No. 1879) filed on behalf of William (Ulbio) Parraga.

Motion Adopted: 5 Yeas.

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

**M 347 19
Adjourn**

At 2:02 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

Motion Adopted: 5 Yeas.

**M 347 19
(continued)**

**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.}

DRAFT

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: **LEGISLATIVE UPDATE**

DATE: July 12, 2019

During Tuesday's meeting, we are scheduled to discuss the legislative update for the end of the General Assembly's session on June 30 and July 1. While there was a lot of activity during the last days and hours of the session, I will only highlight a few important items specific to Sussex County; see below:

1. **HB 118 – Property Maintenance Bill**

This bill passed the House but was not considered by the Senate. We will revisit the legislation at the beginning of the session in January 2020 in the hope that it can be considered and approved by the Senate.

2. **HB 228 – Lodging Tax Bill**

This bill was approved by the General Assembly. Recall, this legislation allows the County to impose a 3% lodging tax for capital and operating costs of beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, and water quality and flood control projects.

This is enabling legislation; meaning, the County Council must pass its own ordinance establishing our program parameters. We have already begun preliminary discussion with our colleagues in Kent and New Castle counties, as well as the Delaware Division of Revenue, related to the collection of the tax. In the weeks to come, we will start to develop a framework for the County's program which will eventually take the form of an ordinance. I will return to Council at a future meeting to provide an update and get your feedback on the direction you want to take.



3. HB 260 – Grant-In-Aid – EMS Funding

The Emergency Medical Services (EMS) funding for County Paramedics was increased in the Grant-In-Aid bill by \$1.3M for the entire State program. The bill also changed the way the County will be reimbursed. In FY 2019, the County was reimbursed based on actual expenses from two years ago. The intent of the bill is to have the State reimburse the County based on the previous year's approved budget. The bill contained language directing the funding allocation as follows:

***Section 30.** Section 1 of this Act makes an appropriation to the Emergency Medical Services, Paramedic Program Operations of \$12,387,266. It is the intent of the General Assembly that for each fiscal year, the state appropriation for county paramedic program operations pursuant to 16 Del. C. Ch. 98 will be based on each county's adopted budget for the fiscal year immediately prior to the fiscal year in which the paramedic program is to be funded. This funding methodology change will be implemented evenly over a two-year period. Such payments shall be made pursuant to Section 9 of this Act. Further, it is the intent of the General Assembly to review 16 Del. C. Ch. 98 to determine the most appropriate county and state cost share for continued support of this program.*

Staff is discussing the language with the Office of Management and Budget (OMB) to determine how this guidance will be applied.

4. SB 180 – Bond Bill – Court Facility Funding

The project for the new judicial facilities in all three counties, including the Sussex County Family Court courthouse, received carry-over funding of \$6,850,000. The bill contained language establishing a review committee to evaluate the public-private partnership that could be used to fund the project. The committee is required to finalize a report by December 1, 2019. In addition, the bill contained language authorizing OMB to work with Sussex County for the exchange of properties necessary for the Sussex County courthouse project to move forward. Please see below.

***Section 16. Court Modernization Projects.** (a) It is the intent of the General Assembly that a thirteen-member review committee be created to evaluate public-private partnership and traditional financing options as they relate to the construction of a new Family Court courthouse in Kent County, a new Family Court courthouse in Sussex County, and the renovation and expansion of the Leonard L. Williams Justice Center in New Castle County. The review committee shall include the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program, the Co-Chairs of the Joint Finance Committee, one minority caucus member appointed by the President Pro Tempore of the Senate, one minority caucus member appointed by the Speaker of the House, the Chief Justice of the Delaware Supreme Court, the Chief Judge of the Delaware Family Court, the Controller General, the Secretary of the Department of Finance, the Director of the Office of Management and Budget, a representative of the Delaware State Bar Association, and a representative from the Delaware Prosperity Partnership.*

Memo to Council – Legislative Update

July 12, 2019

Page 3 of 3.

The review committee shall prepare a report of their findings to be presented to the Governor, the President Pro Tempore of the Senate and the Speaker of the House by December 1, 2019.

(b) Notwithstanding any provision of 29 Del. C. c. 94, the Director of the Office of Management and Budget is authorized to enter into an agreement with Sussex County for parcel transfers, including the Sussex County Courthouse Annex, for purposes of potential construction of the Sussex County Family Courthouse project. Said agreement shall be subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and shall be effective no earlier than an approved financing plan or final report satisfying the provisions of this section.

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

TFL/sww

PUBLIC NOTICE

PROPOSED SMITH EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (CHAPEL BRANCH AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on June 4, 2019 to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Chapel Branch Area, to include one parcel of land along the east side of Wil King Road, being situate in Indian River Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

BEGINNING at a point, said point being the westerly Right-of-Way (ROW) of Wil-King Road said point also being 537 feet southeast of the entrance to Conley's Chapel Village; thence proceeding in an easterly direction, across Wil-King Road, a distance of 50' ± to a point, said point being on the easterly ROW of Wil-King Road, said point also being the northwesternmost property corner of lands Now-or-Formerly (N/F) of Charles W. & Gladys G. Smith; thence proceeding by and with said Smith property lines in an easterly, southerly and westerly directions respectively a total distance of 742' ± to a point, said point being the southwesternmost property corner of lands N/F of Charles W & Gladys G. Smith, said point also being on the easterly ROW of Wil-King Road; thence proceeding in a westerly direction, across Wil-King Road, a distance of 50' ± to a point, said point being on the westerly ROW of Wil-King Road, said point also being on the easterly property line of lands N/F of Nationstar Mortgage LLC; thence proceeding by and with said ROW in a northerly direction a distance of 150' ± to a point, said point being that of the **BEGINNING**.

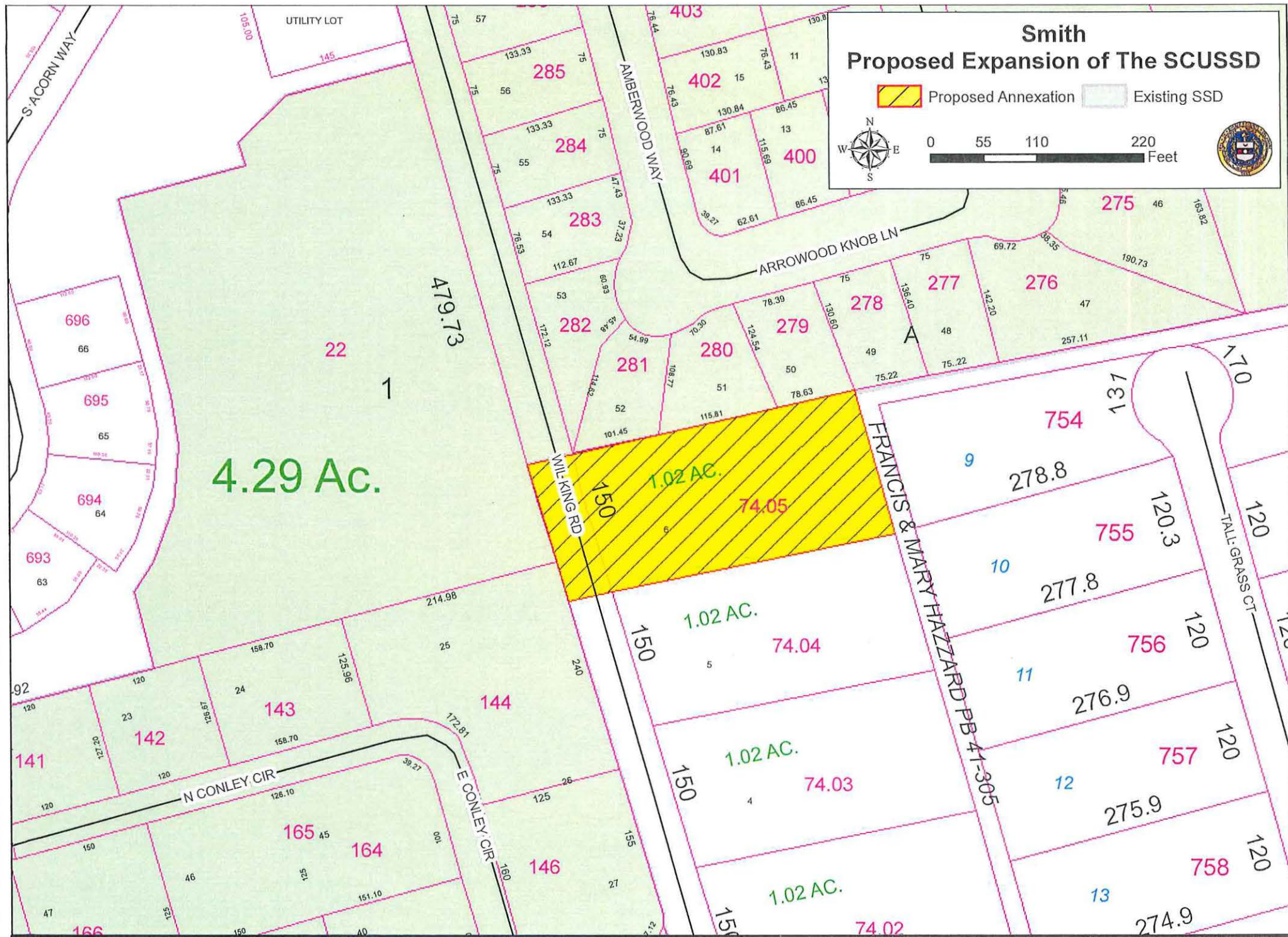
NOTE: The above description has been prepared using Sussex County Tax Map 234-6.00 and Sussex County property assessment records. The annexation contains 1.02 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 a.m. on July 16, 2019 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer



The public hearing will be held on this issue at 10:15 a.m. on July 16, 2019 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. For more information please visit: <https://www.sussexcountype.gov/legal-notice/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
SMITH PROPERTY
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
COUNTY OF SUSSEX)(
:

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

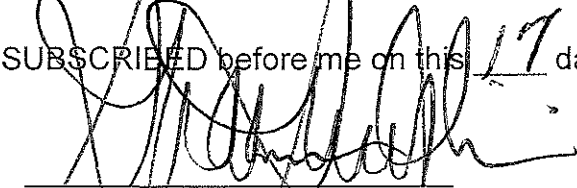
- A. On June 17, 2019 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 17, 2019 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

On the property to be annexed in the following four (4) locations

1. On a post 37'± northwest of DEC Pole #104258;
 2. On a post 76'± northwest of DEC Pole #104258;
 3. On a post 113'± northwest of DEC Pole #104258;
 4. On a post 152'± northwest of DEC Pole # 104258
5. On a post in front of DEC Pole # 212361 in the easterly ROW of Robinsonville Road 100'± southeast of the entrance of Tidewater Landing;
 6. On a post in front of DEC Pole #24497 in the easterly ROW of Robinsonville Road, at the intersection of Kendale Road and Robinsonville Road
 7. On DEC Pole #104262 in the easterly ROW of Wil-King Road at the entrance of Chapel Green subdivision;
 8. On DEC Pole #39931 in the westerly ROW of Wil-King Road at the entrance to Conley's Chapel Village.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 17 day of June A.D., 2019


NOTARY PUBLIC

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

My Commission Expires 6/14/22

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) CHAPEL BRANCH AREA, TO INCLUDE A PARCEL LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Chapel Branch area and further described as follows:

BEGINNING at a point, said point being the westerly Right-of-Way (ROW) of Wil-King Road said point also being 537 feet southeast of the entrance to Conley's Chapel Village; thence proceeding in an easterly direction, across Wil-King Road, a distance of 50' ± to a point, said point being on the easterly ROW of Wil-King Road, said point also being the northwesternmost property corner of lands Now-or-Formerly (N/F) of Charles W. & Gladys G. Smith; thence proceeding by and with said Smith property lines in an easterly, southerly and westerly directions respectively a total distance of 742' ± to a point, said point being the southwesternmost property corner of lands N/F of Charles W & Gladys G. Smith, said point also being on the easterly ROW of Wil-King Road; thence proceeding in a westerly direction, across Wil-King Road, a distance of 50' ± to a point, said point being on the westerly ROW of Wil-King Road, said point also being on the easterly property line of lands N/F of Nationstar Mortgage LLC; thence proceeding by and with said ROW in a northerly direction a distance of 150' ± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-6.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

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

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

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 Coastal Airport, Old Terminal Building Redevelopment Update*

DATE: July 16, 2019

The Delaware Coastal Airport team has documented demand of hangar space housing larger corporate jets along the Eastern Seaboard, including from locally-based aircraft operators. Lot A3-2, which currently houses the Old Terminal Building, provides an ideal location for redevelopment due to existing apron access, minimal stormwater management issues, and few permitting requirements. This redevelopment project would replace 5,500 square feet of existing hangar space with 20,000 square feet or more of new space, capable of accommodating large corporate jet aircraft.

On May 21, 2019, Council approved a Memorandum of Understanding (MOU) with Georgetown Air Services, LLC as well as the release of Request for Proposals (RFP) for the ground lease and hangar development on Lot A3-2. An RFP was advertised soliciting competitive redevelopment proposals with emphasis on the overall long-term benefit to Delaware Coastal Airport by taking into account other than monetary factors.

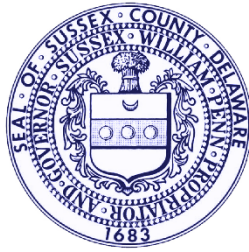
The RFP was released May 21, 2019 and a single proposal was received on June 28, 2019. The sole respondent was Schell Brothers LLC. They propose to build a +/- 22,000 square feet hangar facility with a lease term of 30 years and two, 10-year renewal options. Rent will begin at 40¢ per square foot per year and increase every five years by the CPI-U.

The Airport Director is in the process of obtaining FAA approval of the proposed change to the Airport Layout Plan. Once the FAA approval is in hand, the Engineering Department will seek Council's approval of the Schell Brothers LLC ground lease and an amendment to Georgetown Air Services, LLC's current lease.



ENGINEERING DEPARTMENT

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FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable 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: *Bulk Delivery of 50% Caustic Soda
Project No. M19-33, Bid Award*

DATE: July 16, 2019

Sussex County contracts for the Bulk Delivery of 50% Caustic Soda to the South Coastal Regional Wastewater Facility and the Delaware Coastal Airport for augmentation in the treatment processes. The recent contract expired on June 30, 2019. Bids were requested for the annual bulk procurement of approximately 50,000 gallons, with an alternate bid for up to fourteen (14) 55-gallon drums.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On June 27, 2019, bids for the Bulk Delivery of 50% Caustic Soda were opened and four (4) bids were received. Intercoastal Trading, Inc. offered the lowest overall bid at \$153,505.50.

Therefore, the Engineering Department recommends award of Bid Item 1 for bulk delivery of caustic soda and Alternate Bid Item 1 for containerized caustic soda delivery to Intercoastal Trading, Inc. at the unit prices bid not to exceed \$125,000 per year without further authorization by Council. If the company's performance is satisfactory, the contract allows a one-year extension at the unit prices bid at the discretion of the Engineering Department.





