



Sussex County Council Public/Media Packet

**MEETING:
July 25, 2017**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JULY 25, 2017

10:00 A.M.

**AMENDED on July 20, 2017 at 3:40 p.m.¹

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation by Terry Murphy and Lindsay Rhodenbaugh, Bayhealth Foundation

Consent Agenda

1. Wastewater Agreement No. 856-9
Sussex County Project No. 81-04
Sea Star Village (Formerly Topsail Village) @ Millville by the Sea – Section 1
Millville Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 856-10
Sussex County Project No. 81-04
Sea Star Village (Formerly Topsail Village) @ Millville by the Sea – Section 2
Millville Expansion of the Bethany Beach Sanitary Sewer District
3. Wastewater Agreement No. 1027-3
Sussex County Project No. 81-04
Silver Woods – Phase 2
Miller Creek Sanitary Sewer District



Todd Lawson, County Administrator

1. Delaware State Police Memorandum of Understanding
- **2. Per Attorney General Opinion No. 17-IB28, Reaffirmation of the October 4, 2016 vote related to the position of Planning and Zoning Director
3. Administrator's Report

10:15 a.m. Public Hearing

TH White Annexation of the Sussex County Unified Sanitary Sewer District (Long Neck Area)

10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”), SECTION 159.5(B)(1)”

Janelle Cornwell, Director of Planning and Zoning

1. Comprehensive Land Use Plan Update – Historic Preservation Element Update

Jeff Cox, EMS Deputy Director

1. EMS Vehicles and Conversions - Bid Award

John Ashman, Director of Utility Planning

1. Ropewalk Restaurant – Use of Existing Infrastructure Agreement

Hans Medlarz, County Engineer

1. Sussex Aero Maintenance Roof Replacement, Project 17-22
 - A. Substantial Completion
2. Award Recommendation for Appraisal Services
3. T-Hangar Replacement, Project 17-07
 - A. Balancing Change Order and Substantial Completion

Old Business

Conditional Use No. 2071 filed on behalf of Blessing Greenhouses and Compost

Conditional Use No. 2074 field on behalf of Quail Valley 1525, LLC

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2083 filed on behalf of Richard H. Bell III

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE BUILDING, STORAGE YARD AND CRUSHING OF CONCRETE FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS” (located on the south side of Lewes-Georgetown Highway (Route 9), approximately 1,731 feet west of Park Avenue) (Tax I.D. No. 135-15.00-79.03) (911 Address: 22592 Lewes-Georgetown Highway, Georgetown)

Conditional Use No. 2084 filed on behalf of Term 2, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECYCLE CENTER AND WEIGHT SCALE OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30.89 ACRES, MORE OR LESS” (located on the north side of Lowes Road, approximately 63 feet southwest of Betts Road) (Tax I.D. No. 333-14.00-23.00) (911 Address: 20139 Lowes Road, Millsboro)

Change of Zone No. 1819 filed on behalf of MTC Properties, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.063 ACRES, MORE OR LESS” (located on the east side of Sussex Highway (Route 13), approximately 1,226 feet south of Adams Road) (Tax I.D. No. 530-14.00-24.00 (portion of) (911 Address: 14485 Sussex Highway, Bridgeville)

Change of Zone No. 1823 filed on behalf of WMF Watercraft & Marine, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.4890 ACRES, MORE OR LESS” (located on the south side of John J. Williams Highway (Route 24) and east side of Layton Davis Road, approximately 208 feet east of said intersection) (Tax I.D. No. 234-29.00-64.00, 64.01, and 65.00) (911 Address: 27037 John J. Williams Highway, Millsboro)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 18, 2017, at 5:30 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 listed may be considered out of sequence.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 18, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 18, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	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 312 17
Approve
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to approve the agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 27, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

Deborah Botchie, Town Manager, Town of Millville.

RE: Letter in appreciation of the Council approving the revenue sharing grant for municipalities that do not have a police department.

**Public
Comments**

Public Comments

Paul Reiger commented on his concerns regarding the appointment and reappointment of Commission members. (Mr. Reiger submitted his concerns/questions in writing).

Dan Kramer commented on a discussion held at the June 27th meeting during the public comment period regarding FOIA complaints and decorum at meetings.

**Public
Comments
(continued)**

Gail Shaffer, Armand Zinnato, and Dick Harp commented on and spoke in opposition to the proposed Winding Creek Village Water District boundary.

**Public
Hearing/
Route 54
Williams-
ville
Phase II
Expansion**

A Public Hearing was held on the Route 54 Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area).

John Ashman, Director of Utility Planning, reported that the proposed expansion includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road. The Engineering Department has received requests from three property owners interested in having the County extend the District boundary; one of the on-site systems is failing and requires frequent pumping. Mr. Ashman reported that this limited extension can be completed at a 5 percent additional construction cost to the Route 54 project. System connection charges would be rolled into the financing for all existing residential customers.

Mr. Ashman stated that a call was received from an area property owner (Nolen Graves) in support of the expansion. Also received was a call from property owner Anita Adkins in support of the expansion but concerned about this expansion delaying the initial project.

Public comments were heard.

Carroll Brasure spoke in support of the proposed expansion.

There were no additional public comments and the Public Hearing was closed.

**M 313 17
Adopt
R 014 17**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution No. R 014 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (FENWICK ISLAND AREA) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, SITUATED ON THE NORTH AND SOUTH SIDE OF STATE ROUTE 54, (LIGHTHOUSE ROAD) PRIMARILY FROM WILLIAMSVILLE RD TO DICKERSON ROAD, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

**Public
Hearing**

A Public Hearing was held on the Middle Creek Preserve Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).

**Public Hearing/
Middle Creek Preserve Annexation**

John Ashman, Director of Utility Planning, reported that the expansion was requested by Solutions IPeM, LLC for their client BDRP, LLC. The project consists of six parcels; the remaining four parcels are already part of the sewer district. The project is proposing 314 single family lots and a pool house. The project will be responsible for System Connection Charges in place at the time of connection. Mr. Ashman reported that no correspondence has been received in support of or in opposition to the proposed expansion.

Public comments were heard.

Richard Raynic, an adjacent property owner, questioned who will pay for the infrastructure (pipes, pumping station) and asked if the Developer of Middle Creek Preserve has filed plans with the Soil Conservation District and where he can look at the plans.

There were no additional public comments and the Public Hearing was closed.

Mr. Ashman stated that the infrastructure will be the responsibility of the Developer.

Janelle Cornwell, Director of Planning and Zoning, stated that prior to final plan approval, the Developer will have to go to the Sussex Conservation District for approval. She noted that if anything has been filed with the Sussex Conservation District, it can be viewed in their office.

**M 314 17
Adopt
R 015 17**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 015 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE TWO (2) PROPERTIES SITUATED ON THE NORTH SIDE OF ANGOLA ROAD. THE PARCELS (234-11.00-51.00 & 234-12.00-14.00) ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Millsboro Fire Company/
Bonds**

A Public Hearing was held on the Millsboro Fire Company's request to issue up to \$500,000 in tax-exempt bonds or notes to purchase a rescue truck. In order to obtain tax-exempt financing, the debt must be approved by the applicable governmental unit with which the fire company has entered into an agreement to provide firefighting services. This agreement is entered through an adopted resolution after a public hearing. Mrs.

**Public
Hearing
(continued)**

Jennings reported that these bonds shall be an obligation of the fire company and shall never be a debt of the County. The County shall not be liable for any payment on the debt incurred by the Millsboro Fire Company. The County's approval of the issuance of bonds or notes by the Millsboro Fire Company will have no fiscal impact on the County.

There were no public comments and the Public Hearing was closed.

**M 315 17
Adopt
R 013 17**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 013 17 entitled "RESOLUTION APPROVING AGREEMENT TO PROVIDE FIREFIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE MILLSBORO FIRE COMPANY".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Proposed
Ordinance/
Commercial
Zonings**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS".

Janelle Cornwell, Director of Planning and Zoning, gave a brief overview of the commercial zoning expansion initiative that will address the following problems: no predictability within the commercial zones, too few commercial zone categories, too many permitted uses, and a one size fits all approach to commercial development. Ms. Cornwell reviewed the current four commercial zoning districts, which will be closed, and the proposed new seven districts. She noted that the proposed ordinance does not change any existing zonings.

Council members, Ms. Cornwell, and Vince Robertson, Assistant County Attorney, discussed the Draft Ordinance relating to the establishment of new commercial zoning districts.

**Public Hearing/
Proposed Ordinance/
Commercial Zonings
(continued)**

Council raised questions about the following: (1) the term “quasi-public”, (2) two business uses on one lot, (3) the need for additional input from the private sector, i.e. from the various Chambers in the County, (4) customizing height, setbacks, etc., (5) sunseting in the commercial districts, and (6) conditions on RPCs, (7) flexibility in the ordinance; and (8) streamlining the process.

Mr. Robertson stated that a workshop was held several months ago with realtors, developers, and the public. He also stated that comments and input received from stakeholders have been considered in the proposed ordinance. Ms. Cornwell stated that recently, they met with some commercial realtors; however, they have not reached out to the Chambers.

Ms. Cornwell reported that the Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on June 22, 2017 at which time the Commission deferred action. (See the minutes of the Planning and Zoning Commission dated June 22, 2017.)

Mr. Robertson noted that there is going to be constructive recommendations from the Planning and Zoning Commission in regards to the Proposed Ordinance, including clarification of some of the tables. Mr. Robertson recommended that the Council leave the record open for additional comments, which would give the Chambers the opportunity to comment.

Public comments were heard.

Dan Kramer referenced the supplement (table) and he questioned if it is a part of the Proposed Ordinance. Dan Kramer also questioned: (1) the ability to farm land (B-1, B-2, and B-3 does not permit farming), and (2) the ability to have a produce stand. Mr. Kramer also raised a question about the working group, stating that the meetings were never posted, and he requested all of the names of the people attending all of the meetings that were held.

Mr. Robertson stated that the table is a part of the Proposed Ordinance; however, it is one of the issues that the Planning and Zoning Commission will be looking at for the purpose of making corrections.

There were no additional public comments and the Public Hearing was closed.

**M 316 17
Defer
Action on
Proposed Ordinance/
Commercial Zonings**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW

**M 316 17
(continued)**

SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS” and to leave the record open for 15 days after the Planning and Zoning Commission makes a recommendation.

Motion Adopted: 5 Yeas.

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

**Public
Comments**

The Council moved back on the Agenda to complete the Public Comment portion of the meeting.

Bob Taney commented on the proposed Winding Creek Village Water District boundary and referenced the 67% petition response of interest. He stated that they are asking the Council to take the matter to referendum.

Jack Berberian spoke in regards to the “special events ordinance discussion” on this meeting’s agenda and he spoke in support of Hudson Fields and commented on how they give back to the community and their support of small business.

Joyce Jason commented on the number of residents that want and do not want the proposed optimized water district and she distributed a map reflecting the numbers reported. Ms. Jason also commented on previously quoted costs (\$608 per year) and the costs now being presented (\$1,375). Ms. Jason asked that the County poll the people in the reduced boundary district prior to the referendum process.

Ward Cross commented on the proposed Winding Creek Village Water District and he stated that with the proposal to split the community, the County is setting a dangerous precedent.

**League of
Women
Voters of
Sussex
County/
Annual
Report**

Dr. Janet Ambrose, Vice President of the League of Women Voters of Sussex County and Observer Corps Coordinator, presented the League’s Annual Report (Sunshine Day Report) to the Sussex County Council. As part of the League of Women Voters’ support for openness in government, its Observer Corps monitors the activities of governmental bodies for issues of importance to the League and to the County. The Observer Corps has completed its eighth year of activity; observers attended County Council and Planning and Zoning Commission meetings.

League of Women Voters of Sussex County/ Annual Report (continued)

Highlights and observations included the following: water quality; realty transfer tax, new sign ordinance, ordinance amendments, Transportation Improvement District; Council districts and Planning and Zoning Commission districts; appointment of female Planning and Zoning Commissioner and diversification of members of the Planning and Zoning Commission and Board of Adjustment; GIS zoning maps; affordable housing, 2018 Comprehensive Plan process; Administrator's Report; agenda items relating to land use matters; amplification system in Council Chambers; grants; and complimenting staff.

Consent Agenda

Dr. Ambrose presented copies of the report to the Council.

M 317 17 Approve Consent Agenda

Mr. Lawson presented the Consent Agenda for Council's approval.

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

- 1. Wastewater Agreement No. 993
Sussex County Project No. 81-04
Lighthouse Beach / AKA Rehoboth Shores Campsites – Phase 1
Long Neck Sanitary Sewer District**
- 2. Wastewater Agreement No. 925-2
Sussex County Project No. 81-04
Deerbrook – Phase 1
Long Neck Sanitary Sewer District**
- 3. Wastewater Agreement No. 638-13
Sussex County Project No. 81-04
Estuary – Phase 1C-28 (Construction Record)
Miller Creek Planning Area**

Motion Adopted: 5 Yeas.

P&Z Commission Appointments

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

M 318 17 Approve Appointment to P&Z Commission

Mr. Lawson reported that three members of the Planning and Zoning Commission were selected and appointed to fill terms that expired in June 2017. Two of those appointments were considered on this date.

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Mr. Douglas Hudson to the Sussex County Planning and Zoning Commission, effective immediately, until the term concludes in June 2020.

Motion Adopted: 5 Yeas.

**M 318 17
(continued)**

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

**Reference
to Public
Comment/
Appoint-
ments to
P&Z
Commission**

Mr. Burton referenced Paul Reiger's comments on this date about the State Statute relating to the appointment of Planning and Zoning Commission members in the month of June. Mr. Moore agreed, however, he noted that the Statute also states that "each member shall serve until that member's successor is appointed and qualified". Mr. Moore also referenced and reported on a Supreme Court ruling on this issue. Mr. Moore clarified that members continue to serve until their successor is appointed.

**M 319 17
Approve
Appoint-
ment to
P&Z
Commission**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Mrs. Kim Hoey Stevenson to the Sussex County Planning and Zoning Commission, effective immediately, until the term concludes in June 2020.

Motion Adopted: 5 Yeas.

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

**Special
Events
Ordinance
Discussion**

Mr. Lawson stated that staff was asked to work on updating the County's current ordinance and language contained in the County Code relating to special events. Mr. Lawson reported that research was conducted and feedback received, i.e. from surrounding municipalities in Delaware, Maryland and Virginia. He also reported that there is no real model that exists; each jurisdiction uses its own judgement in creating their regulations.

Mr. Lawson noted that, currently, the County has a small reference in County Code relating to special events and he explained the current process.

Mr. Lawson presented a framework for moving forward with a new ordinance, including a tentative definition of Special Events as well as some ordinance considerations and parameters. A new ordinance would amend Section 115 of the County Code, thereby requiring a Public Hearing before the Planning and Zoning Commission and the County Council.

**M 320 17
Return to
Public
Comments**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to delay further discussion on a Special Events Ordinance to return to Public Comment.

Motion Adopted: 4 Yeas, 1 Not Voting.

**M 320 17
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Not Voting**

**Public
Comments
Relating to
Special
Events**

Alex Pires, Amber Peck, Christian Hudson and Stephen Spence spoke in support of special events, commenting on the need for special events and commenting on the benefits to the residents of and visitors to the County, as well as speaking in support of Hudson Fields. Christian Hudson also commented on ordinance parameters and cautioned the Council that they could be opening up a can of worms and creating problems for other events in the County, i.e. weddings in fire halls and political events. Mr. Hudson also referenced indoor versus outdoor events and a concern about putting a cap on a certain property which would make property owners have to choose which events to allow.

**M 321 17
Return to
Regular
Business**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to return to Regular Business.

Motion Adopted: 5 Yeas.

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

**Special
Events
Ordinance
(continued)**

Mr. Lawson asked for Council's feedback so that a Draft Ordinance can be written for consideration. Council discussed special events and considerations for drafting a new ordinance.

**Legislative
Update**

Mr. Lawson presented a legislative update as of the conclusion of the General Assembly's legislative session, including budget decisions that will impact the County. Mr. Lawson reported on two pieces of legislation passed which formed task forces that the County is a member (House Concurrent Resolution No. 39 and Senate Concurrent Resolution No. 20). Mr. Lawson also reported that the legislation requested by the County relating to EDUs was passed; the County will now have to amend the County Code.

**Adminis-
trator's
Report**

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

1. DelDOT 2019-2024 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2019-2024 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation in September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. Please visit www.sussexcountype.gov and click on the link to fill out a suggestion form, as well as to view last year's

**Administrator's
Report
(continued)**

County request. Submissions will be accepted now through July 28th. County Administration will review all suggestions and then compile a draft report for County Council's consideration before submitting it to DelDOT in September.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for May 2017 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 191 troopers assigned to Sussex County for the month of May.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Americana Bayside - Village C - Phase 1C, effective June 27th; Lewes Crossing (aka Deep Valley Farm) - Phase 6, effective July 3rd; and Somerset Green (aka Lewes Townhouse Project), effective July 14th.

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

**Winding
Creek
Village/
Water
District
Boundary**

Hans Medlarz, County Engineer, and John Ashman, Director of Utility Planning, presented the proposed water district boundary for Winding Creek Village. They also discussed and reviewed the process of receiving petitions and the history of the proposed project. Mr. Ashman reported that, since Council passed a Motion to discontinue steps towards the creation of a community-wide water district on May 3, 2016, the residents affected by the water quality issue formed a committee and sent out a survey to the community; based on the results of the survey, they then circulated new petitions. The committee submitted 142 notarized petitions to the County in favor of submitting the question of organizing an optimized water district to referendum. Mr. Ashman reported that the Engineering Department received seven requests to opt-in to the boundary and eight requests to opt-out and explained the basis for the Department's decision to add only two parcels which requested to opt-in. Mr. Ashman presented a Proposed Resolution setting the boundaries for referendum.

**M 322 17
Adopt
R 016 17**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 016 17 entitled "DISTRICT BOUNDARIES FOR THE PROPOSED WINDING CREEK VILLAGE WATER DISTRICT".

Motion Adopted: 5 Yeas.

M 322 17
(continued)
Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Winding
Creek Ref-
erendum
Based on this approval, Mr. Ashman reviewed the proposed schedule for
the referendum.

Grant
Requests
Mrs. Jennings presented grant requests for Council's consideration.

M 323 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$2,000.00 (\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and
\$500.00 from Mr. Burton's Councilmanic Grant Account) to the Friends of
Milford Museum for the annual fundraising campaign.

Motion Adopted: 5 Yeas.

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

M 324 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$2,000.00 from Mr. Wilson's Councilmanic Grant Account to the Historic
Georgetown Association for improvements to Georgetown's First Fire
House.

Motion Adopted: 5 Yeas.

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

M 325 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$6,000.00
(\$5,000.00 from Mr. Wilson's Councilmanic Grant Account, \$500.00 from
Mr. Cole's Councilmanic Grant Account and \$500.00 from Mr. Burton's
Councilmanic Grant Account) to the Georgetown Historical Society for
improvements to the stable building.

Motion Adopted: 5 Yeas.

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

M 326 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$1,000.00 (\$500.00 each from Mr. Wilson's and Mr. Burton's Councilmanic
Grant Accounts) to CHEER for the Car, Truck & Bike Show.

Motion Adopted: 5 Yeas.

**M 326 17
(continued)** **Vote by Roll Call:** **Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 327 17
Council-
manic
Grant** **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Town of Blades for the Police Department’s Annual National Night Out.**

Motion Adopted: **5 Yeas.**

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

**M 328 17
Council-
manic
Grant** **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$2,000.00 (\$1,200.00 from Mr. Burton’s Councilmanic Grant Account and \$200.00 each from Mr. Arlett’s, Mr. Cole’s, Mr. Vincent’s and Mr. Wilson’s Councilmanic Grant Accounts) to Autism Delaware for the Blue Jean Ball Fundraiser.**

Motion Adopted: **5 Yeas.**

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

**Introduction
of Proposed
Ordinance** **Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL LANDSCAPING BUSINESS WITH OUTDOOR PARKING, STORAGE OF VEHICLES, EQUIPMENT AND OTHER ANCILLARY STORAGE RELATED TO THE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.156 ACRES, MORE OR LESS” (Conditional Use No. 2105) filed on behalf of Thomas R. Engel (Tax I.D. No. 235-30.00-103.09) (911 Address: 20132 Doddtown Road, Harbeson).**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.21 ACRES, MORE OR LESS” (Conditional Use No. 2107) filed on behalf of Galbraith Development Group (Tax I.D. No. 134-17.00-8.09) (911 Address: Not Available).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF

Introduction of Proposed Ordinances (continued)

SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS” (Change of Zone No. 1835) filed on behalf of HKLS, LLC (Tax I.D. No. 334-12.00-51.00) (911 Address: Not Available).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS” (Change of Zone No. 1836) filed on behalf of Softball World, LLC. (Tax I.D. No. 135-15.00-82.00 (portion of) (911 Address: 22518 Lewes Georgetown Highway, Georgetown).

The Proposed Ordinances will be advertised for Public Hearing.

Council-members’ Comments

Council Members’ Comments

Mr. Burton asked that two old business matters be placed on the July 25th agenda: Conditional Use No. 2071 filed on behalf of Blessing Greenhouses and Compost and Conditional Use No. 2074 filed on behalf of Quail Valley 1525, LLC. It was noted that in regard to Conditional Use No. 2071, the record was left open for additional information and that a packet of information has been provided to Council members.

Mr. Arlett stated that he is looking forward to the upcoming NACo Conference.

Request to Withdraw CU 2079 CU 2080

Mr. Vincent commented on the Public Hearings scheduled for 1:30 p.m. and stated that the Council has received a letter requesting permission to withdraw Conditional Use No. 2079 and Conditional Use No. 2080. He noted that the Council will vote on this matter at the beginning of the afternoon session (1:30 p.m.).

M 329 17 Go Into Executive Session

At 12:55 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and potential litigation.

Motion Adopted: 5 Yeas.

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

Executive Session At 1:04 p.m., an Executive Session was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition and potential litigation. The Executive Session ended at 2:00 p.m.

M 330 17 Reconvene Regular Session At 2:05 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

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

Request to Withdraw CU 2079 CU 2080 Mr. Moore reported on the letter received on July 17, 2017 from Dennis L. Schrader, Esquire, on behalf of Clean Bay Renewables, LLC, Sussex I and II, requesting permission to withdraw their applications for conditional uses (Conditional Use No. 2079 and Conditional Use No. 2080).

M 331 17 Permit the Withdraw of CU 2079 CU 2080 A Motion was made by Mr. Wilson, seconded by Mr. Burton, to permit the withdraw of Conditional Use No. 2079 and Conditional Use No. 2080.

Motion Adopted: 5 Yeas.

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

Rules Mr. Moore reviewed the Rules of Procedure for Public Hearings.

Public Hearing CZ 1821 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS" (Change of Zone No. 1821) filed on behalf of Nechay Ventures (Tax I.D. No. 532-6.00-86.00 & 87.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on June 22, 2017 at which time the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 22, 2017.)

Janelle Cornwell, Director of Planning and Zoning, referenced the Commission's Public Hearing and recommendation of approval.

**Public
Hearing
CZ 1821
(continued)**

It was noted that an Exhibit Booklet was previously submitted by the Applicant.

The Council found that Mike Smith of The Smith Firm was present with Frank Nechay, President of Nechay Ventures, and Robert Palmer of Beacon Engineering. They stated that the parcel is located adjacent to Route 13 in Delmar and near the business known as Solid Image; that the parcel has 1,000 feet of frontage; that DelDOT did not require a Traffic Impact Study; that the project is subject to the Corridor Capacity Program; that the project will not have a traffic impact on Route 13; that they are now in discussions with DelDOT with respect to access points; that the property is located in an Investment Level 4 Area according to State Strategies but they do not anticipate that any spending will be needed; that the proposed change of zone is consistent with the trend of development in the area; that the proposed project is in accordance with the Comprehensive Plan; and that the proposal is for a general refrigeration business on the site.

Mr. Cole commented on the size of the parcel to be rezoned and stated that a buffer is needed between the site and the residential area. Ms. Cornwell stated that a setback of 30 feet from a residential area is required.

In response to concerns expressed by Council members, the representatives of the application stated that a site evaluation shows that soils on the site are limiting; that it is their intention to create a buffer from the residential area; that they plan to maintain a majority of the woods and plan to farm the site as much as possible; and that they propose a water feature in the woods that will also serve as stormwater management.

There were no public comments.

The Public Hearing and public record were closed.

**M 332 17
Adopt
Ordinance
No. 2508/
CZ 1821**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2508 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS" (Change of Zone No. 1821) filed on behalf of Nechay Ventures.

Motion Adopted: 5 Yeas.

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

**M 333 17
Go Into
Executive
Session**

At 2:31 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and potential litigation.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 2:31 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition and potential litigation. The Executive Session concluded at 3:09 p.m.

**M 334 17
Reconvene
Regular
Session**

At 3:09 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session

Motion Adopted: 5 Yeas.

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

E/S Action

There was no action on Executive Session matters.

