



Sussex County Council Public/Media Packet

**MEETING:
August 14, 2018**

****DISCLAIMER****

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

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



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

Sussex County Council

AGENDA

AUGUST 14, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 892-4
Sussex County Project No. 81-04
Marsh Farm Estates – Off-Site DelDOT Work
Angola Neck Sanitary Sewer District
2. Wastewater Agreement No. 1026
Sussex County Project No. 81-04
Tidalwalk (AKA Back Creek)
South Bethany Sanitary Sewer District

Todd Lawson, County Administrator

1. Administrator's Report

10:15 a.m. Public Hearing

Burton Pond Communities Expansion of the Sussex County Unified Sanitary Sewer District (Herring Creek Area)

Councilman I.G. Burton

1. Discussion and possible introduction of a Proposed Ordinance relating to wetlands and density calculation



Gina Jennings, Finance Director

1. Delaware Transit Reimbursement Program Request

Hans Medlarz, County Engineer

1. Professional Environmental Services Consultant Selection
 - A. Recommendation to Award Contract
2. Town of Georgetown and Sussex County Wastewater Agreement
 - A. Addendum
3. South Coastal Library Reading Garden Alterations, Project L19-03
 - A. Bid Award Recommendation
 - B. Change Order No. 1

Grant Requests

1. Millsboro Historical Society for restoration and maintenance of the Jacob Godwin School
2. Just A Hand Up Community Navigation Association for playground restoration
3. Delaware State College Alumni Association for Delaware State University Marching Band's performance in Rehoboth Beach
4. Laurel American Legion Post 19 for Veterans Day Parade expenses
5. ITN Southern Delaware, Inc., for transportation program expenses

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Pending/Potential Litigation and Land Acquisition pursuant to 29 Del. C. § 10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

**Change of Zone No. 1851 filed on behalf of The Evergreene Companies, LLC
“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 7.33 ACRES, MORE OR LESS” (lying on the north side of Gills Neck Road, approximately 135 feet west of Spinnaker Circle in the Wolfe Runne development) (Tax I.D. No. 335-8.00-44.00) (911 Address: 16386 Gills Neck Road, Lewes)

Conditional Use No. 2134 filed on behalf of The Evergreene Companies, LLC
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS” (lying on the north side of Gills Neck Road, approximately 135 feet west of Spinnaker Circle in the Wolfe Runne development) (Tax I.D. No. 335-8.00-44.00) (911 Address: 16386 Gills Neck Road, Lewes)

Change of Zone No. 1852 filed on behalf of Canal Corkran, LLC
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT–RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT–RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS” (lying on the northeast side of Canal Crossing Road between Hebron Road and Church Street) (Tax I.D. No. 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00-1414.00 and 334-13.00-1447.00) (911 Address: N/A)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 7, 2018 at 5:10 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 31, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 31, 2018, 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 420 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the agenda by deleting "Potential Litigation" (under Executive Session) and to approve the agenda, as amended.

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 July 24, 2018 were approved by consent.

**Corre-
spondence**

Mr. Cole received a letter from the Rehoboth Beach Historical Society in appreciation of a recent grant.

**Public
Comments**

Scott Thomas spoke in support of Winter WonderFEST and its positive impact to the County.

Paul Reiger questioned the Board of Adjustment's rules of procedure, Ordinance No. 2557 (side setbacks), decisions made by the Board of Adjustment, and the District 2 reappointment on the Board. Council requested Mr. Reiger to submit his questions in writing to the County Administrator.

Dan Kramer made comment regarding the Board of Adjustment's rules of procedure.

**Winter
Festival**

Mr. Lawson noted that members of the Winter Festival were in attendance. Mr. Peter Briccotto presented a PowerPoint presentation on behalf of the

**(Con't.)
Festival
of Cheer/
Winter
Wonder-
FEST**

Festival of Cheer, Inc., which produces Winter WonderFEST. Their primary mission is to create cultural events that transform and enrich the community, and to take the proceeds from those events and reinvest in the community via their community grant fund. Their organization was founded in January 2016 by 6 local business and community leaders. In attendance were John Snow, Board President; Brittany Danahy, Vice President; Hank Rosenberg 2nd Vice President; Amy Mault, Secretary; Peter Briscotto, and Josh Grapski. Winter WonderFEST was launched in November 2016; in July 2017, their organization awarded over \$100,000 in community grants to Sussex County charities from their first season. The growth of WonderFEST was discussed and it was noted that in July 2018, an additional \$30,000 was awarded from their second season. Planning is currently underway for the upcoming season. Winter WonderFEST is a 7-week holiday festival anchored by three main attractions: lights spectacular, Christmas village and Visit Delaware Ice Rink. The festival begins the weekend before Thanksgiving and is held on the Ferry grounds in Lewes. The event is supported by over 100 sponsors and producing partners; their 200 volunteers allow for a staff of only 3 part-time employees. Their first season saw 42,000 visitors and their second season realized 60,000 visitors from 31 states. Mr. Briccotto also discussed their operating budget, as well as plans for future expansion.

Mr. Briccotto commented that the Festival of Cheer would like to have a future partnership with the County. Council thanked Mr. Briccotto for his presentation and requested that he submit a written proposal to Mr. Lawson and Ms. Jennings.

**M 421 18
Approve
Consent
Agenda
Items**

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. 516-8
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek) –
Phase 3-7
Dagsboro/Frankford Sanitary Sewer District**
- 2. Wastewater Agreement No. 516-9
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek) –
Phase 3-6
Dagsboro/Frankford Sanitary Sewer District**
- 3. Wastewater Agreement No. 918-17
Sussex County Project No. 81-04
Bay Forest Club – Phase 5.2 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District**

(Con't.)

4. **Wastewater Agreement No. 1053-3
Sussex County Project No. 81-04
Belle Terre – Phase 1B (Construction Record)
Goslee Creek Planning Area**
5. **Wastewater Agreement No. 1053-4
Sussex County Project No. 81-04
Belle Terre – Phase 1C (Construction Record)
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

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

**Wetlands
and Buffers
Discussion**

Due to the complexity of the issue, Councilman Burton reported that he needed additional time to bring a proposed ordinance before Council regarding wetlands density calculations.

**Public
Hearing/
Robinson
Road
Expansion/
SCUSSD**

A Public Hearing was held to consider expanding the boundary of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). Mr. Ashman, Director of Utility Planning, reported that the expansion was requested by Insight Homes for their project (parcels 234-11.00-60.00, 64.00 & 62.03), and Solutions IPEM on behalf of their client (Bryton Simpler for parcels 234-11.00-66.00 & 66.01) and The Kercher Group for their client (Double DB, LP for parcel 234-11.00-49.00). Several other parcels are included as part of the request to develop a contiguous boundary to the Angola Neck area; these parcels have been contacted by the developers and have agreed to the annexation. The expansion will consist of 336.00 acres, more or less, and the property owner(s) will be responsible for system connection charges of \$6,360.00 per EDU based on current rates. Mr. Ashman commented that they have also received a request for additional parcels to be added to the boundary; these parcels are associated with another upcoming project and are in the Engineering Department's Planning Area. These projects have proposed multiple pump stations and they wish to connect to the existing force main installed to service the Angola Neck area. The Engineering Department is orchestrating a combined regional project to reduce this to a single regional pump station. If this expansion is approved, the Engineering Department will come before Council at a future meeting with three individual Infrastructure Agreements for existing and proposed infrastructure and a request to utilize the Engineer of Record for the project with the proposed pump station location.

There were no public comments.

The Public Hearing and public record were closed.

**M 422 18
Adopt
R 010 18
Robinson
Road
Expansion/
SCUSSD**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 010 18 entitled, “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE SEVERAL PARCELS IN THE ROBINSONVILLE ROAD & DORMAN ROAD AREA 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, INCLUDING ADDITIONAL PARCELS, AS PRESENTED AT PUBLIC HEARING ON JULY 31, 2018”.

Motion Adopted: 5 Yeas.

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

**George-
town
Little
League**

Helen Kruger, Board Member, and Dennis Swain, President, with the Georgetown Little League, were in attendance to present Council with a picture of the District III Girls’ Softball Team from Georgetown who were the 2017 District III Senior League World Series Champions. The Council originally recognized the team for their championship win during the August 22, 2017 Council meeting. Mr. Swain thanked Council for their continued support.

**Capital
Transportation
Program**

Mr. Lawson reported that there will be a few changes to the County’s Capital Transportation Program (CTP) which will be submitted to the Delaware Department of Transportation (DelDOT). Council was provided with copies of Sussex’s portion of the annual CTP spreadsheet produced by DelDOT. Each year, the County provides a list of projects for DelDOT’s consideration; prior to the list being sent, it is reviewed by Council. After a public hearing held by the Department of Transportation in September, they then incorporate that list into their annual CTP request list. Mr. Lawson noted that this year’s change can be seen in the improvement of the CTP form on the County’s website and the information gathered from the public. He also noted that as a result of the CTP spreadsheet produced by DelDOT, the County will no longer create its customary booklet, but will, instead, submit a spreadsheet. To better pinpoint the location of a recommendation received online, the suggestion was made for the inclusion of a map on the CTP link on the County’s website; Mr. Lawson will pursue this recommendation with DelDOT. The public is encouraged to offer suggestions for the upcoming 2020-2025 Capital Transportation Program. Submissions will be accepted now through August 10.