SUSSEX COUNTY

BID TABULATION SHEET

Project: Bulk Delivery of 50% Caustic

Project No.: M19-33

Award Date:

Awarded Bidder:

Total Awarded Bid:

Bidder	Bid Item 1	Extended Price	Alternate Bid Item1	Extended Price	Total Bid
Intercoastal Trading	\$2.96	\$148,000.00	\$7.15	\$5,505.50	\$153,505.50
Coyne Chemical	\$3.0558	\$152,790.0000	\$5.5950	\$4,308.1500	\$157,098.1500
PVS Minibulk	\$3.49	\$174,500.00	\$3.80	\$2,926.00	\$177,426.00
Momar	\$5.036	\$251,800.000	N/A	N/A	N/A

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the purchase of a spray irrigation system and land (collectively, the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$8,808,000 (the "Bonds") to finance or reimburse the County for all or a portion of the costs of the Project.

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

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code

Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues generated by the Project.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

SYNOPSIS: This Ordinance provides for the issuance of up to \$8,808,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs for the purchase of a spray irrigation system and land (collectively, the "Project").

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

Robin A. Griffith
Clerk of the Sussex County Council

(Spray on Demand Acquisition USDA RUS Ordinance)

ORDINANCE NO. [_____]

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF
GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH
THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL
NECESSARY ACTIONS IN CONNECTION THEREWITH**

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$5,691,821 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.

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

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

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

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

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

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

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

TO BE INTRODUCED

ADOPTED this [____] day of July, 2019.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

TO BE INTRODUCED

SYNOPSIS: This Ordinance provides for the issuance of up to \$5,691,821 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project"), with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.

TO BE INTRODUCED

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Mulberry Knoll Sewer District Project, which will finance a gravity collection system, sub-regional pump station, and force main to serve 63 Equivalent Dwelling Units in the area south of Route 24, along Mulberry Knoll Road, an area which is a peninsula in the Rehoboth Bay, with the wastewater being pumped to the County's Inland Bays Regional Wastewater Facility for treatment and disposal, an area which has been created and is now a part of the Sussex County Unified Sanitary Sewer District (collectively, the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$3,135,379 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$1,941,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,194,379 upon Project completion.

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

a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

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

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

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

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

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

TO BE INTRODUCED

ADOPTED this [____] day of July, 2019.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

TO BE INTRODUCED

SYNOPSIS: This Ordinance provides for the issuance of up to \$3,135,379 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Mulberry Knoll Sewer District Project, which will finance a gravity collection system, sub-regional pump station, and force main to serve 63 Equivalent Dwelling Units in the area south of Route 24, along Mulberry Knoll Road, an area which is a peninsula in the Rehoboth Bay, with the wastewater being pumped to the County's Inland Bays Regional Wastewater Facility for treatment and disposal, an area which has been created and is now a part of the Sussex County Unified Sanitary Sewer District (collectively, the "Project"), with the expectation that up to \$1,941,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,194,379 upon Project completion.

TO BE INTRODUCED

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE


sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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 Douglas B. Hudson
The Honorable John L. Rieley

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Frankford Business Park
File: OM 9.01

DATE: July 16, 2019

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

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Chesapeake Plumbing and Heating Inc.** for the **Frankford Business Park** project in the Dagsboro/Frankford Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Frankford Business Park** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Chesapeake Plumbing and Heating Inc.** will contribute **\$41,963.00** for the financial catch-up contribution of the existing infrastructure to serve **33.00** Equivalent Dwelling Units. Payment will be required at the time of execution of the agreement. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

FRANKFORD BUSINESS PARK – IUA1104

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2019, by and between:

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

CHESAPEAKE PLUMBING AND HEATING, INC. a Delaware Corporation and developer of a project known as **Frankford Business Park**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 433-11.00-21.02 to be known as **Frankford Business Park** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **30.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$41,963.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted at the time of execution of this agreement.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **34913 Delaware Ave. Frankford, Delaware 19945.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR CHESAPEAKE PLUMBING & HEATING INC.

By:  (Seal)
Travis Martin - Authorized Signatory

June 12, 2019 (DATE)

WITNESS:  _____

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

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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 Douglas B. Hudson
The Honorable John L. Rieley

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Bishops Landing (aka Dove Landing)
File: OM 9.01

DATE: July 16, 2019

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

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Dove Barrington Development, LLC** for the **Bishops Landing (aka Dove Landing)** project in the Millville Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Bishops Landing** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Dove Barrington Development, LLC** will contribute **\$137,386.00** for the financial catch-up contribution of the existing infrastructure to serve **316.00** Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of the on-site pumpstation. System Connection Charges in place at the time of building permit request will still apply.

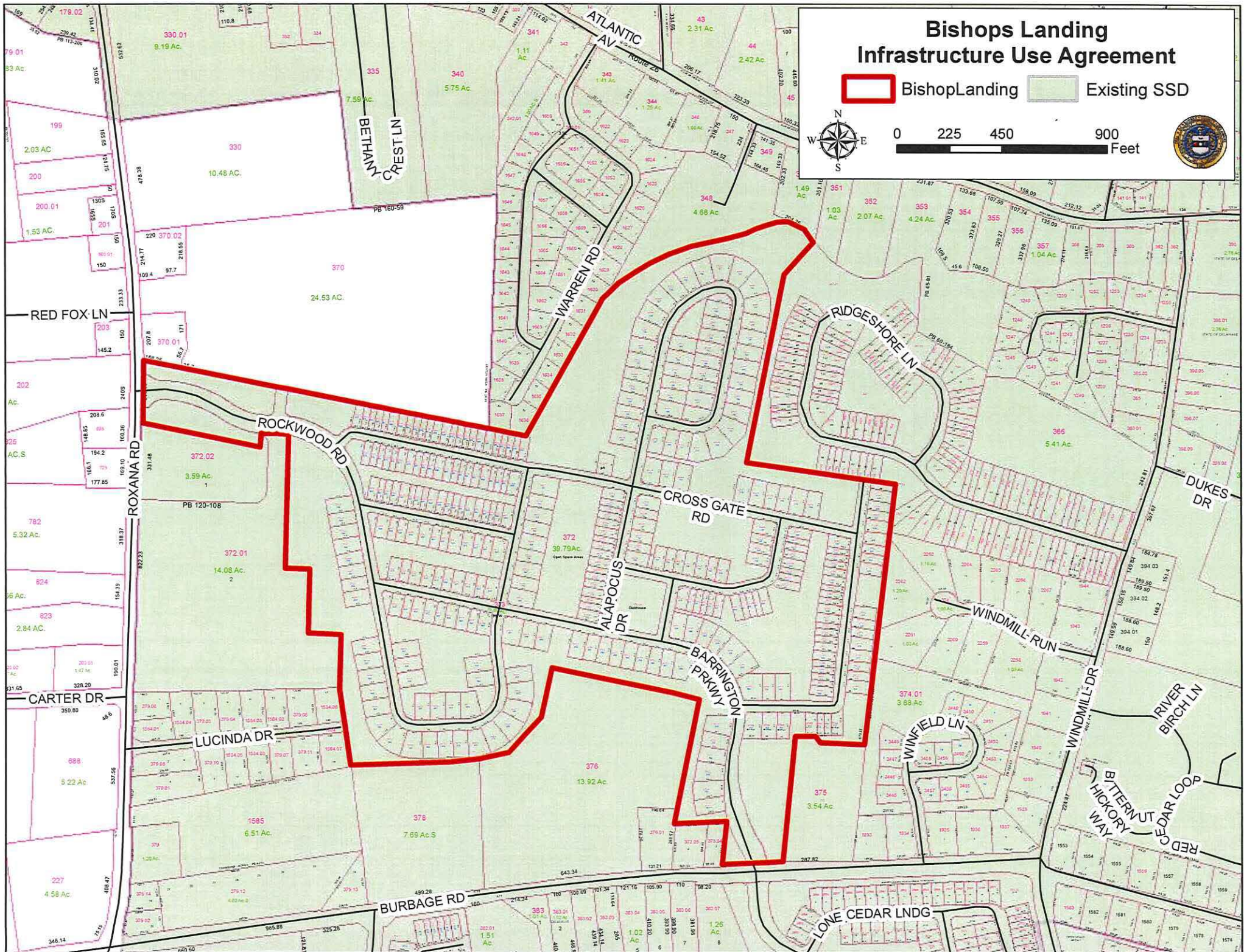


Bishops Landing Infrastructure Use Agreement

 BishopLanding  Existing SSD



0 225 450 900 Feet



USE OF EXISTING INFRASTRUCTURE AGREEMENT
Bishops Landing (aka Dove Landing) IUA 667

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2019, by and between:

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

DOVE BARRINGTON DEVELOPMENT, LLC, a Delaware Limited Liability Company and developer of a project known as **Bishops Landing (aka Dove Landing)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-12.00-372.00, to be known as **Bishops Landing (aka Dove Landing)** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **316** equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to a financial catch-up contribution in the amount of **\$137,386.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is due prior to beneficial acceptance of the on-site pump station.**

- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **8965 Guilford Road, Suite 290, Colombia MD 21046.**

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

FOR THE COUNTY:

{Seal}

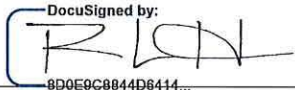
By: _____
(President - Sussex County Council)

(DATE)

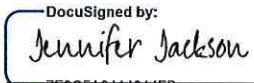
ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR DOVE BARRINGTON DEVELOPMENT, LLC

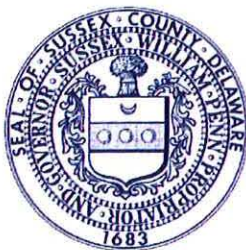
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By:  _____ (Seal)
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Rod Hart
6/19/2019

(DATE)

WITNESS:  _____
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ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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 Douglas B. Hudson
The Honorable John L. Rieley

FROM: John Ashman
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Ocean View Beach Club North
File: OM 9.01

DATE: July 16, 2019

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

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Lighthipe, LLC** for the **Ocean View Beach Club North** project in the Bethany Beach Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Ocean View Beach Club North** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Lighthipe, LLC** will contribute **\$59,149.00** for the financial catch-up contribution of the existing infrastructure to serve **164.00** Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of Phase I. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Ocean View Beach Club North – IUA1033

THIS AGREEMENT (“Agreement”), made this 17th day of June 2019, by and between:

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

LIGHTHIPE LLC, a Limited Liability Corporation and developer of a project known as **Ocean View Beach Club North (aka Lighthipe Subdivision)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-17.00-12.00 to be known as **Ocean View Beach Club North** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **164.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$59,149.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving beneficial acceptance of Phase I.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **172 Center Street, Suite 204, P.O. Box 1686 Jackson, WY 83001.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR LIGHTHIPE LLC

By:  _____ (Seal)
Ben Bartlett - Authorized Signatory

_____ (DATE)

WITNESS:  _____

ENGINEERING DEPARTMENT

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

DELAWARE


sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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 Douglas B. Hudson
The Honorable John L. Rieley

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement
Beebe Healthcare Rehoboth Health Campus
File: OM 9.01*

DATE: July 16, 2019



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

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Beebe Medical Center Inc.** for the **Beebe Healthcare Rehoboth Health Campus** project in the West Rehoboth Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Beebe Healthcare Rehoboth Health Campus** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Beebe Medical Center Inc.** will contribute **\$48,855.00** for the financial catch-up contribution of the existing infrastructure to serve **77.50** Equivalent Dwelling Units. 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.



Beebe Healthcare Reboboth Health Campus Infrastructure Use Agreement

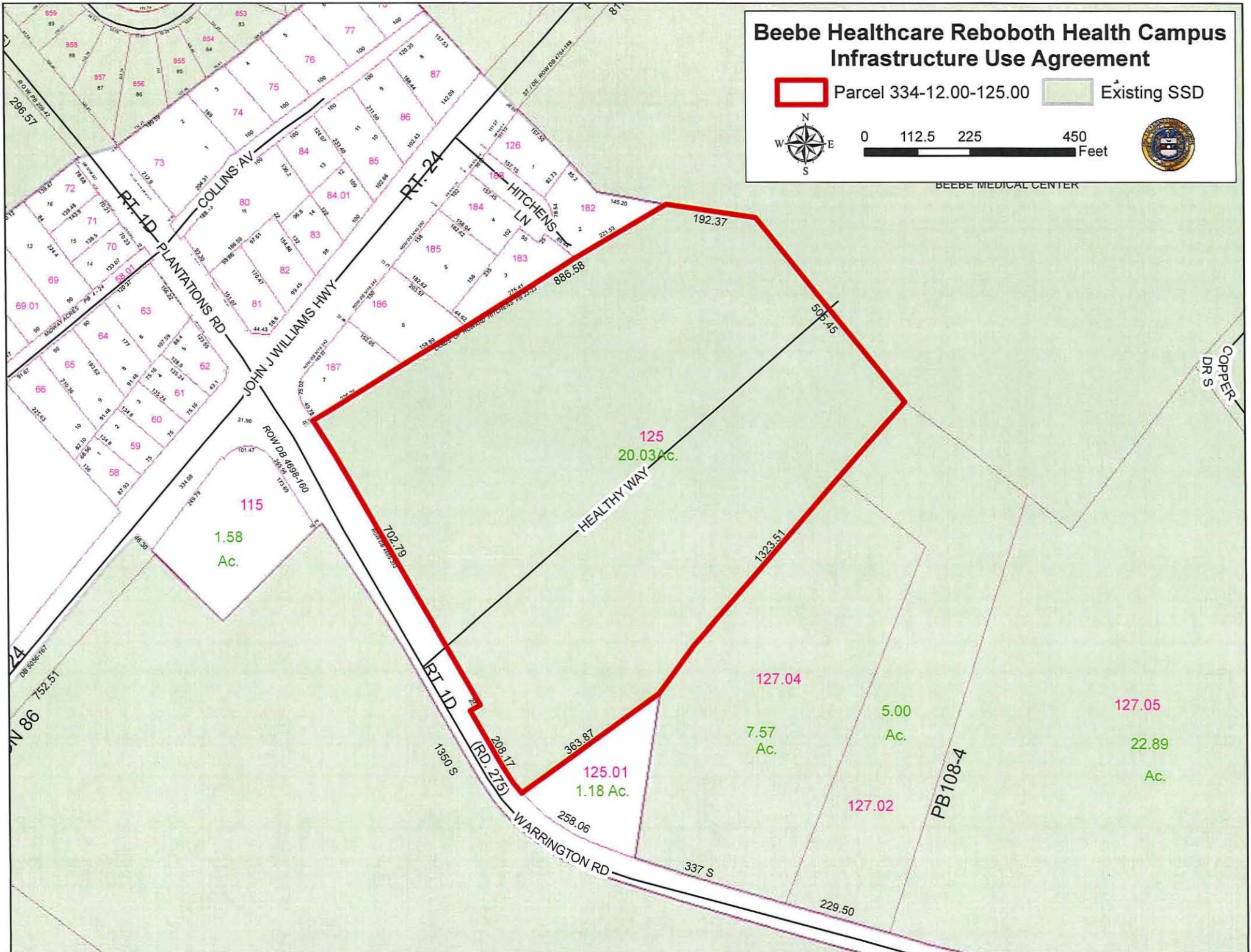
 Parcel 334-12.00-125.00  Existing SSD



0 112.5 225 450 Feet



BEEBE MEDICAL CENTER



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Beebe Healthcare Rehoboth Health Campus

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2019, by and between:

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

BEEBE MEDICAL CENTER, INC. d/b/a Beebe Healthcare, a Delaware Corporation and developer of a project known as **Beebe Healthcare Rehoboth Health Campus**, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-12.00-125.00 to be known as **Beebe Healthcare Rehoboth Health Campus** ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 77.50 additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$48,855.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a final sewer connection permit.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **424 Savannah Road, Lewes DE 19958.**

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

FOR THE COUNTY:

{Seal}

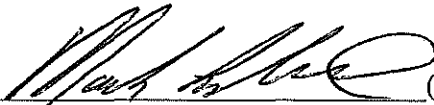
By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR BEEBE MEDICAL CENTER, INC.