**M 335 17
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 3:09 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 11, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SEA STAR VILLAGE (FORMERLY TOPSAIL VILLAGE) @ MILLVILLE BY THE SEA -
SECTION 1
AGREEMENT NO. 856 - 9

DEVELOPER:

Ms. Sharon Walters
Millville Town Center, L.L.C.
32965 Roxana Road
Millville, DE 19967

LOCATION:

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

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

102 Lot Single Family Dwelling Sub-Division
Section 1 is 19 Lots

SYSTEM CONNECTION CHARGES:

\$109,725.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/23/16

Department of Natural Resources Plan Approval
07/10/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 12
Construction Admin and Construction Inspection Cost – \$9,759.45
Proposed Construction Cost – \$65,063.00



ENGINEERING DEPARTMENT

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



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 11, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SEA STAR VILLAGE (FORMERLY TOPSAIL VILLAGE) @ MILLVILLE BY THE SEA -
SECTION 2
AGREEMENT NO. 856 - 10

DEVELOPER:

Millville Town Center Associates, LLC
105 Foulk Rd.

Wilmington, DE 19803

LOCATION:

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

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

102 Lot Single Family Dwelling Sub-Division
Section 2 is 18 Lots

SYSTEM CONNECTION CHARGES:

\$103,950.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/13/16

Department of Natural Resources Plan Approval
07/10/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 10
Construction Admin and Construction Inspection Cost – \$9,229.50
Proposed Construction Cost – \$61,530.00



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 11, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SILVER WOODS - PHASE 2
AGREEMENT NO. 1027 - 3

DEVELOPER:

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

LOCATION:

South side of Road 368 (Beaver Dam Road), east
of Central Avenue. Town of Ocean View

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

42 single family houses and a clubhouse.

SYSTEM CONNECTION CHARGES:

\$248,325.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/26/15

Department of Natural Resources Plan Approval
07/30/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin and Construction Inspection Cost – \$34,688.40
Proposed Construction Cost – \$231,256.00




TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountycle.gov



Sussex County
DELAWARE
sussexcountycle.gov

Memorandum

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

FROM: Todd F. Lawson 
County Administrator

RE: **DELAWARE STATE POLICE – MEMORANDUM OF UNDERSTANDING**

DATE: July 21, 2017

During Tuesday's meeting, a Memorandum of Understanding (MOU) with the Delaware State Police will be presented for your consideration. A copy of the MOU is attached for your information.

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

TFL/sww

Attachment

pc: J. Everett Moore, Jr., Esquire
Ms. Gina A. Jennings



DELAWARE STATE POLICE

HEADQUARTERS

June 26, 2017

MEMORANDUM

TO: Colonel Nathaniel McQueen, Jr. *nmj 6/26/17*

THRU: Lt. Colonel Monroe Hudson *MH 7/9 6/27/17*

Major Robert Hudson *RH #812 6/26/17*

SUBJECT: MOU Between DSHS and DSP Representing the State and Sussex County Shared Cost of Staffing Needs in Sussex County

Please review the attached MOU and provide any comments/suggestions. If approved as is, please indicate by signing "approved" next to your name.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY,
DIVISION OF STATE POLICE
REPRESENTING THE STATE OF DELAWARE
AND
SUSSEX COUNTY**

MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY,
DIVISION OF STATE POLICE
REPRESENTING THE STATE OF DELAWARE
AND
SUSSEX COUNTY

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MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY,
DIVISION OF STATE POLICE
REPRESENTING THE STATE OF DELAWARE
AND
SUSSEX COUNTY

Section 1: Parties to the Agreement

This memorandum of understanding, hereinafter called “the agreement”, will be between the Department of Safety and Homeland Security, Division of State Police representing the State of Delaware, hereinafter referred to as “the Division”, or alternatively as “the State”, and Sussex County, hereinafter referred to as “the County”. Upon approval and acceptance the named representatives will affix their signatures to this agreement in recognition of their commitment to its terms and conditions. Statutory authority of the Department of Safety and Homeland Security to enter into this agreement is contained in 29 Delaware Code, Section 8203(5).

Section 2: Purpose

This agreement replaces all previous agreements and provides a shared cost approach to address staffing needs in Sussex County. In recognition of this need, this document outlines the operational guidelines, expected services to be provided, and good faith expected costs in order to maintain an increased police presence in Sussex County. It is specifically understood that participation of the County in this agreement is limited solely to funding. All personnel under this agreement shall be employees of the State and shall be under the sole supervision of the State and the Division. All vehicles purchased under this agreement shall be owned solely by the State.

Section 3: Funding Agreement

- A. The County assumes responsibility to pay 100% of the Personnel Costs for 22.0 of the 44.0 positions added to the Delaware State Police from the 1994, 2004, and 2007 agreements. The following personnel costs include:
 - 1. *Salaries*: The salaries of the 22.0 troopers will reflect a representative cross section of the ranks between Trooper and Lieutenant that exist in the Delaware State Police on January 1 of each year. The percentage of each rank will be rounded up or down based on standard mathematical rounding. If rounding results in a rank cross section that adds up to 21 or 23 troopers, the percentage of the rank that is closest to .5 trooper will be adjusted as necessary to reach the agreed upon 22 troopers. The average salary calculations for senior ranking officers (Master Corporal, Sergeant, and Lieutenant) will not include steps that exceed 20 years of service.

- a. The charges for the ranks Corporal through Lieutenant will be as follows:
 - i. Corporal: Average salary of steps 5-8
 - ii. Corporal Grade 1: Average salary of steps 9-11
 - iii. Senior Corporal: Average salary of steps 12-14
 - iv. Master Corporal: Average salary of steps 15-20
 - v. Sergeant: Average salary of steps 13-20
 - vi. Lieutenant: Average salary of steps 15-20
 2. *Shift differential*: This reflects the current annual shift differential rate of \$2,000 per trooper for all ranks except Lieutenant totaling \$42,000 (21 x \$2,000).
 3. *Special Pays*: This represents the \$50 monthly cost per Canine Officer for two Canine Officers and the \$75 monthly cost for one Special Operations officer.
 4. *Health Insurance Costs*: This will be billed at the actual cost of health insurance for each of the 22 troopers. The estimate in Schedule A represents the average cost of Health Insurance (\$14,375) per trooper for the existing 44 troopers currently attached to Sussex County Agreement positions.
 5. *Overtime*: This will be billed quarterly at the average overtime cost per patrol officer for the quarter being billed. The estimate in Schedule A (\$7,422 per trooper) reflects the Fiscal Year 2016 average overtime per patrol officer. Fourth quarter overtime will be billed in advance to the quarter ending, using April overtime as the basis for the quarterly costs.
 6. *Other Employment Costs (OECs)/Fringes*: The OECs in Schedule A represent the latest known figures for pension, Medicare, workers compensation and unemployment insurance. These will be billed at the actual rates in effect. OECs for overtime exclude the State Police pension rate.
- B. The State assumes responsibility to pay 100% of the Personnel Costs for the remaining 22.0 of the 44.0 positions originally added to the Delaware State Police from the 1994, 2004, and 2007 agreements:
 - C. The County will continue to fund the purchase of 4.0 replacement patrol vehicles and their associated equipment each year.
 - D. The State agrees to provide to the County proposed budget figures relating to this agreement no later than March 31 of each fiscal year during the term of this agreement.

Section 4: Other Costs Borne by the State

- A. Vehicle operating costs to include fuel, insurance and maintenance costs.
- B. Uniforms and vest replacements.
- C. Facilities costs to include building, capital equipment, energy and supplies.
- D. Liability risks incurred from the work performance of State Troopers that are the object of this agreement, subject to the limitations on liability under state and federal law and the Delaware State Troopers Association collective bargaining agreement.
- E. Infrastructure, associated fixed costs, and indirect costs for operation of a full service, established, state police department.
- F. All training and operating costs to include weapons, ammunition and personal equipment needed in the performance of duties.

Section 5: Minimum Staffing Level

- A. The State agrees to maintain a minimum uniformed staffing level of 187.0 officers in Sussex County.
- B. It is understood that there is a lengthy training process associated with the employment of new officers. Accordingly, officers on field training status will not count toward their respective Sussex County troops, until such time as the training has been completed.
- C. Nothing in this agreement shall restrict the Superintendent or any member of the Division acting under his authority, from redeploying personnel throughout the state to meet the needs of an emergency situation, special event, or other contingency. In the event of redeployment, which extends for a period of greater than ten (10) days, written notice of such redeployment, and the basis for the redeployment, shall be given to the County. In any event, the State Police will return to the minimum staffing level, as soon as practicable at the termination of the emergency or contingency.
- D. Personnel reductions resulting from attrition or termination shall be addressed as soon as possible so as to coincide with the normal hiring process.
- E. Personnel losses resulting from light duty (officers injured and temporarily not on full time duty) are generally temporary in nature, and shall not be addressed unless expected to be other than temporary. Return to minimum staffing levels due to any prolonged absence resulting from light duty will be addressed during the normal hiring process as future personnel assignments are made.
- F. Nothing in this agreement shall result in a reduction in the number of personnel who would have been assigned to Sussex County, had this

agreement not been in effect. It is the intention of the parties that this agreement will result in personnel being assigned to Sussex County to supplement personnel that would have otherwise been assigned to the County.

- G. The County will be notified in writing of any delays in the normal hiring process (i.e., hiring freezes) which impact on the maintenance of the minimum staffing level.
- H. The State agrees to provide a written report of Sussex County staffing levels on a monthly basis.

Section 6: Effective Date of the Agreement and the Payment Schedule

- A. This agreement shall become effective upon the date of signature of all parties.
- B. Payment of the County's funding obligation, as outlined in Schedule A shall be made in quarterly installments. All requests submitted to the County for payment of such installments shall be accompanied by a statement of the costs incurred by the State which support such payment under the County's funding obligation.
- C. Except for the quarter ending June 30 of any fiscal year all requests for payment shall be in arrears.
- D. Requests for payments of patrol vehicle costs shall be made in advance of the costs incurred.
- E. All payments are due within 30 days from receipt of the request for payment.

Section 7: Agreement Duration and Notification of Termination

- A. The agreement shall be in effect on a year to year basis, unless terminated pursuant to Section 7 (B).
- B. This agreement may be terminated by either party at the end of any fiscal year, during any period this agreement is in effect, provided that the other party is given written notice of termination at least three (3) months prior to the end of the fiscal year.
- C. Additionally, either party may exercise the right to terminate the provisions of this agreement by giving written notice to the parties of this agreement within thirty (30) days after which this agreement shall become null and void should either event described in the following subsections occur:
 - 1. The General Assembly of the State fails to appropriate adequate funds for existing police forces, or fails to appropriate funds anticipated or required pursuant to the terms of this agreement.

2. The General Assembly of the State fails to enact language authorizing this agreement within the relevant appropriations act.
3. The Sussex County Council fails to appropriate funds anticipated or required pursuant to the terms of this agreement.

Section 8: Schedule of Estimated Costs

- A. Attached Schedule A reflects estimated costs for this agreement. Actual costs may vary from those depicted in the schedule.
- B. Salaries were based upon the pay scale of the existing collective bargaining agreement between the Division and the Delaware State Troopers Association. The existing agreement will expire on June 30, 2017.
- C. Fringe benefit rates reflect those presented in the Fiscal Year 2018 Governor's Recommended Budget.
- D. Vehicle costs were based upon actual costs incurred from patrol vehicles and associated equipment purchased in Fiscal Year 2017.

Section 9: Signatures of Respective Parties

In recognition of their mutual agreement, the persons named shall affix their signatures below on behalf of the parties named herein.

SUSSEX COUNTY:

BY: _____
MICHAEL H. VINCENT Date
President

ATTEST: _____
Clerk of the County Council Date

APPROVED AS TO FORM

BY: _____
EVERETT MOORE, ESQUIRE
Sussex County Attorney

DEPARTMENT OF SAFETY AND
HOMELAND SECURITY

ROBERT COUPE Date
Secretary

DIVISION OF STATE POLICE

Colonel Nathaniel McQueen Jr. 07/31/17
NATHANIEL MCQUEEN JR. Date
Superintendent

OFFICE OF MANAGEMENT AND
BUDGET

MICHAEL S. JACKSON Date
Director

SUSSEX COUNTY TROOPER COSTS
22.0 Troopers

SCHEDULE A

As of: 1-Jan-17

DSP STAFFING BY RANK	NO.	PER CENT	Sussex 22	Bi-weekly Pay	Annual Pay	Shift	Special Pays	OECs	Health	Overtime	Overtime OECs	Personnel TOTAL	
COLONEL	1	N/A											
LIEUTENANT COLONEL	1	N/A											
MAJOR	4	N/A											
CAPTAIN	18	N/A											
LIEUTENANT	33	4.9%	1.08	1	\$ 3,915.42	\$ 101,800.92		\$ 26,631.12	\$ 14,375.00	\$ 7,422.00	\$ 223.40		
SERGEANT	85	12.6%	2.77	3	\$ 3,647.14	\$ 284,476.92	\$ 6,000.00	\$ 75,988.76	\$ 43,125.00	\$ 22,266.00	\$ 670.21		
CORPORAL - MASTER	210	31.1%	6.84	7	\$ 3,534.63	\$ 643,302.66	\$ 14,000.00	\$ 171,950.38	\$ 100,625.00	\$ 51,954.00	\$ 1,563.82		
CORPORAL - SENIOR	68	10.1%	2.22	2	\$ 3,076.80	\$ 159,993.60	\$ 4,000.00	\$ 42,900.72	\$ 28,750.00	\$ 14,844.00	\$ 446.80		
CORPORAL - GRD 1	61	9.0%	1.99	2	\$ 2,841.84	\$ 147,775.68	\$ 4,000.00	\$ 2,100.00	\$ 40,253.88	\$ 28,750.00	\$ 14,844.00	\$ 446.80	
CORPORAL	95	14.1%	3.10	3	\$ 2,615.35	\$ 203,997.30	\$ 6,000.00	\$ 54,935.29	\$ 43,125.00	\$ 22,266.00	\$ 670.21		
TROOPER FIRST CLASS	83	12.3%	2.71	3	\$ 2,341.31	\$ 182,622.18	\$ 6,000.00	\$ 49,343.56	\$ 43,125.00	\$ 22,266.00	\$ 670.21		
TROOPER	40	5.9%	1.30	1	\$ 2,198.18	\$ 57,152.62	\$ 2,000.00	\$ 15,474.32	\$ 14,375.00	\$ 7,422.00	\$ 223.40		
	675	100.0%	22.00	22.0		\$ 1,781,121.88	\$ 42,000.00	\$ 2,100.00	\$ 477,478.04	\$ 316,250.00	\$ 163,284.00	\$ 4,914.85	\$ 2,787,148.77

Other Employment Costs	
Pension @	23.15%
Medicare @	1.45%
Workers Comp @	1.45%
Deferred Comp @	0.00%
Unemployment Ins @	0.11%
OEC Rate	26.16%
Overtime OEC	3.01%

Vehicle Costs	
Vehicle @	\$ 34,948
Light/siren pkg @	\$ 2,640
Seat Barrier @	\$ 1,095
Misc Upfit Costs @	\$ 2,210
Radar @	\$ 2,150
In-Car Camera @	\$ 6,341
IT Equip @	\$ 733
Total	\$ 50,117
Total Cost of Four Vehicles	\$ 200,468

TH WHITE ANNEXATION FACT SHEET

- Request for permission to prepare and post notices was granted on June 27, 2017.
- Parcel 234-23.00-114.01 and easement from parcel to Branch Road.
- Expansion was requested by TH White, owner of the property
- Parcel was identified as needing a septic system upgrade at the purchase of the property, owner would prefer connection to County run sewer system vs. installing a new septic system.
- Purchase of the property included an easement to Branch Road. By including the easement in this request it makes the parcel contiguous and provides a path for the pipeline from residence to the infrastructure being installed in Branch Road.
- Owner proposes to connect the existing home and shop located on the parcel.
- The project will be responsible for System Connection Charges in place at the time of connection.
- Parcel was posted on July 10, 2017, we have had no calls or contacts in support or opposition at this time.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) LONG NECK AREA, TO INCLUDE A PARCEL OF LAND (234-23.00-114.01) ALONG THE SOUTH SIDE OF BRANCH ROAD AND AN EASEMENT ASSOCIATED WITH THE PARCEL BOTH 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 Branch Road, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the south side of Branch Road, as follows:

Beginning at a point, said point being the following two courses and distances from the intersection of Autumn Road (S.C.R. 299, 50' ROW) and John J. Williams Highway: (1) North 78° 56' 12" West 773.27 feet; and (2) South 16° 40' 18" West 214.12 feet; thence from said point of Beginning South 73° 40' 20" East 127.67 feet to an iron pipe; thence South 39°00' 16" West 141.01 feet to an iron rod; thence North 79° 51' 32" West 334.41 feet to an iron rod; thence North 16° 38' 29" East 166.15 feet to an iron rod; thence South 73° 40' 20" East 285 feet to the point and place of beginning.

TOGETHER with a 50 foot wide easement between the aforesaid property and the aforesaid Autumn Road, beginning at the point of beginning of the aforesaid property, thence North 73° 40' 20" West 50 feet to a point; thence North 16° 40' 18" East 209.51 feet to a point; thence South 78° 56' 12" East 50.24 feet to a point; thence South 16° 40' 18" West 214.12 feet to the aforesaid point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-23.00 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.

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
T.H. WHITE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

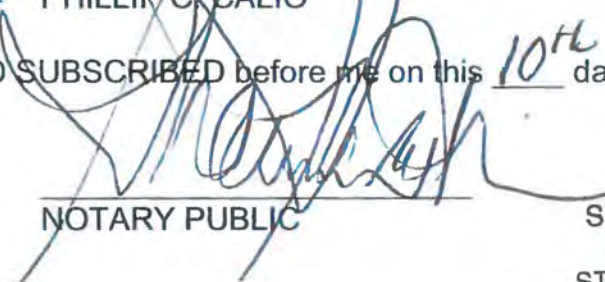
STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

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 July 10, 2017 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 10, 2017 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in the westerly ROW of Messiah Lane, in front of DEC pole 26462, 265' +/- south of Autumn Road;
 - 2. On a post in the southerly ROW of Branch Road, 189' +/- west of Autumn Road;
 - 3. On a post in the southerly ROW of Bay Farm Road in front of a speed limit sign, 85' +/- east of John J. Williams Highway;
 - 4. On a post in the easterly ROW of John J. Williams Highway in front of DEC pole 85400, 1087' +/- southwest of Long Neck Road;
 - 5. On a post in the southerly ROW of Long Neck Road in front of DEC pole 5096, 230' +/- southeast of John J. Williams Highway.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10th day of July A.D., 2017


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

My Commission Expires _____

PUBLIC NOTICE

PROPOSED EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (LONG NECK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **June 27, 2017** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Long Neck Area, to include a parcel of land along the south side of Branch Road and an easement associated with the parcel, being situate in Indian River Hundred, Sussex County, Delaware. The parcel being district – map – parcel 234-23.00-114.01.

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 following two courses and distances from the intersection of Autumn Road (S.C.R. 299, 50' ROW) and John J. Williams Highway: (1) North 78° 56' 12" West 773.27 feet; and (2) South 16° 40' 18" West 214.12 feet; thence from said point of Beginning South 73° 40' 20" East 127.67 feet to an iron pipe; thence South 39°00' 16" West 141.01 feet to an iron rod; thence North 79° 51' 32" West 334.41 feet to an iron rod; thence North 16° 38' 29" East 166.15 feet to an iron rod; thence South 73° 40' 20" East 285 feet to the point and place of beginning.

TOGETHER with a 50 foot wide easement between the aforesaid property and the aforesaid Autumn Road, beginning at the point of beginning of the aforesaid property, thence North 73° 40' 20" West 50 feet to a point; thence North 16° 40' 18" East 209.51 feet to a point; thence South 78° 56' 12" East 50.24 feet to a point; thence South 16° 40' 18" West 214.12 feet to the aforesaid point, said point being that of the **BEGINNING**.

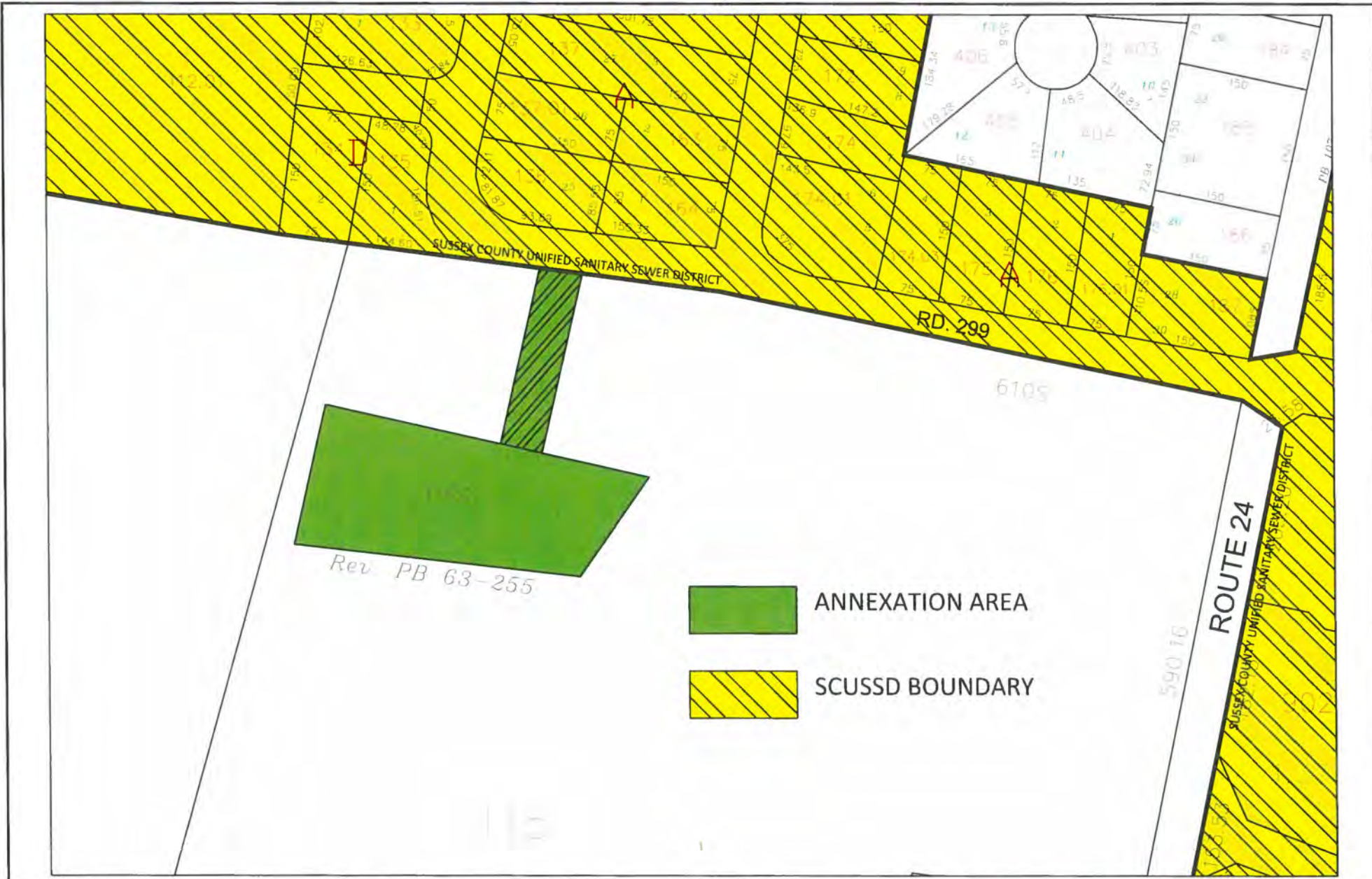
NOTE: The above description has been prepared using Sussex County Tax Map 234-23.00 and Sussex County property assessment records. The parcel contains 1.21 acres more or less.

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 25, 2017 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



- ANNEXATION AREA
- SCUSSD BOUNDARY

NO.	DESCRIPTION	DATE

SUSSEX COUNTY ENGINEERING DEPARTMENT
 EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
 TH WHITE ANNEXATION (LONG NECK AREA)
 NOT TO SCALE

PUBLIC HEARING JULY 25, 2017
 @10:15 AM SUSSEX COUNTY
 COUNCIL CHAMBERS

SHEET
 1 OF 1

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 20, 2017

RE: County Council Report for Ordinance for Amendment to Sign Regulations

The Planning and Zoning Commission held a public hearing on July 13, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115
("ZONING"), ARTICLE XXI ("SIGNS"), SECTION 159.5(B)(1).

The Commission found that James Sharp, Assistant County Attorney presented on behalf of the Ordinance Amendment; that the proposed amendment is very narrow in scope; that it is to allow for an on-premises sign to be located within 50 ft. of an off-premise (billboard) sign; that currently the sign regulations prohibit the placement of an on-premises sign within 50 ft. of an off-premises sign; that there are a few instances in which a property owner cannot install an on-premises sign as it would be located within 50 ft. of an existing legal non-conforming off-premises (billboard) sign on a neighboring property; that this will not allow an off-premises (billboard) sign to be located within 50 ft. of an on-premises sign; that this would only effect on-premises signs.