**Town of
Delmar**

Michael Houlihan, Mayor of Delmar, Delaware, along with State Representative Tim Dukes and Sara Bynum-King, Town Manager, appeared before Council. The Town of Delmar came before Council on June 12, 2018 to request Council’s consideration of infrastructure funding

(Con't)
Infra-
structure
Request

for the relocation of Perdue's global headquarters to the north US 13 corridor in Delmar. Mayor Houlihan reported that the Town has committed \$125,000 and has secured to date \$205,000 from the State of Delaware for this project. They are now requesting \$125,000 from the County. Mr. Lawson noted that possible funding from the County would be through the Fiscal 2019 Contingency Account. The upgrades would serve 5 adjacent parcels as well, furthering boosting economic development in the area. Mr. Lawson read a proposed Resolution into the record.

M 423 18
Adopt
R 011 18

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Resolution No. R 011 18 entitled, "RESOLUTION GRANTING THE TOWN OF DELMAR \$125,000 FOR TOWN INFRASTRUCTURE IMPROVEMENTS".

Motion Adopted: 5 Yeas.

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

Adminis-
trator's
Report

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

1. DelDOT 2020-2025 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2020-2025 Capital Transportation Program (CTP) 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.sussexcountyde.gov and click on the link to fill out a suggestion form, as well as to view last year's County request. This year's CTP form is being adjusted to improve the information the County receives from the public.

Submissions will be accepted now through August 10th. County staff will review all suggestions and then compile a draft report for County Council's review before submitting the final recommendation to DelDOT for their public hearing in September.

2. County Council Meeting Schedule

Please note, Council will not meet on Tuesday, August 7th. The next regularly scheduled Council meeting will be held on Tuesday, August 14th.

(Con't.) [Attachments to the Administrator's Report are not attachments to the minutes.]

**Old Business/
CU 2113/
CleanBay** Under Old Business, the Council considered Conditional Use No. 2113 filed on behalf of CleanBay Renewables, LLC, Sussex I.

The Planning and Zoning Commission held a Public Hearing on this application on January 25, 2018 and deferred action. On February 8, 2018, the Commission recommended approval for the following reasons and conditions:

- 1. The proposed Conditional Use is to establish a facility for nutrient recovery and conversion of poultry litter into electrical generation. The use and process of electrical generation will not include any incineration or composting of poultry waste.**
- 2. The site is a 16.71 acre parcel of land with frontage on Route 113, which is one of the 3 major north-south truck routes through Sussex County. The site is also in close proximity to the existing electrical power grid. This is an appropriate and necessary location for this type of use.**
- 3. The proposed use is consistent with other existing uses in the immediate vicinity, which include a large borrow pit, an asphalt plant, a large construction contractor equipment yard and an airstrip.**
- 4. The proposed use is an agribusiness use which takes chicken litter, a byproduct of the Delmarva poultry industry, and converts it to electrical energy. This is a benefit to the agricultural industry of Sussex County through the re-use of chicken litter. It is also a benefit to residents and businesses within Sussex County by creating an economical alternative energy source for Sussex County and Delaware utility providers.**
- 5. The entire process occurs within a closed system, from the time that the material delivered to the site arrives via truck through the end of the process when the pelletized remnants are removed from the site. There is no open storage of any material on site at any time.**
- 6. There was nothing in the record to indicate that there will be significant odors from the site. And, given the current AR-1 zoning of the site, there are reasonable expectations that the site could currently be used for agricultural purposes that do generate odors associated with farming and poultry operations.**
- 7. While there were concerns about traffic generated by the use, the actual amount of traffic is relatively minor given the prominent location of the site along Route 113 adjacent to other existing heavy uses. The applicant testified that there are no more than 12 truck deliveries to the site per day and there are few employees associated with the use. And, the Delaware Department of Transportation will dictate entrance and roadway improvements necessitated by the use.**
- 8. The applicant testified that the use does not generate an extensive amount of noise. Any noise coming from the conversion process or the**

(Con't.)

generators is comparable to the noise already created by traffic along Route 113.

9. The applicants will be required to obtain all necessary permits and approvals from the Delaware Department of Natural Resources and Environmental Control, particularly those relating to air and water quality controls, and other agencies, prior to any operations on the site.
10. I am satisfied that this parcel is appropriate for development given its proximity to the highway and being surrounded by other heavy commercial types of uses. This particular use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties or the community.
11. This proposed use supports one of the primary goals of the current Sussex County Land Use Plan as stated on page 1 of that document: Conserve the County's agricultural economy. This goal is also restated in the Future Land Use Element of the Plan. This agribusiness use provides a market for the chicken litter byproduct of poultry operations which benefits and helps conserve the agricultural economy of Sussex County.
12. This recommendation is subject to the following conditions:
 - A. All improvements for nutrient recovery and electrical generation shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal agencies that have any jurisdiction over the development and use of the site.
 - B. As proffered by the applicant, all buildings on the site shall have an agricultural appearance. This shall not apply to the generators, holding and treatment tanks or towers located on the site.
 - C. The generators must have sound suppression measures in place and they must be located as far as possible from Breasure Road.
 - D. All trucks entering or leaving the site shall be completely enclosed at all times.
 - E. All materials brought to the site shall be offloaded from trucks using a conveyor system. No open dumping shall be permitted.
 - F. No chicken litter or other materials brought to the site or the end-product from the use shall be stored outside on the site. All materials brought to the site shall be immediately offloaded from trucks into the facility's closed system.
 - G. Truck deliveries to the site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and there shall be no more than 12 deliveries of materials per day. No deliveries shall occur on Sunday, and no trucks containing materials shall remain on the site beyond the delivery hours or on Sundays.
 - H. The Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County. Section 99-5 dictates the types of trees and vegetation, the density of the required trees and other plantings, minimum heights, and other requirements. The

(Con't.)

- Final Site Plan shall contain a landscaping plan for these buffer areas.**
- I. The applicant shall comply with all DelDOT requirements for roadway and entrance improvements.**
 - J. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet per side. Small directional signs shall also be permitted at the entrances to the site. The location of the signage shall be shown on the Final Site Plan.**
 - K. Any violations of the conditions of approval may result in the termination of this Conditional Use.**
 - L. The Final Site Plan shall contain the approval of the Sussex Conservation District regarding drainage and stormwater management requirements.**
 - M. Any security lighting shall be designed so that it is downward screened so that it does not shine on neighboring properties or roadways. In addition, all exterior lighting shall automatically be dimmed between 9:00 p.m. and 6:00 a.m.**
 - N. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality sample and the report from that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site.**
 - O. The Final Site Plan shall be subject to the approval of the Sussex County Planning and Zoning Commission.**

The County Council held a Public Hearing on the proposed application on February 20, 2018 and deferred action.

Mr. Moore reported that Councilman Wilson had requested him to draft amendments for Council's consideration; specifically, the adding of a condition to be known as Condition D to reflect that there will no entrance to or from Breasure Road, and delete the wording "and there shall be no more than 12 deliveries of materials per day" in the newly re-lettered Condition H. Due to the adding of another condition, all subsequent conditions will be re-lettered to reflect Conditions A through P.

**M 424 18
Amend
Conditions/
CU 2113**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to approve the adding of a new condition for CU 2113 to now be known as Condition D which will read, 'No entrance to the site shall be to or from Breasure Road'.

Motion Adopted: 5 Yeas.

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

**M 425 18
Amend
Conditions**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the newly re-lettered Condition H for CU 2113 to remove the wording, "and there shall be no more than 12 deliveries of materials per day".

(Con't.)
CU 2113

Motion Adopted: 5 Yeas.

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

**M 426 18
Adopt
Ordinance
No. 2589/
CU 2113**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adopt Ordinance No. 2589 entitled, "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.71 ACRES, MORE OR LESS" (Conditional Use No. 2113) filed on behalf of CleanBay Renewables, LLC Sussex I, with conditions, as amended A. thru P.

- A. All improvements for nutrient recovery and electrical generation shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal agencies that have any jurisdiction over the development and use of the site.**
- B. As proffered by the applicant, all buildings on the site shall have an agricultural appearance. This shall not apply to the generators, holding and treatment tanks or towers located on the site.**
- C. The generators must have sound suppression measures in place and they must be located as far as possible from Breasure Road.**
- D. No entrance to the site shall be to or from Breasure Road.**
- E. All trucks entering or leaving the site shall be completely enclosed at all times.**
- F. All materials brought to the site shall be offloaded from trucks using a conveyor system. No open dumping shall be permitted.**
- G. No chicken litter or other materials brought to the site or the end-product from the use shall be stored outside on the site. All materials brought to the site shall be immediately offloaded from trucks into the facility's closed system.**
- H. Truck deliveries to the site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No deliveries shall occur on Sunday, and no trucks containing materials shall remain on the site beyond the delivery hours or on Sundays.**
- I. The Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County. Section 99-5 dictates the types of trees and vegetation, the density of the required trees and other plantings, minimum heights, and other requirements. The Final Site Plan shall contain a landscaping plan for these buffer areas.**
- J. The applicant shall comply with all DelDOT requirements for roadway and entrance improvements.**
- K. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet per side. Small directional signs shall also be permitted at**

- (Con't.) the entrances to the site. The location of the signage shall be shown on the Final Site Plan.
- L. Any violations of the conditions of approval may result in the termination of this Conditional Use.
 - M. The Final Site Plan shall contain the approval of the Sussex Conservation District regarding drainage and stormwater management requirements.
 - N. Any security lighting shall be designed so that it is downward screened so that it does not shine on neighboring properties or roadways. In addition, all exterior lighting shall automatically be dimmed between 9:00 p.m. and 6:00 a.m.
 - O. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality sample and the report from that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site.
 - P. The Final Site Plan shall be subject to the approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Old
Business/
CU 2130/
The
Evergreene
Companies**

Under Old Business, the Council considered Conditional Use No. 2130, filed on behalf of The Evergreene Companies, LLC. During the Public Hearing on July 24, 2018, Council deferred action to allow Mr. Medlarz, County Engineer, to report back to Council regarding odor concerns and the wastewater capacity of Pump Station No. 172.