By:  (Seal)
Mark Loukides, Vice President
Facilities, Infrastructure & Plant Operations

6-25-19 (DATE)

WITNESS: Rebecca Roberts



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Mariner Middle School Business Professionals of America
PROJECT NAME: 2019-20 Mariner BPA Takes Washington
FEDERAL TAX ID: 516000279 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 prepare each student for a healthy, creative, and rewarding life in a diverse and global society by creating an educational environment which enables each student to achieve personal excellence and lifelong learning skills to become a productive and responsible citizen.

ADDRESS: Mariner Middle School
16391 Harbeson Road
Milton DE 19968
(CITY) (STATE) (ZIP)

CONTACT PERSON: Dr. Daniel Shockley
TITLE: Business Teacher / BPA Advisor
PHONE: 302-698-8516 EMAIL: danielh.shockley@cape.k12.de.us

TOTAL FUNDING REQUEST: \$1,500

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
Other

Cultural
 Educational

BENEFICIARY CATEGORY

Disability & Special Needs
Elderly Persons
Minority

Victims of Domestic Violence
Low to Moderate Income²
Other

Homeless
 Youth

BENEFICIARY NUMBER

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

30

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.

In 2018-19, Mariner Middle School was awarded a middle-level chapter of Business Professionals of America. Business Professionals of America is the nation's leading career and technical student organization dedicated to both developing and empowering student leaders to discover their passion and change the world by creating unmatched opportunities in learning, professional growth and service. To that end, since our founding two years ago, the Mariner Middle School chapter of Business Professionals of America has doubled from 15 to 30 members in Grades 7-8. In addition, we have had nine students earn invitations to attend the National Leadership Conference and compete for national awards/scholarships/recognition. Of those nine students, our four member presentation team won third place in the nation for their innovative rebranding of King's Ice Cream (2019), while one placed #7 out of 222 in business communications (2019) and another placed #6 in Computer Literacy (2018). All were ranked among the top 5 in the State of Delaware.

Our diverse annual cohort consists of both male and female students from various ethnic and socio-economic backgrounds. Unfortunately, the cost to register and prepare each cohort to attend the State and National conferences is significant. Thus, as much of the cost as possible is covered using 509 funding without having to pass the burden on to the students and their families. This, however, reduces the amount of monies available for classroom use (textbooks, supplies, etc...). That said, without using said funds, some of our strongest students would not be able to afford membership.

Disclosure:

*Councilman Burton is Mariner BPA President Morgan Newcomb's godfather.

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

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

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

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

n/a

SECTION 4: BUDGET

REVENUE	\$500 (board funding)
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Annual Student Membership Dues to National BPA (Required)	-\$ 300.00
- 30 students x \$10.00	
Delaware CTSO Fall Leadership Conference (Registration)	-\$ 320.00
- 8 students x \$40.00	
State of Delaware Leadership Conference (Registration)	-\$ 2,700.00
- 30 students x \$90.00	
National Leadership Conference (Registration)	-\$ 1,240.00
- 10 students (approx.) x \$125.00	
TOTAL EXPENDITURES	-\$ 4,560.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 4,060.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Mariner Middle School Business Professionals of America 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

5/30/2019
Date


Witness Signature

6/20/19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

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

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

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

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

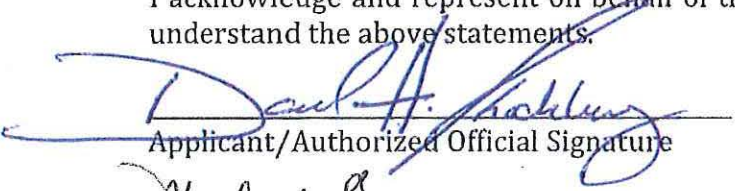
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

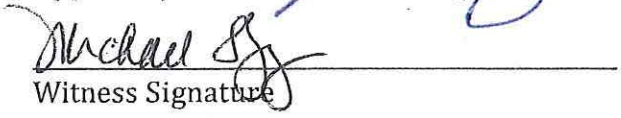
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

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

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

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


Applicant/Authorized Official Signature


Witness Signature

Teacher/BPA Advisor
Title

6/20/19
Date

Burton
6-27-19
Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **West Rehoboth Community Land Trust**
PROJECT NAME: **Affordable Low Income Housing**
FEDERAL TAX ID: **20-2477568** NON-PROFIT: YES NO

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

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

Making it possible and Affordable Housing.

ORGANIZATION'S MISSION:

ADDRESS:

P.O. Box 633
Rehoboth Beach,
Rehoboth Beach Delaware 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Eleanor Marchtmon

TITLE:

President

PHONE:

302-752-0484 EMAIL: **bkchurchgirl@aol.com**

TOTAL FUNDING REQUEST: \$5,000.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
- Infrastructure¹

- Health and Human Services
- Other _____

- Cultural
- Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
- Elderly Persons
- Minority

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

- Homeless
- Youth

BENEFICIARY NUMBER

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

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.

To Continue working to provide affordable housing in addition to the 2 habitat houses we have builds, and 6 rentals all affordable rental. Recent we purchase a piece of land to start a 3rd partnership with habitat to build a homeowner for the first time byer.

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

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

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

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

SECTION 4: BUDGET

REVENUE	Grants Individual
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Lot Expenditure 100,000.00	
Programs 47,500.00	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

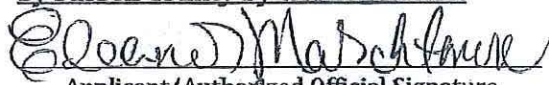
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **WRCLT** _____ 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.

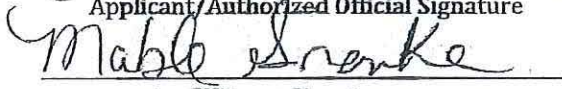
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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

05/10/19

Date


Witness Signature

05/10/19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

Eleanor Marchman
Applicant/Authorized Official Signature
Mable Franke
Witness Signature

President
Title
05/10/19
Date

Rev. 02/2019
Hudson
5-20-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: ITN Southern Delaware, Inc.

PROJECT NAME: Quality of Life: Aging in Place, Sussex County, Delaware

FEDERAL TAX ID: 46-4801700 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: ITN Southern Delaware, Inc. is a non-profit cooperative that strives to provide sustainable, economically viable and consumer-oriented community-based and community supported quality transportation services that are safe and affordable for seniors 55+ and adults with visual impairments throughout Sussex County by building a cooperative transportation network and promoting lifelong safety and mobility; thereby enhancing Quality of Life.

ADDRESS: 24855 Broadkill Road

Milton Delaware 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Janis Hanwell

TITLE: Executive Director

PHONE: 302-448-8486 EMAIL: janis.hanwell@itnsoutherndelaware.org

TOTAL FUNDING REQUEST: \$2500.00 per County Council Member

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? \$2500

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? < 3%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹
 Health and Human Services
 Other Quality of Life
 Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority
 Victims of Domestic Violence
 Low to Moderate Income²
 Other
 Homeless
 Youth

BENEFICIARY NUMBER

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

300 - 500

SECTION 3: PROGRAM SCOPE

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

Goal
ITN Southern Delaware will improve access to health and wellness related services, consumer-related activities, and social/recreational events for seniors 55+ and adults with visual impairments; thereby enhancing their quality of life in Sussex County.

Problems

- Seniors in Sussex County have limited access to medical and health related services due to lack of safe, affordable, reliable, transportation alternatives.
 - Many senior living developments, mobile home parks, and condominium complexes do not have the infra-structure to support large transportation vehicle access to their neighborhood (large vans, transit buses, etc.).
- Seniors inadvertently put a strain on medical practices' personnel resources by canceling appointments due to lack of reliable transportation.
 - Office personnel spend valuable time solely assigned to rescheduling more than 40% of their senior patients' appointments for this reason.
- Non-driving seniors make 15% fewer trips to doctor appointments and unintentionally overuse emergency medical services by calling 9-1-1 for non-emergency ailments, contributing to the rising costs associated with health insurance.
 - At least 25% of local case managers' home health clients are without safe, reliable, or affordable transportation.
 - Without transportation to their PCP, a call to 9-1-1 ensures a trip to the hospital to see a medical professional.
- Non-driving seniors make a less positive impact on the local economy than those who drive because they don't want to bother their family or friends for transportation to daily activities.
 - They make 59% fewer trips to local businesses and participate in 65% fewer social/recreational and worship activities; thereby contributing less to local revenues and creating a strain on the local economy.
- When seniors lose their mobility, independence, and quality of life, they are often forced to move to assisted living facilities or nursing homes before they are ready. This counters our shared vision to allow seniors to age in place.
- Seniors without reliable, affordable transportation do not enjoy the civic duties and patriotic rights that have always been so important to them.
 - This is an untapped resource that cannot get to the voting booths at election time to show their support. (ITN provides discounted and free trips to the polls for active members/riders.)

Solution
ITN Southern Delaware can provide safe, affordable, reliable transportation to support ALL of the activities listed above and in addition to grant support from The Longwood Foundation, USDA, Highmark BCBS Delaware, DelDOT, ITN is supported by local medical foundations, civic organizations, local churches and businesses concerned about seniors' access to healthcare, activities of daily living, and aging in place. Volunteers drive their own vehicles and are trained to support individuals with visual impairments, dementia, Alzheimer's, and those with mild to moderate mobility issues as long as the individual can transfer from a portable device (cane, walker, wheelchair) into a vehicle with light assistance for balance and dexterity. The non-profit offers outstanding arm-through-arm, door-through-door, personalized customer service. DMV and criminal background checks are required for all ITN volunteers and rides can be scheduled in advance for any day of the week, any time of day, without restriction to their purpose.

Thanks to a large pharmaceutical company, rides to eye-related appointments are free for all active members. For those with limited incomes or special circumstances, donations, grants, and partnerships provide ITN Road and Health & Wellness Scholarships. Connections with civic and state organizations, local businesses, and churches are critical in ITN's efforts to recruit an adequate number of volunteers, strengthen current services and expand into other needy areas of Sussex County.

ITN is dedicated to improving the quality of life for as many seniors as possible in Sussex County Delaware! ITN ride fees generate a little less than 1/2 of what it actually costs for each ride the non-profit provides. Automobiles must be maintained, technology hardware and software require updating, background checks and training also cost a pretty penny. Recruitment of volunteers and recognition for their selflessness is key to obtaining and retaining superior staff.

Without first increasing the number of volunteers, ITN cannot expand services into other communities and towns in Sussex County. Overhead is kept to a minimum, but comparable to many small businesses (utilities, office equipment and supplies, maintenance fees, license and affiliation costs, audits, advertising, and promotional brochures, etc.). Advertising and promotional costs for recruiting volunteers and acquiring members in new communities is very costly from both a monetary and a time standpoint. In the early stages of expansion, the workload for volunteers and employees has increased dramatically, and without additional funds, endorsements and support from key community business owners and public officials, ITN may forfeit the goal to provide services throughout all of Sussex County.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 30,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel - Wages & OECs	-\$ 25,000.00
Insurances (auto, liability)	-\$ 7,000.00
Vehicle (2 fleet cars)	-\$ 4,000.00
IT Updates & Support (includes Affiliate Fees)	-\$ 12,500.00
Volunteers/Members (recruitment, training & background checks)	-\$ 3,000.00
Marketing, Printing, Publications, Advertising	-\$ 5,000.00
Professional Fees & Services (accounting, audits, payroll)	-\$ 5,000.00
Materials & Supplies (office, invoicing, postage, etc)	-\$ 6,000.00
TOTAL EXPENDITURES	-\$ 67,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 37,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the ITN Southern Delaware, Inc. agrees that:
(Name of Organization)

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

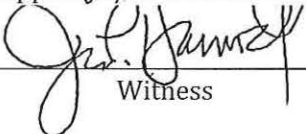
SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official

5/14/2019
Date



Witness

5/14/2019
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

Nancy Seicht
Applicant/Authorized Official

Board President, ITN Southern Delaware
Title

J.P. James
Witness ITN Executive Director

5/14/2018
Date

Hudson
6-11-19



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **WestSide New Beginnings**

PROJECT NAME: **Community safety**

FEDERAL TAX ID: **51-0350410** 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 purpose for which this organization has been organized is to establish a cohesive network to address the needs and concerns of the community as the relate to alcohol, tobacco and other drugs, self esteem, housing, education and recreation.

ADDRESS: **19801 Norwood Street**
Rehoboth Beach de 19971

(CITY) (STATE) (ZIP)

CONTACT PERSON: **James Blakesleee**

TITLE: **Treasurer**

PHONE: **3026827907** EMAIL: **jimblak@comcast.net**

TOTAL FUNDING REQUEST:

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

If YES, how much was received in the last 12 months? **\$5,000**

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? **70**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹
 Health and Human Services
Other
 Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority
 Victims of Domestic Violence
 Low to Moderate Income²
Other
 Homeless
 Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
250

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.

We are requesting \$5,000 to cover the expenses associated with community safety as well as minor renovations to the West Rehoboth Community Center. The street lighting continues to assist us in crime prevention and is an on-going expense that is critical to the safety and well-being of the community. If there is any funding remaining after the street light expense, we will put it to good use by covering minor repairs to our community center, which houses the youth program and is a hub for all of the community.

We received this amount of funding from Sussex County Council in July, 2018 and are requesting similar funding for the year July 2019-June 2020.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$5000
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Street light expense and community center security	-4100
minor repairs	-900
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

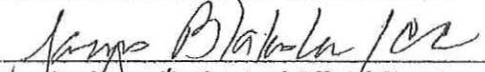
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **Westside New Beginnings** 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.
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- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**


Applicant/Authorized Official Signature

Witness Signature

May 24 2019

Date

5/24/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

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

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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.