The Commission found that no one appeared in support of or in opposition to the application.

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

Motion by Mr. Stevenson, seconded by Mr. Hudson, and carried unanimously to recommend approval of the amendment to the ordinance as presented. Motion carried 5-0.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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ORDINANCE NO. __

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”), SECTION 159.5(B)(1).

WHEREAS, Sussex County Code (“County Code”) currently addresses the types, uses, and placement of signs in its zoning districts; and

WHEREAS, Sussex County Council views the placement of signs as an important public safety issue in Sussex County that impacts the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address its concerns with the placement of signs in Sussex County;

WHEREAS, Sussex County Council desire to amend the Sussex County Code, specifically Section 115-159.5(B)(1) thereof, to state that on-premises signs may be erected within 50 feet of off-premises signs; and

WHEREAS, Sussex County Council believes that this amendment will promote the public health, safety and welfare of its citizens; and

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 115, Section 115-159.5(B)(1) shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

B. Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C, and provided that:

(1) All off-premises signs shall have a minimum front yard setback of 40 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required rear yard setback for a principal building within the pertinent zoning district. An off-premises sign shall not be erected within 150 feet of property which is used as a dwelling, church, school, or public lands as measured on a radius from the edge of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign [and an on-premises sign shall not be erected within 50 feet of an off-premises sign] but this separation requirement shall not preclude the erection of an on-premises sign within 50 feet of an off-premises sign.

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Section 2. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.

Synopsis

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

PROPOSED

July 18, 2017

Summary results of sealed bids for EMS Response Vehicles:

IG Burton Fleet	\$ 43,305.08	\$ 173,220.32
Hertrich Fleet Services	\$ 42,839.00	\$ 171,356.00

Summary results of sealed bids for EMS Vehicle conversions up-fit:

	Each	Total
Tech Ops Spec. Vehicles	\$ 14,980.04	\$ 59,920.16
First Due Customs, LLC	\$ 10,812.00	\$ 43,248.00

Motion # 1:

Be it moved that Sussex County Council accepts from, the lowest responsible bidder Hertrich Fleet Services of Milford, DE four (4) 2018 model year Chevrolet Suburban vehicles for the use as Paramedic response vehicles at a cost of \$ 42,839.00 each, total award of \$ 171,356.00.

Motion # 2:

Be it moved that Sussex County Council accepts from, the lowest responsible bidder First Due Customs, LLC of Seaford DE four (4) conversion/up-fits to 2018 model year Chevrolet Suburban vehicles for the use as Paramedic response vehicles at a cost of \$ 10,812.00 each, total award of \$ 43,248.00.

Submitted by: Bobby Schoonover
Manager of Logistics
Sussex County Department of Emergency Medical Services

July 3, 2017

Dear Dealer,

The enclosed packet contains an "INVITATION TO BID" for four (4), 4-wheel drive Suburban's vehicles and four (4) cabinetry up-fit conversions. We hope you will take the time to submit a competitive bid on these vehicles for purchase and services provided to Sussex County.

The invitation consists of the following documents:

INVITATION TO BID

1. GENERAL PROVISIONS
2. NON-COLLUSION STATEMENT AND ACCEPTANCE
3. BID REPLY FORM
4. NON-BID REPLY FORM
5. DETAILED SPECIFICATIONS for Suburban Vehicle & Conversion Up-fit

The bid quotation reply section must be executed completely and correctly and returned by **3:00 pm Tuesday July 18, 2017** to be considered. Return the bids to Sussex County Council, Department of EMS P. O. Box 589 (USPS), 22215 South Dupont Highway (Fedex & UPS) Georgetown, DE 19947. Attention Bobby Schoonover. Manager of Logistics. Bids will be opened and publicly announced at 3:00 pm on July 18, 2017 in the Sussex County EMS small conference room located at 22215 South Dupont Highway Georgetown, DE 19947.

Please review and follow the information and instructions contained in the general and special provision section of the invitation. Should you need additional information, please call me at (302) 858-5506. We look forward to receiving your bid.

Sincerely,

Bobby Schoonover
Sussex County EMS Manager of Logistics

NON-COLLUSION STATEMENT

Bidder::

This is to certify that the undersigned bidder, _____
has not, either directly or indirectly, entered into any agreement, participated in any collusion, or
otherwise taken any action in restraint of free, competitive bidding in connection with this proposal
submitted to Sussex County, and shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C.
874) as supplemented in the U.S. Department of Labor Regulations (29 CFR., Part 3) on the _____
day of _____, 2017, for purchase of vehicles.

CORPORATE SEAL

Signature of Bidder

Attest: _____
Secretary

BY: _____

Sworn and subscribed before me this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

NO BID REPLY FORM

To assist us in obtaining good competition on our Request for Bids, we ask that each firm that has received an invitation, but does not wish to bid, state their reason(s) below and return in the enclosed envelope. This information will not preclude receipt of future invitations unless you request removal from the Bidders List by so indicating below, or do not return this form or bonafide bid.

Unfortunately, we must offer a "No Bid" at this time because:

- _____ 1. We do not wish to participate in the bid process.

- _____ 2. We do not wish to bid under the terms and conditions of the Request for Bid document. Our objections are:

- _____ 3. We do not feel we can be competitive.

- _____ 4. We cannot submit a Bid because of marketing or franchising policies of this manufacturing company.

- _____ 5. We do not wish to sell to the Department. Our objections are:

- _____ 6. We do not sell the items / services on which Bids are requested.

- _____ 7. Other: _____

FIRM NAME

SIGNATURE

BID REPLY FORM
(Suburban)

Date: _____

Vehicle Type _____

Company Name: _____

Manufacturer: _____ Chassis Vendor: _____

Price per unit: \$ _____ Contract Total: \$ _____

Delivery time: _____

Exceptions:

Option Prices:

Enclosures:

_____ Bid Bond
_____ Warranty Statements

_____ Non-Collusion Statement

**BID REPLY FORM
(Up-Fit Conversion)**

Date: _____

Company Name: _____

Price per unit: \$ _____ Contract Total: \$ _____

Delivery time: _____

Exceptions:

Option Prices:

Enclosures:

_____ Bid Bond
_____ Warranty Statements

_____ Non-Collusion Statement

1. **CONTRACT REQUIREMENTS:**

This contract will be issued to cover the purchase of vehicles for use by Sussex County.

2. **CONTRACT PERIOD:**

The contract shall be valid from date of award through June 30, 2018

3. **PRICES:**

Prices will remain firm for the duration of the contract.

4. **SHIPPING TERMS:**

F.O.B. destination.

5. **DELIVERY**

All bidders shall state delivery time and cutoff build date for current model year as part of their bid proposal. Units will be delivered to the Sussex County EMS Technical Services Building in Georgetown, DE or drop shipped to successful conversion vendor. This will be determined at placement of order.

6. **FUNDING OUT:**

The continuation of this contract is contingent upon funding appropriated by the State Legislature or by Sussex County Council.

7. **BID BOND**

Each bidder shall furnish a bond to Sussex County Council in an amount equal to 10% of the bid. The bond shall be drawn upon an insurance or bonding company authorized to do business in the State of Delaware. A certified check payable to Sussex County Council may be submitted in lieu of a bid bond. This amount is to be forfeited as liquidated damages in case the bid is accepted and the bidder shall fail to meet the conditions of this proposal.

The deposit shall be returned to the successful bidder upon the delivery of the vehicle, and the deposits of unsuccessful bidders shall be returned to them within thirty (30) days of the bid opening.

8. BASIS OF AWARD:

The County shall award this contract to the lowest responsible bidder who best meets the terms and conditions of the bid. The award will be made on basis of price, product evaluation, and prior history of service and capability.

The County reserves the right to reject any or all bids in whole or in part, to make partial awards, award by types, item by item, or lump sum total, whichever may be most advantageous to Sussex County.

9. STATE OF DELAWARE BUSINESS LICENSE:

Prior to receiving an order, the successful vendor shall furnish Sussex County with proof of State of Delaware Business Licensure. If you currently do not have a Business License, write to: Division of Revenue, Carvel State Office Building, 820 French Street, Wilmington, DE 19899.

10. HOLD HARMLESS:

The successful bidder agrees that it shall indemnify and hold Sussex County and it's appointed and elected officials, directors, partners, servants, agents, and employees harmless from and against any and all claims for injury, loss of life, or damage to or loss of use of property caused or alleged to be caused, by acts or omissions of the successful bidder, its employees, and invites on or about the premises and which arise out of the successful bidder's performance, or failure to perform as specified in the Agreement.

11. NON-PERFORMANCE:

In the event the vendor does not fulfill its obligations under the terms and conditions of this contract, the ordering agency may purchase equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the vendor. Under no circumstances shall monies be due the vendor in the event open market products can be obtained below contract cost. Any monies charged to the vendor may be deducted from an open invoice.

12. FORCE MAJEURE:

Neither the vendor nor the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other of any situation that may prevent performance under the terms and conditions of this contract.

13. BILLING:

The successful vendor is required to "Bill as Shipped" to the ordering agency.

14. **TRADE-IN ALLOWANCE:**

None will be included in the bid

15. **PAYMENT:**

The Department will authorize and process for payment each invoice within thirty (30) days after the date of acceptance of a vehicle.

STATEMENT OF ORIGIN - The Manufacturer's Statement of Origin, free of any liens or encumbrances, shall be delivered with each vehicle. In the event the vehicle is dropped shipped the Statement of Origin shall be delivered to Sussex County EMS 22215 South Dupont Highway P.O. Box 589, Georgetown, DE 19947. (302) 858-5506.

16. **WARRANTY:**

All warranties begin when the Purchaser accepts delivery from the contractor FOB point of origin/destination.

All warranties shall be in writing and included in the bid. Bidders who fail to meet this requirement shall not be considered as responsive.

All warranties will be transferable to second purchaser should the Department desire to sell this vehicle at a later date.

Each bidder shall submit as part of their bid proposal, copies of the vehicle manufacturer's written warranty.

A 36,000/3-year manufacturers bumper to bumper and 100,000 miles/5-year power train warranty shall be included on Suburban.

A five-year warranty on up-fit conversion non-wearable parts shall be provided.

17. **INSPECTIONS**

A destination inspection will be conducted at time of delivery. This inspection will include a detailed review of specifications to insure compliance. An operational check will also be performed on all components, a workmanship inspection will be conducted, and a road test will be performed.

In addition, any deviation from specification requirements or other item, whether stipulated herein, that affects form, fit, function, durability, reliability, safety, performance or appearance shall be cause for rejection.

18. ALTERNATE BIDS

These specifications have been prepared to reflect the specific needs of this agency. Therefore, alternate bids will NOT be considered.

19. EXCEPTIONS, VARIATIONS, AND CLARIFICATIONS

Any exceptions, variations, deviations, and clarifications to these specifications must be set forth on a separate sheet or sheets attached to and made a part of the bid proposal. All items must be identified as they relate to a specific section of this specification. If no exceptions are indicated, the vehicle must be delivered exactly as specified.

20. USE OF BRAND NAMES; APPROVAL OF OR EQUAL EQUIPMENT

The description of work and/or material in these plans and specifications by use of a brand or trade name is for indicating the type or quality of material to be bid. Any Bidder wishing to have equipment approved as an "or equal" must provide the EMS Manager of Logistics with all pertinent information at least 10 days prior to the bid opening. If approved by the EMS Manager of Logistics, all other Bidders will be informed by the issuance of an Addendum to these Bid Documents. The bid opening may be postponed if necessary to review the technical data of the material in question. The EMS Manager of Logistics shall have the sole authority to decide if the material in question is "or equal" material. Bids for equipment that has not been pre-approved by the EMS Manager of Logistics shall be rejected.

MANUALS

For maintenance purposes, each vehicle shall include a complete set of operational instruction manuals.

REQUIRED SUBURBAN EQUIPMENT:

The following items shall be supplied on all vehicles as required equipment, unless otherwise specified, and will not be included in the specifications for each individual vehicle.

- ◆ Lug wrench
- ◆ Interior light(s)
- ◆ Fresh air hot water heater and windshield defrosters.
- ◆ Dual windshield washers including antifreeze type solvent.
- ◆ Inside rear view mirror day/night type.
- ◆ Dual sun visors and dual arm rests.
- ◆ Seat belts for driver, each passenger and **seat belt extenders for each position**

- ◆ Replaceable element oil filter.
- ◆ Rustproofing material, which conforms to MIL SPEC MIL-C, 0083933A shall be applied in a continuous and uniform coating to all metal panels and splash pans underneath the vehicle for protection against rust and corrosion. The rustproofing shall also be applied inside the rocker panels, door posts, and door panels, headlight wells, parking light wells, tail light wells, backup light wells, dog legs, quarter panels, all body panels and all enclosed areas except engine compartment. The rustproofing shall be factory or locally applied in compliance with Federal Standard 297A. Warranty coupon for five (5) years, at no cost to the State shall be furnished with each vehicle.
- ◆ Not applicable if the vehicle furnished is factory warranted against corrosion for not less than 5 years at no cost to Sussex County. Warranty indicating compliance is required with each vehicle.
- ◆ Cigarette lighter (or Power Point receptacle is acceptable).
- ◆ Back up lights
- ◆ Keys - Three (3) sets of operable keys minimum, plus three (3) keyless remote door operators.
- ◆ Air bags - Dual driver's side and passenger front seat required, if available side curtain.
- ◆ Vehicle must meet or exceed the State of Delaware Motor Vehicle Code, Federal Motor Vehicle Safety Standards and all Applicable State, Federal and Industry Standards
- ◆ Spare tire - Mounted manufacturers standard spare, winch mounted.
- ◆ Headlamps, dual halogen composite with automatic exterior lamp control
- ◆ Liftgate with lift glass
- ◆ Steering wheel, vinyl
- ◆ Steering wheel controls-mounted cruise control
- ◆ Instrumentation, analog with speedometer, odometer with trip, fuel level, voltmeter, engine temp, oil pressure, transmission temperature and tachometer
- ◆ Windows, powered with express down feature
- ◆ Door locks, power programmable with lockout protection
- ◆ Air condition, tri zone HVAC controls with individual climate settings for driver & right front passenger & separate rear controls
- ◆ Rear air condition, rear auxiliary
- ◆ Heater, rear auxiliary with rear passenger heating ducts
- ◆ Power outlets, 3 auxiliary, 12 volt, 2 in passenger area, one in rear
- ◆ Headliner cloth
- ◆ Assist handles, front passenger and second row outboard
- ◆ Suspension package, premium smooth ride
- ◆ Stability control system with traction control includes electronic trailer sway control and hill start assist
- ◆ Daytime running lights with automatic exterior lamp control
- ◆ Air bags, dual with passenger sensing system, head curtain airbags first and second row outboard
- ◆ Tire pressure monitoring system with sensors on each tire displayed in driver's information ctr.

SUBURBAN VEHICLE SPECIFICATIONS

1. TYPE	4X4, MINIMUM 7500 GVWR
2. YEAR	NEW 2018 MODEL YEAR
3. COLOR, EXTERIOR	SUMMIT WHITE, SOLID
4. COLOR, INTERIOR	BLACK OR EQUIVALENT
5. ENGINE	MINIMUM 5.3 LITER, GAS V8 WITH HIGH CAPACITY AIR CLEANER
7. TRANSMISSION	ELECTRONICALLY CONTROLLED AUTOMATIC 6-SPEED WITH OVERDRIVE AND TOW/HAUL MODE
8. DOORS	FOUR (4), TWO (2) EACH SIDE, LIFTGATE REAR DOORS
9. TIRES	FIVE (5) FULL SIZE TIRES, P265/65R18 LOAD RANGE "D" OR BETTER
10. WHEELS	ALUMINUM WHEELS 18" X 8.5"
11. GLASS	ALL WINDOWS STANDARD DEEP TINT GLASS EXCEPT FRONT DRIVER'S AND PASSENGER'S SIDE DOOR
12. AIR CONDITIONING	FRONT AND REAR WITH SEPARATE CONTROLS
13. HEATER	YES, FRONT AND REAR AUXILIARY
14. AXLES	FRONT - HEAVY DUTY FOR MODEL QUOTED FRONT COIL OVER SHOCK MOUNTED WITH STABILIZER BAR REAR - HEAVY DUTY FOR MODEL QUOTED, LIMITED SLIP LOCKING REAR.3.42 AXLE RATIO REAR MULTILINK WITH COIL SPRING
15. BRAKES	FOUR WHEEL ANTI-LOCK DISC BRAKES POWER ASSISTED VAC. POWERTRAIN GRADE BRAKING

16. HUBS	AUTOMATIC LOCKING WITH ACTIVE 2 SPEED ELECTRONIC AUTOTRAC
17. RADIO	AM/FM STEREO/CD, MP3 COMPATIBLE
18. HORNS	ELECTRIC, STANDARD
19. MIRRORS	POWER ADJUSTABLE, MANUAL FOLD OUT HEATED, STANDARD FOR BODY TYPE
20. WIPERS	TWO (2) SPEED INTERMITTENT WITH WASHER INCLUDING REAR WINDOW
21. STEERING	POWER STEERING WITH TILT WHEEL
22. CRUISE CONTROL	YES
22. DOOR LOCKS	POWER
23. WINDOWS	POWER
24. FRONT SEAT	BUCKET SEATS WITH PREMIUM CLOTH 40/20/40 WITH CENTER SECTION DELETED
25. REAR SEATS	VINYL 60/40 SEATS, THIRD SEAT VINYL
26. TRAILER PACKAGE	MAX INTEGRATED BRAKE CONTROLLER, 7 WIRE HARNESS WITH INDEPENDENT FUSED TRAILING CIRCUITS MATED TO A 7 WAY SEALED CONNECTOR AND 2" TRAILER RECEIVER
27. FUEL TANK	SINGLE TANK, 30 GALLON CAPACITY MIN
28. SKID PLATE SHIELD	PROTECTIVE COVER OIL PAN, FRONT DIFFERENTIAL PACKAGE, TRANSFER CASE
29. COOLERS	HEAVY DUTY ENGINE COOLER AND TRANSMISSION COOLER
30. BUMPERS	COLOR KEYED WITH BUMPER GUARDS
31. SUSPENSION	INCREASED CAPACITY HEAVY DUTY TOWING, PREMIUM SMOOTH RIDE

- | | |
|---|--|
| 32. INTERIOR FLOOR | RUBBER COATING |
| 33. DAYTIME RUNNING LIGHTS | WITH AUTOMATIC EXTERIOR LAMPS |
| 34. EXHAUST SYSTEM | ALUMINIZED STAINLESS STEEL EXHAUST |
| 35. BATTERIES | DUAL MINIMUM OF 1 720 CCA AND 1 730 CCA WITH 150 AMP ALTERNATOR |
| 36. REAR COLLISION | AVOIDANCE SYSTEM, STANDARD REAR VISION CAMERA AND PARK ASSIST |
| 37. RUNNING BOARDS | FULL LENGTH RUNNING BOARDS, BLACK WITH A 300 POUND CAPICITY |
| 38. CONTENT THEFT | ALARM DISABLE FEATURE |
| 39. PROVISIONS FOR CAB-ROOF MOUNTED LAMP/BEACON | |
| 40. LUGGAGE RACK | STANDARD SIDE RAIL |
| 41. PEDALS | POWER ADJUSTABLE |
| 42. RECOVERY HOOKS | FRONT FRAME MOUNTED |
| 43. LICENSE PLATE FRONT AND REAR WITH MOUNTING BOLTS BRACKETS | |
| 44. ONSTAR | WITH BLUE TOOTH |
| 45. WARRANTY | MINIMUM 36,000 MILE/ 3-YEAR BUMPER TO BUMPER 5-YEAR, 100,000 MILE POWERTRAIN |

End of SURBURBAN SPEC

2018 EMS Response Vehicle Cabinetry Conversion Up-fit built on a 1/2 ton 2018 Chevy Suburban

General Provisions:

1. The awarded vendor will pick the vehicle up at the, Emergency Medical Services Logistics Office located at # 8 Mulberry Street Georgetown, DE 19947
2. A 5-year written warranty for non-wearing parts on the installed cabinetry, flip up windows and doors shall be provided. .
3. Conversion must meet or exceed any applicable State of Delaware Motor Vehicle Code, Federal Motor Vehicle Safety Standards and all Applicable State, Federal and Industry Standards
4. Vehicles shall be completed and delivered within sixty (60) days from time of receipt of the vehicle by the vendor. A \$ 100.00 per day penalty past the 60 days may be assessed.
5. A pre-scheduled inspection will be permitted during construction. Final inspections will be permitted at the vendor's location prior to delivery.
6. All graphics, striping, and lettering will be performed by Sussex County EMS.
7. Weight documents from a certified scale documenting actual load on front and rear axles and overall weight shall be provided at time of delivery.
8. All electrical system up-fits unless specified in this specification shall be provided/completed by Delaware Division of Communications.
9. Awarded vendor shall have/maintain a 24-hour access facility within 30 miles of Sussex County, DE.

Custom Cabinetry Specifications:

1. Prior to construction, the awarded Bidder shall provide three drawings of the installation for the EMS Department to review and approve. The drawings shall show such cabinets locations and dimensions. The drawing shall be a visual interpretation of the unit as it is to be constructed. The buying authority shall sign all drawings. One print shall be retained by the EMS Department, the Dealer shall retain one print, and one print shall be returned used as the working copy during manufacturing.

2. Cabinetry will be constructed per the customer's specifications based on 2018 model year using the 2016 in service Suburban as a template. The pictures provided do not reflect accurate measurements and proportions and they are not drawn to scale. It is the responsibility of the vendor to provide an accurate plan drawn to scale to insure the plan fits the vehicle prior to constructions. Vehicle specifications are provided in this packet. Bidder is encouraged to schedule an on-site visit to view a current in service vehicle.
3. Cabinetry is to be constructed in such a manner as to be re-mountable in a new vehicle. Each section is a specific module allowing easy removal and re-installation in a new vehicle. Each module will be joined to each other with core 20 stainless steel hardware. Cabinetry will be attached to the vehicle using hardened bolts and existing bolt locations on the vehicle, i.e. seat mounting bolts after removal of seat, tie-down points.
4. Cabinetry sides shall be constructed of 3/4" high density polyethylene. Surfaces are to be smooth, and the color will be determined by the EMS Department. Brushed aluminum with recessed screws only on exposed ends. Construction grade adhesive suitable for the purpose will be used on all joints where applicable. In addition, all joints will be secured with non-corroding stainless steel type screws suitable for the purpose every four to six inches. Screw heads will be recessed and filled so that they are not visible. All hardware will be heavy duty, and of a non-corroding type material suitable for the purpose. The area in the Suburban where the jack is located on the driver's side shall be modified to allow for maximum space for EMS equipment. The plastic OEM molding when removed leaving exposed body side shall be painted black. All hardware must be stainless steel.

Roll Out Slide Tray:

1. Customer supplies slide out tray frame, a 100% full extension ("Slidemaster" brand) slide rollers and tray must be able to hold six hundred (600 lbs.) pounds. The rollout shelf ("Slidemaster" brand) will have a center pull handle installed. The awarded Bidder shall install a single, 3/4" high density polyethylene tray with two (2) removable/adjustable metal vertical dividers with slots fabricated/cut to hold two (2) Stat Pack Perfusion brand backs vertical. The rear of the tray and the OEM tailgate plastic cover shall be cut

and then covered with a thin sheet of stainless steel to provide a finished look while maintaining use.

2. A 3" lip will be provided at the front bottom tray to prevent equipment from sliding back when opened.
3. Front edge of shelf shall be constructed of 3/4" high density polyethylene

Top Shelf:

1. A 3/4" high density black polyethylene top shelf will be mounted over the roll out slide tray. Aluminum shelf supports will be suitable for the purpose and must secure the shelf from movement during operation. The shelf must be able to hold two-hundred and fifty pounds(250lbs) without precluding the movement of the Stat Pak bags. The shelf will be secured in a way that prevents sagging in the middle. Edge of the shelf shall be brushed aluminum and be installed with 1/4" lip Height of shall be determined by the EMS Department. A non-skid (3M brand) rubber style strip shall be applied to the top tray in 6" intervals to prevent equipment movement.

Front Bulk Head:

1. The front bulk head made of 3/4" high density black polyethylene shall integrate a 110-volt heater supplied by the EMS Department and have opening to access equipment if the rear hatch failed.

Side Flip Up Doors:

1. The rear driver & passenger side glass shall be removed and replaced with an aluminum door. This door must be fabricated in a manner that is weather tight with a full length stainless steel top hinge, shock absorber style opener and automotive style weather seal. Each flip up door shall have two adjustable locks/openers key to # 1250. The door and frame shall be painted a WA8555 satin black automotive paint or powder coated.