Mr. Medlarz reported that Pump Station No. 172 has available capacity to support the proposed application. He also noted that there is no record of recent complaints as far as odor concerns and there is an upgraded odor control system; the County installed a Bio-Air system replacing an older carbon type filtration system at the pump station to improve any odor issues that may have previously existed.

The public and applicant now have a 15-day period to submit written comments.

**Use of
Existing
Infra-
structure
Agreement**

John Ashman, Director of Utility Planning, presented for Council's consideration a Use of Existing Infrastructure Agreement with Baylis Estates Investments, LLC for the Baylis Estates project in the Oak Orchard area. The arrangement allows the wastewater originating from the approved project, as well as off-site equivalent dwelling units, to be conveyed through the existing transmission system previously constructed by the County. Under the proposed arrangement, Baylis Estates will connect to the existing force main system that will connect to existing

(Con't.) regional infrastructure that goes to the County's Inland Bays Facility. In return for utilization of said infrastructure, Baylis Estates Investments, LLC will contribute \$73,039.00 for the perpetual use of these transmission facilities to serve 138 equivalent dwelling units.

M 427 18
Approve
Use of
Existing
Infra-
structure
Agreement/
Baylis
Estates

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the "Use of Existing Infrastructure Agreement" between Sussex County and Baylis Estates Investments, LLC for a capacity allocation in the regional transmission system, as presented on July 31, 2018.

Motion Adopted: 5 Yeas.

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

Use of
Existing
Infra-
structure
Agreement

Mr. Ashman presented for Council's consideration a Use of Existing Infrastructure Agreement with BB Lovett, LLC for the Lovett's Reserve project in the Angola Neck area. This arrangement allows the wastewater originating from the approved project, as well as off-site equivalent dwelling units, to be conveyed through the existing transmission system previously constructed by the County. Under the proposed arrangement, Lovett's Reserve will connect to the existing gravity collection system that will connect to existing regional infrastructure that goes to the County's Inland Bays Facility. In return for utilization of said infrastructure, BB Lovett, LLC will contribute \$14,287.00 for the perpetual use of these transmission facilities to serve 31 Equivalent Dwelling Units.

M 428 18
Approve
Use of
Existing
Infra-
structure
Agreement/
Lovett's
Reserve

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the 'Use of Existing Infrastructure Agreement' between Sussex County and BB Lovett, LLC for a capacity allocation in the regional transmission system, as presented on July 31, 2018.

Motion Adopted: 5 Yeas.

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

Financing
Agreement/
City of
Rehoboth

Mr. Medlarz, County Engineer, presented an Alternative Financing Agreement with the City of Rehoboth Beach for the Rehoboth Plant Upgrades, Phase 2. The agreement is set up as a partnership allowing the City and the County to jointly develop alternatives for the next phases of the treatment plant upgrade project. On July 20, 2018, the City Council

(Con't.) agreed to accept the County's offer to assume the design and construction responsibilities of Phase 2 of the upgrade consisting mostly of electrical and structural reliability issues. The City would reimburse the County for the prorated costs incurred over a 10-year period at 0 percent interest. The Finance Director and the County Engineer, in cooperation with City officials, drafted the alternative financing agreement for Council's consideration.

M 429 18 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the
Approve recommendation of the Sussex County Engineering and Finance
Financing Departments, that Council approve the alternative financing agreement for
Agreement/ design and implementation of the Wastewater Treatment Plant Capital
City of Improvement Plan, Phase 2, with the City of Rehoboth Beach, as presented.
Rehoboth

Motion Adopted: 5 Yeas.

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

Rehoboth Hans Medlarz presented Contract Amendment No. 14 under GHD, Inc.
Plant Base Contract, Design of Phase Upgrades at the Rehoboth Beach
Upgrades/ Wastewater Treatment Facility. GHD, Inc. is the Engineer of Record for
Amendment the County's South Coastal Regional Wastewater Facility, as well as for the
#14 Rehoboth Beach Wastewater Treatment Plant. Mr. Medlarz explained the
previous amendments to this project. The Engineering Department is now
requesting Council to approve Amendment 14 for design services of the
City's Phase 2 capital upgrade project in the amount of \$398,413.20.

M 430 18 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the
Approve recommendation of the Sussex County Engineering Department, that
Amendment Amendment No. 14 to the base engineering contract with GHD, Inc., be
No. 14/ approved in the amount not to exceed \$398,413.20, for design services for
GHD, Inc. the Rehoboth Beach Wastewater Treatment Plant Capital Improvement
Program Upgrade, Phase 2, in a joint project with the expansion of the
South Coastal Regional Wastewater Facility.

Motion Adopted: 5 Yeas.

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

Main- Mr. Medlarz presented Change Order No. 1 in the amount of \$8,970.00 for
tenance the Sussex County Maintenance Garage Project, Project #17-09, for a new
Garage total of \$2,002,080.00. The change order is needed due to a foundation
design change.

**M 431 18
Approve
Change
Order/
Mainten-
ance
Garage**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract #17-09, Sussex County Maintenance Garage, be approved, which increases the contract amount by \$8,970.00, for a new contract total of \$2,002,080.00.

Motion Adopted: 5 Years.

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

**Grant
Requests**

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

**M 432 18
Youth
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 from Countywide Youth Grants to the Millsboro Little League (comprising of girls from Laurel, Seaford, and Millsboro) for travel expenses to the regional championship to be held in Connecticut.

Motion Adopted: 5 Years.

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

**M 433 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$2,000 (\$1,500 from Mr. Cole's Councilmanic Grant Account and \$500 from Mr. Burton's Councilman Grant Account) to True Blue Jazz, Inc. for their 2018 True Blue Jazz Festival.

Motion Adopted: 5 Years.

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

**Council
Members'
Comments**

Mr. Cole made comment regarding information learned during the recent NACo Conference; more specifically, that the State of Wyoming had become a trade free zone. He questioned the merits of pursuing the possibility for the County and/or State; Mr. Lawson will further explore the issue.

Mr. Vincent mentioned Mr. Burton's attendance at an Affordable Housing workshop held as part of the recent NACo Annual Conference and the fact that this is an ongoing issue the County continues to ask staff to review.

Mr. Arlett welcomed the teams from around the world to Sussex County as they participate in the World Series currently being held in Roxana. He also reiterated the benefit of Council's attendance at NACo's Annual

(Con't.) Conference and its many workshops and committees; he specifically mentioned an immigration reform taskforce.

Mr. Burton commented that he will not be able to attend the afternoon session of today's Council meeting.

M 434 18 At 11:34 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to Go Into recess the Regular Session and go into Executive Session for the purpose of Executive discussing matters relating to land acquisition. Session

Motion Adopted: 5 Yeas.

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

Executive At 11:40 a.m., an Executive Session of the Sussex County Council was held Session in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:30 p.m.

M 435 18 At 12:34 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to Reconvene come out of Executive Session and to reconvene the Regular Session. 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.

M 436 18 At 12:35 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to Recess recess until 1:30 p.m.

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**

M 437 18 At 1:35 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Reconvene reconvene.

Motion Adopted: 4 Yeas; 1 Absent.

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

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public
Hearing/
C/U 2132
Dorothy
Darley**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (Conditional Use No. 2132) filed on behalf of Dorothy Darley (Tax I.D. No. 335-12.06-58.00) (911 Address: 33995 Clay Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on June 14, 2018, at which time the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 14, 2018.)

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

An Exhibit Booklet provided by the Applicant was previously distributed to Council.

The Council found that David Hutt, Attorney for RKJ Properties, LLC (owners of the property), and the applicant, Dorothy Darley, were present on behalf of the application.

Mr. Hutt discussed the proposed use and location of the property. He reminded Council that they gave approval for an identical application in April 2017 for a yoga studio on the same parcel; in that particular case, the proprietor moved out of state. The tax map shows that the property is situated in an area that is zoned AR-1 and there are also B-1 and C-1 zonings in the area. Mr. Hutt made note of the other businesses located in the area; the property is within the County’s environmentally sensitive development district overlay zone; the property is an Investment Level 2; the use is consistent with the Comprehensive Land Use Plan; and a traffic impact study is not required. When the April 2017 application came before Council, Council modified 4 of the conditions for the yoga studio and those 4 revisions have been incorporated into the proposed conditions for the current application.

There were no public comments in support of or in opposition to the application.

The Public Hearing and public record were closed.

**M 438 18
Approve
Ordinance**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2590 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

(Con't.)
No. 2590
C/U 2132

RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (Conditional Use No. 2132) filed on behalf of Dorothy Darley (Tax I.D. No. 335-12.06-58.00) (911 Address: 33995 Clay Road, Lewes), with the following conditions:

- a. The use shall be limited to the 800-square foot building shown on the plan submitted during the public hearing identified as “Existing One Story Building (Salon)”.
- b. The Applicant shall submit a Final Site Plan showing all entrance and parking areas.
- c. One unlighted sign shall be permitted, it shall not exceed 32 square feet per side.
- d. As stated by the Applicant, the hours of operation shall be between 9:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. through 3:00 p.m. on Saturdays.
- e. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- f. The applicant shall comply with all DeDOT requirements concerning entrance and roadway improvements.
- g. No parking shall be permitted within the front yard setback.
- h. The Final Site Plan shall show all designated parking areas, and these locations shall also be clearly designated on the site itself.
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 4 Yeas; 1 Absent.