James Blalock / MC
Applicant/Authorized Official Signature

[Signature]
Witness Signature

Treasurer
Title

5/28/2019
Date

Hudson
5-28-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Coastal Concerts, Inc.
PROJECT NAME: 2019-20 Season Scholarships
FEDERAL TAX ID: 51-0390279 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:

Coastal Concerts promotes classical music appreciation through live concerts, outreach, and educational activities. Specifically, Coastal Concerts achieves that mission by:
Presenting an annual live concert subscription series in a season running from October through March, plus a sixth non-subscription "wild card" concert in April, with discounted admission. These concerts feature world-class professional musicians who concert goers would typically have to travel to large, culturally rich metropolitan areas to hear.
Offering free admission to all concerts for youths ages 18 and under, including free admission for one adult accompanying each youth; discounted admission is available for students 19 and older as well as for active duty military, military veterans, and first responders.
Sponsoring an annual scholarship competition for musically talented middle and high school students on the Delmarva Peninsula who wish to pursue further musical education or training.
Collecting donations of used but playable musical instruments for use in the Sussex County instructional music programs, and in other Southern Delaware non-profit instructional music programs for youths.
Presenting free in-school educational concerts in Sussex County public schools, using professional classical music musicians, usually from our subscription concert series.
Presenting free or low-cost outreach programs, open to the public, to promote the appreciation of classical music.

ADDRESS:

P.O. Box 685

Lewes

(CITY)

Delaware

(STATE)

19958

(ZIP)

CONTACT PERSON:

Carol Dennis

TITLE:

Executive Director

PHONE:

4107455699

EMAIL:

coastalcarol226@gmail.com

TOTAL FUNDING REQUEST: 2,000

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

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

0

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? 33%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

6 expected

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.

With support from many of our patrons, Coastal Concerts is able to competitively award scholarships each year to help musically talented secondary and middle school students continue their music education. We've awarded more than \$38,000 in scholarships to 35 students to date. For the 2019-20 season, Coastal Concerts will again award musical scholarships to deserving students in the Delmarva area, with a focus in Sussex County.

In the 2017-2018 season we had no scholarship applicants from Sussex County and thus did not award any of that season's grant from the County Council. The Council kindly allowed us to roll the award money into the 2018-19 season. Determined to advance the scholarship program, we sought out new donors and improved our outreach method and received a record 15 applications for scholarship awards. We added a middle school category to the program. Students auditioned, and we awarded a record 5 scholarships for an all-time high amount of \$5,500 to three high school and two middle school students. Three of the winners (including both middle schoolers) were from Sussex County and received a total of \$2,500. The Council's prior grant money balance was used as part of the awards to the Sussex County students. Please see the accompanying document "And The Winners Are" for bios of this season's winners, attached to the email that contained this application.

Other scholarship donors last year were the Elks Lodge #2540 in Lewes, Delaware (a first time donor) and the Dorothy and Elizabeth Musical Scholarship Fund. The annual scholarship competition is just one element of Coastal Concerts' comprehensive commitment to promoting classical music appreciation. Other initiatives include school-based performances by professional concert artists; free youth and discounted student admission to concerts; free community lectures and performances; and collection of used but playable musical instruments for donation to local schools.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	6,000 in anticipated donations
TOTAL REVENUES	6,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	approximately 6 scholarships @ avg. of 1,000 ea.
Expected Scholarships	-\$ 6,000.00
TOTAL EXPENDITURES	-\$ 6,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

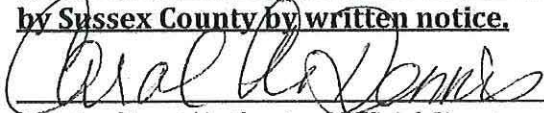
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Coastal Concerts, Inc. agrees that:
(Name of Organization)

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

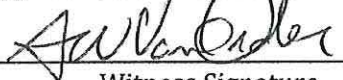
SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature

6/10/2019

Date


Witness Signature

6/10/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

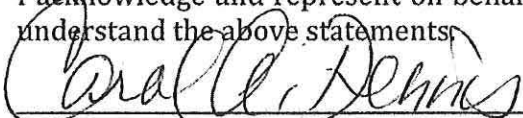
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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



Applicant/Authorized Official Signature



Witness Signature

Executive Director

Title

6/10/2019

Date


Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Chamber of Commerce for Greater Milford**

PROJECT NAME: **Riverwalk "Freedom" Festival**

FEDERAL TAX ID: **51-0319055** 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 Chamber of Commerce for Greater Milford supports a balanced economic development of the Greater Milford area by promoting civic, industrial, commercial, educational, agro-business, social and quality of life interests of the community.

ADDRESS: **24 NW Front St.**
Ste 101
Milford DE 19963
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Jo Schmeiser**

TITLE: **Executive Director**

PHONE: **302-422-3344** EMAIL: **jschmeiser@milfordchamber.com**

TOTAL FUNDING REQUEST: \$2000.00

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? **\$1000.00**

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?

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input checked="" type="checkbox"/> Victims of Domestic Violence | <input checked="" type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>This festival benefits the entire Milford community.</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
5-8,000

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.

Each year since 2001 (9/11) the Milford Chamber has sponsored the Riverwalk "Freedom" Festival. This year again we will be featuring the Riverwalk "Freedom" Festival on Saturday, September 14th from 9am until after the fireworks at dusk. During the day we feature a Pet Park and a Patriotic Pet Parade, a patriotic boat parade on the Mispillion River, a Kids Korner with horse riding, fire engine, games and face painting, over 120 vendors, food vendors, 4 live bands playing during the day. A Duck Dash on the river with 1,000 little ducks floating down the river.

The Milford businesses participate iwth sidewalk sales and specials to promote the city.

This is a day for the Milford Community to come together and the fireworks complete the festivities. Your support at this event will be greatly appreciated.

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.

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

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

SECTION 4: BUDGET

REVENUE	We depend on sponsorship donations, so total changes from year to year
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	\$14,000.00
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

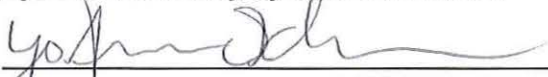
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Chamber of Commerce for Greater Milford 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

6-21-19
Date



Witness Signature

6-21-19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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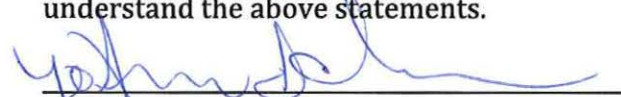
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Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization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

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

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



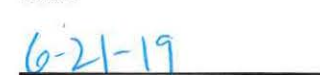
Applicant/Authorized Official Signature



Witness Signature



Executive Director



Date


Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **First State Community Action Agency, Inc.**
PROJECT NAME: **Kimmeytown Community Day**
FEDERAL TAX ID: **51-0104704** 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 work towards the elimination of poverty and lessen the effects of poverty on people with low-incomes

ADDRESS: **308 N. Railroad Ave.**

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

CONTACT PERSON: **Bernice Edwards**
TITLE: **Executive Director**
PHONE: **856-7761** EMAIL: **bedwards@firststatecaa.org**

TOTAL FUNDING REQUEST: \$1,000

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **35%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
+/- 500

SECTION 3: PROGRAM SCOPE

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

First State Community Action Agency is operating within a collaborative comprised of Sussex County Habitat for Humanity, Milford Housing Development Corporation, the Town of Georgetown, Georgetown Police, Sussex Community Crisis Housing Services, La Esperanza, Community Bank, and NCALL on a neighborhood revitalization project targeting the Kimmeytown neighborhood of Georgetown. The group, dubbed the Kimmeytown Partnership, applied for (and has subsequently received) HUD Strong Neighborhood Housing Fund monies to facilitate an affordable housing project as part of a larger community development strategy that will leverage municipal, county, non-profit, and for-profit resources to implement comprehensive wraparound programming and services to revitalize the community and encourage further investment in the community by residents and other stakeholders.

First State's primary role in the overall project builds on our experience in community organizing and our long-term physical presence in the targeted neighborhood. First State maintains three locations within the Kimmeytown neighborhood: our company headquarters, La Casita Outreach Center, and the La Casita After School Homework Program. First State has established a trusting relationship in this community by providing anti-poverty programming on the ground in this neighborhood for more than 50 years.

As a key partner in this project, First State has been tasked with engaging the target community in a visioning, planning, and implementation process with the end goal of building a cohesive, empowered community in Kimmeytown. Residents will be engaged in focused conversations about where their community is now and how they see it in the future (visioning). Core issues that rise to the top as a result of these conversations will become the focus of work groups comprised of residents, stakeholders, and subject matter experts that will take a deeper dive into those issues and perform a root cause analysis. A strategic community plan will be developed as a result of the root cause analysis and brainstorming of work groups. The plan will be approved by Kimmeytown Partnership members and the community itself. The plan will be implemented by community residents with guidance from First State.

Our first engagement event is scheduled for July 20, 2019. A Block Party-style event will coincide with a "Dumpster Day" clean-up activity in the target neighborhood. County Council support would offset some of the expenses related to this engagement activity. The goal of this event is to introduce the Partnership to the community and begin a visioning process and data collection activities that will support the overall community engagement process.

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.

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Rental of Tent, Carnival Style Games, Moon Bounce, Portapotty, e	\$2,000
Food (if unable to secure donations)	\$1,200
Event Promo Materials (flyers, etc.) and incentives/prizes	\$500
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **First State Community Actor** 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.
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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.
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- 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

07-03-2019

Date


Witness Signature

7/3/19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

Applicant/Authorized Official Signature

Witness Signature

Executive Director

Title

7/3/19

Date

Rev. 02/2019

To Be Introduced 07/16/19

Council District No. 2 – Wilson

Tax I.D. No. 230-26.00-35.01

911 Address: 12327 DuPont Boulevard (Route 113), Ellendale

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1979 TO ALLOW FOR NIGHTCLUB TYPE ACTIVITIES AND AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a conditional use application, denominated Conditional Use No. 2192, was filed on behalf of Thomas and Judy Munce (Napoleon Hernandez); 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. 2192 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. 2192 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Route 113), approximately 0.51 mile north of Beach Highway (Route 16), and being more particularly described as Parcel No. 4 on survey of “Lands of Sheila J. Stevens” as recorded in Plot Book 85, Page 50, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.033 acres, more or less.

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

To Be Introduced 07/16/19

**Council District No. 3 – Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (128 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a conditional use application, denominated Conditional Use No. 2193, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2193 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. 2193 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 corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 6.4 acres, more or less.

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

To Be Introduced 07/16/19

**Council District No. 3 – Burton
Tax I.D. No. 234-4.00-10.32
911 Address: 20601 Rust Road, Harbeson**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FURNITURE MAKING AND REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a conditional use application, denominated Conditional Use No. 2194, was filed on behalf of Imagination-Renovation, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2194 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2194 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the east side of Rust Road, approximately 0.25 mile south of Harbeson Road (Route 5), and being more particularly described in the attached legal description prepared by Hudson Jones Jaywork & Fisher, said parcel containing 5.0 acres, more or less.

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

To Be Introduced 07/16/19

**Council District No. 3 - Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2019, a zoning application, denominated Change of Zone No. 1891, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1891 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 6.4 acres, more or less.

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

To Be Introduced 07/16/19

**Council District No. 3 - Burton
Tax I.D. No. 235-23.00-1.02 (portion of)
911 Address: 30511 Cave Neck Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2019, a zoning application, denominated Change of Zone No. 1892, was filed on behalf of Chappell Farm, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1892 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 C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road, and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 8.53 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
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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: July 10, 2019

RE: County Council Report for CU 2178 Steven and Carrie Coleman

The Planning and Zoning Department received an application (CU 2178 Steven and Carrie Coleman) for a Conditional Use for parcel 232-19.00-30.00 to allow for a welding and fabrication business to be located at 14716 Laurel Rd. The Planning and Zoning Commission held a public hearing on June 13, 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, Sussex County Engineering Department of Utility Planning Division, and the results from DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required.

The Commission found that Mr. Steve Coleman was present on behalf of his application; that Mr. Coleman stated he is looking to expand his business; that he is out-growing the current shop on the parcel and would like to build a larger shop on the adjoining parcel; that he would like to add more employees; that Ms. Wingate asked if the new shop would have indoor bathroom facilities, which Mr. Coleman stated he would continue to use the existing Porta-Johns until he adds more employees; that Ms. Wingate asked how many new employees would be in the new shop, which Mr. Coleman stated that there would be four new employees; that Ms. Wingate asked what are the hours of operation, which Mr. Coleman stated the hours of operation are from 7:00 am to 3:30 pm, Monday through Friday; that they do not work on the weekends and they may work on an occasional Saturday; that Ms. Wingate asked if they would work until noon on Saturday, which Mr. Coleman stated that working until noon on Saturdays would be okay; that Ms. Wingate asked if the applicant would like a sign, which Mr. Coleman stated he would like a sign on the building but not on the road; that Ms. Wingate asked if any lighting would be added to the property, which Mr. Coleman stated he would add a security lighting on the outside of the building; that Ms. Wingate asked if the applicant has a dumpster on the site, which Mr. Coleman stated he does have a dumpster on the site.

Chairman Wheatley explained that the Conditional Use process; that the Commission has the authority to place stipulations on the use; and examples as such as the hours of operation, number employees, screening of dumpsters, and signs.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

Mr. Hopkins asked what prompted the applicant to apply for the Conditional Use and whether the existing business has been in operation for a while, which Mr. Coleman stated he has been in business for two years; that he did not know he needed a Conditional Use and he did not know his business would keep growing; that he had applied for a permit to construct the new building and he was informed that he needed to apply for a Conditional use; that Mr. Hopkins asked if the neighbors had any complaints, which Mr. Coleman stated that there are no known complaints from the adjoining neighbors; that Mr. Hopkins asked how employee vehicles would be parked on the site during the hours of operation, which Mr. Coleman stated that there would be four employees vehicle park at the site during the hours of operation; that he has five personal vehicles and one of the five vehicles is a company work vehicle; that Mr. Hopkins asked if the applicant had any work trailers, which Mr. Coleman stated he has three work trailers; that Mr. Hopkins asked if the applicant had any other work equipment such as a skid steer, backhoe, or tractors would be stored outside, which Mr. Coleman stated he keeps all the other equipment stored indoors; that the fork lift and small crane is also stored indoors; that Mr. Hopkins asked if any of the equipment would be stored outside, which Mr. Coleman stated all the equipment would be stored inside.

Ms. Stevenson asked if any of the work would take place outside of the building, which Mr. Coleman stated all the work would take place undercover and inside the building; that Ms. Stevenson asks if any of the supplies would be stored outside, which Mr. Coleman stated that there would be a steel rack stored outside for external storage of lengths of raw materials.

Ms. Cornwell asked how many employees there would be in growing his business, which Mr. Coleman stated the proposed building would allow for up to two or three additional employees.

Mr. Hopkins asked what the hours of operation are, which Mr. Coleman stated that the hours of operation are from 7:00 am to 5:30 pm, Monday through Friday and 7:00 am to 3:30 pm on Saturdays.

Mr. Robertson asked if the business started as an in-home occupation, which Mr. Coleman stated that the business did start as an in-home occupation with himself and his son; and that they have added employees.

The Commission found that Mr. Lawrence Justice and Ms. Amy Thomas spoke in favor of the application; that Mr. Justice stated that Mr. Coleman has spruced up the house and he keeps the place nice and neat; that the small business is needed to be able to fix farm machinery; that Ms. Thomas stated that Steve is honest and he needs the business space to make the business more economical and for the employees to work in a safe environment; that the business is located in the middle of farmland; and that there are farm trucks traveling the road at all times and this business would not have a negative impact on the roadways. Ms. Thomas also stated that there is a need for this type of business in the area.