Power Points:

1. Install three (3) dual 12v & 3 dual 110V power points. 1st on side of rear shelf, 2nd on passenger side of rear shelf, 3rd on bottom of top shelf accessible to rear tray. Location TBD by SCEMS. The wiring for these shall be run, secured and coiled under the 2nd row passenger seat for final installation by DIVCOM

Opticom:

1. A manual switch shall be provided and placed on the vehicle steering column that cuts off the opticom when the vehicle is placed in the "park" position automatically. The awarded Bidder shall integrate and work with DIVCOM to interface the wiring required to accomplish this mode of operation. The light bar (a Whelen Liberty II.) shall be reprogrammed to re-activate the Opticom when vehicle is taken out of the park position

Industrial Grade Power Contact Module

1. Install an industrial grade contact type device that allows for the 12-volt power to energize two surface mounted 12-volt cigarette style power points that are contained in a protective box with a power small blue LED light on the front of the sliding tray, Location TBD by the EMS Department. This will allow the power points to be energized when sliding rear tray is in closed position.

AM/FM Radio Antenna Install:

1. Provide and install on passenger side front fender cowl a high quality external style AM/FM antenna. The wire is to be run out of sight and interfaced/connected with the OEM AM/FM radio.

END of CABINET CONVERSION UP-FIT SPEC





Ropewalk Bethany Beach
Use of Existing Infrastructure Agreement – Notes

- The Ropewalk project is requesting to use additional capacity currently available on the County collection and transmission system.
- The parcel is currently connected to the system however, the renovation to the proposed restaurant exceeds the allotted capacity assigned to the parcel by **10.17 EDUs**.
- The project will contribute **\$7,763.59** to be expended when the existing collection and/or transmission infrastructure requires upgrades and/or replacement.
- Payment will be due at such time the additional system connection charges are submitted.
- The proposed Agreement has been executed by John H. Burbage Jr.
- **Any questions from the council?**

ENGINEERING DEPARTMENT

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




Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: John Ashman, Director of Utility Planning 

RE: *Use of Existing Infrastructure Agreement*
Ropewalk Restaurant Bethany Beach/John H. Burbage Jr.
File: OM 2.13

DATE: July 20, 2017

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

This type of agreement can extend to other areas of the County Infrastructure, therefore the Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with John H. Burbage Jr. for the Ropewalk Restaurant in Bethany Beach. The project as proposed exceeds the capacity allotted for the parcel(s) and the agreement allows them the use of capacity available in the system at this time. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the project to be conveyed through the existing collection and transmission system previously constructed by the County.

Under the proposed arrangement, the wastewater from the project will be connected to an existing regional collection system, pumpstation and forcemain. In return for utilization of said infrastructure John H. Burbage Jr. will contribute **\$7,763.59** for the perpetual use of these facilities.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Ropewalk Restaurant

THIS AGREEMENT ("Agreement"), made this 15 day of June 2017, by and between:

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

JOHN H. BURBAGE, JR., a developer of a project known as Ropewalk Restaurant, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcel 134-13.20-96.00 to be known as Ropewalk Restaurant ("Project") and;

WHEREAS, the Project is located in the Sussex County Unified Sanitary Sewer District (Bethany Beach Area) and;

WHEREAS, the parcel is currently served by Sussex County regional infrastructure and;

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

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

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to **10.17** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to contribute **\$7,763.59** for the perpetual use of said facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted at time additional System Connection Charges are submitted (separate checks required).**

- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 9919 Stephen Decatur Highway, West Ocean City, MD 21842.

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

APPROVAL TO FORM: _____
Assistant County Attorney

FOR JOHN H. BURBAGE, JR.

By:  _____ (Seal)
John H. Burbage, Jr.

_____ 6/15/17 (DATE)

WITNESS: CBaur _____

ENGINEERING DEPARTMENT

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

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: **SUSSEX AERO MAINTENANCE ROOF REPLACEMENT**
PROJECT NO. 17-22
SUBSTANTIAL COMPLETION

DATE: July 25, 2017

Bids for Project #17-22, "Sussex Aero Roof Replacement", were opened on April 17, 2017. Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to contractors on our vendor list. On May 9, 2017, Council awarded the project to J.O.B. Construction Co., Inc., of Bridgeville, Delaware, at a total bid of \$41,879.00.

Construction began on May 19, 2017, and was declared Substantially Complete on June 29, 2017. This project was completed on time and on budget, with no change orders needed. Sussex County Engineering Department now recommends Substantial Completion for the project as of June 29, 2017.



ENGINEERING DEPARTMENT

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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, County Engineer

RE: ***APPRAISAL SERVICES CONTRACT***

DATE: July 25, 2017

It was determined in early 2016, that the Engineering Department utilized sufficient appraisal services to seek a contract through the Delaware Code large professional service procurement process, thus a Request for Proposals (RFP) was advertised in June of last year. As this was the first contract for appraisal services, the contract was for a one year period to ensure its sufficiency before committing to a long-term contract. Council awarded W.R. McCain & Associates the contract on July 19, 2016. This contract is due to expire August 1, 2017.

A Request for Proposals (RFP) was advertised in June 2017 for appraisal services to be provided on an as needed basis for a one (1) year period, with the option to renew annually, for up to five (5) years. The services include, but are not limited to, inspecting and investigating properties to provide certified appraisal reports for fee simple land acquisitions and any type of easement in support of engineering projects.

The RFP was directly sent to six (6) firms, advertised in two local newspapers and on the Sussex County Website. One (1) proposal was submitted by W.R. McCain & Associates, which met the minimum qualifications of the RFP.

The Engineering Department has been satisfied with W.R. McCain & Associates' work over the past year and recommends the authorization of a new contract with W.R. McCain & Associates for one (1) year, with the option to renew annually for up to five (5) years.



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
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Memorandum

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

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

RE: **T-HANGAR REPLACEMENT
BALANCING CHANGE ORDER AND SUBSTANTIAL COMPLETION
PROJECT NO. 16-35**

DATE: July 25, 2017

Bids for the T-Hangar Replacement, Project No. 16-35, were opened on November 3, 2016. Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to contractors on our vendor list. Four (4) bids were received. Common Sense Solutions, LLC provided the lowest, responsive bid of \$567,058.17. Council awarded Common Sense Solutions the project on November 15, 2016.

The Notice to Proceed was issued January 4, 2017, and the project was substantially complete on May 31, 2017. In the process of the construction the contractor encountered some underground conditions which differed from the bid documents. He had to perform exploratory excavations to expose the existing conduits needed for the power service to the new T-hangar. In addition, the new T-hangar is constructed adjacent to an old uneven concrete tie-down area. Because of the uneven surface, the addition of small ramps at the hangar entrances became necessary to wheel aircraft into the individual units. Lastly, the State Fire Marshal added field requirements in addition to the requirements already shown on the approved plans.

In summary, the changes resulted in the attached Change Order No. 1 for the T-Hangar Replacement, Project No. 16-35. This change order increases the contract amount by \$12,500.53, extends the contract time by 28 days, and increases the total contract amount to **\$579,558.70**. The Engineering Department recommends retroactive approval of Change Order No.1 and also recommends Substantial Completion for the project.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **T-HANGAR Replacement**
2. Sussex County Contract No. 16-35
3. Change Order No. 1
4. Date Change Order Initiated - 7/12/17
5.
 - a. Original Contract Sum \$567,058.17
 - b. Net Change by Previous Change Orders -0-
 - c. Contract Sum Prior to Change Order \$567,058.17
 - d. Requested Change \$12,500.53
 - e. Net Change (No. of days) 28
 - f. New Contract Amount \$579,558.70
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASONS FOR CHANGE ORDER

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

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

The existing electric conduits needed to be located and dug up in order to connect the new t-hangar electric feed. Also, the existing surface that the new T-Hangar was built upon was not level and the steel plate ramps aid in rolling the aircraft from the outside surface to the new hangar floor. Lastly, the State Fire marshal had requirements that were in addition to the work denoted on the plans.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Common Sense Solutions, Project General Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

**T-Hangar Replacement
Sussex County Project 16-35; Common Sense Solutions
Balancing Change Order (C. O. #1)**

WORK ITEMS				As Bid	
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE
1	Mobilization	LS	1	\$ 28,352.91	\$ 28,352.91
2	Site Preparation	LS	1	\$ 65,961.14	\$ 65,961.14
3	Concrete	LS	1	\$ 144,816.77	\$ 144,816.77
4	Pre-Engineered Building	LS	1	\$ 217,752.09	\$ 217,752.09
5	Interior Fire Walls	LS	1	\$ 12,500.00	\$ 12,500.00
6	Painting	LS	1	\$ 13,652.50	\$ 13,652.50
7	Site Drainage Improvements	LS	1	\$ 54,184.16	\$ 54,184.16
8	Demolish Existing Hangar	LS	1	\$ 29,838.60	\$ 29,838.60
BASE BID				TOTAL	\$ 567,058.17
CHANGE ORDER ITEMS					
CO1	Test Pit for Underground Conduits				
CO2	Provide and Install 9 Fire Extinguishers				
CO3	Paint Fire Walls instead of Fire Taping				
CO4	Concrete Repairs at Old T-Hangar Site				
CO5	Remove Excess Junk and Trash				
CO6	Diamond Plate Ramps				
CO7	Airport Income Loss - credit				

As-Built		
FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE
1	\$ 28,352.91	\$ 28,352.91
1	\$ 65,961.14	\$ 65,961.14
1	\$ 144,816.77	\$ 144,816.77
1	\$ 217,752.09	\$ 217,752.09
1	\$ 12,500.00	\$ 12,500.00
1	\$ 13,652.50	\$ 13,652.50
1	\$ 54,184.16	\$ 54,184.16
1	\$ 29,838.60	\$ 29,838.60
	subtotal	\$ 567,058.17
1	\$ 6,494.45	\$ 6,494.45
1	\$ 1,689.00	\$ 1,689.00
1	\$ 2,660.00	\$ 2,660.00
1	\$ 1,092.50	\$ 1,092.50
1	\$ 529.58	\$ 529.58
1	\$ 2,415.00	\$ 2,415.00
1	\$ (2,380.00)	\$ (2,380.00)
	subtotal	\$ 12,500.53
FINAL	PRICE	\$ 579,558.70

OVER/UNDER TOTAL ITEM PRICE
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -
\$ -

Total Base Bid \$ 567,058.17

TOTAL CO1 Credit Items plus additional items \$ 12,500.53

Final Contract Price **\$ 579,558.70**

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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 21, 2017

RE: County Council Old Business Report for CU 2071 Blessing Greenhouse and Compost at 9372 Draper Rd.

The County Council held a public hearing on April 25, 2017. The County Council deferred action and left the record open for written comments regarding. The record was left open for an additional 15 days for additional public written comments until May 10th; thereafter the record remained open for an additional 15 days for the submission of written comments on information submitted during the first 15 day period (close of business on May 25th) and the record remained open for an additional 15 days for Council to ask questions of staff or agencies until close of business on June 9th.

The following are responses to questions asked by County Council members as part of the 15 day question period. The memo also includes the action taken by the Planning and Zoning Commission.

Does DNREC have an estimate of the cost to remove the pile on the site?

DNREC response

We have not done a cost estimate to remove the pile at Blessings. It is estimated that over 100,000 tons of material remain in the precompost pile and there is an additional estimated 30,000 tons of materials in bunkers. I do not have an estimate for the amount of wood waste/yard waste or top soil on-site.

When the 2012 ASO was drafted, DNREC was not aware that Blessing's financial situation was as difficult as it was and at the time the belief was that a \$250,000 financial assurance mechanism was not excessively burdensome and would help assist with cleanup if necessary. Due to Mr. Blessing's financial situation, he was unable to secure a financial assurance mechanism of \$250,000 as required by the 2012 ASO so the 2014 ASO required a \$250,000 bond or the maximum amount that Blessing could afford as determined by a financial analysis but no less than the \$10,000 bond required by regulation. The financial analysis indicated that his situation was such that the standard \$10,000 amount, required by regulations, would be required.



While the “precompost pile” has been sitting for many years and the pile likely has met the time/temperature requirements to achieve Class A pathogen reduction (Class A material can be applied on any farm), as there is a small amount of biosolids in the precompost material technically it would have to be reprocessed/demonstrate that the time/temperature requirements are met before distribution. If farms that have land approved for Class B biosolids application would accept the material (I imagine they would) free of charge as a soil amendment, the disposal cost would mainly be limited to screening, handing, and trucking.

Do Mountaire and Perdue still send material to Blessings if yes what type?

Mountaire response

Blessings Blends currently accepts a feed additive meal from our Resource Recovery Plant located in Millsboro. Mr. Blessing also provides transportation services for our pressed egg shells. At this time, however, these are not composted at his facility.

Perdue response

Although Mr. Blessing has been authorized by DNREC to accept pretreatment wastewater sludge from our Milford Processing Plant, we have not sent him any of that material nor do we currently anticipate sending him any. Mr. Blessing also provides transportation services for hatchery waste to our composting facility in Blades DE or to McGill’s composting facility in Waverly VA. So, currently we don’t have any material being composted at Blessing Blends

What documentation is there regarding groundwater quality?

Attached are letters from DNREC along with groundwater data going back to 2011.

Who would be responsible for clean up if the business closes and material remains?

DNREC would have jurisdiction to work through their process to clean up the site.

The following is the portion of the minutes from the May 11, 2017 Planning Commission meeting that addressed CU 2071 Blessings Greenhouses and Compost.

The Commission discussed this application which has been deferred since March 23, 2017.

Ms. Stevenson stated that she would move that the Commission recommend approval of Conditional Use No. 2071 for Blessing Greenhouses and Compost for composting, mixing, blending, bagging poultry by-products, compost, potting soil products, for trucking and wholesale distribution based upon the record and for the following reasons:

1. This is a project that has had a lot of attention and scrutiny lately by the public and even DNREC. The record is clear that both DNREC and the applicant have been working to create a pathway to clean up the site and improve the general conditions and their impact upon the area.
2. The use, if conducted appropriately, is for the semi-public purpose of recycling wastes into composting material that is useful in gardens and for crop production. If operated

correctly, it is close to the type of farming operations permitted on land zoned AR-1 (Agricultural Residential District).

3. There have been many concerns expressed by neighbors about current conditions on the property and the smells and other adverse effects coming from it. But, these are in large part due to what has occurred there in the past, and not the improved operations that have been proposed as part of this conditional use.
4. A denial of the conditional use would likely mean that what is there now would simply continue to decay, worsening the impacts on the adjacent properties, the smells, and possibly the environment. A denial would not provide a path forward with new and improved technology on the site that would limit or eliminate the adverse impacts that currently exist. A denial would also likely be detrimental to the solutions that DNREC and the applicant have agreed upon for the site, both in cleanup and future uses.
5. A recommendation for approval should not be without limits, however. For example, the use should be reviewed periodically for compliance and to review any adverse consequences from the use.
6. The use as a compost facility will benefit the citizens and the environment of Sussex County. By recycling materials such as yard waste, vegetable waste, poultry waste, and wood into compost, there will be a reduction of materials going to the landfills.
7. The compost generated at the site will be available for local agricultural and horticultural uses.
8. The use promotes the Conservation Element of the County's Comprehensive Land Use Plan.
9. The ongoing use will continue to be monitored by DNREC, and this approval is contingent upon all DNREC approvals remaining in effect.
10. This recommendation is subject to the following conditions:
 - A. The Applicant shall comply with all requirements established by DNREC and any other regulatory agency having jurisdiction over this use. Failure to comply with DNREC or other agency requirements shall result in the termination of this Conditional Use.
 - B. No new, uncomposted materials (other than what is necessary to complete the composting process for materials existing on the site) shall be accepted at the site until the areas of the concrete pre-composting pad are cleared of the materials that currently exist there as required in the fourth and fifth bullet items of DNREC's March 31, 2017 letter to Jennifer Walls, Sussex County Planning and Zoning Manager. The removal of these materials must be underway immediately upon adoption of the ordinance approving this Conditional Use by County Council, with inspections by Sussex County and DNREC occurring every 3 months to review and report on the status of this work. The quarterly inspections shall include consideration of whether the Applicant is actively cleaning up the site and improved odors coming from it as stated by the Applicant during the public hearing on this application and whether the overall effects of this use upon the neighboring area (including smells) are generally improving. If the Commission finds that any of these requirements are not being satisfied, it may terminate this Conditional Use for non-compliance or require further review of it, including a public hearing.
 - C. Once the current materials are removed, pre-compost storage shall only occur on the existing concrete slab, subject to DNREC's inspections of that slab as existing compost material is removed from it.

- D. The Applicant shall comply with all Sussex Conservation District requirements for the site. Failure to comply with any of these requirements shall result in the termination of the use.
- E. Material processing hours, including the use of heavy equipment, will be limited to 7:00 a.m. – 7:00 p.m., Monday through Saturday.
- F. Material acceptance hours will be limited to 7:00 a.m. – 4:00 p.m., Monday through Saturday.
- G. As proposed by the Applicant, there shall be a landscaped buffer of at least 25 feet around the entire property, to be increased if required by other agencies. This buffer area shall include a vegetated berm of at least 8 feet in height. A landscape plan showing the landscaping within the proposed buffer shall be shown on the Final Site Plan.
- H. All new composting shall only occur within new covered concrete-floored composting buildings designed to hold at least 4,000 cubic yards of compost at a time.
- I. A water truck shall be available to control dust within the site.
- J. Once the pre-compost pad is cleared of materials as required by Conditions B and C, this Conditional Use shall be inspected at least annually by DNREC and a County Inspector, with a report from both provided to the Commission. These inspections shall include consideration of whether the Applicant has actively cleaned up the site and improved the odors coming from it as stated by the Applicant during the public hearing on this application; whether the Applicant is in compliance with the conditions of this approval (including all DNREC and SCD requirements); and whether the overall effects of this use upon the neighboring area (including smells) are generally improving. If the Commission finds that any of these requirements are not being satisfied, it may terminate this Conditional Use for noncompliance or require further review of it, including a public hearing.
- K. No sanitary waste shall be accepted at the site.
- L. The Applicant may bag and blend materials properly accepted and composted at the site pursuant to this approval.
- M. County Council should consider whether a bond or other performance guarantee is necessary and appropriate to guarantee the cleanup of the site and the performance of these conditions of approval.
- N. The Final Site Plan including all buildings, buffers, a landscaping plan (with types, heights and/or diameter of plantings shown), and stormwater management facilities shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4-0. Mr. Hopkins recused himself.

July, 2011 Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	BDL<0.5	0.072	13.4	12.5	BDL <0.050	26.3	44	33.7	28
	MW-1-B-19	5.65	2.76	2.22	0.60	BDL <0.050	4.7	25	20.9	18
	MW-1-C-27	4.75	0.59	2.56	0.88	BDL <0.050	16.7	42	28.9	12
	MW-1-D-37	BDL<0.5	4.59	0.12	0.12	0.26	4.5	38	18.6	12
	MW-1-E-47	1.93	0.24	0.96	0.2	BDL <0.050	BDL <1.0	18	17.3	BDL < 2.0
MW-2	MW-2-A-8	1.55	BDL<0.05	21.1	33.1	0.11	33.6	65	31.5	290
	MW-2-B-15	5.92	0.56	6.36	14.54	BDL <0.050	3.1	19	24	70
	MW-2-C-25	5.15	0.099	6.34	11.86	BDL <0.050	12.5	41	23.3	BLD > 800
	MW-2-D-35	19.8	0.28	1.71	0.99	BDL <0.050	3.8	16	17.8	30
	MW-2-E-45	6.31	0.24	4.16	10.14	BDL <0.050	6.5	11	20.4	BDL > 800
MW-3	MW-3-A-8	1.55	0.052	168	21	0.15	94.7	30	78.2	BDL > 10
	MW-3-B-17	1.96	BDL<0.05	59.8	10.3	BDL <0.050	41	15	11.5	BDL > 10
	MW-3-C-25	11.7	0.72	1.04	0.35	BDL <0.050	1.8	31	19.3	BDL > 10
	MW-3-D-35	6.78	1.06	0.85	0.38	BDL <0.050	1.6	9.3	18.1	BDL > 10
	MW-3-45	9.24	1.09	0.56	0.25	BDL <0.050	1.1	8.3	16.3	300
MW-4	MW-4-A-8	68.5	0.39	0.77	0.32	BDL <0.050	1.8	23	24.7	BDL > 10
	MW-4-B-15	52.9	1.01	3.25	3.49	BDL <0.050	9.9	85	35.4	180
	MW-4-C-25	42.8	0.26	3.59	1.56	BDL <0.050	3.6	28	26.8	BDL > 10
	MW-4-D-35	32.9	0.27	1.16	0.3	BDL <0.050	1.4	15	26.1	BDL > 10
	MW-4-E-45	25.1	0.23	0.34	0.12	BDL <0.050	BDL <1	8	28	BDL > 10

October, 2014 Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	9.41	-	0.73	0.31*	-	-	-	--	<2
	MW-1-B-19	16.7	-	BDL<0.05	0.1*	-	-	-	-	<2
	MW-1-C-27	17.8	-	BDL<0.05	0.1*	-	-	-	-	<2
	MW-1-D-37	-	-	-	-	-	-	-	-	-
	MW-1-E-47	-	-	-	-	-	-	-	-	-
MW-2	MW-2-A-8	9.32	-	BDL<0.05	0.81*	-	-	-	-	<2
	MW-2-B-15	36.8	-	BDL<0.05	0.56*	-	-	-	-	<2
	MW-2-C-25	29.2	-	BDL<0.05	0.41*	-	-	-	-	<2
	MW-2-D-35	-	-	-	-	-	-	-	-	-
	MW-2-E-45	-	-	-	-	-	-	-	-	-
MW-3	MW-3-A-8	BDL <0.02	-	14.9	0.4*	-	-	-	-	<2
	MW-3-B-17	0.42	-	4.68	1.36*	-	-	-	-	<2
	MW-3-C-25	26.5	-	BDL<0.05	0.16*	-	-	-	-	<2
	MW-3-D-35	-	-	-	-	-	-	-	-	-
	MW-3-E-45	-	-	-	-	-	-	-	-	-
MW-4	MW-4-A-8	27.2	-	BDL<0.05	0.027*	-	-	-	-	<2
	MW-4-B-15	130	-	BDL<0.05	0.60*	-	-	-	-	<2
	MW-4-C-25	-	-	-	-	-	-	-	-	-
	MW-4-D-35	-	-	-	-	-	-	-	-	-
	MW-4-E-45	-	-	-	-	* = est.	-	-	-	-

May, 2015 - Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	9.17	-	1.11	0.02	-	-	-	--	<2
	MW-1-B-19	17.6	-	BDL<0.05	BDL<0.05	-	-	-	-	<2
	MW-1-C-27	17.6	-	BDL<0.05	0.67*	-	-	-	-	<2
	MW-1-D-37	-	-	-	-	-	-	-	-	-
	MW-1-E-47	-	-	-	-	-	-	-	-	-
MW-2	MW-2-A-8	6.93	-	BDL<0.05	0.67	-	-	-	-	<2
	MW-2-B-15	42.3	-	BDL<0.05	0.25	-	-	-	-	<2
	MW-2-C-25	37.4	-	BDL<0.05	0.15*	-	-	-	-	<2
	MW-2-D-35	-	-	-	-	-	-	-	-	-
	MW-2-E-45	-	-	-	-	-	-	-	-	-
MW-3	MW-3-A-8	BDL <0.02	-	35.9	6.2	-	-	-	-	<2
	MW-3-B-17	0.48	-	4.48	0.68*	-	-	-	-	<2
	MW-3-C-25	54.4	-	BDL<0.05	-	-	-	-	-	<2
	MW-3-D-35	-	-	-	-	-	-	-	-	-
	MW-3-45	-	-	-	-	-	-	-	-	-
MW-4	MW-4-A-8	15.7	-	BDL<0.05	0.16*	-	-	-	-	<2
	MW-4-B-15	119	-	BDL<0.05	BDL<0.05	-	-	-	-	38
	MW-4-C-25	-	-	-	-	-	-	-	-	-
	MW-4-D-35	-	-	-	-	-	-	-	-	-
	MW-4-E-45	-	-	-	-	* = est.	-	-	-	-

January, 2016 - Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	11.8	-	0.64	0.14*	-	-	-	--	<2
	MW-1-B-19	17.7	-	BDL<0.05	BDL<0.05	-	-	-	-	<2
	MW-1-C-27	16.1	-	BDL<0.05	0.03*	-	-	-	-	<2
	MW-1-D-37	-	-	-	-	-	-	-	-	-
	MW-1-E-47	-	-	-	-	-	-	-	-	-
MW-2	MW-2-A-8	6.48	-	BDL<0.05	0.77*	-	-	-	-	<2
	MW-2-B-15	44.5	-	BDL<0.05	0.49*	-	-	-	-	<2
	MW-2-C-25	41.6	-	BDL<0.05	0.29*	-	-	-	-	<2
	MW-2-D-35	-	-	-	-	-	-	-	-	-
	MW-2-E-45	-	-	-	-	-	-	-	-	-
MW-3	MW-3-A-8	0.253	-	18.1	4.1	-	-	-	-	<2
	MW-3-B-17	0.729	-	2.64	0.45*	-	-	-	-	<2
	MW-3-C-25	41.6	-	BDL<0.05	0.07*	-	-	-	-	<2
	MW-3-D-35	-	-	-	-	-	-	-	-	-
	MW-3-45	-	-	-	-	-	-	-	-	-
MW-4	MW-4-A-8	11.4	-	BDL<0.05	0.08*	-	-	-	-	<2
	MW-4-B-15	79.5	-	BDL<0.05	BDL<0.05	-	-	-	-	38
	MW-4-C-25	-	-	-	-	-	-	-	-	-
	MW-4-D-35	-	-	-	-	-	-	-	-	-
	MW-4-E-45	-	-	-	-	* = est.	-	-	-	-