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

Public
Hearing/
C/U 2133

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3443 ACRE, MORE OR LESS” (Conditional Use No. 2133) filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon (Tax I.D. No. 335-8.14-47.00) (911 Address: 1200 Savannah Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on June 28, 2018, at which time the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 28, 2018.)

(Con't.) Janelle Cornwell, Director of Planning and Zoning, presented the application.

An Exhibit Booklet provided by the Applicant was previously distributed to Council.

The Council found that Rachael Bleshman, attorney, and the applicant, Dr. Laima Anthaney, were present on behalf of the application.

Ms. Bleshman discussed the proposed use and location of the property. She noted the location is not new to a conditional use and cited Ordinance No. 792, adopted by Council on October 29, 1991, granted Conditional Use No. 985 that allowed a one-story building for the use as dental offices, and has remained unchanged. The applicant has practiced under the conditional use for 27 years using the building as a medical dental office. Due to the retirement of the applicants, they would like to rent the property to a similar business. The conditional use application would expand the use slightly to allow the applicants to rent the building for professional offices. It was noted that the Department of Transportation does not require a traffic impact study. Ms. Bleshman stated that the proposed use fits within the County's Comprehensive Land Use Plan and there are at least 20 conditional uses along Savannah Road; she also discussed requested changes to the 4 conditions that were included in the 1991 conditional use.

Ms. Cornwell confirmed that a request for a lighted sign does not include an electronic message center.

There were no public comments in support of or in opposition to the application.

The Public Hearing and public record were closed.

**M 439 18
Approve
Ordinance
No. 2591/
CU 2133**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve Ordinance No. 2591 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3443 ACRE, MORE OR LESS" (Conditional Use No. 2133) filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon (Tax I.D. No. 335-8.14-47.00) (911 Address: 1200 Savannah Road, Lewes), with the following conditions:

- a. The hours of operation shall be between 8:00 a.m. through 6:00 p.m., Monday through Saturday. On Sunday, any business hours shall be between 9:00 a.m. and 4:00 p.m.**
- b. The parking spaces located in the front yard shall only be used by the owners of the business that exist on the premises or their employees.**

- (Con't.)
- c. **One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
 - d. **Any changes to the site shall require the review and approval of the site plan by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas; 1 Absent.

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

**Public
Hearing/
CU 2137**

A Public Hearing was held on Proposed Ordinance entitled, "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5739 ACRE, MORE OR LESS" (Conditional Use No. 2137) filed on behalf of John W. Ford (Tax I.D. No. 335-12.06-50.00) (911 Address: 1530 Savannah Road, Lewes).

The Planning and Zoning Commission held a public hearing on July 12, 2018, at which time the Commission deferred action. On July 26, 2018, the Commission recommended approval with the following conditions:

- A. As stated by the applicant, the use shall occur within the existing structure, expanded to the rear, but maintaining its residential appearance from Savannah Road.**
- B. As stated by the applicant, the hours of operation shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday. Sunday hours shall be by appointment only.**
- C. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- D. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- E. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- H. There shall be no less than 19 parking spaces located on the site.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

(See the minutes of the Planning and Zoning Commission of July 12 and July 26, 2018.)

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

(Con't.) An Exhibit Booklet provided by the Applicant was previously distributed to Council.

The Council found that Tim Willard, attorney, and the applicant, John Ford, were present on behalf of the application.

Mr. Willard discussed the proposed use and location of the property, and noted that the application is consistent with the area. The contents of the Exhibit Booklet were briefly reviewed. The applicant intends to use the space as a realty office and proposes a possible addition to the structure at a later date. Mr. Willard discussed parking and requested that the appropriate condition be changed to reflect code, 'there shall be one parking space per 200 square feet and one parking space per employee'. No traffic impact study is required.

There were no public comments in support of or in opposition to the application.

The Public Hearing and public record were closed.

**M 440 18
Amend
Condition
H/CU 2137**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to amend Condition H for CU 2137 to reflect 'Parking shall be as required by County Code'.

Motion Adopted: 4 Yeas; 1 Absent.

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

**M 441 18
Approve
Ordinance
No. 2592/
CU 2137**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adopt Ordinance No. 2592 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5739 ACRE, MORE OR LESS" (Conditional Use No. 2137) filed on behalf of John W. Ford (Tax I.D. No. 335-12.06-50.00) (911 Address: 1530 Savannah Road, Lewes), as amended with the following conditions:

- A. As stated by the applicant, the use shall occur within the existing structure, expanded to the rear, but maintaining its residential appearance from Savannah Road.**
- B. As stated by the applicant, the hours of operation shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday. Sunday hours shall be by appointment only.**
- C. Any dumpsters shall be screened from view of neighboring properties and roadways.**

(Con't.)

- D. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- E. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- H. Parking shall be as required by County Code.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 4 Yeas; 1 Absent.

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

**M 442 18
Adjourn**

At 2:19 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn.

Motion Adopted: 4 Yeas; 1 Absent.

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

Respectfully submitted,

**Nancy J. Cordrey
Assistant 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

August 3, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
MARSH FARM ESTATES - OFF-SITE DELDOT WORK
AGREEMENT NO. 892 - 4

DEVELOPER:

Mrs. Kathleen Horsey
Marsh Farm LLC
14127 Rottwaller Rd.
Laurel, DE 19956

LOCATION:

Intersection of CR279, Camp Arrowhead Road and
CR279A, Waterview Road

SANITARY SEWER DISTRICT:

Angola Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Off-site del-dot work.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
04/16/16

Department of Natural Resources Plan Approval
08/31/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 120

Construction Admin and Construction Inspection Cost – \$3,177.23

Proposed Construction Cost – \$21,181.52



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

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
TIDALWALK (AKA BACK CREEK)
AGREEMENT NO. 1026

DEVELOPER:

Mr. Josh Mastrangelo
EVG - FT Ventures, LLC
3684 Centerview Drive, Suite 120
Chantilly, VA 20151

LOCATION:

S/RD361 - Town of Ocean View

SANITARY SEWER DISTRICT:

South Bethany Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision (sewer only, project located
in Ocean View jurisdiction)

SYSTEM CONNECTION CHARGES:

\$114,480.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/20/16

Department of Natural Resources Plan Approval
5/30/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35
Construction Admin and Construction Inspection Cost – \$43,437.49
Proposed Construction Cost – \$289,583.24



Burton Pond Public Hearing Facts

- Request for Permission to Prepare and Post Notices for the Expansion of the Sussex County Unified Sanitary Sewer District (Herring Creek Area) was granted July 17th.
 - The annexation request was submitted by Davis Bowen & Friedel for their customers Burton Pond LLC for parcels 234-11.00-97.00 & 98.00 (Burton Pond) and 234-17.00-17.00
 - Notices were placed on the County website July 31, 2018.
 - The expansion was posted on August 1st.
 - **To date I have received one phone call questioning the impacts to the Herring Creek project timeline and costs. The annexation does not negatively impact the timeline or the cost for the Herring Creek Area project.**
 - The expansion will consist of 211.00 acres more or less.
 - The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
 - A Use of Existing Infrastructure Agreement will be required for the sewer connection.
-

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) HERRING CREEK AREA, TO INCLUDE SEVERAL PARCELS IN THE BURTON POND HOLLYMOUNT ROAD AREA 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 Burton Pond / Hollymount Road, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Burton Pond / Hollymount Road area and further described as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being on the easterly ROW of John J. Williams Highway, said point also being on the westerly property line of lands N/F of Herring Creek Estates Owners Association, LLC; thence proceeding in a westerly direction crossing John J. Williams Highway a distance of 50'± to a point, said point being on the westerly ROW of John J. Williams Highway, said point also being the southernmost property corner of lands N/F Burton Bray Properties, LLC; thence proceeding with said Burton Bray Properties in a generally northwesterly and northeasterly direction respectively a distance of 5,387'± to a point, said point being on the southerly ROW of Hollymount Road; thence proceeding in a northeasterly direction crossing Hollymount Road a distance of 50'± to a point, said point being on the northerly ROW of Hollymount Road; thence proceeding with said ROW in an easterly direction a distance of 1,063'± to a point, said point being on the southwesternmost property corner of other lands of Burton Bray Properties, LLC; thence proceeding with said other lands of Bray a distance of 407'± to a point, said point being on the southern property line of further lands of Burton Bray Properties, LLC (Burton's Pond); thence proceeding with said further lands of Burton Bray Properties (Burton's Pond shoreline) a distance of 10,268'± to a point, said point being on the westerly ROW of John J. Williams Highway; thence proceeding in an easterly direction crossing John J. Williams Highway a distance of 50'± to a point, said point being on the easterly ROW of John J. Williams Highway, said point also being on the SCUSSD boundary; thence proceeding with said ROW and SCUSSD boundary in a generally southerly direction a distance of 4,844'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 & 234-17.00 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.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.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: Gina A. Jennings
Finance Director/COO

RE: **DELAWARE TRANSIT CORPORATION FUNDING BUDGET**

DATE: August 9, 2018

DART, a division of DelDOT, has allocated \$796,850 for funding of transportation expenses for various senior centers in Sussex County. This amount is the same from last year. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2019 as per State law. This is an allocation of State grant funds to various senior agencies for transportation purposes. At the August 14, 2018, County Council meeting, the recommended funding for each agency will be the same as in previous years:

Nanticoke Senior Center	\$ 44,958.62
Indian River Senior Center	2,099.97
Laurel Senior Center	99,081.45
Lewes Senior Center	27,120.00
Cape Henlopen Senior Center	43,065.00
CHEER, Inc.	<u>580,524.96</u>
TOTAL	<u>\$796,850.00</u>

Attached are copies of the request from each agency. Please feel free to contact me if you have any questions or concerns.