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

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

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

At their meeting of June 27, 2019, the Planning Commission discussed the application which has been deferred since June 13, 2019.

Ms. Wingate moved that the Commission recommend approval of Conditional Use 2178 for Steven and Carrie Coleman for a welding and fabrication business, based upon the record made at the public hearing and for the following reasons:

1. The use started by the Applicant on this property as a home occupation. The business was successful, and it has added employees which triggered the need for a Conditional Use.
2. The use is needed in this area of Sussex County by farmers. The Applicant performs repairs on all sorts of agricultural equipment.
3. By providing a service to the Sussex County agricultural community this Application meets the purpose of granting a conditional use as set forth in the Sussex County Zoning Code.
4. The proposed use will not adversely affect traffic on area roadways. It will also not adversely affect neighboring or adjacent properties.
5. No parties objected to the use and no parties appeared in opposition to the Application during the public hearing.
6. Several people appeared in favor of this Application and explained that it is needed to support the agricultural economy of western Sussex County.
7. This recommendation is subject to the following conditions:
 - A. No outside repair work shall be performed on site.
 - B. All used, junked parts, equipment, etc. shall be screened from view of neighboring properties and roadways and shall be appropriately discarded or recycled.
 - C. The property shall have security lighting that is downward screened so that it does not project onto neighboring properties or roadways.
 - D. If desired by the Applicant one lighted sign not to exceed 32 sf. per side shall be permitted.
 - E. The Applicant shall comply with all DelDOT requirements concerning access and roadway improvements.
 - F. All dumpsters or trash disposal containers shall be screened from view from neighboring properties, adjacent properties and roadways.
 - G. 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. Mears and carried unanimously to recommend approval for the reasons and with conditions stated in the motion. Motion carried 4-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 5, 2019
RE: Staff Analysis for CU 2178 Steven & Carrie Coleman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2178 Steven & Carrie Coleman to be reviewed during the June 13, 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 232-19.00-30.00 to grant a Conditional Use of land in an AR-1 Agricultural Residential Zoning District for a Welding and Fabrication business to be located on the south side of Laurel Road (Rt. 24) approximately 0.46 mile west of Jestice Farm Road. The size of the property is 1.60 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 agri-business uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be for 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 predominantly all zoned AR-1 (Agricultural Residential Zoning District), with the exception of the adjoining 2.03 Ac parcel to the immediate west (232-19.00-29.00) which is zoned Neighborhood Business B-1. To the north of the application site is a large tract of land, comprising multiple parcels, that is a designated Agricultural Preservation District.

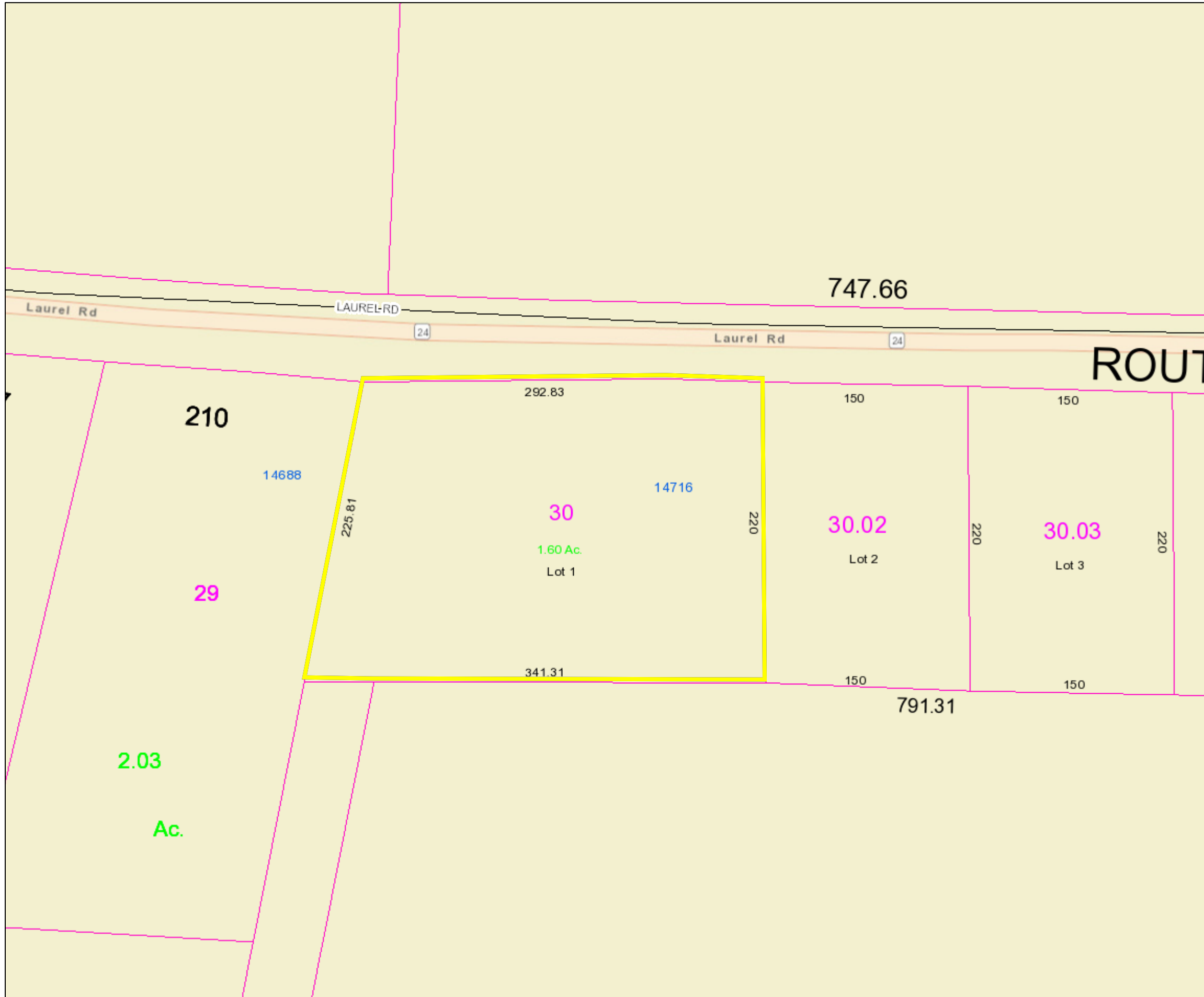
There are no other Conditional Uses, granted since 2011, within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use welding and fabrication, to serve nearby residents/business including agricultural businesses, could be considered consistent with the land use, area zoning and uses.





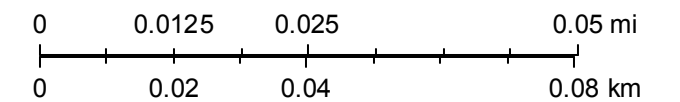
Sussex County



PIN:	232-19.00-30.00
Owner Name	COLEMAN STEVEN W
Book	4498
Mailing Address	14716 LAUREL RD
City	LAUREL
State	DE
Description	S/RT 24
Description 2	FX
Description 3	N/A
Land Code	

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

1:1,128





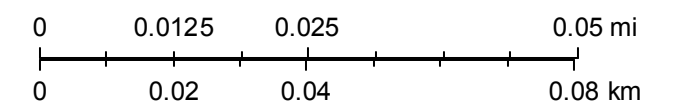
Sussex County



PIN:	232-19.00-30.00
Owner Name	COLEMAN STEVEN W
Book	4498
Mailing Address	14716 LAUREL RD
City	LAUREL
State	DE
Description	S/RT 24
Description 2	FX
Description 3	N/A
Land Code	

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

1:1,128



Introduced 03/26/19

**Council District No. 1 – Vincent
Tax I.D. No. 232-19.00-30.00
911 Address: 14716 Laurel Road, Laurel**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING AND FABRICATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.605 ACRES, MORE OR LESS

WHEREAS, on the 18th day of March 2019, a conditional use application, denominated Conditional Use No. 2178, was filed on behalf of Steven and Carrie Coleman; 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. 2178 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. 2178 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the south side of Laurel Road (Route 24), approximately 0.46 mile west of Jestice Farm Road, and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 1.605 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.

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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: July 10, 2019

RE: County Council Report for CZ 1877 Schiff Land Development Company, LLC

The Planning and Zoning Department received an application (CZ 1877 Schiff Land Development Company, LLC) for a Change of Zone for parcels 234-29.00-66.00, 66.01 & 66.02 to allow for a change from CR-1 (Commercial Residential District) and MR (Medium-Density Residential District) to MR-RPC (Medium-Density Residential District – Residential Planned Community) to be located on John J. Williams Hwy. (Rt. 24). The Planning and Zoning Commission held a public hearing on June 13, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, comments from the State of Delaware Preliminary Land Use Service (“PLUS”) and response to the PLUS comments, comments from the Sussex Conservation District, comments from the Technical Advisory Committee (TAC), comments from DelDOT, comments from the Sussex County Engineering Department Utility Planning Division.

The Commission found that Mr. David Hutt Attorney with Morris, James, LLP, Mr. Phil Tolliver, with Morris and Ritchie Associates, and Mr. TJ Schiff, part owners of the group were present on behalf of the application; that Mr. Hutt stated that in 2005 there were two Change of Zone applications that were filed; that they were Change of Zone 1605 and Change of Zone 1606; that the applications were known as the ‘Nantego applications’ along Route 24; that a prior application changed the zoning from GR (General Residential District) to MR-RPC (Medium Density Residential District – Residential Planned Community); that the other prior application changed the zoning from GR to C-1 (General Commercial District); that 15-acres of C-1 Zoning was approved by the Sussex County Council in 2007; that in 2010 another Change of Zone application was filed for the front portion of the property which include two parcels; that the Sussex County Council approved the Change of Zone from MR-PRC to CR-1 (Commercial Residential District); that the RPC had lapsed and the underlying zoning does remain; that since then the ownership of the land has changed; that the application is comprised of approximately 50-acres and includes three parcels; that the application is proposed to turn the three parcels to the MR-RPC Zoning with fewer dwellings and all single-family units; that public water and sewer would be provided to the site; that the proposed application is for 161 units; that the gross density is 3.22 dwelling units per acre; that the current use of the property is being used for agricultural uses with a small wooded area near the rear of the property; that there are no wetlands



on the site; that there are other developments in the area; that there are several commercial uses in the area and other Conditional Uses approved in the area; that the property does have a slight slope to the rear of the property line; that there is a small portion in the northern area of the property that is in the excellent recharge area; that two of the primary objectives in the design and development of the proposed project is to maximize open space and increase the perimeter buffering; that there would be berms to help further separate the community from Route 24; that they are proposing 13.5-acres of open space which includes the clubhouse, community center, and stormwater management and it would comprise 27% of the site area as open space; that the open space is either on the perimeter of the site or centrally located in the community; that the design was to centrally locate the amenities and link all the internal streets; that the proposed lot size would be a minimum of 7,500 square feet; that there would be a minimum forested landscape buffer of 30-feet and would extend to a maximum of 156-feet; that at the rear of the property, a provision has been made for interconnectivity for future development; that there is no access to the homes on Layton Davis Road; that there would be a multi-purpose building with a pool and a patio area; that the applicant proposes 24 parking spaces for the community center; that there would also be bicycle racks; that the applicant also proposes sidewalks on both of the streets; that the proposed project would have restrictive covenants for the community and a Homeowner's Association would be formed; that proposed project would be constructed in three phases; that the infrastructure would take approximately two years to build out with the rest of the project within the four year range; that the property would be served by Sussex County sewer and a pump station would be provided by the applicant; that the water would be provided by Tidewater Utilities; that the stormwater management per the Sussex Conservation District would be infiltration basin; that natural gas is available through Chesapeake Utilities; that the DelDOT response to this application was submitted into the exhibit booklet; that the response from DelDOT stated there would be a minor impact on the local roadways and the site qualifies for the Applicant to participate in an area wide study fee; that fire protection would be provided by the Indian River Volunteer Fire Company; that it is anticipated that there would be 27 new students added to the school district; that the developer will coordinate a bus stop with the local school district; and that the proposed project is consistent with the Land Use Plan, the MR Zoning District, and the RPC Ordinance.

Mr. Mears asked if the phasing plan includes the construction of the clubhouse in phase one, which Mr. Hutt stated that the construction of the amenities by the 81st building permit.

Ms. Stevenson asked how far back the berm starts from the road and if there an easement given to DelDOT, which Mr. Tolliver stated that there is 15-foot wide multi-modal path that would be dedicated to DelDOT; that within the site they would propose a series of berms; that Ms. Stevenson asked whether there is a place where the highway could be expanded without tearing into someone's property in the future, which Mr. Tolliver stated that DelDOT has outlined its terms as to how wide the right-of-way is in that area; that as the proposed project goes through the engineering process, DelDOT would tell the applicant if they are going to take an additional 10-feet or not; and that if DelDOT does require an additional 10-feet, everything would have to be pushed in further on the property.

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

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

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

At their meeting on June 27, 2019, the Planning Commission discussed the application which has been deferred since June 13, 2019.

Mr. Mears moved that the Commission recommend approval of Change in Zone 1877 for Schiff Land Development Company, LLC. for a change in zone from CR-1 (Commercial Residential District) and MR (Medium Density Residential District) to a MR-RPC (Medium Density Residential District - Residential Planned Community) based on the information contained in the record and for the following reasons:

1. This Application is for 49.95 acres along Rt. 24 in the vicinity of Oak Orchard. This site has been the subject of several prior zoning decisions including rezoning to GR, CR-1 and MR. It was also part of a MR-RPC where the RPC overlay has lapsed.
2. The rezoning to a MR-RPC which also eliminates the existing CR-1 zoning will allow a better overall design of the property including the open space and perimeter buffers.
3. This Application seeks approval for 161 single-family units for a gross density of 3.22 units per acre which is less than the density that is permitted under the MR zoning of the property.
4. This MR-RPC meets the purpose of the Zoning Ordinance because it promotes the orderly growth of the County. The MR-RPC is also in a developing area as established by the Comprehensive Land Use Plan.
5. The MR-RPC meets the purpose of both the MR and the RPC zoning designations so that it provides for a superior living environment where County sewer and central water are available. The site also includes about 13.5 acres of open space which represents about 27% of the site.
6. Sewer service will be provided as part of a County operated sanitary sewer district and adequate waste water capacity is available for the project.
7. Central water will be provided to the project.
8. With the conditions placed upon this project the RPC designation is appropriate for this parcel of land and that the purpose of the RPC is to encourage large-scale development as a means to create superior living environments and the use of design ingenuity.
9. The development will be required to comply with all DelDOT requirements including entrance location and road improvements.
10. The Application with the conditions placed upon it is consistent with the surrounding areas which includes a mix of residential and commercial uses.
11. The project meets the purpose of the Zoning Code and the Comprehensive Plan because it promotes the orderly growth, convenience, order, prosperity, and the welfare of Sussex County.
12. This recommendation is subject to the following conditions:
 - A. There shall be no more than 161 residential units within the project.
 - B. The bulk area standards for the 161 units shall be as follows:
 1. Front yard - 25 ft.
 2. Side yard - 10 ft.
 3. Rear yard - 10 ft.
 4. Corner yard - 15 ft.
 5. Minimum lot width - 60 ft.
 6. Minimum lot area - 7,500 sf.
 - C. Site plan review shall be required for each phase of the development.
 - D. All entrances, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements or in accordance with any further modifications required by DelDOT.