August, 2016 - Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	14.8	-	0.2	0.1*	-	-	-	--	<2
	MW-1-B-19	19.0	-	BDL<0.05	BDL<0.05	-	-	-	-	2.0
	MW-1-C-27	20.0	-	BDL<0.05	BDL<0.05	-	-	-	-	<2
	MW-1-D-37	-	-	-	-	-	-	-	-	-
	MW-1-E-47	-	-	-	-	-	-	-	-	-
MW-2	MW-2-A-8	8.63	-	BDL<0.05	0.90*	-	-	-	-	<2
	MW-2-B-15	37.5	-	BDL<0.05	0.74*	-	-	-	-	<2
	MW-2-C-25	46.1	-	BDL<0.05	0.18*	-	-	-	-	<2
	MW-2-D-35	-	-	-	-	-	-	-	-	-
	MW-2-E-45	-	-	-	-	-	-	-	-	-
MW-3	MW-3-A-8	1.64	-	8.15	0.58*	-	-	-	-	<2
	MW-3-B-17	5.95	-	0.62	0.84*	-	-	-	-	<2
	MW-3-C-25	57.9	-	BDL<0.05	BDL<0.05	-	-	-	-	<2
	MW-3-D-35	-	-	-	-	-	-	-	-	-
	MW-3-45	-	-	-	-	-	-	-	-	-
MW-4	MW-4-A-8	12.1	-	BDL<0.05	0.12*	-	-	-	-	<2
	MW-4-B-15	107	-	BDL<0.05	0.23*	-	-	-	-	<2
	MW-4-C-25	-	-	-	-	-	-	-	-	-
	MW-4-D-35	-	-	-	-	-	-	-	-	-
	MW-4-E-45	-	-	-	-	* = est.	-	-	-	-

April, 2017 – Groundwater Data

Monitoring Well	Local Id	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
MW-1	MW-1-A-8	14.0	-	0.59	0.18*	-	-	-	--	<2
	MW-1-B-19	19.1	-	BDL<0.05	BDL<0.05*	-	-	-	-	<2
	MW-1-C-27	19.1	-	BDL<0.05	BDL<0.05*	-	-	-	-	<2
	MW-1-D-37	-	-	-	-	-	-	-	-	-
	MW-1-E-47	-	-	-	-	-	-	-	-	-
MW-2	MW-2-A-8	6.72	-	0.66	1.05*	-	-	-	-	<2
	MW-2-B-15	54.0	-	BDL<0.05	0.63*	-	-	-	-	<2
	MW-2-C-25	47.9	-	BDL<0.05	0.24*	-	-	-	-	<2
	MW-2-D-35	-	-	-	-	-	-	-	-	-
	MW-2-E-45	-	-	-	-	-	-	-	-	-
MW-3	MW-3-A-8	BDL<0.2	-	18.3	6.4*	-	-	-	-	<2
	MW-3-B-17	26.9	-	0.81	0.85*	-	-	-	-	<2
	MW-3-C-25	63.4	-	BDL<0.05	0.09*	-	-	-	-	<2
	MW-3-D-35	-	-	-	-	-	-	-	-	-
	MW-3-45	-	-	-	-	-	-	-	-	-
MW-4	MW-4-A-8	14.5	-	BDL<0.05	0.21*	-	-	-	-	<2
	MW-4-B-15	71.3	-	BDL<0.05	0.19*	-	-	-	-	<2
	MW-4-C-25	-	-	-	-	-	-	-	-	-
	MW-4-D-35	-	-	-	-	-	-	-	-	-
	MW-4-E-45	-	-	-	* = est.	-	-	-	-	-

March, 2010

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Ortho-phosphorus (mg/L)	Total Phosphorus (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL	Enterococcus Coliform #/100 mL
Upstream	7.24	BDL	0.023	-	0.013	0.026	16	70	110
Downstream	7.50	.01	0.499	-	.022	0.040	20	120	80

February, 2012

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	6.54	-	BDL<0.05	0.45	-	-	7.6	14.1	-
Downstream	8.46	-	0.10	0.46	-	-	7.9	15.4	-

October, 2014

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	10.1	-	BDL<0.05	3.04	.12	-	-	-	-
Downstream	18.3	-	1.46	-	BDL<0.05	-	-	-	-

May, 2015

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	7.38	-	BDL<0.05	0.52*	BDL<0.05	-	-	-	-
Downstream	12.1	-	1.14	-	BDL<0.05	-	-	-	-

January, 2016

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	7.7	-	BDL<0.05	0.28*	BDL<0.05	-	-	-	-
Downstream	14.5	-	0.84	0.3*	BDL<0.05	-	-	-	-

August, 2016

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	1.82	-	BDL<0.05	1.27*	0.52	-	-	-	-
Downstream	9.07	-	2.73	0.65*	0.74	-	-	-	-

April, 2017

Sample Location	Nitrate as N (mg/L)	Nitrite as N (mg/L)	Ammonia nitrogen as N (mg/L)	Organic N as N (mg/L)	Total Phosphorus (mg/L)	Total Org. Carbon (mg/L)	Sodium (mg/L)	Chloride (mg/L)	Fecal Coliform #/100 mL
Upstream	4.63	-	BDL<0.05	0.51*	BDL<0.05	-	-	-	-
Downstream	12.4	-	1.40	0.63*	0.07	-	-	-	-



Memorandum

TO: Brian Churchill
THRU: John Barndt, P.G.
Rob Underwood
FROM: Amber Joseph
RE: **Passwater's well**
DATE: December 22, 2011

Purpose

The Groundwater Protection Branch (GPB) was requested to review water sampling results from the Passwater's well to determine if the Draper Farm is causing contamination to the well.

Background

Bruce Blessing has a permit to land apply bio-solids to several fields east of State Route 1, Coastal Highway, near Milton, Delaware (Figure 1). The Department recommended that Ms. Passwater's have her domestic well sampled due to the wells proximity to the land application areas. Ms. Passwater's well is located at 25141 Truitt Road.

A search of the Well Permitting Database determined the DNREC id of the well is 220403. Whites Well Drilling installed the well in 2007 to a depth of 95 feet below ground surface (bgs). The well screen is from 80 to 95 feet bgs with gravel pack from 75 to 95 feet bgs. The well is located approximately 50 feet from the land application area.

According to Andres and Klingbeil (2006), the Columbia aquifer (aq.) in the area is comprised of the Beaverdam formation (fm.) and the Cat Hill fm. The St. Marys fm. acts as a regional confining layer below the Beaverdam and Cat Hill fms. Nearby geophysical logs, Mf35-26, Mg42-23, Mg51-03, Ng12-21, show the unconfined aquifer to be approximately 150 feet thick (Figure 2 and 3). Based on the cross section, well 220403 is screened in the Columbia aq.

Based on aerial photographs and 2007 Land use data, the dominate land use is agriculture.

Well 220403 was sampled the by owner on October 25, 2011. The Division of Public Health Laboratory performed the analysis. The test results are:

Test	Result	Drinking Water Standard
E. Coli	Absent	Absent
Total Coliforms	Present	Absent
Fluoride	<0.1 mg/L	
Chloride	24.6 mg/L	250 mg/L
Nitrite as N	<0.1 mg/L	1.0 mg/L
Nitrate as N	15.3 mg/L	10 mg/L
Sulfate	<0.6 mg/L	250 mg/L
Hardness	24.8 mg/L	
Sodium	9.0 mg/L	20 mg/L
Iron	<0.1 mg/L	0.3 mg/L
Alkalinity	6 mg/L	
pH	5.5	6.5 – 8.5

The well met the drinking water standards except for nitrate as N and total coliforms.

Conclusions/Recommendations

Groundwater generally flows from recharge areas at topographic highs to discharge areas, i.e. surface water bodies, generally at topographic lows. The geology of the area determines the flow path (Andres, 1991). An example of a flow system in the Columbia aquifer is shown in Figure 6, taken from Andres, 1991. A local flow system exists close to the surface and the regional system is found deeper in the aquifer.

At this time, the GPB does not have enough data to determine the flow path and recharge/source areas supplying groundwater to well 220403; however, based on the well screen depth, the GPB feels that the well is screened deep enough in the aquifer to be in a regional flow path. Therefore, it is unlikely that the land application fields are contributing to the nitrate concentration.

The GPB recommends resampling well 220403 for total coliforms. Proper sampling methods should be used to limit the possibility of contaminating the sample bottle. If the well tests positive for total coliforms, a licensed well driller or pump installer should chlorinate the well and then the well resampled again.

The homeowner may consider installing a nitrate removal system, such as a reverse osmosis or ion exchange system, to reduce nitrate concentrations below the drinking water standard.

If you have any questions regarding this memorandum, please contact me at (302) 739-9945.

References

Andres, A. S., 1991, Results of the Coastal Sussex County, Delaware Ground-water Quality Survey: Delaware Geological Survey Report of Investigations No. 49, 28p.

Andres, A. S. and Klingbeil, A. D., 2006, Thickness and Transmissivity of the Unconfined Aquifer of Eastern Sussex County, Delaware: Delaware Geological Survey Report of Investigations No. 70, 19p.

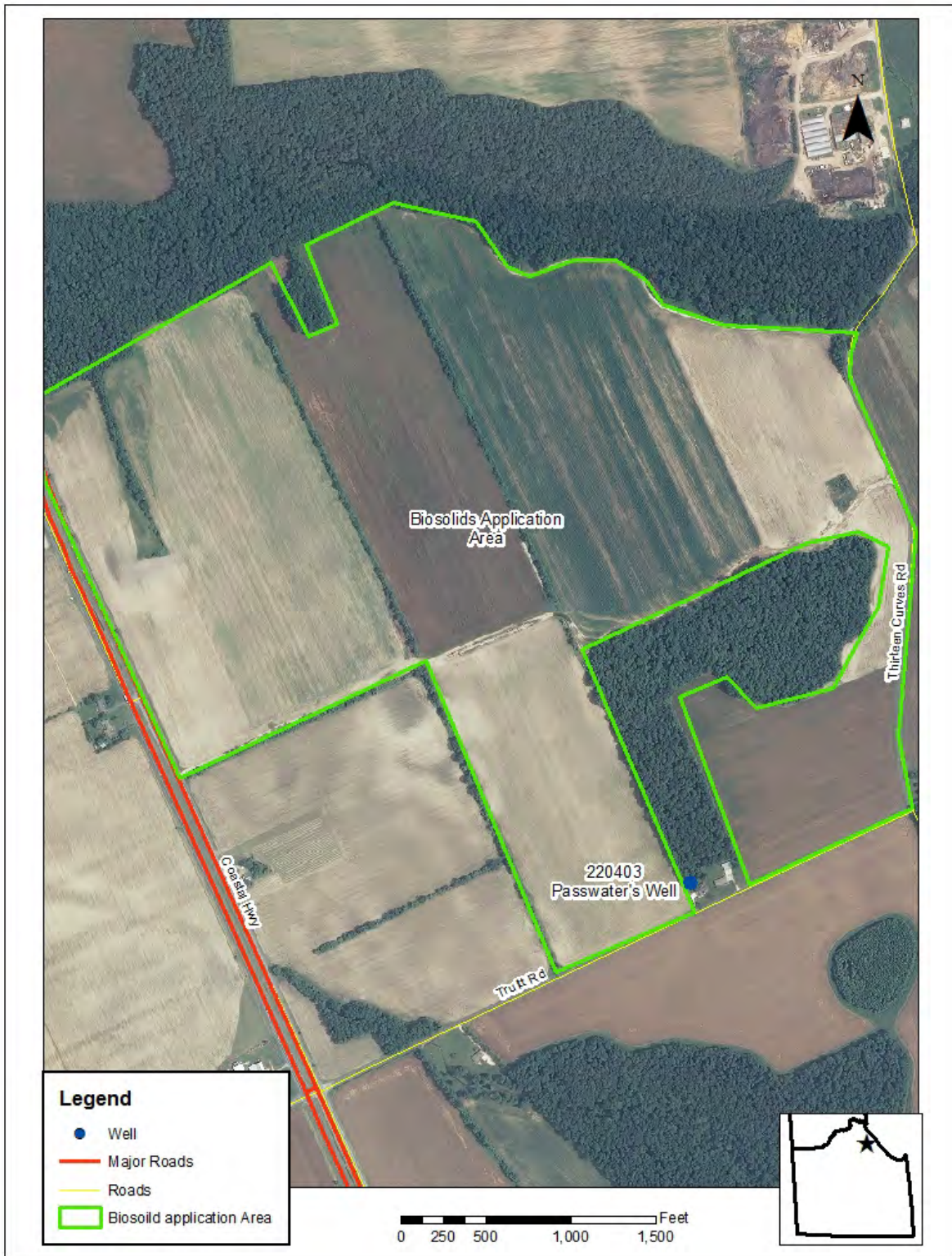


Figure 1. Site Map of the Draper Farm application fields and Passwater's residence well. The Passwater's well, 220403, is located approximately 50 feet from a bio-solids application field.

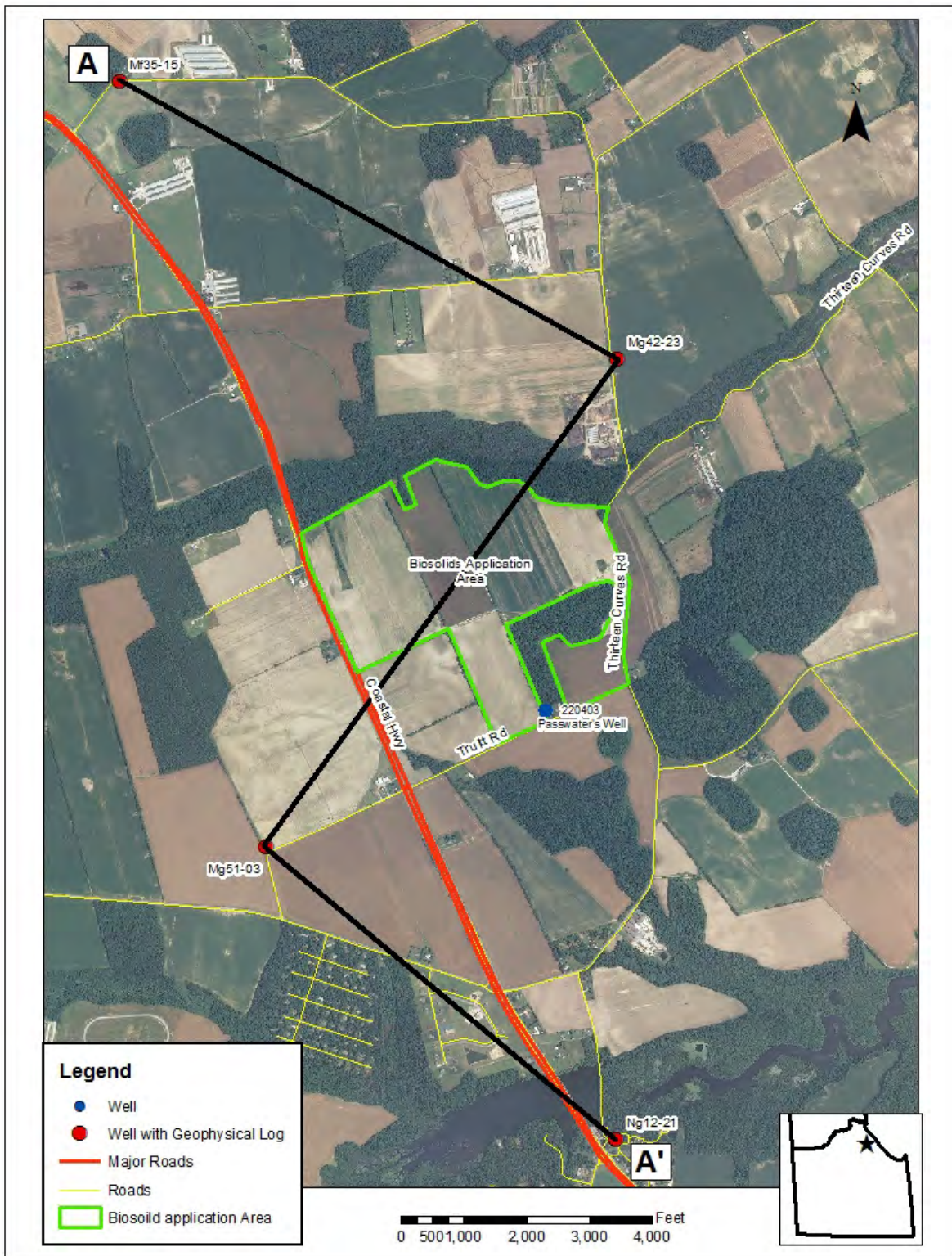


Figure 2. Cross Section A-A'. A cross-section was completed using the above wells and their associated geophysical logs.

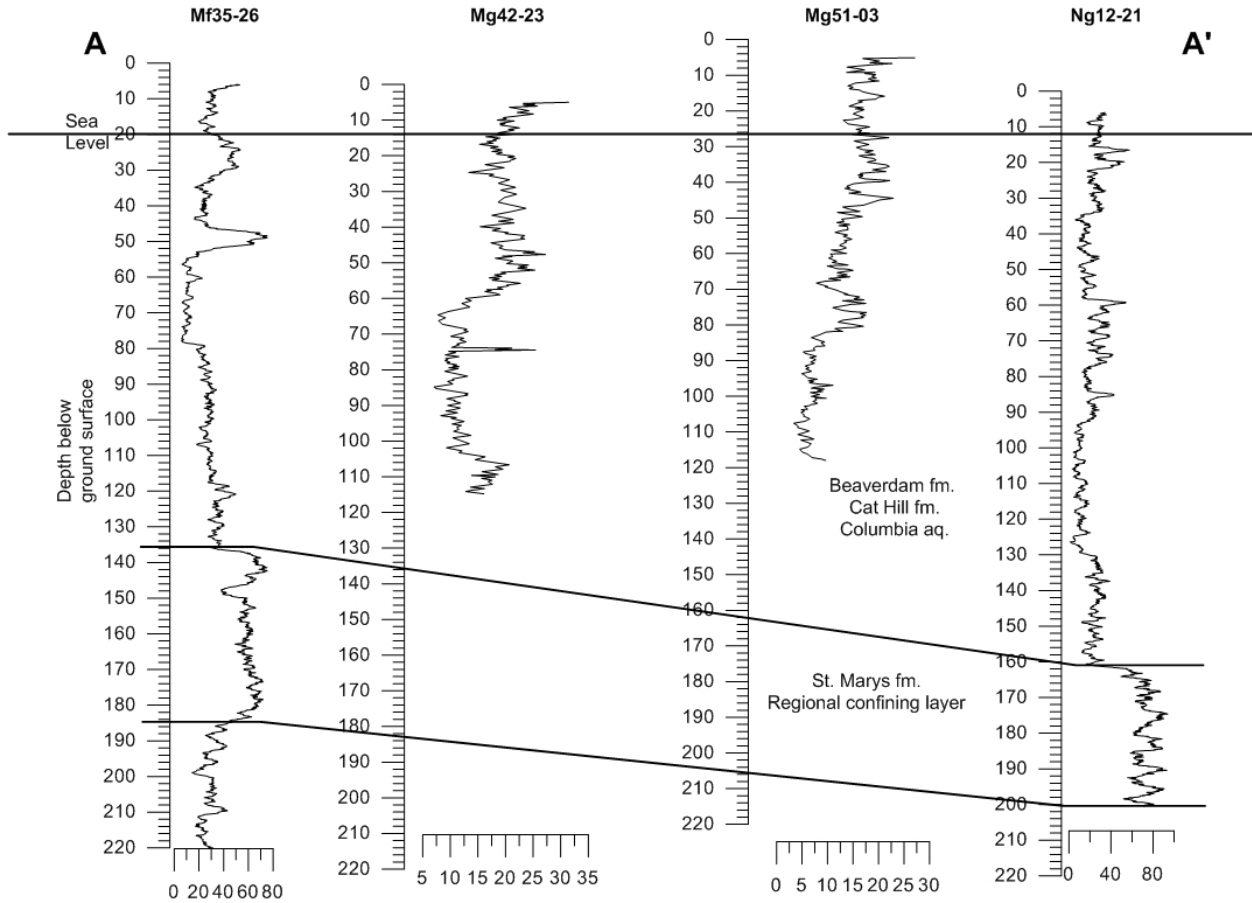


Figure 3. Geologic Cross-Section. Using geophysical logs from four wells, a geologic cross-section was created. Well 220403 is located close to well Mg42-23 and Mg51-03. The section indicates the unconfined Columbia aquifer is approximately 150 feet thick in the area.

MAIL TO:

WATER SUPPLY SECTION
DIVISION OF WATER RESOURCES
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

http://www.dnrec.state.de.us/

APPLICATION MUST BE SUBMITTED
AND PERMIT RECEIVED BEFORE
DRILLING IS STARTED.

APPLICATION FOR A PERMIT
TO CONSTRUCT A WELL

- OFFICIAL USE ONLY -

PHONE: 302-739-9944

FAX: 302-739-7764

PAGE # _____ OF _____ PAGES
PERMIT NO: 220403

ILLEGIBLE OR INCOMPLETE FORMS WILL BE RETURNED

PLEASE TYPE OR PRINT-USE BLUE OR BLACK INK ONLY

Property Owner: RHETT A. CSUSAN PASSWATERS
Address: 25141 TRUITT RD
City: MILTON State: DE Zip: 19968
Telephone Number: 684-8149
Licensed Preparer/WC: WHITE
Lic. #: 1 Date of Application: 7-26-07

Estimated Construction Date: 8-20-07
PURPOSE: Test Permanent Temporary for Well Construction

USE: Domestic Irrigation
 Industrial Agricultural
 Public Heat Pump Supply
 Miscellaneous Public Heat Pump Recharge
 Other (Specify): _____ Closed Loop Heat Pump

Is this a replacement well? NO YES (Reason): _____
Is public water available? NO YES (Utility): _____
On public sewage? YES OR Septic system permit # 212124-5

PROPOSED WELL CONSTRUCTION:

	Inner Casing	Outer Casing
Approximate total depth:	<u>80</u> ft.	ft.
Casing top (above grade):	<u>12</u> in.	in.
Casing bottom (below grade):	<u>70</u> ft.	ft.
Casing diameter:	<u>4</u>	
Casing material:	<u>PVC</u>	

Proposed screen setting: 70 ft. TO: 80 ft. Material: PVC
Type of Grout: Bentonite From: 0 To: 20
Gravel pack: NO YES From: 60 To: 80
Maximum capacity: 25 (GPM) Max. Daily Withdrawal: 15,000 (GPD)

Will the operation of this well by itself or in combination with any other well(s), owned or operated by the permittee, withdraw greater than 50,000 gallons in any 24 hr. period? NO YES

I HEREBY AFFIRM THE INFORMATION I HAVE SUBMITTED IS ACCURATE AND CORRECT.

Roy E. White White Drilling Corp. 7-26-07
Signature - Licensed Preparer / Water Well Contractor Date

[Signature] 7-23-07
Signature - Property Owner Date

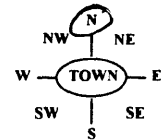
Please release the contractor's copy of the permit and the well tag to the water well contractor noted on this application:

YES NO

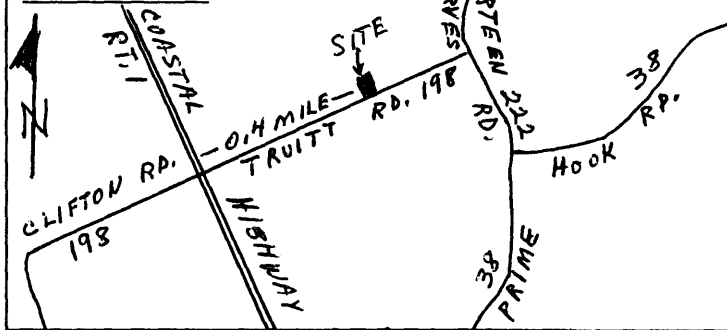
LOCATION MAP - ROAD MAP

County: New Castle Kent Sussex
Subdivision: _____
Lot #: _____ ADC Map Grid: 9 E 8
Tax Map/Parcel #: 2-30-22-135.00
Name of Nearest Town: MILTON
Distance to Nearest Town: 3.8 MILES

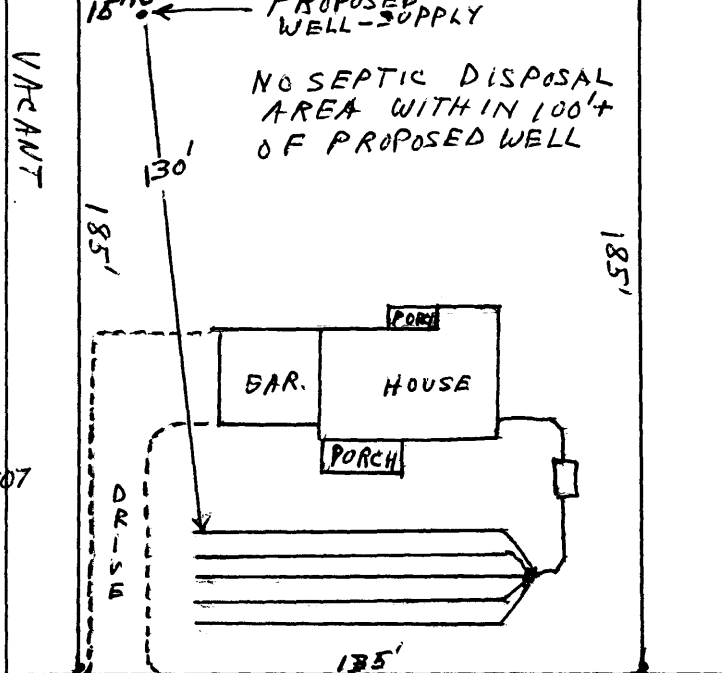
DIRECTION OF WELL FROM TOWN (CIRCLE DIRECTION)



Draw a sketch below showing location of well in relation to at least two county or state roads, give distance from well site to nearest road junction and SHOW A NORTH ARROW.