GAJ/nc

Attachments

pc: Mr. Todd F. Lawson

900 Public Safety Boulevard
Dover, DE 19901-4503
(302) 739-3278



119 Lower Beech Street, Suite 100
Wilmington, DE 19805-4440
(302) 577-3278

August 1, 2018

Mr. Todd Lawson
Sussex County Administrator
2 The Circle, P.O. Box 589
Georgetown, DE 19947

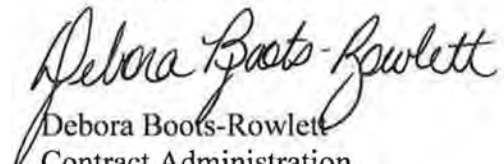
Dear Mr. Lawson,

The amount of money approved for the FY'19 Sussex County Reimbursable Program is \$846,850. However, the State's budget bill epilogue language states that "Section 1 of this Act makes an appropriation of \$1,494.3 TFO to the Delaware Transportation Authority (55-06-01) for Kent and Sussex Transportation "E&D". Of this amount, \$50.0 shall be allocated directly to the Sussex Cheer for transportation services." Therefore, you have a remaining \$796,850 to distribute.

Please determine the amount for each agency and write that amount on the attached budget forms. Please sign each form and mail to my attention at 119 Lower Beech St., Wilmington, DE 19805.

If you have any questions, I can be reached at 302-576-6172.

Sincerely,


Debora Boots-Rowlett
Contract Administration
Manager

DBR.dbr
Enclosures

Attached Agency's Request

1. Cape Henlopen Senior Center
2. CHEER, Inc.
3. Indian River Senior Center
4. Laurel Senior Center
5. Lewes Senior Center
6. Nanticoke Senior Center

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2019
JULY 1, 2018 - JUNE 30, 2019

AGENCY'S NAME: CHEER, INC.


ADDRESS: 546 S. Bedford St, ext., Georgetown, DE 19947

CONTACT PERSON: Kenneth S. Bock

TELEPHONE #: (302) 515-3040 EMAIL ADDRESS: kbock@cheerde.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a.) Purchased Client Transportation	\$ 2,650	\$
b.) Personal Vehicle Reimbursement	\$ 2,000	\$
c.) Client Transportation Drivers	\$ 437,612	\$
d.) Fuel, Oil and Fluids	\$ 87,000	\$
e.) Client Vehicle Maintenance	\$ 68,000	\$
f.) Client Vehicle Insurance	\$ 24,000	\$
g.) Client Transportation Misc. Expense	\$ 20,800	\$
2. Admin. Wages & Benefits (<15% Total)	\$ 115,990	\$
3. Overhead (< 3.03% Total)	\$ 16,750	\$
4. Less Client Transportation Income	\$ -	\$
TOTAL	\$ 774,802	\$

Funding: Approved Sussex County Apportionment \$


 Mr. Kenneth S. Bock
 Executive Director, CHEER, Inc.
CEO

8/10/2017
 Date

 John T. Sisson Date
 Chief Executive Officer, DTC

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A – PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY' 2019
JULY 1, 2018 – JUNE 30, 2019

AGENCY'S NAME LAUREL SENIOR CENTER

ADDRESS: P.O. Box 64, 113. N. Central Avenue, Laurel, DE 19956

CONTACT PERSON Penelope Duncan

TELEPHONE# (302) 875-2536 _ EMAIL ADDRESS: lsc5830@comcast.net

Expense Category	Agency Request	Expense amount by category - If equal approved, if not approved
1. Client Transportation Expense		
a. Purchased Client Transportation	\$	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$ 59594	\$
d. Fuel, Oil and Fluids	\$ 7800	\$
e. Client Vehicle Maintenance	\$ 10000	\$
f. Client Vehicle Insurance	\$ 12500	\$
g. Client Transportation Misc. Expense	\$ 2500	\$
2. Admin. Wages & Benefits (≤10% Total)	\$ 10519	\$
3. Overhead (≤2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 102913	\$

Funding: Approved Sussex County Apportionment

\$ _____

Penelope Duncan
 Ms. Penelope Duncan
 Executive Director, Laurel Senior Center

7/26/17
 Date

 John T. Sisson
 Chief Executive Officer, DTC

Date

 Todd Lawson
 Sussex County Administrator

Date

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2019
JULY 1, 2018 – JUNE 30, 2019

AGENCY'S NAME LEWES SENIOR CENTER

ADDRESS: 32083 Janice Road, Lewes, DE 19958

CONTACT PERSON: Dennis Nealen

TELEPHONE #: (302) 645-9293 EMAIL ADDRESS: lewescen@gmail.com

lewescen@gmail.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 0	\$
b. Personal Vehicle Reimbursement	\$ 1,255	\$
c. Client Transportation Drivers	\$ 17,000	\$
d. Fuel, Oil and Fluids	\$ 4,500	\$
e. Client Vehicle Maintenance	\$ 4,000	\$
f. Client Vehicle Insurance	\$ 4,233	\$
g. Client Transportation Misc. Expense	\$ 300	\$
2. Admin. Wages & Benefits (< 10% Total)	\$ 3,000	\$
3. Overhead (< 2% Total)	\$ 600	\$
4. Less Client Transportation Income	(\$ 2,550)	(\$)
TOTAL	\$ 33,138	\$

Funding: **Approved Sussex County Apportionment** \$ _____

Dennis Nealen
 Mr. Dennis Nealen
 Executive Director, Lewes Senior Center

7-31-17
 Date

 John T. Sisson Date
 Chief Executive Officer, DTC

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A – PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2018
JULY 1, 2018—JUNE 30, 2019

AGENCY'S NAME: NANTICOKE SENIOR CENTER


ADDRESS: 1001 West Locust Street, P. O. Box 406 Seaford, DE 19973

CONTACT PERSON: Fran Todd

TELEPHONE #: 302-629-4939 EMAIL ADDRESS: fran.todd@nanticokeseniorcenter.com

Client Transportation Expense

Expense Category	Agency Request	Expense amount by category—to equal approved apportionment
a.) Purchased Client Transportation	\$ _____	\$ _____
b.) Personal Vehicle Reimbursement	\$ <u>3000</u>	\$ _____
c.) Client Transportation Drivers	\$ <u>33000</u>	\$ _____
d.) Fuel, Oil and Fluids	\$ <u>5000</u>	\$ _____
e.) Client Vehicle Maintenance	\$ <u>5000</u>	\$ _____
f.) Client Vehicle Insurance	\$ <u>5000</u>	\$ _____
g.) Client Transportation Misc. Expense	\$ <u>300</u>	\$ _____
Admin. Wages & Benefits (<10% Total	\$ <u>4500</u>	\$ _____
Overhead (<2% Total)	\$ <u>900</u>	\$ _____
Less: Client Transportation Income	\$ <u><4700></u>	\$ _____
TOTAL	\$ <u>52000</u>	\$ _____
Funding: Approved Sussex County Apportionment		\$ _____


 Ms. Fran Todd,
 Director of Operations, Nanticoke Senior Center

DATE APPROVED: _____

John T. Sisson _____ Date
 Chief Executive Officer, DTC

Todd Lawson _____ Date
 Sussex County Administrator

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George 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: ***Professional Environmental Services Consultant Selection
Recommendation to Award Professional Services Contract***

DATE: August 14, 2018

The approved FY 19 Capital Budget contains projects requiring specialized environmental engineering services during the five (5) year capital projects planning period. The associated scope of services and the selection committee appointed to evaluate consultant applications was approved by the County Administrator. Messrs. Chris Bason, Director of the Center for the Inland Bays, David Baird, Sussex Conservation District Administrator and Edwin Tennefoss, Environmental Services Director were on the selection committee together with the County Engineer designated as the person in responsible charge.

A Request for Proposals (RFP) was publicly advertised on May 7, 2018, for services including but not limited to, professional environmental and engineering services for development of environmental remediation projects and programmatic assistance in setting up storm water management districts and/or storm water management banking in the Inland Bays and the Sussex County portion of the Chesapeake Bay Watersheds. Seven (7) firms responded to the Request for Proposals by the deadline of June 8, 2018.

The selection committee met on June 22, 2018, and discussed the required criteria by County policy and Delaware Code. Based on the Experience and Reputation, Expertise with Scope of Services, Capacity to meet Requirements, Location, Demonstrated Ability, Familiarity with similar work and Distribution of work to individuals and firms. EA Engineering, JMT, and RK&K were shortlisted for formal presentations. The firms not shortlisted were, GHS, a RES Company, Duffield Associates, Davis, Bowen & Friedel and AECOM.



On July 27, 2018, the selection committee met again to conduct formal interviews of the shortlisted firms. After the presentation, each committee member individually e-mailed his ranking to the County Engineer. All members ranked RK&K first based on the team cohesiveness and specialized experience related to the proposed scope of work. The recommendation of the committee is to offer an hourly base consultant contract limited to environmental professional services to RK&K for a five (5) year term.