- E. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department's specifications and regulations.
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with the applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of Sussex County's Conservation District.
- H. The interior street design shall be in accordance with or exceed Sussex County's street design requirements and specifications. The street design shall include sidewalks on both sides of the street.
- I. There shall be a 30-foot forested landscaped buffer around the entire perimeter of the site.
- J. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, including landscaping in all of the buffer areas.
- K. Construction and deliveries shall only occur from Monday through Friday and only between the hours of 6 am and 6 pm.
- L. The Applicant shall form a Homeowner's Association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- M. The Restrictive Covenants and Final Site Plan shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice.
- N. The amenities shall include a clubhouse/multi-purpose building, pool and patio area, with at least 24 off-street parking spaces set aside for these areas. These amenities shall be completed and open to use by the residents of the development prior to the issuance of the 81st building permit.
- O. If required by the Indian River School District, a protected school bus shelter with related parking shall be installed at the entrance to the development. Alternatively, the developer shall coordinate with the school district for another location, with a preference for the clubhouse building.
- P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and with the conditions stated in the motion. Motion carried 4-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: June 5, 2019

RE: Staff Analysis for CZ 1877 Schiff Land Development Company, LLC

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1877 Schiff Land Development Company, LLC to be reviewed during the June 13, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 234-29.00-66.00, 66.01 & 66.02 to allow for a change from CR-1 (Commercial Residential Zoning District) and MR (Medium Residential Zoning District) to MR-RPC (Medium Residential Zoning District – Residential Planned Community) to be located on the southeast side of John J. Williams Hwy. approximately 0.45 mile southwest of Oak Orchard Rd. The size of the property is 49.95 ac. +/-.

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

The surrounding land uses to the north, south, east, and west are Coastal Community Areas. Coastal Community Areas include a range of housing types that should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should be also allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services to allow people to work close to home. Major new industrial uses are not proposed in these areas.

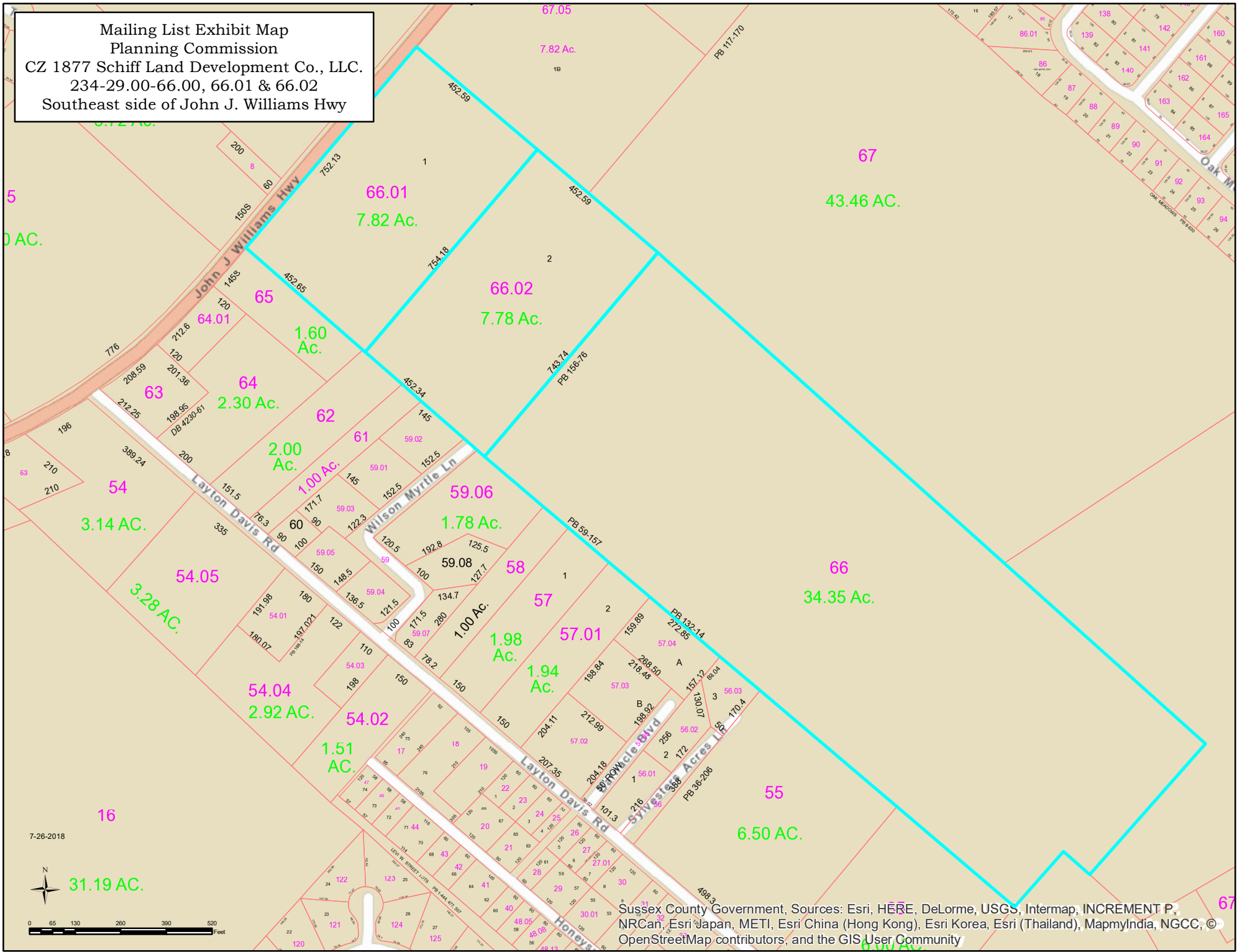
The property is zoned CR-1 (Commercial Residential Zoning District) and MR (Medium Residential Zoning District). The properties to the northeast are B-1 (General Business Zoning District) and GR (General Residential Zoning District). The properties to the southeast are AR-1 (Agricultural Residential Zoning District), CR-1 (Commercial Residential Zoning District) and GR (General Residential Zoning District). The properties to the south are CR-1 (Commercial Residential Zoning District) and C-1 (General Commercial Zoning District). The



properties to the northwest are AR-1 (Agricultural Residential Zoning District). There are Conditional Uses and Special Use Exceptions in the area (meeting place, office, etc.).

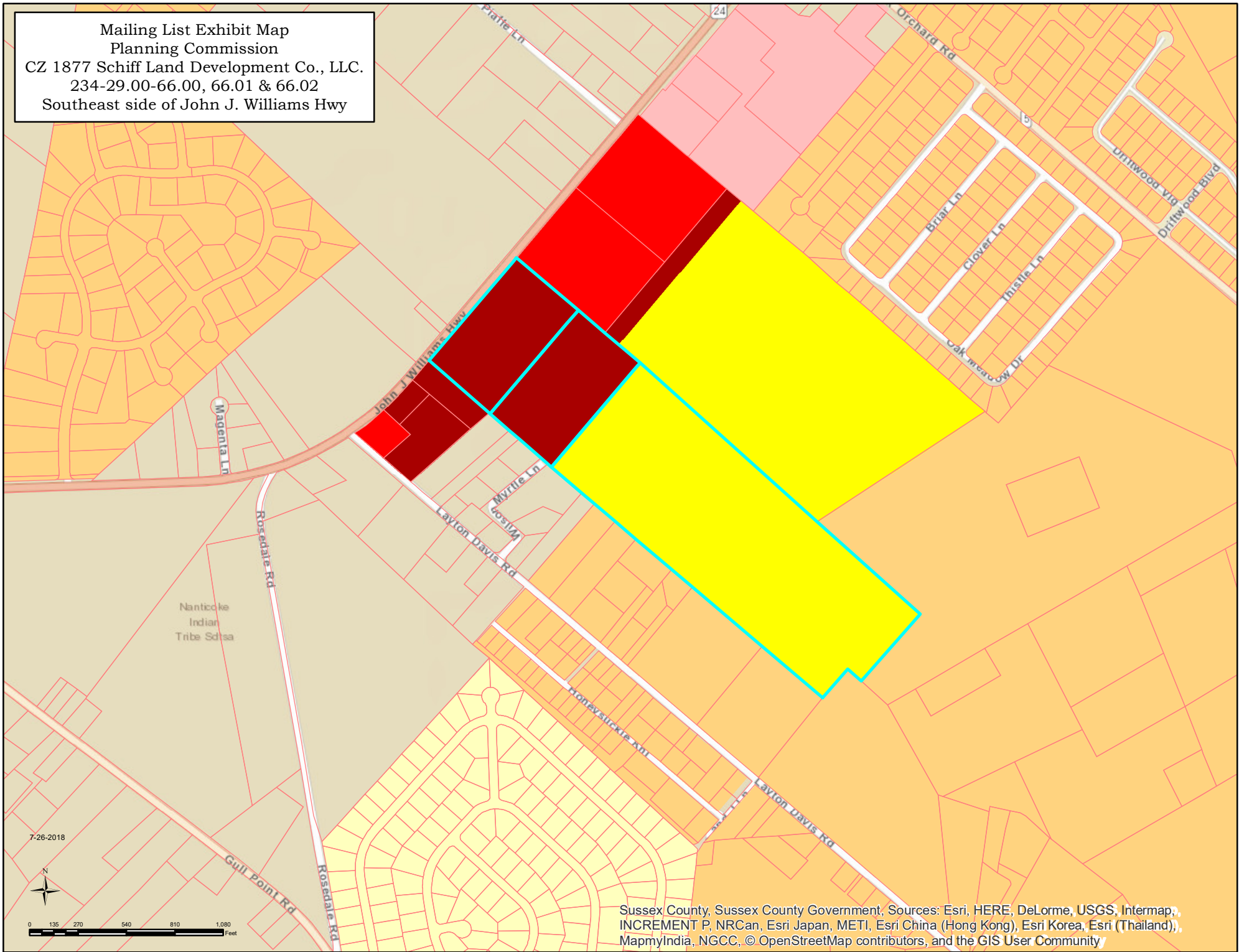
Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from CR-1 (Commercial Residential Zoning District) and MR (Medium Residential Zoning District) would be considered consistent with the land use, area zoning and uses.

Mailing List Exhibit Map
 Planning Commission
 CZ 1877 Schiff Land Development Co., LLC.
 234-29.00-66.00, 66.01 & 66.02
 Southeast side of John J. Williams Hwy



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
CZ 1877 Schiff Land Development Co., LLC.
234-29.00-66.00, 66.01 & 66.02
Southeast side of John J. Williams Hwy



Sussex County, 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
CZ 1877 Schiff Land Development Co., LLC.
234-29.00-66.00, 66.01 & 66.02
Southeast side of John J. Williams Hwy



To Be Introduced 01/29/19

**Council District No. 4 - Hudson
Tax I.D. No. 234-29.00-66.00, 66.01 & 66.02
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS

WHEREAS, on the 11th day of January 2019, a zoning application, denominated Change of Zone No. 1877, was filed on behalf of Schiff Land Development Company, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1877 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 [CR-1 Commercial Residential District and MR Medium Density Residential District] and adding in lieu thereof the designation of MR-RPC Medium-Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southeast side of John J. Williams Highway (Route 24) approximately 0.45 mile southwest of Oak Orchard Road

and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 49.95 acres, more or less.

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

PROPOSED

JANELLE M. CORNWELL, AICP
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 10, 2019

RE: County Council Report for CZ 1878 Captain's Way Development

The Planning and Zoning Department received an application (CZ 1878 Captain's Way Development) for a Change of Zone for parcels 235-13.00-2.00, 2.06, 2.07, 2.08 & 32.00-332.00 to allow for an amendment to conditions of approval to allow for garage studio apartments to be located at 20689 Milton Ellendale Hwy. The Planning and Zoning Commission held a public hearing on June 13, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, and results from a DelDOT Service Level Evaluation.

Chairman Wheatly asked Ms. Cornwell if the application was confined to garage/studio apartments. Ms. Cornwell explained that the Applicant is looking to amend the RPC (Residential Planned Community) to allow for garage/studio apartments; that garage/studio apartments are typically a Special Use Exception through the Board of Adjustment; and that since this an RPC it would require an amendment to the conditions of approval to allow for the additional dwellings to be considered part of the RPC.

The Commission found that Mr. Preston Dyer, representing the developer, Mr. Mark Davidson with Pennoni Associates, and Mason Dyer, for the developer were present on behalf of the application; that Mr. Dyer stated the process for the garage/studio apartments would be heard and held a Special Use Exception with the Board of Adjustment but because the property is zoned GR-RPC it is an amendment to the RPC approval: that Ordinance 1959 provides for a garage/studio apartment; that the definition states "*a building or use designed and used as a single apartment unit not more than 800 square feet and an accessory to the single-family dwelling*"; that he submitted supporting statements and an example plot plan into the record. Mr. Dyer summarized a number of points contained within a written summary provided to the Commission; that Sussex County Council desires to provide an additional type of affordable housing; that this is an additional means by which people who work in the local area may afford housing near their work place; that Sussex County Council desires to provide homeowners' with the potential to derive additional income from their residences; that the intention is that the homeowners' may use income generated from the rental of the garage/studio apartments to pay for



upgrades to their residences; that he believes that the expansive nature of the request would allow for income generation and would provide for additional affordable housing; that Section 115-32.C of the Sussex County Code, requires that the garage/studio apartment provide at least one additional parking space for the exclusive use of the tenant and be located on the premises; that the standards for a Special Use Exception is the burden to prove that such exception would not adversely effect the use of the adjacent neighboring properties; that this entire property which is approximately 152-acres has at least a 50-foot border surrounding the property; that if this proposed amendment is approved, they would provide advance notice in the Covenants about the garage/studio apartments; that the current project is an active lifestyle community; that they are seeking to provide moderately priced housing; that they would like to capture the first-time homebuyers and incorporate them into the community; that the project is not age-restricted and it is age-targeted; that they are trying to have an inclusive community with all ages living there; that they would be offering a lot/home package; that the lots are approved for sale or ground rent; that the target price would be \$199,900; that the Delaware Division of Services for Aging have provided a population projection from 2015 to 2035 that there is an expected increase in people living in Delaware that are aged 85 and over and that this number has increased to 185% in 20 years;. Mr. Dyer outlined that has personally had caregivers in his house for family members; that there is difficulty in the cost for providing care for the elderly; that the current design concept throughout the United States is to foster aging in place in what is known as 'Universal Design'; that the Applicant's have provided a list of restrictions that would also be mirrored in the Restrictive Covenants; that if Sussex County grants the requested amendment; that the owner of the individual property would be required to occupy the single-family dwelling unit in order to then be permitted to rent the accessory use, garage/studio apartment; that alternatively, the owner of the property must occupy the accessory use, garage/studio apartment in order to be permitted to rent the single-family dwelling; that the units would be detached from the dwellings; that Mr. Davidson stated and gave an overview of examples of a garage/studio apartments; that there would be only one connection for the water and sewer; and that there would only be one electrical meter for each unit.