Site Plan - Include lot size and dimensions, distances from well to house, property lines, nearest road, and all nearby septic systems (include suitable plot plan if available).



PERMIT #: 220403

- FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE -

Received By: [Signature] Modified Grid: _____ DRBC: YES NO X - Coord: _____
Amount: _____ Drainage Basin: _____ H₂O Utility: _____ Y - Coord: _____
Date: _____ Quad: _____ Flood Zone/Coastal: _____ DOT #: _____

[Close Window](#)
[Print Details](#)

SussexCounty, Delaware

Treasury Division

P.O. Box 429, Georgetown, DE 19947-0429

302-855-7760

Tax Summary

Detailed property Information for : 2-30 22.00 135.00
Owners Name(s):
PASSWATERS
RHETT ASHTON & SUSAN E
District - Map - Parcel

2-30 22.00 135.00

Billing Address:
PASSWATERS
RHETT ASHTON & SUSAN E
Additional Owners:
25155 TRUITT RD
MILTON , DE 19968
Property Description:
N/RT 198 1250'
W/RT 222
Deed Book Information:
Deed Book : 3456
Deed Page: 337
School District:

Cape Henlopen School District

Property Appraised Value Information:

Land Appraised Value:	\$3,000.00
Improvement(s) Appraised Value:	\$0.00
Total Appraised Value:	\$3,000.00

Other Property Information:
Land Use: Residential, Vacant Lot, No Improvement
Town:
Fire Districts: Milton Fire District
Tax Information: 2007 Annual Billing Total \$58.18

Please note that the information provided here is based upon the annual tax billing for the selected property and does not include any quarterly or special billings.

The Assessed value of the property reflects 50% of the 1974 Appraised Value and this is what your taxes are calculated on. The Assessed value may not include recent improvements to the property due to the fact that the information here is based ONLY on the annual billing. The Assessed Value Displayed may include applicable State and/or County Exemptions.

Total Assessed Value: \$1,500.00
County Tax Information:

County Tax:	\$5.97	County Cap Tax:	\$3.00
-------------	--------	-----------------	--------

Total County Taxes: \$8.97
School Tax Information:

School District: Cape Henlopen School District

School Tax: \$44.97

School Cap Tax: \$0.00

School District: Sussex Tech

School Tax: \$3.54

Total of School Taxes: \$48.51
Library Tax Information:

Library Tax: \$0.70

MAIL TO:

WATER SUPPLY SECTION
DIVISION OF WATER RESOURCES
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

http://www.dnrcc.state.de.us/

WELL COMPLETION REPORT
MUST BE RETURNED WITHIN 30
DAYS OF CONSTRUCTION. A
WELL FORMATION LOG MUST BE
INCLUDED WITH THIS REPORT.

PHONE: 302-739-9944
FAX: 302-739-7764

WELL COMPLETION REPORT

-Authorization Number-

5290616

ILLEGIBLE OR INCOMPLETE FORMS WILL BE RETURNED

PLEASE PRINT OR TYPE - USE BLUE OR BLACK INK ONLY

Permit #: 220403 Local ID: _____
Tax Map/Parcel #: 2-30-22.00-135.00
Property Owner: Rhett Passwaters
Water Well Contractor: White Drilling WC Lic #: 1
Well Driller in Charge during Construction: Dave White

WELL CONSTRUCTION METHOD

Augered Bored Cable Tool
 Driven Jetted Air Rotary
 Mud Rotary Reverse Washed
 Other (Specify): _____
Total Depth of Excavation: 100
Construction Date: 8-9-07

CASING INSTALLATION:

INNER CASING

CASING TOP: 12" above
CASING BOTTOM: 80
CASING DIAMETER: 4"
CASING MATERIAL: PVC

OUTER CASING

	(1)	(2)	(3)
CASING TOP:	_____	_____	_____
CASING BOTTOM:	_____	_____	_____
CASING DIAMETER:	_____	_____	_____
CASING MATERIAL:	_____	_____	_____

SCREEN INSTALLATION

SCREEN TOP: 80
SCREEN BOTTOM: 95
SCREEN DIAMETER: 4"
SCREEN MATERIAL: PVC
SCREEN SLOT SIZE 20 /THOUSANDS
GRAVEL PACK SIZE # 1

Gravel Pack From: 75 ft. To: 95 ft.
Grout Type: Cement Bentonite Clay
 Other: _____ From: 0 ft. To: 30 ft.
Type of Non-Grout backfill of Well Annulus: Native
From: 30 To: 75
Static Water Level: 11 ft. Below OR Above Ground Surface
On (date): 8-9
Pumping Water Level: 16 ft. On (date): 8-9
After: 2 hrs. Pumping at: 70 GPM
Was a Geophysical Log Taken? YES NO

Site Plan - Include lot size and dimensions, distances from well to house, property lines, nearest road, and all nearby septic systems (include suitable plot plan if available). (If different from original application)

WELL HEAD COMPLETION:

Type: Pitless Adapter Standard "T"
 Well Pit Pad Mount
 Other - Specify: _____

Well Head Completed: 12 inches Above (OR) Below Ground Surface

Was the Well Tag attached in accordance with current regulations?

YES NO If "NO", Please Explain: _____

I HEREBY AFFIRM THE INFORMATION I HAVE SUBMITTED IS ACCURATE AND CORRECT.

Dave White
Signature - Well Driller in Charge of Well Construction

811
License #

9-7-07
Date

MAIL TO:

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

WELL COMPLETION REPORT MUST
BE RETURNED WITHIN 30 DAYS OF
CONSTRUCTION DATE

WATER SUPPLY SECTION
DIVISION OF WATER RESOURCES
89 KINGS HIGHWAY
DOVER, DELAWARE 19901
PHONE: 302-739-9944
FAX: 302-739-7764

FORMATION LOG

PAGE 2 OF 2 PAGES

PLEASE PRINT OR TYPE - ILLEGIBLE OR INCOMPLETE FORMS WILL BE RETURNED

PERMIT# 220403 LOCAL ID#

PROPERTY OWNER Rhett Passwaters

WELL CONTRACTOR White Drilling Corp. LIC# 1

DESCRIPTION	TOP OF STRATA	BOTTOM OF STRATA
Top Soil	0	1
silty orange sand	1	7
Fine to coarse yellow sand	7	19
very fine to medium coarse yellow sand	19	33
fine to coarse yellow sand with lots of large gravel	33	65
very fine to some medium coarse dark yellow sand	65	73
Fine to coarse yellow sand and gravel	73	83
Fine to medium to some coarse light yellow sand	83	97
same, with a few thin layers of tan clay	97	100

OTHER COMMENTS:

I HEREBY AFFIRM THE INFORMATION I HAVE SUBMITTED IS ACCURATE AND CORRECT

David W. White 811 9-7-07
Signature of Well Driller in Charge License# Date



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Surface Water Discharges Section

Telephone: (302) 739-9946
Facsimile: (302) 739-8369

CERTIFIED MAIL 7010 1870 0000 4190 4293
RETURN RECEIPT REQUESTED

February 1, 2012

Susan Passwaters
25141 Truitt Road
Milton, Delaware 19968

Re: Drinking Water Well

Dear Ms. Passwaters:

On November 22, 2011, the Department of Natural Resources and Environmental Control (Department/DNREC) Surface Water Discharges Section received a water sample result that you submitted for Department review. The sample was collected due to concerns of possible groundwater contamination from land application activities, conducted by Isdell Sanitation and Pumping service under Agricultural Utilization Permit (AGU) 1003-S-05, adjacent to your property.

The Department conducted a search of the Well Permitting Database and determined that DNREC id of your well is 220403. Whites Well Drilling installed the well in 2007 to a depth of 95 feet below ground surface (bgs). The well is located in the Columbia Aquifer and the screen is from 80 to 95 feet bgs with gravel pack from 75 to 95 feet bgs.

The Division of Public Health Laboratory received the water sample on October 26, 2011 and performed an analysis for the parameters below. The test results are:

Test	Result	Drinking Water Standard
E. Coli	Absent	Absent
Total Coliforms	Present	Absent
Fluoride	<0.1 mg/L	
Chloride	24.6 mg/L	250 mg/L
Nitrite as N	<0.1 mg/L	1.0 mg/L
Nitrate as N	15.3 mg/L	10 mg/L
Sulfate	<0.6 mg/L	250 mg/L
Hardness	24.8 mg/L	
Sodium	9.0 mg/L	20 mg/L
Iron	<0.1 mg/L	0.3 mg/L
Alkalinity	6 mg/L	
pH	5.5	6.5 - 8.5

Delaware's good nature depends on you!

The well met the drinking water standards except for nitrate as N and total coliforms.

At this time, the Department does not have enough data to determine the flow path and recharge/source areas supplying groundwater to well 220403; however, based on the well screen depth, the Department believes that the well is screened deep enough in the aquifer to be in a regional flow path (deep in the aquifer) and not local flow system (close to the surface of an aquifer). Therefore, it is unlikely that the land application fields permitted under State Permit Number AGU 1003-S-05 are contributing to the nitrate concentration.

The Department recommends resampling well 220403 for total coliforms. Proper sampling methods should be used to limit the possibility of contaminating the sample bottle. If the well tests positive for total coliforms, a licensed well driller or pump installer should chlorinate the well and then the well resampled again.

In addition, you may consider installing a nitrate removal system, such as a reverse osmosis or ion exchange system, to reduce nitrate concentrations below the drinking water standard.

Should you have any questions, please contact me at (302) 739-9946.

Sincerely,



Brian Churchill
Environmental Scientist
Surface Water Discharges Section

cc: John Barndt, Program Manager, Division of Water

Introduced 1/3/17

**Council District: District 3 / Burton
Tax I.D. No. 334-6.00-496.00-497.00
911 Address: 18200 Coastal Highway,**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMPOSTING, INCLUDING POULTRY BY-PRODUCTS; GREENHOUSES; MIXING, BLENDING AND BAGGING COMPOST AND POTTING SOIL PRODUCTS; TRUCKING PRODUCTS; ALL WHOLESALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31.9478 ACRES, MORE OR LESS

WHEREAS, on the 11th day of August 2016, a conditional use application, denominated Conditional Use No. 2071 was filed on behalf of Blessing Greenhouses and Compost; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2071 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2071 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 northwest corner of Draper Road and Thirteen Curves Road, also on the west of Draper Road, and being more particularly described per the attached legal description.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 18, 2017

RE: County Council Old Business Report for CU 2074 Quail Valley 1525, LLC (Midway Fitness)

The County Council held a public hearing on May 23, 2017. The County Council deferred action and left the record open for written comments regarding the revised conceptual site plan considered at the County Council public hearing. The public record was closed on June 20, 2017. The Office is in receipt of additional letters from the public regarding the Conditional Use.

Staff was asked to provide information on the square footage of the buildings in the surrounding area. The following is a summary of the square footage of a number buildings in the area.

Village of Five Points Food Lion (Weiss Market)	72,000 SF
County Bank	28,000 SF
CVS (CU 1868)	13,281 SF
Dollar General	10,000 SF
Roadsters Liquor	9,700 SF
Walgreens	27,000 SF
Medical Offices (CU 1150) – 3 buildings	17,500 SF (total)
Bayview Medical Center (CU 1028) – 3 buildings	26,200 SF +/- (total)
Bayside Medical Building	9,500 SF +/-
Office Building (CU 1162)	9,964 SF
Office Building (CU 1480)	4,102 SF
Office Building (Zoned B-1)	9,400 SF +/- (2 story)

+/- = based on best information available.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 18, 2017

RE: County Council Report for CU 2074 Quail Valley 1525, LLC

On October 28, 2016, the Planning and Zoning Department received an application (CU 2074 Quail Valley 1525, LLC) to allow for a Conditional Use for a commercial use as a therapy and fitness center. The Planning and Zoning Commission held a public hearing on April 6, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

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

The Commission found Glenn Mandalas, Attorney with Baird, Mandalas, and Brockstedt, LLC Zachary Crouch of Davis, Bowen, and Friedel, Inc. and Rich Garret and Janet Hohnholt, Principals of the project were present on behalf of the application; that Mr. Mandalas stated the land is zoned as AR-1; that the property is on the north side of Savannah Road; that they want to construct a 67,000 square foot building; that this application is for a conditional use not a change of zone; that the business is currently located behind Midway Cinemas; that the property was purchased in 2013; that they have outgrown the current facility; that are involved with providing facility for movement for people with disabilities; that the facility will contain a gym, wellness center, and community center; that there is potential for an outpatient facility for Beebe; that the owners live in the community; that they are involved in the Beach House; that they held a community meeting and heard some concerns from neighbors; that this facility is adjacent to the Village of Five Points East; that there are concerns with noise, landscaping, and lighting; that they are willing to extend and expand trees; that are willing to put the HVAC on top of the building to reduce noise; that the lighting will be shielded and motion sensitive; that there have been 27 conditional uses approved since 1987 in the area; that one conditional use was recently approved two parcels away; that this project is consist with the Comprehensive Plan; that Mr. Crouch stated this property is in a Level 2 State Strategy Area; that the property is located in an Environmentally Sensitive Developing Area (ESDA); that access is off Savannah Road; that there are no wetlands on the site; that they are in an excellent recharge area and will do bio-retention or infiltration with underground storage for stormwater management; that the property is in the Inland Bays Pollution Control Strategies; that they will need to contribute to the area wide study fee; that a TOA or TIS is not required per DelDOT; that there will be a protected left turn lane and right turn lane to the site; that the property



COUNTY ADMINISTRATIVE OFFICES
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is located in a sewer district; that there will be 322 parking spaces and 2 loading spaces; that there will be an 8 foot high fence around the perimeter; that they will enhance the area behind the building; that Mr. Garrett stated the current hours of operations are 24 hour; that the new facility hours of operation would be between 5:00 am and 11:00 pm, Monday – Friday, and Saturday and Sundays 8:00 am – 8:00 pm; that they would like a sign; that typically there are 50 to 65 cars in the lot and 200 spaces would be fine; that there will be a gym along with the Cape Center for movement and they are working with Beebe Hospital to bring outpatient therapy to the site; that they offered to plant 8 foot to 10 foot trees and plant along the tree line and fill in the area behind the building; that they are willing to work with the HOA to accommodate whatever they think is reasonable; that they are looking to build manufactured building due to cost and will have to talk to an Architect about changing the size of the building; that if they have a 30 foot rear yard setback they will have extra room for landscaping in the rear; that they were going to put up a metal fence but the HOA seemed to prefer a solid vinyl fence; and that the building will be 67,500 square feet.

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

The Commission found that Frank Piorko, Shellace James, Robert Courpe, Robert Murphy, Jan Allamras, Art Sullivan, Joan Bessadario, Vance Parker, Lucy Angeline, Tom Moglioni, Margaret Flanagan, and Charmaine Thomas spoke in opposition to the application; that they had concerns with noise, lighting, traffic, size of the building, hours of operation; that there was concern about the potential growth of the business; that the building is not in character of the neighborhood; and that there was concern with landscaping and setback of the rear of the property.

At the conclusion of the public hearings, the Commission discussed this application; that the discussion included height, the tree buffer, size of the building and parking being excessive; that part of the building is medical related; and that the hours of operations.

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

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

Ms. Stevenson stated that she moves the Commission recommend approval of Conditional Use No. 2074 for Quail Valley 1525, LLC for a therapy and fitness center. based upon the record and for the following reasons:

The project is located on the north side of Savannah Road in an area where there are mixed uses of residences and businesses. The primary uses in the area are offices and residential. There are multiple conditional uses in the area for offices and medical offices.

1. With the conditions imposed on this use, this is an appropriate location for the conditional use.
2. The Property is currently zoned AR-1 (Agricultural Residential) and the proposed project meets the purposes and requirements of that District. This application is for a conditional use in an AR-1 district.
3. The proposed project will be served by central water and sewer, in accordance with Federal, State, and County requirements.

4. Through consultation with DelDOT, the proposed project will have one entrance on Savannah Road.
5. The property will be used as a therapy and fitness center and will have a minimal impact on the character of the neighborhood.
6. The project, with the conditions and limitations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the AR-1 district.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County West Rehoboth Expansion of the Dewey Beach Sanitary Sewer System.
 - b. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.
 - c. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and the Inland Bays Pollution Control Strategy. The Applicant, its successors and assigns, shall operate the stormwater management facilities using Best Management Practices and Best Available Technologies.
 - d. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.
 - e. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the facility will be screened from view from any residential properties. The landscape buffer must be located on the project site. Final Site Plan shall contain a landscape plan showing the planned vegetation within this buffer area.
 - f. An 8 foot tall fence shall be constructed along the boundaries of the project adjacent to any residential properties.
 - g. The proposed therapy and fitness center shall be set back at least 40 feet from all property lines.
 - h. The number of parking spaces required for this proposed project is clearly excessive and unreasonable. Accordingly, the number of parking spaces required shall be modified and reduced. The proposed project shall have 200 parking spaces. All vehicle parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.
 - i. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.
 - j. Hours of operation shall be between 5:00 am and 9:00 pm, Monday through Friday and between 5:00 am and 5:00 pm (Saturday and Sunday).
 - k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Ross, and carried unanimously to forward this application on to the Sussex County Council with the recommendation that the application be approved for the reasons and with the condition stated. Motion carried 4-1.

The vote by roll call: Mr. Wheatley-yea; Mr. Ross-yea; Mr. Hudson-nay; Mr. Hopkins-yea; and Ms. Stevenson-yea.

Introduced 1/3/17

**Council District: District 3 / Burton
Tax I.D. No. 335-12.06-1.00
911 Address: 1523 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL USE AS A THERAPY AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS

WHEREAS, on the 28th day of October 2016, a conditional use application, denominated Conditional Use No. 2074 was filed on behalf of Quail Valley 1525, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2074 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2074 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road, approximately 2,150 feet west of Dove Drive and being more particularly described in Plot Book 3733, Page 208, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 6.113 acres, more or less.

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

To Be Introduced 07/25/17

Council District No. 3 – Burton

Tax I.D. No. 334-6.00-511.00 and 334-6.00-512.00

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (52 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2017, a conditional use application, denominated Conditional Use No. 2106, was filed on behalf of MDI Investment Group, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2106 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2106 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Shady Road, approximately 130 feet northeast of Plantations Road, and being more particularly described per the attached deeds, said parcels containing 6.86 acres, more or less.

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

To Be Introduced 07/25/17

**Council District No. 3 – Burton
Tax I.D. No. 330-11.00-73.09
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.669 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1831, was filed on behalf of East Gate Farm, Inc.; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1831 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the south side of Cedar Neck Road, approximately 900 feet east of Coastal Highway (Route 1), and being more particularly described per the attached deed prepared by Delaware Department of Transportation, said parcel containing 16.669 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 07/25/17

**Council District No. 3 – Burton
Tax I.D. No. 334-6.00-511.00 and 334-6.00-512.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1832, was filed on behalf of MDI Investment Group, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1832 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Shady Road, approximately 130 feet northeast of Plantations Road, and being more particularly described per the attached deeds, said parcels containing 6.86 acres, more or less.

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

To Be Introduced 07/25/17

Council District No. 3 – Burton

Tax I.D. No. 235-15.00-7.01

911 Address: 13275 Reynolds Road and 26381 Broadkill Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.13 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1833, was filed on behalf of Eagles Nest Fellowship Church; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1833 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying at the northeast corner of Reynolds Road and Broadkill Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 2.13 acres, more or less.

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

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date June 22, 2017

Application: CU 2083 Richard H. Bell III KH

Owner/Applicant: Richard H. Bell III
16192 Coastal Hwy.
Lewes, DE 19958

Site Location: 22592 Lewes-Georgetown Hwy.
South side of Lewes-Georgetown Hwy. (Rt. 9) approximately 1,731 ft.
west of Park Ave.

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Storage building, storage yard and crushing of concrete for a
contracting business

Comprehensive Land
Use Plan Reference: Developing Areas

Councilmatic
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: On-site septic

Water: On-site well

Site Area: 5.96 ac. +/-

Tax Map ID.: 135-15.00-79.03



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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 21, 2017

RE: County Council Report for CU 2083 Richard H. Bell III

On January 20, 2017, the Planning and Zoning Department received an application (CU 2083 Richard H. Bell III) to allow for a Conditional Use for an office, storage building, storage yard and crushing of concrete for a contracting business. The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

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

The Commission found Richard H. Bell III and Jennifer Bell were present on behalf of the application; that Mr. Bell spoke that his primary business is Clean Cut Interlock Pavers; that he wants to recycle concrete to use as a base underneath new projects; that the crushing will not be daily; that the crushing has a sprinkler system for dust control and they try to crush when it is raining; that there are only a few dump trucks a day; that the material mainly comes in from a dump truck; that there was a letter of support from an adjoining neighbor; that the crusher is 275 horsepower; that they will get a water truck to hose down the road as needed; that the hours of operation for dumping are Monday – Friday 7:00 am to 5:00 pm; that the hours of operation for crushing will be Monday – Friday 9:00 am to 4:00 pm; that there is a 32 square foot sign on site; that there are no plans to grow; that there is 1 new employee hired to operate the crushing machine; that he has a total of 20 employees; that the crusher is at the back of the property and near a stormwater management pond; that there is no processing of wood; that a wood chipper makes more noise than a crusher; that they are good with all the conditions in the previous Conditional Use; that the crusher is a mobile unit and would like to take it off-site; and that they will register the unit with DNREC.

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

The Commission found that George W. Dick, lives on Route 9; that he spoke in opposition that the dust is a problem now; that there is a sign at the entrance of Park Avenue stating no trucks over 2 axels except for local deliveries; that there is a lot of concrete coming in; that where is the water



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going to run off; that he has concerns with traffic; and that he has concerns that this may affect Sports at the Beach with noise and dust.

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

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

The Commission discussed this application which has been deferred since June 22, 2017.

Mr. Hopkins stated that he would move that the Commission recommend approval of Conditional Use 2083 Richard H. Bell III. for an office, storage building, storage yard and crushing of concrete for a contracting business based upon the record and the following reasons stated:

1. There are several Conditional Uses in this area and this site was previously approved for a Conditional Use for an office storage building and storage yard for the applicants contracting business that prior Conditional Use expired.
2. The use for an office storage building and storage yard is consistent with other similar uses in this area of Route 9. These uses will not adversely impact neighboring properties, roadway or the community.
3. The use as a recycling and crushing facility for concrete will benefit the citizens and the environment of Sussex County by recycling and reusing this material. There will be a reduction of materials going to the landfills.
4. With the conditions of approval, the uses of a concrete crushing and recycling facility will not adversely affect the neighboring properties, roadway or the community.
5. This use promotes the goals of the Sussex County Comprehensive Plan by enhancing the environmental quality of Sussex County. It is also a use which has a public or semi-public character that is essential and desirable to the general convenience and welfare of Sussex County residents.
6. The recommendation is subject to the following conditions:
 - a. The recycling and crushing use shall be limited to concrete and the steel that is encased. No other wood or metal chipping or grinding shall occur and no other materials shall be accepted at the site for crushing or recycling.
 - b. Crushing operations shall only occur between the hours of 9am through 4pm Monday through Friday. In addition, the operator shall cooperate with Sports at the Beach so that crushing operations do not unreasonable interfere with events occurring there.
 - c. Materials may be accepted for the crushing and recycling operation between 7am and 5 pm Monday through Friday.
 - d. Landscaping shall be installed to screen the use from adjacent residential dwellings. The landscaping shall be shown on the final site plan.
 - e. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - f. Water shall be available at all times to control dust within the site.
 - g. One lighted sign shall be permitted. It shall not be greater than 32 SF per side.
 - h. The applicant shall comply with all roadway and entrance improvements required by DelDOT.

- i. The applicant shall not advertise or display products within the front yard area except in the form of landscaping beds and planters.
- j. There shall be no parking within the front yard setback.
- k. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried to forward this application on to the Sussex County Council with the recommendation that the application be approved for the reasons and with the stipulations stated. Motion carried 4-1. Mr. Wheatley voted against the motion.