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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

MEMORANDUM

To: Todd F. Lawson
County Administrator

From: Hans Medlarz, P.E.
County Engineer

Ref: Professional Environmental Services Consultant Selection

Date: May 7, 2018



In conformance with the Sussex County Consultant Selection Procedure, the Engineering Department hereby requests permission to procure a consultant to perform engineering services for the environmental services in the Inland Bays and the Sussex County portion of the Chesapeake Bay watersheds.

The consultant selection procedure shall be performed in accordance with Title 29, Chapter 69, Subchapter II of the Delaware Code, "Professional Services". The code requires the following actions of the County Administrator:

1. Approve the referenced scope of services.
2. Appoint a committee to evaluate the consultant applications, and designate one member as the person of responsible charge.


In our preliminary meeting to discuss the project, the following names were suggested as committee members:

Mr. Hans Medlarz, P.E.*
Mr. Edwin Tennefoss
Mr. David Baird
Mr. Chris Bason

*Person responsible.

We respectfully request your approval of the committee.

APPROVED:

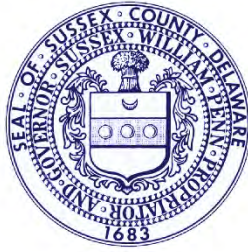

Todd F. Lawson, Sussex County Administrator



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

ENGINEERING DEPARTMENT

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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: *Town of Georgetown and Sussex County
Addendum to the Agreement for Wastewater Services*

DATE: August 14, 2018

The Delaware Coastal Business Park, as well as the entities located at the Coastal Airport along Rudder Lane, receive wastewater treatment services from the Town of Georgetown under the April 23rd, 2008 Agreement. The Agreement allows discharges up to 30,000 gallons per day to the Town's facilities. On September 28, 2010, Council approved an amendment to the 2008 Agreement, extending the terms, as well as allowing for 13,725 gallons per day of additional capacity for the King Farm property, now known as the Delaware Coastal Business Park upon payment of associated impact fees.

The capacity limit of the 2008 Agreement had been reached, but no payments for additional capacity had been made. Therefore, County Administration and Engineering approached Town Management with a proposal to consolidate the agreements, simplify the billing and benchmark the "base flow volume" at the effective date of the new agreement.

The Agreement in this form was approved by Town Council on April 25, 2018. It is effective for ten (10) years and may be renewed for an additional ten (10) years at the choice of the County. Under the Agreement the County will be billed in bulk at the in-town rate for the Delaware Coastal Business Park. The individual Coastal Airport entities will be billed directly by the Town at the out-of-town rate. Additional capacity can be purchased by paying the applicable sewer impact fees at issuance, if new building permits in either location.

Given the limited availability of municipal sewer capacity, the Agreement allows for the surrender of capacity under Article VIII by redirecting it to alternate wastewater service providers. It currently reads: "Contract User has the option to surrender capacity below the Base Flow Volume with twelve (12) months prior written notice.



On July 25, 2018, the Town Council approved an addendum to the Agreement regarding the potential capacity surrender in the following form: “If Contract User surrenders 100% of the capacity, Owner has the option to request flow reversal from Owner to Contract User up to 200% of said capacity. Owner shall calculate applicable sewer impact fee credits for the actual capacity surrendered as set forth in the Town of Georgetown Code at the time of the Notice to Surrender. Associated reimbursement payments shall be made semi-annually on November 15th and May 15th, based on Owner’s issuance of any new building permits within the Town of Georgetown’s service territory up to the total of capacity surrendered by Contract User. If surrender option is exercised, impact fee credit payments shall commence on or after May 1, 2023.”

This would allow the Town the option to gain capacity beyond the County flows without initial capital contribution, while allowing the County to recuperate all capital funds over the life of the investment. The Administration and Engineering recommend approval of the Addendum to the Agreement in its Town approved form.

**ADDENDUM TO THE
AGREEMENT FOR WASTEWATER SERVICES**

Between
TOWN OF GEOERGETOWN
and
SUSSEX COUNTY
for and on behalf of the
COASTAL BUSINESS PARK & COASTAL AIRPORT

Whereas, on April 25, 2018 the Town of Georgetown reviewed and approved an Agreement for Wastewater Services for and on behalf of the Coastal Business Park & Coastal Airport; and

Whereas, on May 15, 2018 the Sussex County Council reviewed and approved this same agreement; and

Whereas, both parties are in agreement to amend the Agreement.

Now Therefore, the Town of Georgetown and Sussex County Council agree to amend the agreement by modifying Article VIII – Wastewater Impact Fees as follows:

Contract User can buy additional capacity in excess of the Base Flow Volume by paying Owner's applicable sewer impact fees as set forth in the Town of Georgetown Code at the time of the request. Requests shall be submitted by Contract User to Owner at the time of any new building permit issuance at either the Coastal Business Park or the Coastal Airport. Owner shall invoice Contract User for the amount due and payment of the associated impact fee shall be made within ninety (90) days after receipt of the invoice.

Contract User has the option to surrender capacity up to 100% of the Base Flow Volume with twelve (12) months prior written notice. If Contract User surrenders 100% of the capacity, Owner has the option to request flow reversal from Owner to Contract User up to 200% of said capacity. Owner shall calculate applicable sewer impact fee credits for the actual capacity surrendered as set forth in the Town of Georgetown Code at the time of the Notice to Surrender. Associated reimbursement payments shall be made semi-annually on November 15 and May 15,

based on Owner's issuance of any new building permits within the Town of Georgetown's service territory up to the total of capacity surrendered by Contract User. If surrender option is exercised, impact fee credit payments shall commence on or after May 1, 2023.

[Signature Page Follows]

ENGINEERING DEPARTMENT

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



Sussex County

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

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George 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: *South Coastal Library Reading Garden Alterations, Project L19-03
Bid Award Recommendation and Approval of Change Order No. 1*

DATE: August 14, 2018

The outdoor Reading Garden at the South Coastal Library has no ADA compliant access and experienced water-related issues for years. Inadequate drainage causes water intrusion into the building, short-circuiting of the garden lighting, and settlement of the pavers. A project was designed to address these issues, including the extension of the under-paver drainage system, regrading of the paver base, and replacement of the garden lighting wiring and new suspended fixtures.

Initially, the Engineering Department bid the project on August 22, 2016. Two bids were received, both of which were significantly above the architect's estimate. On August 30, 2016, Council rejected all bids with the instruction to later rebid the project. In June of 2018, the project was re-bid with a reduced scope and an increased County budget. During the application for renewal of the Fire Marshall's permit, the Engineering Department was advised that installation of the proposed roof panels would require a fire suppression system throughout the reading garden. The information was received too late for an addendum and on August 1, 2018, two (2) bids were opened.

John L. Briggs & Co. provided the low base bid Part A in the amount of \$204,800.00. Discussions with John L. Briggs & Co. regarding the possible removal of labor and material associated with the roof panels resulted in a change order reduction of \$10,012.00. The Sussex County Engineering Department recommends award of the total bid to John L. Briggs & Co., in the amount of \$204,800.00 and approval of change order no. 1 in the amount of \$10,012.00, for a revised total project value of \$194,788.00.

Initially, the Friends of the South Coastal Library had committed donated funds toward the reading garden roof enclosure. Because of the elimination of the roof panels the County will not be entering in a MOU with the Friends.



John L. Briggs & Co.

106 E. Laurel Street
P.O. Box 90
Georgetown, DE 19947
(P) 302-856-7033 (F) 302-856-7085

August 8, 2018

Mr. Hans Medlarz, P.E.
Sussex County
2 The Circle
Georgetown, DE 19947

Re: South Coastal Library
Reading Garden Alterations
Sussex County Project L19-03

Dear Mr. Medlarz:

Please see below for the breakdown of the cost to delete the Translucent Polycarbonate Panels from the South Coastal Library – Reading Garden Alteration project.

152 Hours of Labor @ \$50.00:	\$ 7,600.00
Materials:	<u>\$ 2,412.00</u>
TOTAL CREDIT:	\$ 10,012.00

Please let us know if you need any more information.

Sincerely,

KEITH B. LONG
Vice President



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Millsboro Historical Society.

PROJECT NAME: Jacob Godwin School.

FEDERAL TAX ID: 51-0313038 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To restore and maintain Jacob Godwin School as we have been named to the National Historical Society since on July 14th 1991. maintain the history of the school to all surrounding areas.

ADDRESS: 28466 Dupont Blvd / Millsboro Historical So.
Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Margaret Mitchell

TITLE: President

PHONE: 302-934-6820 EMAIL: _____

TOTAL FUNDING REQUEST: \$ 5000.00

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

If YES, how much was received in the last 12 months? \$ 5000.00

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 50%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹
 Health and Human Services
 Other _____
 Cultural
 Educational

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

200 + in-state & out of state

SECTION 3: PROGRAM SCOPE

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

The Godwin School located on Rt 20 is requesting a state grant to help with the yearly expenses of the school.

Our school was recently named to the National Historical Register. Godwin is a historical landmark and a source of pride for Millboro, Georgetown and surrounding communities. Our Open House this past October 2017 brought in over 200 visitors to the school.

The Grant money will be used for necessary maintenance such as gutter washing and any other improvement deemed necessary. In addition this funding will promote our Open House in the year 2018-19.

We so appreciate the help the Council has afforded us through the years.

Note: All contributions will be turned over to William Fusny, the Certified Public Accountant for the Godwin School.