Ms. Stevenson asked whether the individual homeowner would have to ask for a garage/studio apartment, which Mr. Dyer stated the garage/studio apartment would be an option for each homeowner. Ms. Stevenson asked whether this would be included in the Restrictive Covenants, which Mr. Dyer stated that it would and that the Restrictive Covenants would be recorded with the Recorder of Deeds.

Ms. Cornwell stated if the request is approved, the Applicant would have to rerecord the record plan, and this would be a condition of approval; that it would be recorded as conditions of approval; that not all the details would have to be included but the overall use would have to be on the plan.

Ms. Stevenson asked if the Covenants could be changed; and that Ms. Cornwell stated the Applicant would have to come back through two public hearings to amend or remove the condition if it is granted.

Mr. Hopkins asked if the owner of the home would live in either the dwelling or the garage/ studio apartment, which Mr. Dyer stated yes that the homeowner would have to live in either the dwelling or the garage/studio apartment.

Ms. Wingate asked if the accessory use studio/apartment shall not include duplexes, tourist homes, servant corridor or guest homes; that the garage/studio apartment would not be an Airbnb type guest

home, which Mr. Dyer stated that the only thing that would be permitted would be the garage/studio apartment.

Ms. Cornwell stated that per Code, those require a different policy and process; that unless they make it a Covenants that the Sussex County could enforce; that anyone would do an Airbnb but they would have to go through the proper process; that the duplexes would be prohibited because the RPC would not allow for duplexes; and that the Code allows for a tourist/bed-and-breakfast through a Special Use Exception.

Mr. Mears asked if someone chooses not to provide a garage/studio apartment, would they still offset the location of the main house, which Mr. Dyer stated it is up to homeowner; that Mr. Mears asked if there would ever be a breeze way or a roof connecting the dwelling and the garage/studio apartment, which Mr. Dyer stated they may not be connected by a breeze way or a roof and that the garage/studio apartment must be physically separate; that Mr. Mears asked how they would regulate the age for the renters, which Mr. Dyer stated that the management company would have the ability to and there would be a requirement to review all the leases; that Mr. Mears asked what would the cost be for the garage/studio apartment, which Mr. Dyer stated the cost of the garage/studio apartment would vary; that they would want to make the accessory complementary to and consistent with the appearance of main dwelling but smaller in size; that Mr. Mears had concerns about the cost of the garage/studio apartment since it could be used and create income to pay for the house, which Mr. Dyer stated the cost would vary if the garage/studio apartment is modularized and the size of the garage/studio apartment.

Ms. Cornwell asked if every one of the landowners does choose to have a garage/studio apartment would sewer and water capacity available for the additional dwelling units, which Mr. Davidson stated there are sewer and water available to cover the units.

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. Ms. Stevenson outlined that she was supportive of the application but would wish to take some additional time to craft a motion.

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 June 27, 2019, the Planning Commission discussed the application which has been deferred since June 13, 2019.

Motion by Ms. Wingate, seconded b Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 4-0.

PLANNING & ZONING

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 13, 2019
RE: Staff Analysis for CZ 1878 Captains Way Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1878 Captains Way Development, LLC to be reviewed during the June 13, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 235-13.00-2.00, 2.06, 2.07, 2.08, and 32.00 – 332.00 to allow for garage studio apartments for CZ 1721 (Ord. 2295) for the GR-RPC (General Residential District – Residential Planned Community) located on Milton-Ellendale Hwy. (Rt. 16). The size of the parcels totals 154.71 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Existing Development Area.

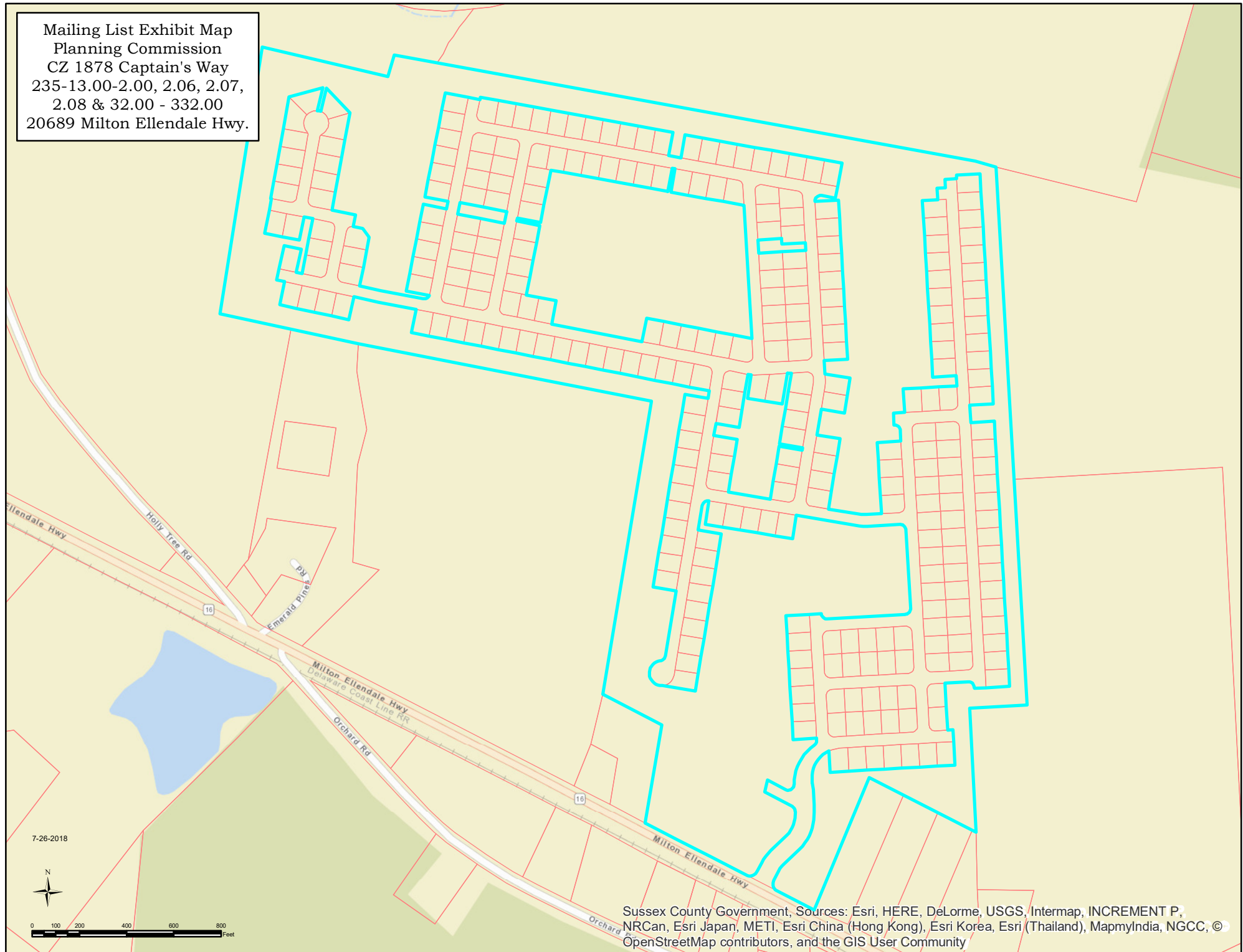
The surrounding land use to the south, east and west is designated as Low Density. The land uses to the north are designated as Low Density and Developing Areas. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the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

The property is zoned GR-RPC (General Residential District – Residential Planned Community). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There have been two Conditional Uses approved since 2011 within a 1 mile radius of the site. CU 2108 was approved on 1/9/2018 for a landscaping business and CU 1921 (revisions to CU 1765) was approved on 5/8/2012 to remove Conditions 2 and 3 to allow multiple unrelated families to occupy a multifamily structure and to continue this Conditional Use after the sale of the property.

The request is to allow for garage studio apartments on each of the 301 lots within the Captain's Way GR/RPC Subdivision. The applicant has indicated that this project will provide an additional type of affordable housing to serve the area. Subject to the on-site waste water system being capable of serving the additional 301 units and based on the analysis of the land use, surrounding zoning and uses, the proposal for garage studio apartments would be considered consistent with the land use, area zoning and uses.



Mailing List Exhibit Map
Planning Commission
CZ 1878 Captain's Way
235-13.00-2.00, 2.06, 2.07,
2.08 & 32.00 - 332.00
20689 Milton Ellendale Hwy.



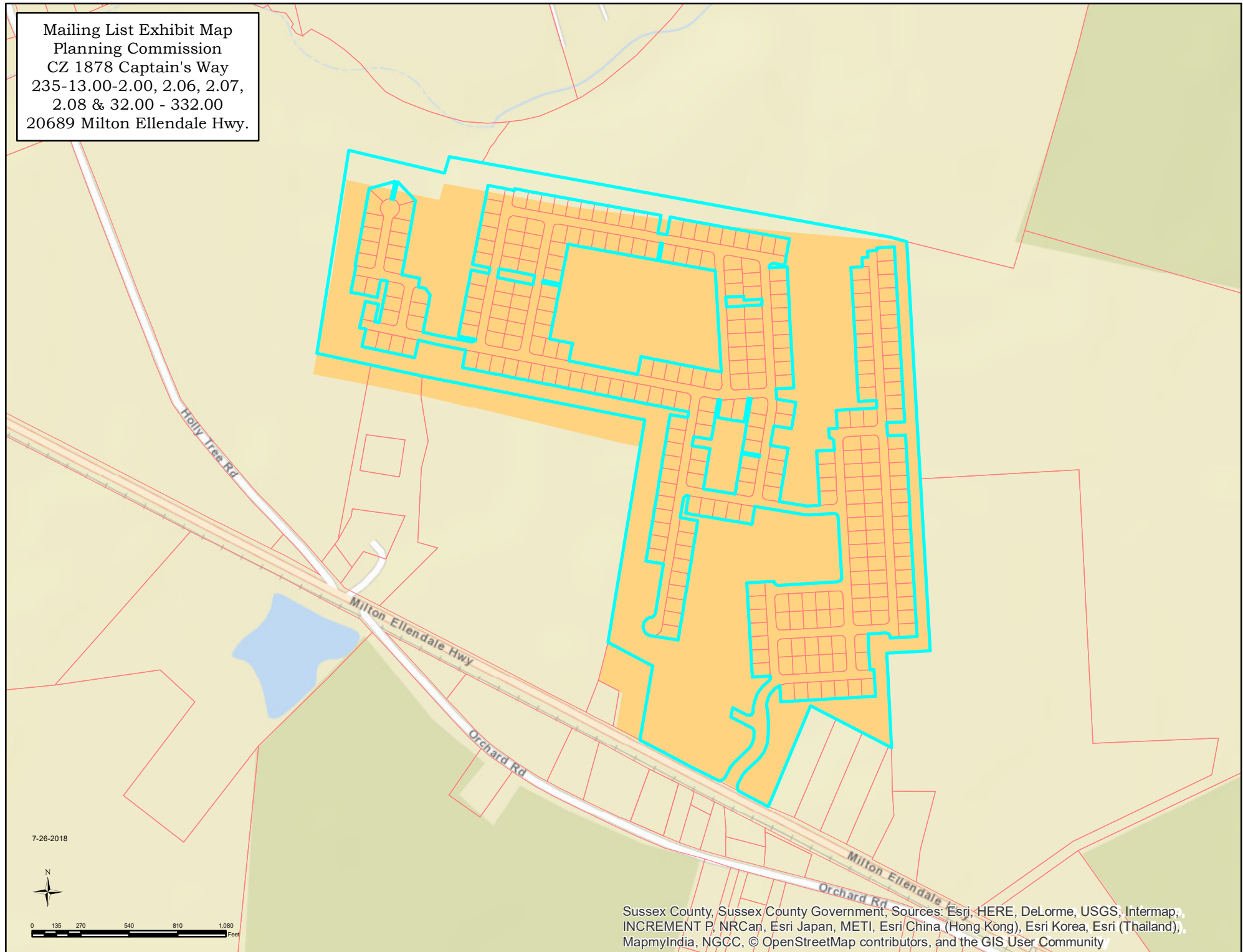
7-26-2018



0 100 200 400 600 800
Feet

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
CZ 1878 Captain's Way
235-13.00-2.00, 2.06, 2.07,
2.08 & 32.00 - 332.00
20689 Milton Ellendale Hwy.



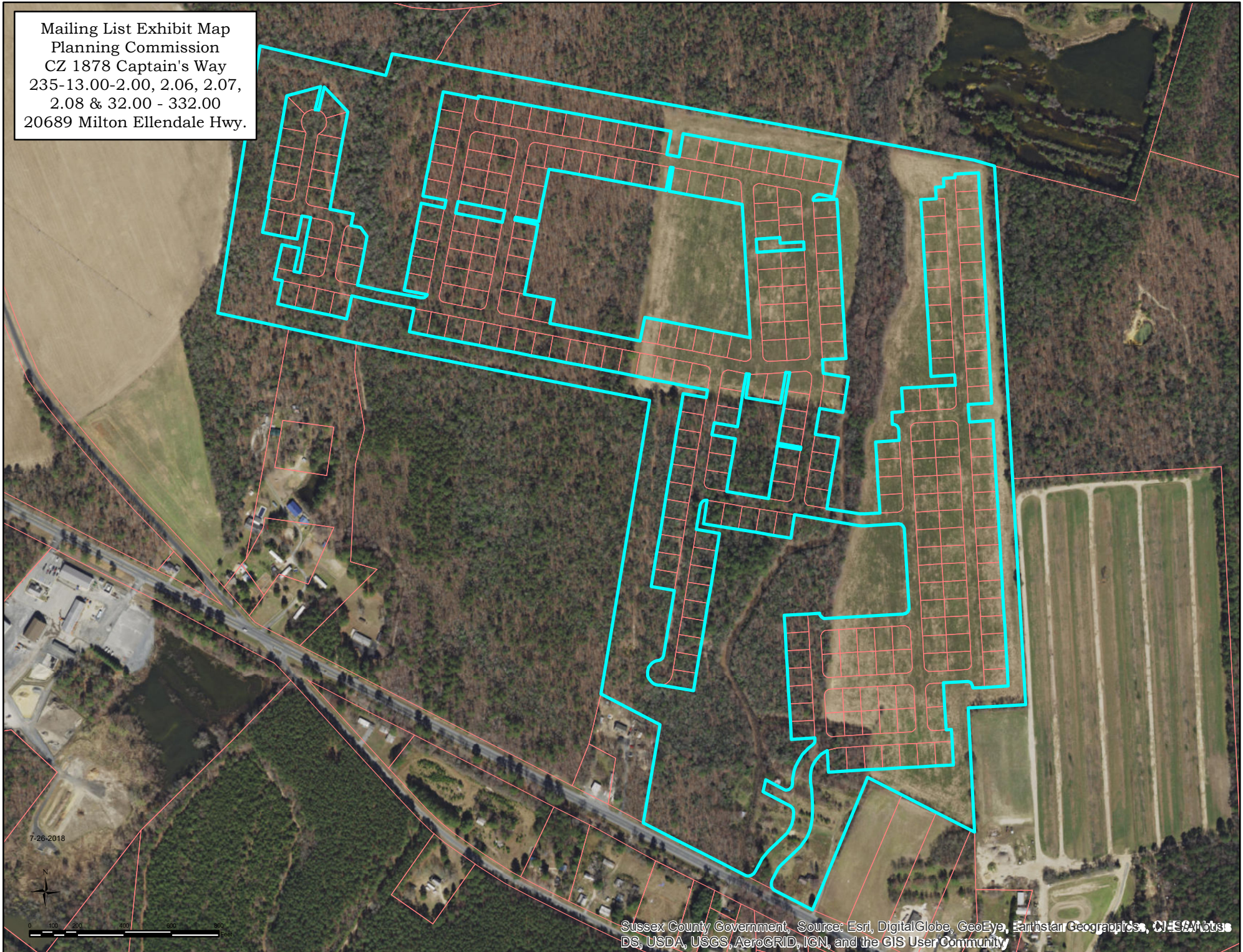
7-26-2018



0 135 270 540 810 1,080 Feet

Sussex County, 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
CZ 1878 Captain's Way
235-13.00-2.00, 2.06, 2.07,
2.08 & 32.00 - 332.00
20689 Milton Ellendale Hwy.