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Sussex County
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 13, 2017
RE: Staff Analysis for CU 2083 Richard H. Bell, III

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2083 Richard H. Bell, III to be reviewed during the June 22, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 135-15.00-79.03 to allow for the use of an office, storage building, storage yard and crushing of concrete for a contracting business. The size of the property to be used for the Conditional Use is 5.97 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land use to the north, south, east and west is Developing Areas. The Developing Areas land use designations recognizes that a range of housing types are appropriate including single family, townhouses and multifamily dwellings. It also recognizes that a variety of office uses would be appropriate along with a careful mixture of homes with light commercial and institutional uses to allow for convenient services and allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are several Conditional Uses in the area. There was a previous Conditional Use (CU 1688) on the property for office storage building and storage yard for contracting building that expired.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for an office, storage building, storage yard and crushing of concrete for a contracting business could be considered consistent with the land use, surrounding zoning and uses.



Introduced 02/21/17

Council District No. 3 – Burton

Tax I.D. No. 135-15.00-79.03

911 Address: 22592 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE BUILDING, STORAGE YARD AND CRUSHING OF CONCRETE FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS

WHEREAS, on the 20th day of January 2017, a conditional use application, denominated Conditional Use No. 2083, was filed on behalf of Richard H. Bell III; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2083 be _____; and

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

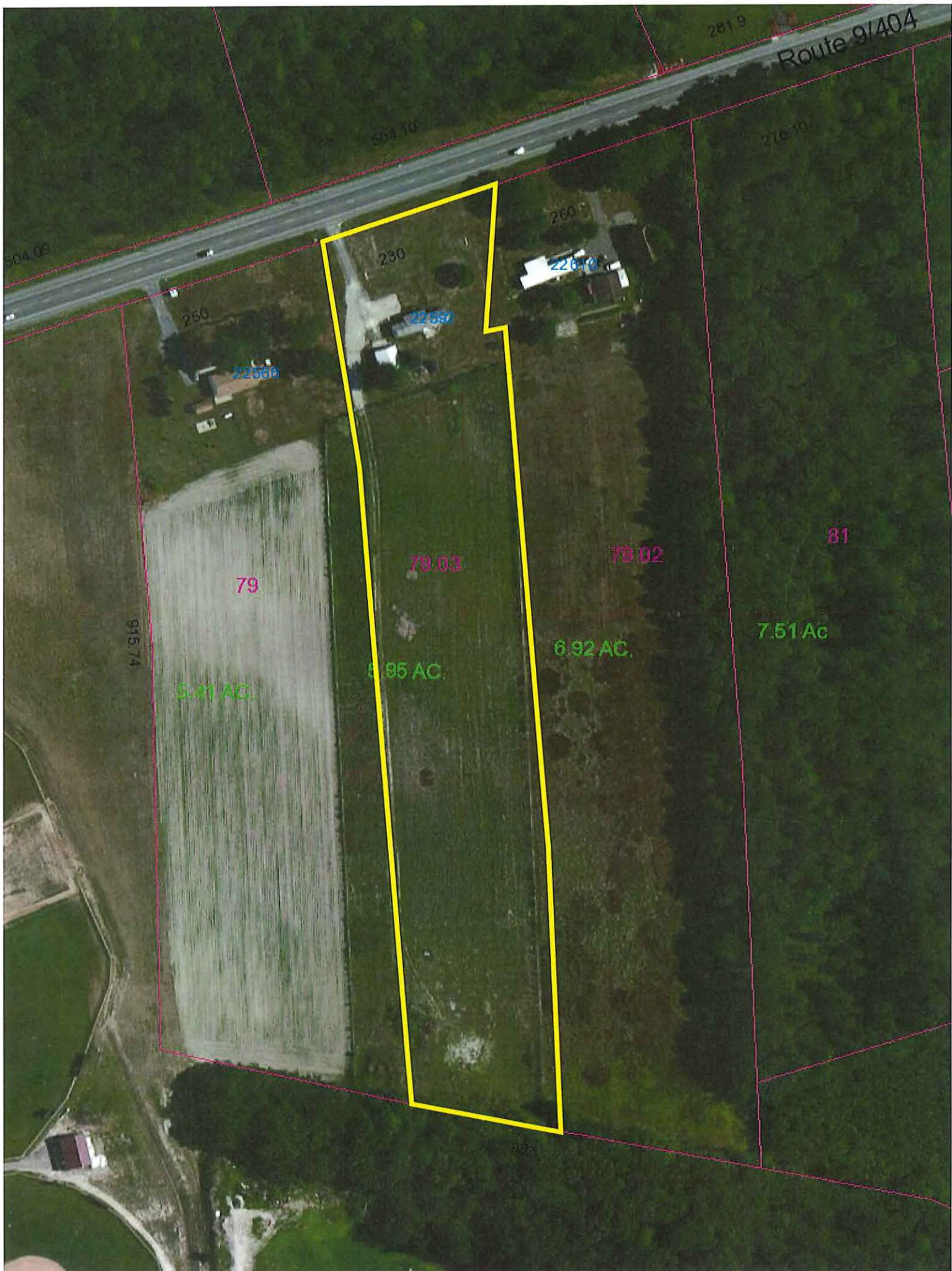
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2083 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 south side of Lewes-Georgetown Highway (Route 9), approximately 1,731 feet west of Park Avenue, and being more particularly described per the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 5.97 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.



Route 9/404

504 10

270 10

281 9

504 09

250

230

260

22568

22597

22640

79

79.03

79.02

81

915.74

5.41 AC.

8.85 AC.

6.92 AC.

7.51 Ac

09

18

Lewes Georgetown Hwy

18

Route 9/404

504.10

281.9

276.10

260

22610

230

22592

250

22568

79

5.41 AC.

915.74

79.03

5.95 AC.

79.02

6.92 AC.

81

7.51 Ac

982

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2 THE CIRCLE | PO BOX 417
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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date June 22, 2017

Application: CU 2084 Term 2, LLC MR

Owner/Applicant: Term 2, LLC
10 Adel Dr.
Newark, DE 19958

Site Location: 21039 Loews Rd.
North side of Lowes Rd. approximately 63 ft. southwest of Betts Rd.

Zoning: AR-1 (Agricultural Residential District)

Current Use: Abandoned borrow pit and weight scale operation

Proposed Use: Recycling Center and weight scale operation

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Arlett

School District: Indian River School District

Fire District: Gumboro Fire District

Sewer: On-site septic

Water: On-site well

Site Area: 30.8878 ac. +/-

Tax Map ID.: 333-14.00-23.00



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE 19947

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 21, 2017

RE: County Council Report for CU 2084 Term 2, LLC

On January 30, 2017, the Planning and Zoning Department received an application (CU 2084 Term 2, LLC) to allow for a Conditional Use for a recycling center and weight scale operation. The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into record as part of the application were the staff analysis, an Environmental Impact Statement, comments from DelDOT, Sussex County Utility Planning Division, that there is a Subsurface Expiration Report and that the applicant submitted a site plan and exhibit book.

The Commission found Dennis Schrader, Attorney with Morris James, Barry Baker, Principal Owner, Kyle Lampron, with Ten Bears, and Michael Reimann, with Becker Morgan Group, were present on behalf of the application; that Mr. Schrader spoke that the property is 30.88 acres and zoned AR-1; that there have been 2 previous applications for Conditional Use on this property; that first Conditional Use No 187 was approved in 1974 for a borrow; that the Commission recently reviewed a site plan for a 8,000 square foot pole barn with weight scales; that they propose a recycle center and weight scale operation; that this is consistent with the Comprehensive Plan; that it is a Low Density and in a Level 4 State Strategy; that no TIS was required from DelDOT; that they have on-site septic and well; that Mr. Reimann spoke that the property has been a borrow pit since 1974 and also a hot mix operation plant; that there is woods located on 3 sides of the property and across the street; that there is a trucking business, construction business in the area and the rest is agricultural use; that there are 2 existing entrances; that there is a fence on Lowes Road; that the type of materials that would be coming to the site are construction debris, concrete, recycled asphalt, top soil, and wood materials to be reused off-site; that they are not looking to expand the site area; that there are proposing 2 small office buildings; that they are going to use the existing pavement for parking; that there will be a permit from DNREC giving permission for crushing on-site; that the crushing equipment would be brought to the site to do crushing when needed; that Mr. Baker spoke that they are expanding their work in Sussex County; that he confirmed Mr. Riemann's testimony; that they will have 7 employees; that the operations are 6:00 am to 6:00 pm Monday – Saturday; that there are no issues with traffic and neighbors; that there are 5 to 7 trucks entering the site per hour and maybe 50 loads a day; that 75% of the materials come from their own company; that they are



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

available to take materials from smaller companies; that Mr. Baker spoke that there will be no food product; that the site will only contain concrete, asphalt, wood, and top soil; that there will be a chipper for chipping wood for mulch; that they will try to direct traffic to come down the east side of Lowes Road to enter the site; that there will be a dumpster on-site that will have to be screened; that there will be a 32 square foot lighted sign; that there won't be much noise on site: that the crusher will be placed back in a corner; that there will be lots of trees to control the noise and water to control the dust; that the nearest resident is 800 feet from the site; that there is a berm under construction; that there will be a fence around the frontage to start; that they can crushed and chip at different hours; and that the site is no longer a borrow pit.

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

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

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

The Commission discussed this application which has been deferred since June 22, 2017.

Mr. Hudson stated that he would move that the Commission recommend approval of Conditional Use 2084 Term 2, LLC a recycling center and weight scale operation based upon the record and the following reasons stated:

1. This site has been used for similar operations in the past. It was approved in 1974 as a borrow pit under Conditional Use #187, and has been in operation under that approval ever since. Also, an updated site plan for the borrow pit was approved by the Planning and Zoning Commission last year.
2. The area around the applicant's property is primarily agricultural, with some commercial uses. This is an appropriate location for this use.
3. The use as a recycling facility for materials such as concrete, asphalt and wood will benefit the citizens and the environment of Sussex County. By recycling these materials, there will be a reduction of materials going to the landfills.
4. The use will not adversely affect the neighboring properties, roadways, or the community.
5. This use promotes the goals of the Sussex County Comprehensive Plan by enhancing the environmental quality of Sussex County. It is also a use which has a public or semi-public character that is essential and desirable to the general convenience and welfare of Sussex County and its residents.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a recycling center with a scale for concrete, asphalt, wood, soils and other similar materials. No food products, metals, sanitary

wastes or liquids shall be accepted at the site.

- B. Material acceptance and processing hours shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
- C. There shall be a vegetated buffer of at least 50 feet from all boundaries of the site.
- D. No material processing shall occur within 100 feet of County Road 427.
- E. Water truck shall be available to control dust within the site.
- F. One lighted sign shall be permitted. It shall not be greater than 32 square feet per side.
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

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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 13, 2017
RE: Staff Analysis for CU 2084 Term II, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2084 Term II, LLC to be reviewed during the June 22, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 333-14.00-23.00 to allow for the use of a recycle center and weight scale operation. The size of the property to be used for the Conditional Use is 30.89 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land use to the north, south, east and west is Low Density. The Low Density land use designation recognizes that 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 AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area. The site was previously a borrow pit.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a recycle center and weight scale operation could be considered consistent with the land use, surrounding zoning and uses.



Introduced 02/21/17

**Council District No. 5 – Arlett
Tax I.D. No. 333-14.00-23.00
911 Address: 20139 Lowes Road, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECYCLE CENTER AND WEIGHT SCALE OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30.89 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2017, a conditional use application, denominated Conditional Use No. 2084, was filed on behalf of Term 2, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2084 be _____; and

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

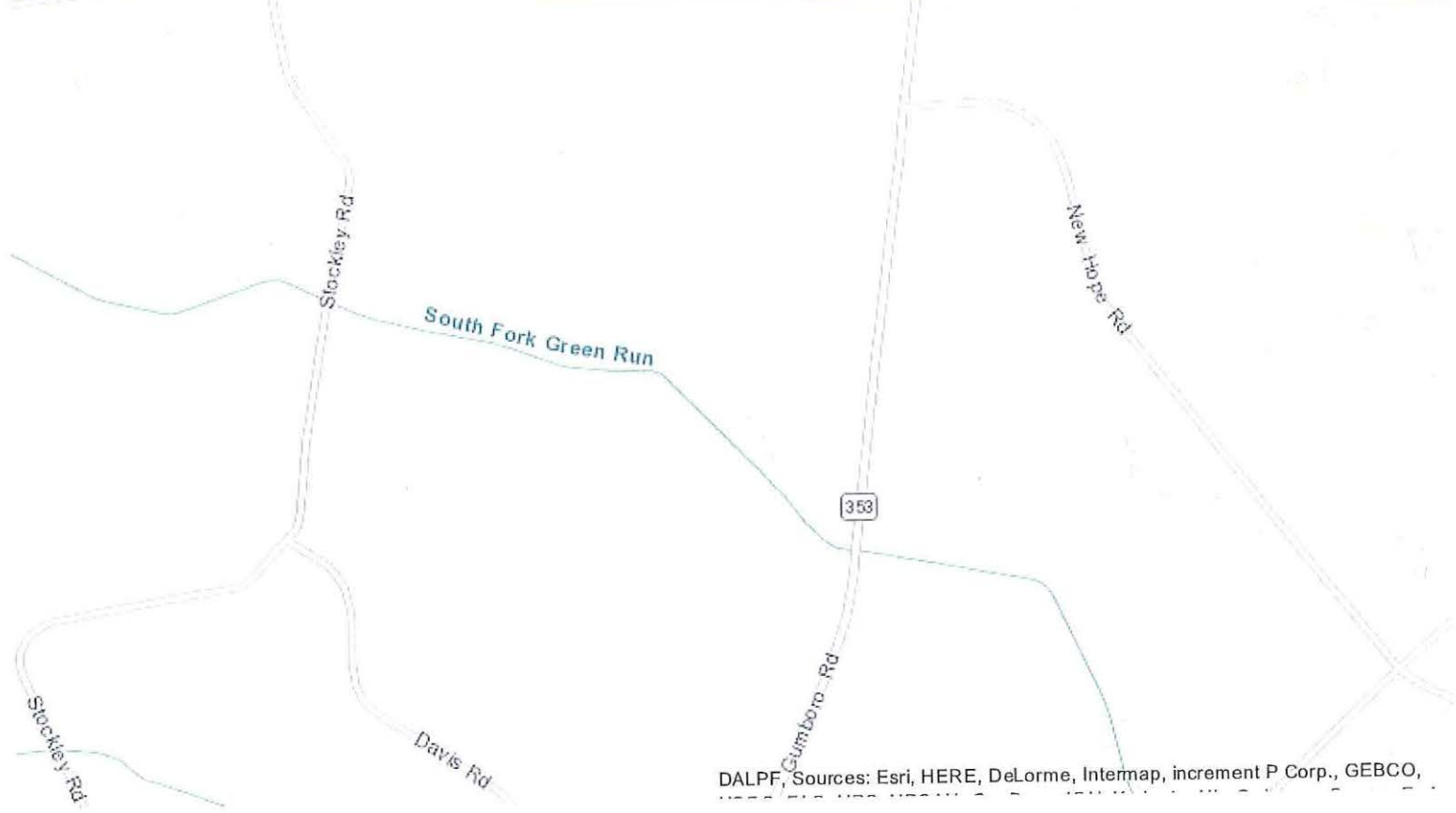
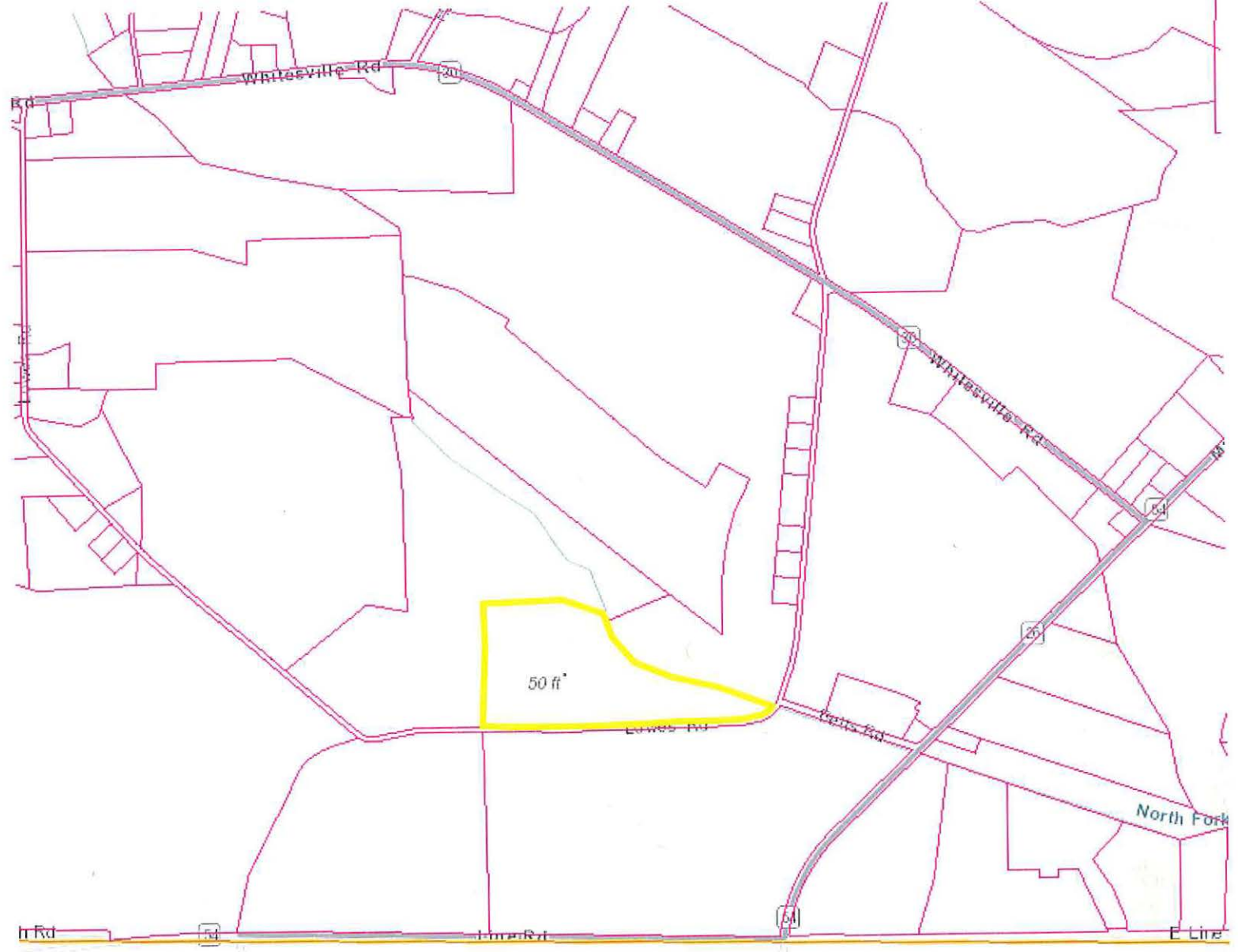
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

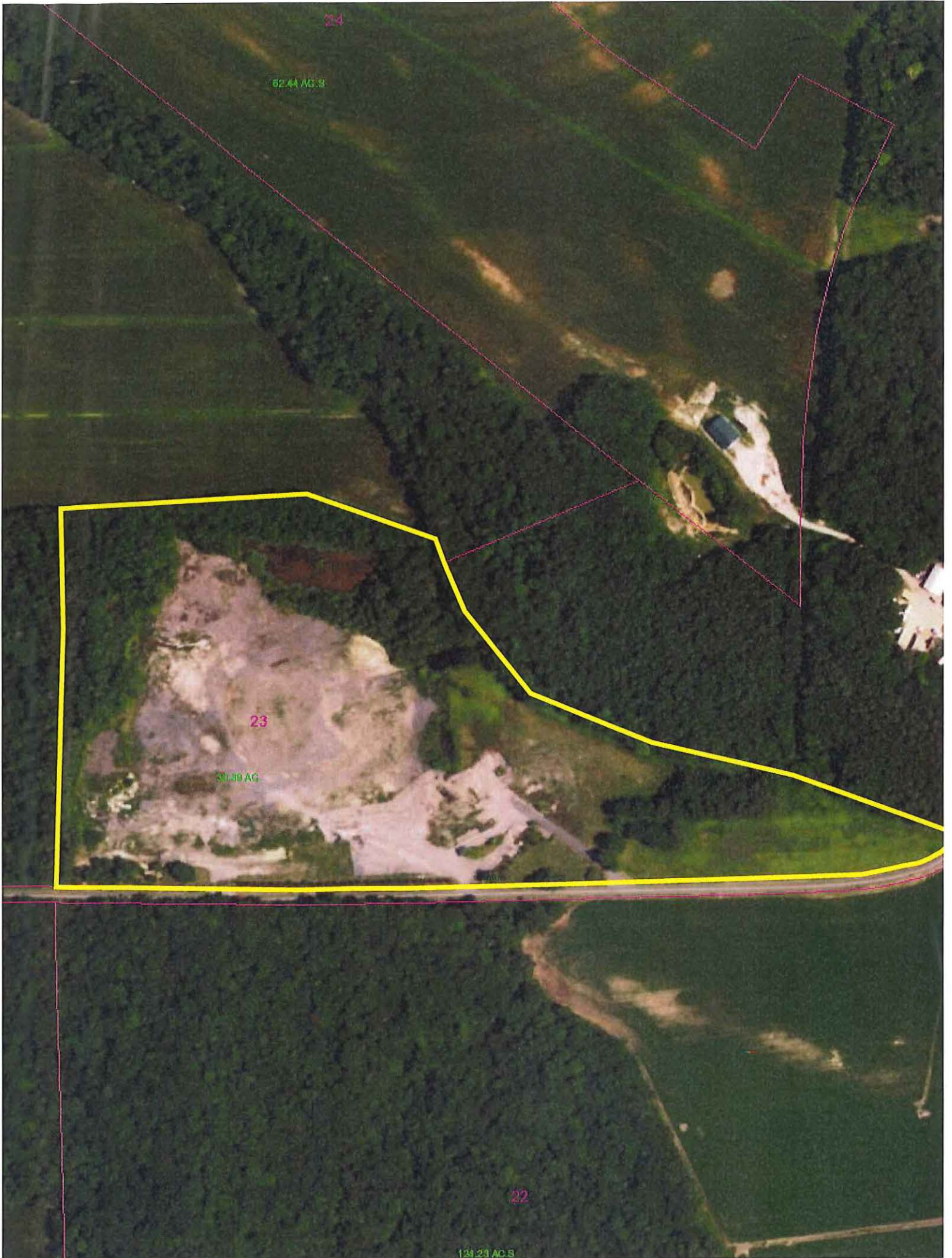
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2084 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Gumboro Hundred, Sussex County, Delaware, and lying on the north side of Lowes Road, approximately 63 feet southwest of Betts Road, and being more particularly described per the attached deed prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 30.89 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.





62.44 AC.S

23

30.89 AC

22

134.23 AC.S

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date June 22, 2017

Application: CZ 1819 MTC Properties', LLC KS

Owner/Applicant: MTC Properties, LLC
14485 Sussex Hwy.
Bridgeville, DE 19933

Site Location: 14485 Sussex Hwy.
East side of Sussex Hwy. approximately 1231 ft. south of Adams Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Wilson

School District: Woodbridge School District

Fire District: Greenwood Fire District

Sewer: On-site septic

Water: On-site well

Site Area: 13.063 ac. +/-

Tax Map ID.: 530-14.00-24.00 (portion of)

Location: East side of Sussex Hwy. approximately 1231 ft. south of Adams Rd.
(14485 Sussex Hwy.)



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Sussex County
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 13, 2017
RE: Staff Analysis for CZ 1819 MTC Properties, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application 1819 MTC Properties, LLC to be reviewed during the June 22, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 530-14.00-24.00 (portion of). The request to change the zoning from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The overall size of the project is 13.063 ac +/-.

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

The surrounding land uses to the south, east and west are Low Density Areas. The surrounding land use to the north is Developing Areas. The Low Density Areas land use designation recognizes that 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 CR-1 zoning district is a zoning classification that can be considered within the Low Density Areas.

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

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding zoning and uses.



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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 20, 2017

RE: County Council Report for CZ 1819 MTC Properties, LLC

On December 8, 2016, the Planning and Zoning Department received an application (CZ 1819 MTC Properties, LLC) to allow for a Change of Zone to go from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into record as part of the application were comments from DelDOT, Sussex County Utility Planning Division, a staff analysis, and a site plan.

The Commission found that J.J. Carter, Owner of All-Span was present on behalf of the application; that Mr. Carter spoke that they have a Conditional Use on the adjacent property for truss manufacturing and have expanded the business into other businesses; that they only want to rezone 600 feet in depth of the property; that they have a commercial entrance on-site, that there are other commercial zonings in the area; and that they have 57 employees and want to grow into businesses that complement their business.

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

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

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

The Commission discussed this application which has been deferred since June 22, 2017.