Margaret Mitchell
28499 Conway Rd
Georgetown, DE 19947

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 5000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
License	500.00
General Maintenance	3000.00
Pest Control	66.00
Electric	530.00
Yard Maintenance	600.00
Other expenses	304.00
TOTAL EXPENDITURES	\$ 5000.00 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	- 0 - \$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Margaret A. Mitchell
Applicant/Authorized Official

7/30/18
Date

Nancy Cordrey
Witness

7/30/18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Margaret Whitell
Applicant/Authorized Official

President
Title

Nancy Cordrey
Witness

7/30/18
Date

Wilson
7/31/18



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Just a Hand UP Community Navigation Association		
PROJECT NAME:	"Make a Difference"-Play Ground Restoration		
FEDERAL TAX ID:	81-4338605	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION:	Our mission is to strengthen our communities while helping people in need restore their hope, reach their potential and improve their quality of life.		
ADDRESS:	12603 Nat Turner ST		
	Bridgeville	DE	19933
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Evelyn Wilson		
TITLE:	Founder/President		
PHONE:	302-337-8518	EMAIL:	evemayto6@aol.com

TOTAL FUNDING REQUEST: \$554.45	
Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, how much was received in the last 12 months?	\$1,750
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you seeking other sources of funding other than Sussex County Council?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, approximately what percentage of the project's funding does the Council grant represent?	100%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)		
<input type="checkbox"/> Fair Housing	<input checked="" type="checkbox"/> Health and Human Services	<input checked="" type="checkbox"/> Cultural
<input type="checkbox"/> Infrastructure ¹	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Educational
BENEFICIARY CATEGORY		
<input type="checkbox"/> Disability & Special Needs	<input type="checkbox"/> Victims of Domestic Violence	<input type="checkbox"/> Homeless
<input type="checkbox"/> Elderly Persons	<input checked="" type="checkbox"/> Low to Moderate Income ²	<input checked="" type="checkbox"/> Youth
<input type="checkbox"/> Minority	<input type="checkbox"/> Other _____	
BENEFICIARY NUMBER		
Approximately the total number of Sussex County Beneficiaries served annually by this program: 342		

SECTION 3: PROGRAM SCOPE

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

Project Description: The Just a Hand UP Community Navigation Association, is writing this grant request for your financial assistance to upgrade the playground in Mesick Development on Nat Turner St., Bridgeville DE 19933.

Coverdale Crossroads. This organization has been partnering with First State Community Action Agency since 2016. The Just a Hand UP Community Navigation Association will be managing this project with the assistance of community residents and volunteers from other organizations.

This grant will be used to upgrade the small playground on Nat Turner ST. In the Coverdale Crossroads Community. This small playground needs the (4) swings replaced, 8 galvanized poles; monkey bars and slide needs painting; also, we would like to add 1 large portable picnic table. These tables will be useful during the summer feeding program.

Purpose, this play ground is where the youth congregate daily. "Little People- Speak Out". Everyone benefits from social/physical activities. We believe children learn better and more quickly when their efforts are distributed, when their breaks/playtime or change of pace help them to feel better and also function better. Matter of fact, a community playground gives children a break from the hectic shuffle of daily life. Having a time to play helps kids "Focus" on other aspects of their life-studies, cooperation; also improves social skills.

However, the community meets goal 2, the conditions in which low-income people lives are improved. After playing on the playground, children are less fidgety. Also, playgrounds are where kids can find a constructive safe place to be, outside in the fresh air. The outdoors is the best place to practice emerging physical skills, to experience the pure joy of movement and to burn calories.

So, we want to thank you in advance for your support in our efforts in improving the lives of others.
Amount Requested: \$ 554.45

Project Date: August/30/ 2018

If you need more information, feel free to contact me at 302-337-8518 or @ evermayto6@aol.com

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
4 Swings X 42.32	-\$ 169.28
4 Hangers X 45.50	-\$ 182.00
1 Large Picnic Table	-\$ 185.18
1 Gal. Rust-oleum Paint	-\$ 17.99
TOTAL EXPENDITURES	-\$ 554.45
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 554.45

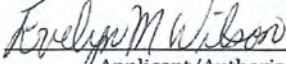
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Just a Hand Up Community Navigation Association agrees that:
(Name of Organization)

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

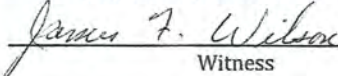
SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official

07/21/2018

Date


Witness

7/21/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

James M Wilson, President
Applicant/Authorized Official

President
Title

James F Wilson
Witness

7/21/18
Date

*Wilson
7/31/18*



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Delaware State University Sussex County Chapter

PROJECT NAME: Band To The Beach

FEDERAL TAX ID: 23 7009665 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To bring the band to Rehoboth, to perform Labor Day Sunday. Sept. 2, 2018

ADDRESS: D.S.U. S.C.C.
P.O. Box 179
Lewes Del 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: Elizabeth Allen / Bernard Carr
TITLE: Tres. / V.P.

PHONE: 302-236-4078 EMAIL: Elizabeth.Allen@CapeK12.De.us

TOTAL FUNDING REQUEST: \$ 2,497.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

This is an event that DSU. soc. puts on every year to bring the band to Rehoboth. Your support has always helped to make this event a great one for the people to enjoy. We will expenses such as bus transportation, food, etc.. Your assistance will be greatly appreciated. Thanks for all your support.

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

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

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

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

SECTION 4: BUDGET

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

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the D.S.U. Sussex County Chapter agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

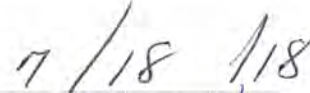
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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




Applicant/Authorized Official



Witness



Date



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Handwritten initials

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

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

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

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

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

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

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

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

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

Elizabeth Allen
Applicant/Authorized Official

Bernard W. Carr
Witness

Treasurer
Title

2/18/18
Date

Cole
8-06-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Laurel American Legion Post 19
PROJECT NAME: 6th Annual Eastern Shore Veterans Day Parade
FEDERAL TAX ID: 51-0076956 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The American Legion is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong nation security, and continued devotion to our fellow service-members and veterans. In this spirit, the Laurel American Legion Post 19 filled a need to provide a yearly Veterans Day Parade.

ADDRESS: 12168 Laurel Road

Laurel Delaware 19956
(CITY) (STATE) (ZIP)

CONTACT PERSON: Chris Shirey
TITLE: Parade Chair
PHONE: 302-569-2770 EMAIL: Sussexvetday@gmail.com

TOTAL FUNDING REQUEST: 3,000

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

If YES, how much was received in the last 12 months? 3,000

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

2,000

SECTION 3: PROGRAM SCOPE

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

This will be the sixth year for the Veterans Day Parade in Laurel. The parade continues to grow each year. This year, the Town of Laurel, has increased their participation by partnering to add a festival to follow the parade. The festival will include booths, entertainment, and a demonstration of RC Sailboats by the Maritime Model Guild and Sailing Club of the Chesapeake Bay Maritime Museum in St. Michaels. A number of the booths will be dedicated to services provided to Veterans including the Sussex Vet Center and groups who support service dogs for Veterans. We are also very pleased to have the participation and demonstrations following the parade by the Baltimore City Police Mounted Unit and the St. Andrew's Legion Pipes and Drums of Richmond, Virginia.

This event benefits our community in many ways. It let's our Veterans know their service is appreciated but it is also an economic benefit to our town and provides an educational and cultural experience. This has quickly become one of the major events in our town that brings visitors from neighboring states including Maryland, Pennsylvania and Virginia. The grants from the Sussex County Council has made this event possible each year and we hope to have your continued support this year.

The funds will be used for travel grants for high school bands and JROTC Units that would not be able to attend without the financial assistance. This is an experience they may not have without your help. Funds will also be used for advertising of the event and a lunch for the Veterans following the parade. We are fortunate to have the continued support of the Delaware Tech media department who designs and plans our advertising each year as a class project. Other cost include port-a-potties, trophies and the National Judges Association. The parade planning committee is completely volunteer and does not receive any financial reimbursement of any kind.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1,181.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Travel Grants for Bands/JROTC	-\$ 2,400.00
Trophies	-\$ 600.00
Lunch	-\$ 800.00
Advertising	-\$ 1,600.00
National Judge's Association	-\$ 625.00
Port-a-potties	-\$ 400.00
Mailing, supplies, signage	-\$ 780.00
Regional Groups	-\$ 3,000.00
TOTAL EXPENDITURES	-\$ 10,205.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 9,024.00

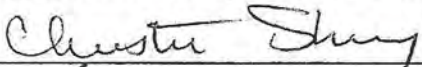
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Laurel American Legion Post 19 agrees that:
(Name of Organization)

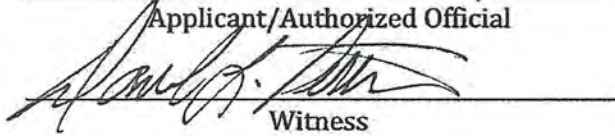
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official


Witness

8/3/18

Date

8-3-18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten signature]

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

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

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

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

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

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

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

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

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

Christie Shroy
Applicant/Authorized Official

Parade Chair
Title

[Handwritten Signature]
Witness

8/3/18
Date

*Vincent
8-07-18*



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: ITN Southern Delaware, Inc.