7-26-2018



To Be Introduced 02/26/19

Council District No. 3 - Burton

Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO ALLOW FOR GARAGE STUDIO APARTMENTS FOR CHANGE OF ZONE NO. 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS

WHEREAS, on the 6th day of February 2019, a zoning application, denominated Change of Zone No. 1878 was filed on behalf of Captain’s Way Development, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1878 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 [GR-RPC (General Residential District - Residential Planned Community)] and adding in lieu thereof the designation of GR-RPC (General Residential District – Residential Planned Community) to allow for garage studio apartments for Change of Zone No. 1721 (Ordinance No. 2295) 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 northeast side of Milton Ellendale Highway (Route 16) approximately 0.34 mile east of Hollytree Road and being more particularly described in the attached legal description prepared by Parkowski, Guerke &

Swayze, P.A., Griffin & Hackett, P.A., and Griffin & Robertson, P.A., said parcel containing 154.72 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.

PROPOSED

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 10, 2019

RE: County Council Report for CZ 1880 Craig Kormanik

The Planning and Zoning Department received an application (CZ 1880 Craig Kormanik) for a Change of Zone for parcel 234-23.00-261.00 to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) to be located at 31792 Indian Mission. The Planning and Zoning Commission held a public hearing on June 13, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Mr. Whitehouse 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, and the results from a DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required.

The Commission found that Mr. Craig Kormanik was present on behalf of his application; that Mr. Kormanik stated that he and his sister had bought the property five years ago and the area has outgrown the current zoning; that the surrounding area is no longer a residential use; and that the property is surrounded by commercial uses.

Mr. Mears asked whether there was any intended purpose behind the request to Change the Zone, which Mr. Kormanik stated there is an interest in office use; and that he has no interest in using the property as a more intensive commercial use.

Ms. Stevenson asked, as a result of the changes in the local area, whether the property is no longer a good place for AR-1 use, which Mr. Kormanik stated the property is in the center of a shopping center; that there is a bar adjacent to the property, and it is no longer suitable for residential use.

Ms. Cornwell asked if there are other commercial uses in the area, which Mr. Kormanik stated that Taromino Square is located behind the property; and that there is a Rite-aid and Wawa are also in the surrounding area.

Chairman Wheatly explained the main consideration before the Commission, which is whether the zoning that the Applicant is requesting is appropriate for this parcel of land; that the surrounding lands



in the area are similar and the Applicant has described the surrounding areas as commercial uses, which Mr. Kormanik agreed that the surrounding properties in the area are commercial uses.

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

At their meeting on June 27, 2019, the Planning Commission discussed the application which has been deferred since June 13, 2019.

Mr. Mears moved that the Commission recommend approval of Change in Zone 1880 for Craig Kormanik for a change of zone from AR-1 (Agricultural Residential District) to a C-2 (Medium Commercial District) based on the record from the public hearing and for the following reasons:

1. The applicant is seeking a change in zone to C-2 Medium Commercial. The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This property is located along Route 5 very near the Long Neck intersection at Route 24. This is an appropriate location for the uses that are permitted in the C-2 District.
3. This property is adjacent to properties that are currently zoned C-1 and CR-1. This rezoning is consistent with the adjacent commercial zoning, and C-2 is actually more limited than the types of uses permitted in the C-1 and CR-1 zones.
4. There are a variety of commercial uses in the area, including a Wawa convenience store, a drug store, two shopping centers and an apartment complex. This rezoning is consistent with those surrounding uses.
5. The property can no longer be viably used for either agricultural or residential uses as permitted under the current AR-1 zoning.
6. The rezoning will not have an adverse impact upon neighboring properties or roadways.
7. The property will be served by central water and Sussex County Sewer.
8. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall and the Sussex Conservation District.
9. No parties appeared in opposition to this application.
10. For all these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval for the reasons and with conditions stated in the motion. Motion carried 4-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 5, 2019
RE: Staff Analysis for CZ 1880 Craig Kormanik

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1880 Craig Kormanik to be reviewed during the June 13, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 234-23.00-261.00 to allow for a change from AR-1 (Agricultural Residential Zoning District) to C-2 (Medium Commercial Zoning District) to be located at 31792 Indian Mission Rd. This size of the property is 1.00 ac. +/-.

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

The surrounding land uses to the north, south, east, and west are Commercial Areas. Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. The more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding areas. Mixed-use buildings may also be appropriate for these areas.

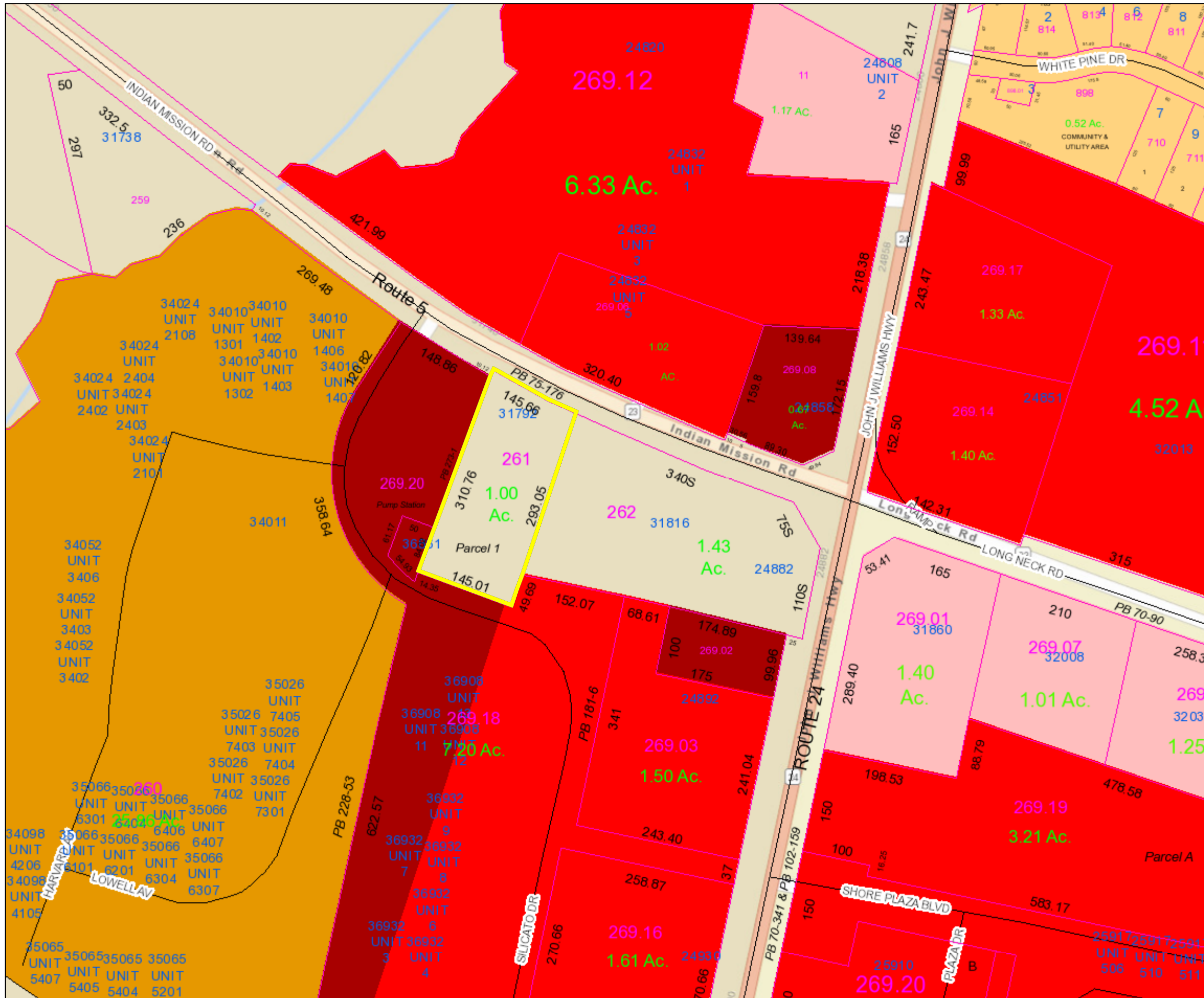
The property is zoned AR-1 (Agricultural Residential Zoning District). The properties to the north are C-1 (General Commercial Zoning District) and CR-1 (Commercial Residential Zoning District). The properties to the east are AR-1 (Agricultural Residential Zoning District). The properties to the south are CR-1 (Commercial Residential Zoning District) and C-1 (General Commercial Zoning District). The properties to the west are CR-1 (Commercial Residential Zoning District) and HR-1 (High Density Residential Zoning District).



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



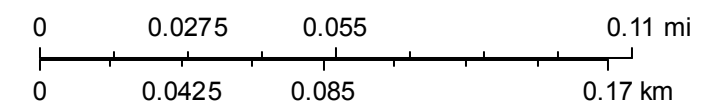
Sussex County



PIN:	234-23.00-261.00
Owner Name	KORMANIK CRAIG S
Book	4958
Mailing Address	29716 SPRINGWOOD DR
City	MILLSBORO
State	DE
Description	S/RT 5
Description 2	340'W/RT 24
Description 3	N/A
Land Code	

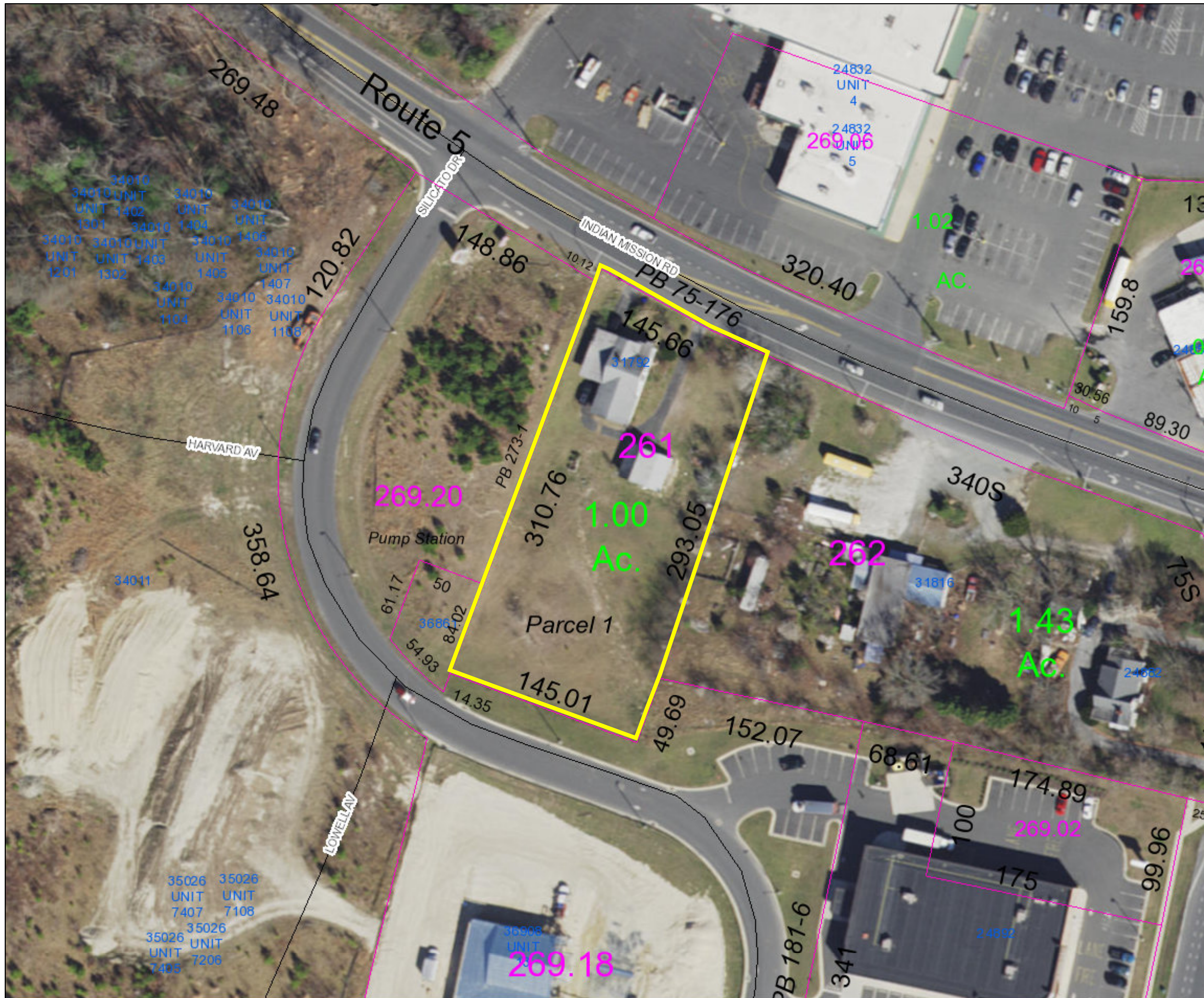
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





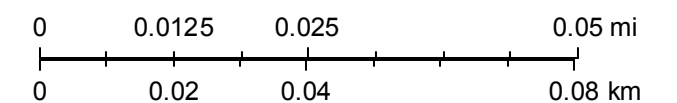
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- polygonLayer**
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- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Ag Preservation Districts**
- Agricultural Easement
- Agricultural District
- Agricultural Expansion

1:1,128



To Be Introduced 02/26/19

**Council District No. 4 - Hudson
Tax I.D. No. 234-23.00-261.00
911 Address: 31792 Indian Mission Road, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS

WHEREAS, on the 18th day of February 2019, a zoning application, denominated Change of Zone No. 1880, was filed on behalf of Craig Kormanik; 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. 1880 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 C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the southwest side of Indian Mission Road (Route 5), approximately 785 feet northwest of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 1.0 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.