Ms. Stevenson stated that she would move that the Commission recommend approval of CZ 1819 MTC Properties, LLC for from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) based upon the record and the following reasons stated:

1. The site is located along U.S. Route 13 (Sussex Highway) adjacent to other property owned by the applicant that is currently zoned C-1. This rezoning will allow the



- reasonable expansion of the applicant's business operations in an area that is appropriate for CR-1 zoning.
2. The site is in an area where other Commercially-zoned properties exist. The CR-1 zoning will be consistent with the area zoning.
 3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
 4. The property currently has a commercial entrance.
 5. CR-1 Zoning is appropriate, since the County Zoning Code state that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along US Route 13 falls within the stated purposes of the CR-1 District.
 6. No parties appeared in opposition to this rezoning.

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

Introduced 05/16/17

**Council District No. 2 - Wilson
Tax I.D. No. 530-14.00-24.00 (portion of)
911 Address: 14485 Sussex Highway, Bridgeville**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.063 ACRES, MORE OR LESS

WHEREAS, on the 8th day of December 2016, a zoning application, denominated Change of Zone No. 1819, was filed on behalf of MTC Properties, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1819 be _____; and

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

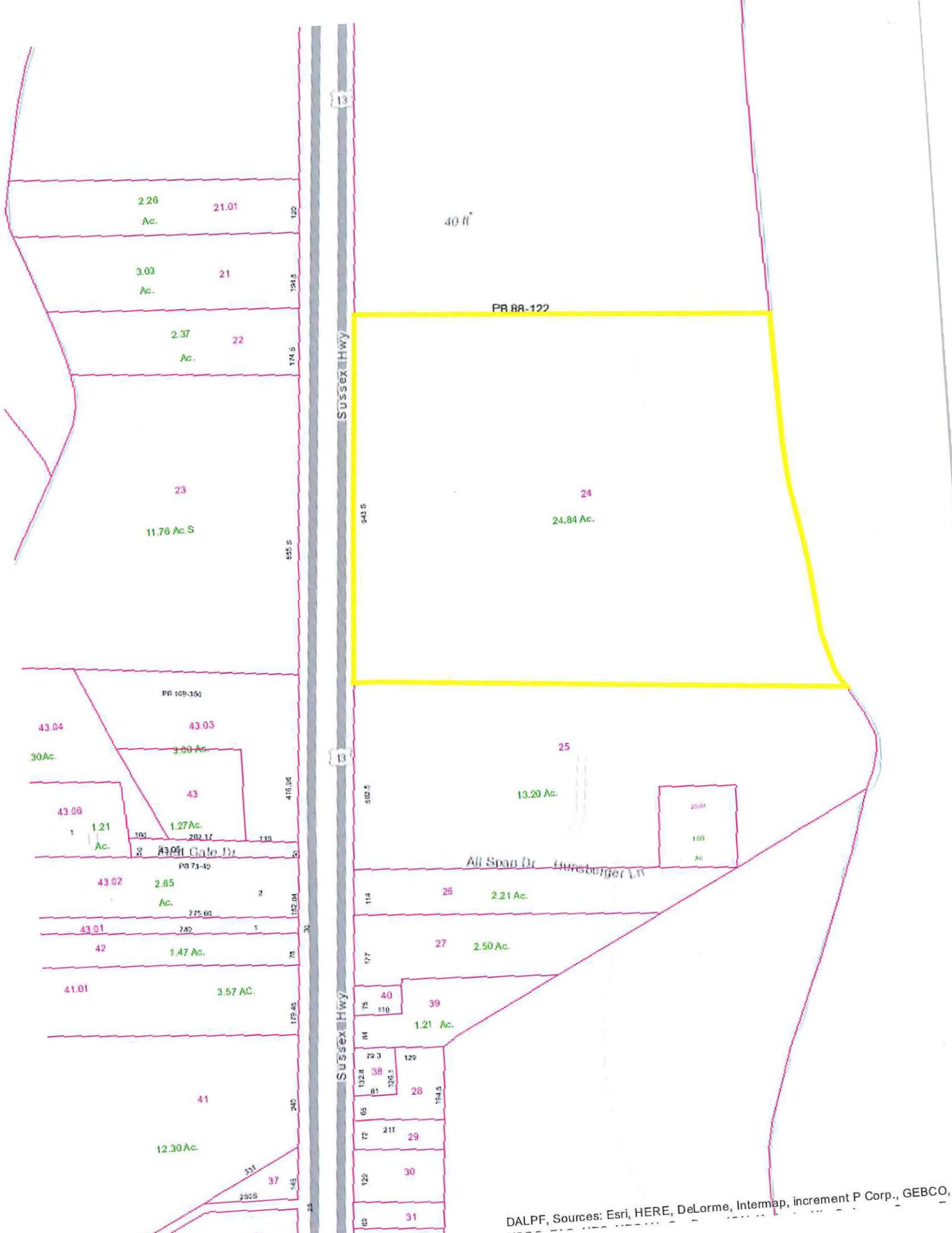
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

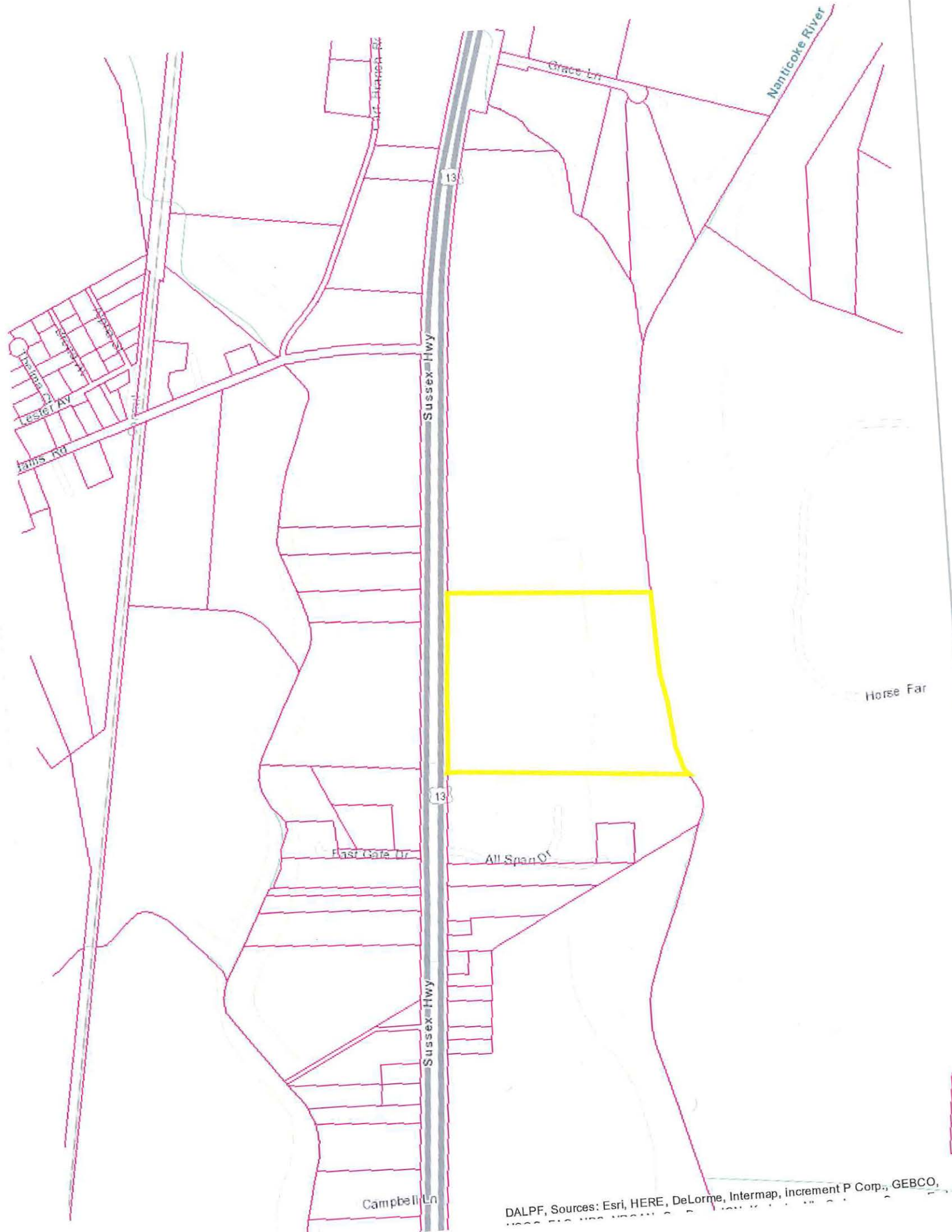
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation of CR-1 Commercial Residential District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

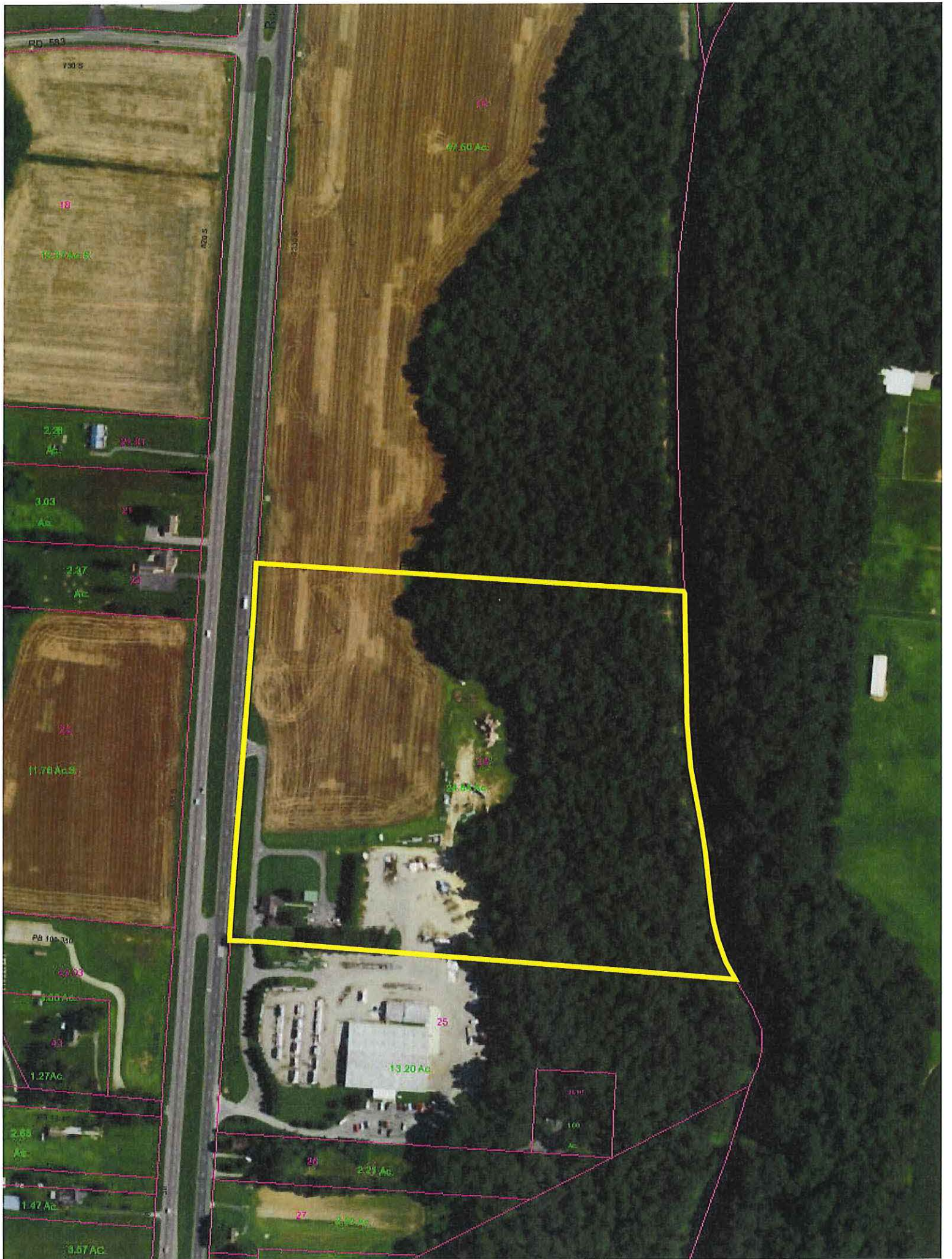
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying on the east side of Sussex Highway (Rt. 13), approximately 1,226 feet south of Adams Road, and being more particularly described in the legal description prepared by MTC Properties, LLC, said parcel containing 13.063 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.







RD 593

130 S

18

13.37 Ac. S

400 S

230 S

67.50 AC

2.28

Ac

20.81

3.03

Ac

21

2.37

Ac

20

11.78 Ac. S

22

23.50 AC

23

PA 100-330

22.03

Ac

23

1.27 Ac

2.65

Ac

24

1.47 Ac

3.57 AC

25

13.20 Ac

10.00

Ac

26

2.23 Ac

27

2.42 AC

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date June 22, 2017

Application: CZ 1823 WMF Watercraft & Marine, Inc. KH

Applicant: WMF Watercraft & Marine, Inc.
27037 John J. Williams Hwy.
Millsboro, DE 19966

Owner: Davis and Baxter Realty, LLC
27037 John J. Williams Hwy.
Millsboro, DE 19966

Site Location: East side of Layton Davis Rd. approximately 213 ft. south of John J. Williams Hwy. and south side of John J. Williams Hwy. approximately 208 ft. east of Layton Davis Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic
District: Mr. Cole

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: On-site septic

Water: Tidewater

Site Area: 4.489 ac. +/-

Tax Map ID.: 234-29.00-64.00, 64.01 and 65.00



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 13, 2017
RE: Staff Analysis for CZ 1823 WMF Watercraft & Marine, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application 1823 WMF Watercraft & Marine, Inc. to be reviewed during the June 22, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 234-29.00-64.00, 64.01 and 65.00. The request to change the zoning from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The overall size of the project is 4.4890 ac +/-.

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

The surrounding land uses to the south, east and west are Environmentally Sensitive Developing Areas. The surrounding land use to the north is Low Density. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. The CR-1 zoning district is a zoning classification that can be considered within the Environmentally Sensitive Developing Areas.

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

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding zoning and uses.



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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 20, 2017

RE: County Council Report for CZ 1823 WMF Watercraft & Marine, Inc.

On February 14, 2017, the Planning and Zoning Department received an application (CZ 1823 WMF Watercraft & Marine, Inc.) to allow for a Change of Zone to go from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission the submitted into the record as part of the application were the staff analysis, comments from the Sussex County Utility Planning Division, DelDOT, an exhibit book and site plan.

The Commission found that Tim Willard, Attorney with Fuqua, Willard, Stevens, and Schab, William Foreski, Principal, and Ring Lardner, with Davis, Bowen, & Friedel, were present on behalf of the application; that Mr. Willard spoke that are commercial use in the area which are CR-1, C-1 and B-1 to the east of the property; that the property is in an Environmental Sensitive Developing Area (ESDA) in the Comprehensive Land Use Plan; that there are other commercial properties in the area; that Mr. Foreski spoke that he confirms Mr. Willard testimony; and that he has 15 employees.

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

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

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

The Commission discussed this application which has been deferred since June 22, 2017.

Mr. Hopkins stated that he would move that the Commission recommend approval of Conditional Use 2083 Richard H. Bell III. for an office, storage building, storage yard and crushing of concrete for a contracting business based upon the record and the following reasons stated:



1. The site is located along U.S. Route 24 adjacent to another property owned by the applicant that is currently zoned C-1. This rezoning will allow the reasonable expansion of the applicant's business operations in an area that is appropriate for CR-1 zoning.
2. The site is in an area where other Commercially-zoned properties exist along this side of Route 24. The CR-1 zoning will be consistent with the area zoning and it fills in a gap between commercially zoned properties on either side.
3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
4. With CR-1 Zoning for the entire site, the applicant will have to comply with all site plan requirements for any commercial use on the property, and it will have to comply with all DelDOT entrance and roadway requirements associated with the development of the site.
5. CR-1 Zoning is appropriate, since the County Zoning Code state that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along US Route 24 falls within the stated purposes of the CR-1 District.
6. No parties appeared in opposition to this rezoning.

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

Introduced 03/07/17

Council District No. 4 - Cole

Tax I.D. No. 234-29.00-64.00, 64.01, and 65.00

911 Address: 27037 John J. Williams Highway, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.4890 ACRES, MORE OR LESS

WHEREAS, on the 14th day of February 2017, a zoning application, denominated Change of Zone No. 1823, was filed on behalf of WMF Watercraft & Marine, Inc.; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1823 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

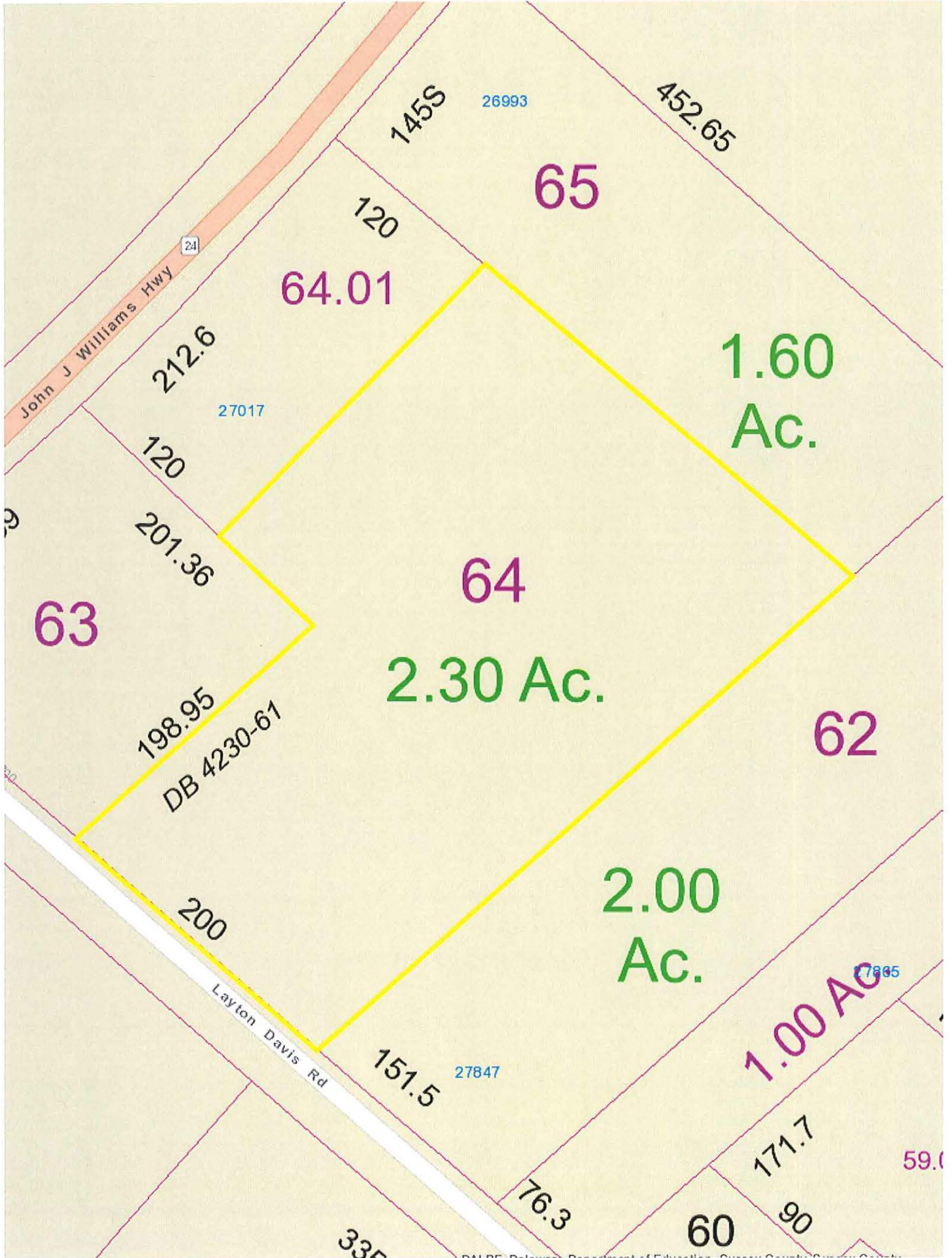
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24) and east side of Layton Davis Road, approximately 208 feet east of said intersection, and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 4.4890 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



63

65

64

62

60

64.01

1.60
Ac.

2.30 Ac.

2.00
Ac.

1.00 AC

John J Williams Hwy

Layton Davis Rd

DB 4230-61

26993

27017

27847

27885

59.0

145S

452.65

120

212.6

120

201.36

198.95

200

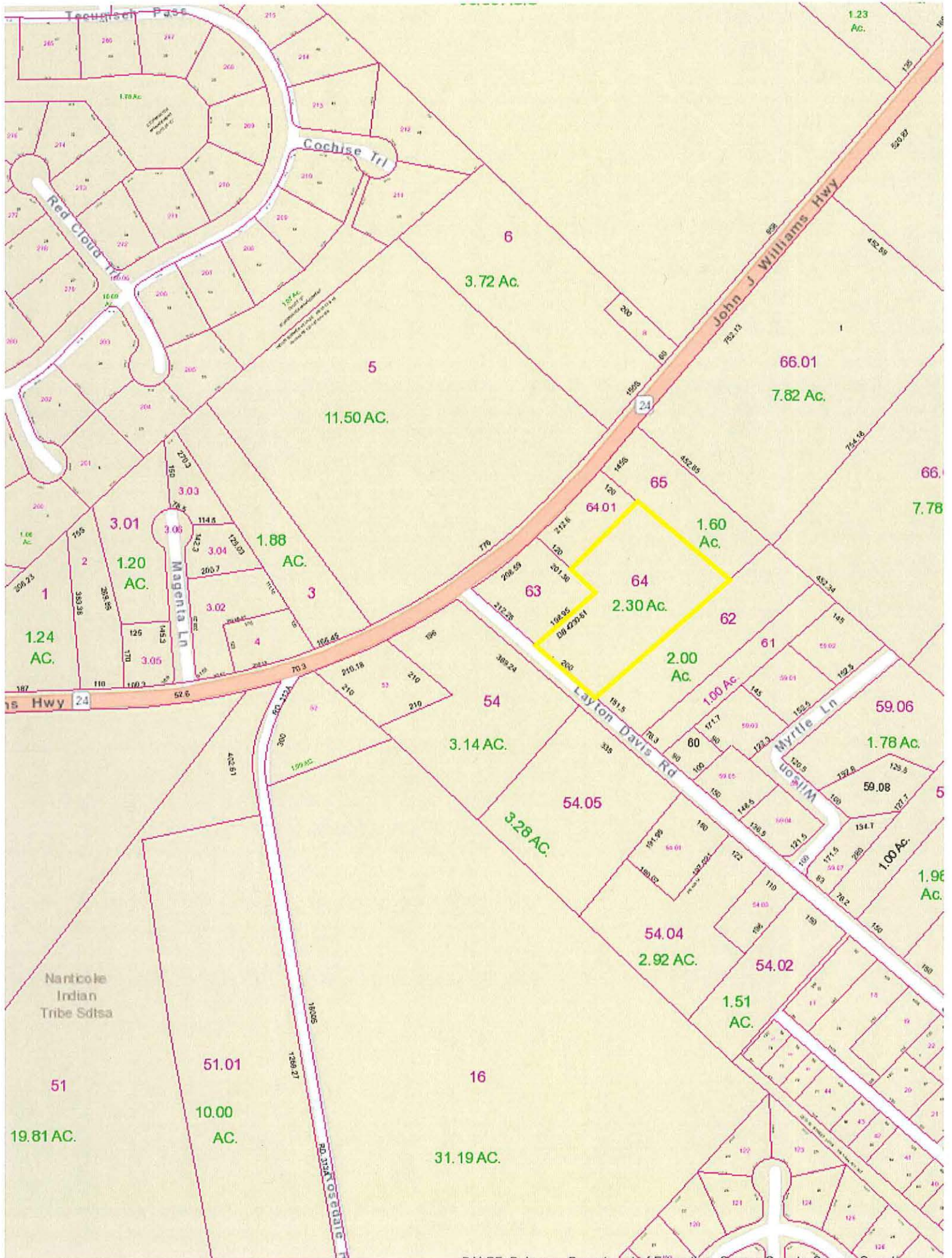
151.5

76.3

171.7

90

335



Cochise Trl

John J Williams Hwy

Magenta Ln

Layton Davis Rd

Myrtle Ln

Red Cloud Trl

Hwy 24

Nanticoke Indian Tribe Sdtsa

19.81 AC.

51.01
10.00 AC.

31.19 AC.

6
3.72 AC.

5
11.50 AC.

66.01
7.82 AC.

1
124 AC.

2
1.20 AC.

3
1.88 AC.

63
2.00 AC.

64
2.30 AC.

65
1.60 AC.

62
2.00 AC.

54
3.14 AC.

54.05
3.28 AC.

54.04
2.92 AC.

54.02
1.51 AC.

59.06
1.78 AC.

59.08
1.96 AC.

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