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

FEDERAL TAX ID: 46-4801700 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: ITN Southern Delaware, Inc. strives to provide sustainable, community-based and community supported transportation services for seniors 55+ and adults with visual impairments throughout Sussex County by building a transportation cooperative network and promoting lifelong safety and mobility; thereby enhancing Quality of Life,

ADDRESS: 24855 Broadkill Road

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

CONTACT PERSON: Janis Hanwell

TITLE: Executive Director

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

TOTAL FUNDING REQUEST: \$2500.00

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

If YES, how much was received in the last 12 months? \$3,120

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 2.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
300 - 500

SECTION 3: PROGRAM SCOPE

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

Goal

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

Problems

- Seniors in Sussex County have limited access to medical and health related services due to lack of safe, affordable, reliable, transportation alternatives.
 - Many senior living developments, mobile home parks, and condominium complexes do not have the infra-structure to support large transportation vehicles access to their neighborhood (large vans, transit buses, etc.).
- Seniors inadvertently put a strain on medical practices' personnel resources by canceling appointments due to lack of reliable transportation.
 - Office personnel spend valuable time solely relegated to rescheduling more than 40% of their senior patients' appointments.
- Seniors unintentionally overuse emergency medical services because they call 9-1-1 for non-emergency ailments due to lack of transportation.
 - At least 25% of local case managers' home health clients are without reliable transportation
 - Without transportation to their PCP, a call to 9-1-1 ensures a trip to the hospital to see a medical professional.
- Seniors make a less positive impact on the local economy because they don't want to bother their family or friends for transportation for daily activities.
 - They make 40% fewer trips to local retail, business establishments, social activities, and recreational events that generate local revenue and support the local economy.
- When seniors lose their mobility, independence, and quality of life, they are often forced to move to assisted living facilities or nursing homes before they are ready.
- Seniors without reliable, affordable transportation do not enjoy the civic duties and patriotic rights that have always been so important to them.
 - This is an untapped resource that cannot get to the voting booths at election time to show their support.

Solution

ITN Southern Delaware can provide safe, affordable and reliable transportation to support ALL the activities listed above. For those living on very limited incomes, the ITN Road Scholarship program is available as long as it can be funded through donations and grants and partnerships. The ITN Healthy Miles program, supported by local medical foundations and civic organizations concerned about seniors' access to healthcare can help keep rides more affordable by providing volunteers and finding ways to subsidize ride costs through partnerships with civic and state organizations.

ITN does not charge for a personal care manager or family member to ride along as support for the member, and offers outstanding arm-through-arm, door-through-door, personalized customer service. ITN drivers are trained, dedicated volunteers that have had background checks, and are pet friendly! ITN offers services any day of the week, and any time of day, without putting restrictions on the purpose of a ride. We can meet the needs for those with mild to moderate mobility issues as long as they can transfer from a portable device (cane, walker, wheelchair) into a vehicle with light assistance for balance and dexterity. We can handle portable medical equipment (oxygen canisters, portable monitors), and offer support for adults with visual impairments.

We are dedicated to improving the quality of life for as many seniors in Sussex County Delaware as possible! ITN ride fees generate a little less than 1/2 of what it actually costs for each ride we provide. We have cars to maintain, technology hardware and software to update, background checks to do and training to provide. Recruitment of volunteers and recognition for their selflessness is key to obtaining and retaining superior staff. Without increasing our number of volunteers, we cannot increase our services. We have the same overhead as any small business (utilities, office equipment and supplies, maintenance fees, license and affiliation costs, etc.) All services are made possible by generous benefactors, partnerships with local businesses and organizations, per ride payments by various state and local civic, municipal, and state organizations and departments.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	30,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel - Wages & OECs	-\$ 41,300.00
Insurances (auto, liability)	-\$ 13,500.00
Vehicle (2 fleet cars)	-\$ 3,500.00
IT Updates & Support (includes Affiliate Fees)	-\$ 15,000.00
Volunteers: - (training & background checks)	-\$ 3,000.00
Marketing, Printing, Publications, Advertising	-\$ 9,000.00
Professional Fees & Services (accounting, audits, payroll)	-\$ 8,000.00
Materials & Supplies (office, invoicing, postage, etc)	-\$ 5,000.00
TOTAL EXPENDITURES	-\$ 98,300.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 68,300.00

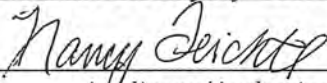
SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

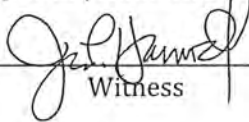
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official

6-27-2018

Date



Witness

6-27-2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Nancy Seichter
Applicant/Authorized Official

Board President, ITN Southern Delaware
Title

John P. Hamel
Witness ITN Executive Director

6/22/2018
Date

Cole
8/07/18

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 7, 2018

RE: County Council Report for CZ 1851 The Evergreene Companies, LLC & CU 2134 The Evergreene Companies, LLC (Admirals Chase)

The Planning and Zoning Department received an application (CZ 1851 The Evergreen Companies, LLC) to change the zone from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District). The Department also received an application (CU 2134 The Evergreene Companies, LLC (Admirals Chase) to allow for a Conditional Use to allow multifamily dwellings (26 duplexes) to be located at 16386 Gills Neck Rd. The Planning and Zoning Commission held a public hearing on July 12, 2018. The following are the draft minutes for the Change of Zone and Conditional Use from the Planning and Zoning Commission meeting.

At the request of the applicant the Commission consolidated C/Z 1851 and C/U 2134 into one public hearing. There will be two separate votes when action is taken.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, an exhibit booklet, DelDOT, comments from the Sussex Conservation District, staff analysis, and one letter in opposition was record into the record.

The Commission found Jim Fuqua, Attorney with Fuqua, Willard, Stevens and Schab, Josh Mastrangelo, applicant and Bob Palmer with Beacon Engineering were present on behalf of the application; that Mr. Fuqua stated this is a growing area; that it proposes 26 duplexes with 13 buildings; that to the south are several single-family subdivisions with large lots, and they are Senators, Hawkeye, Wolfe Runne and Wolf Point; that to the east is Showfield and it is also to the rear of the property; that the Junction and Breakwater bike trail is adjacent to the west of the property; that the Cadbury MR-RPC is further west of the property; that Cadbury is 95 acres with many uses; that one part is a retirement community with 48 single and duplexes units and 84 apartments along with 80 assisted living rooms and is now called Moorings of Lewes; that the other part of the site is mixed uses and contains 80 single family lots and 105 townhouse, duplex, and condominium units; that across Gills Neck Road to the west is Governors; that Governors was approved for 472 multi-family condo units on 186 acres; that the 7.33 acre parcel would have a density of 3.5 units per acre which is less than the density permitted in the MR district; that the proposed use is in accordance with the State, Sussex County and the City of Lewes plans; that the property is located in the Level 1 State Strategies; that the Land Use classification per the



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

Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the property is located close to Lewes and their Comprehensive Plans states that 14% of the population is 65 and over, for Sussex County 20.8% is over 65, and for Lewes 43.6% are over the age of 65; that the median age of Lewes residents is 63 years old; that the Lewes Comprehensive Plan recognizes that many of the residents are older and desire to age in place; that water will be provided by the City of Lewes; that sewer will be provided by Sussex County; that there are no wetlands and the site is not in a floodplain; that there are no endangered species and there are no known historical or agricultural resources on the site; that stormwater management will comply with all regulations; that a TIS was not required; that the entrance to the site will be constructed per DelDOT; that there will be a five foot right-of-way dedication; that the applicant will construct a shared use path; that the closet duplex building will be 60 feet from Gills Neck Road and the pool and deck area would be 80 feet from the road; that there will be one entrance with the cul-de-sac; that the streets will be private and have curb and gutters; that there will be sidewalks on both sides of the street; that the average lot size per unit is 7,240 square feet; that 1.32 acres of woods would remain and that 90% of the woods would remain; that there will be a 20 foot buffer along the east and west of the property; that a 10 foot forested landscape buffer will be along the rear of the property; that they have tried to comply with the Byways plan and a 30 foot wooded buffer will be between Showfield; that Sussex County has approved 660 multi-family units and 80 assisted units in the area; that the use and zoning is consistent with the area; that Mr. Mastrangelo stated the design is to look like a one story and the worst case scenario box is shown on the plan; that Mr. Fuqua stated there will be no parking at the pool due to the size of the community and they could provide a space along the pool; that there will be no age restriction; that the duplex are on a fee simple lot; that there is no price range yet; that there will be no on street parking; that Mr. Palmer stated there will be two parking spaces per unit and each unit will have its own garage: that there will be parking for two in the garage spots, two in the driveway with a minimum of four on site; and that the radius of the cul-de-sac will allow for a fire truck and will still comply with the County's street requirements.

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

The Commission found Espin Riggins, Ronald Smith and Wayne Warren spoke in opposition to the application; that Mr. Riggins stated he lives to west of the site; that he has lived their full time for three years and has been in the house for eight years; that he has concerns with traffic and conflict with the trail; that development is out of control; that he feels there is enough multi-family in the area; that Mr. Smith stated he lives east of the site; that he is not against the development but why not eliminate units 25 and 26 to keep with the character of the setbacks along the road; that Mr. Warren stated there is too much on the site; and that he has concerns with traffic.

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

The Commission discussed the zoning in the surrounding area.

In reference to Change of Zone 1851 there was a motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously defer action for further consideration. Motion carried 5-0.

The Commission held a discussion regarding aging in place, setbacks and parking.

In reference to Conditional Use 2134 there was a motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously defer action for further consideration. Motion carried 5-0.

At their meeting on July 27, 2018, the Planning Commission discussed the applications that had been deferred since July 12, 2018.

Ms. Stevenson moved that the Commission recommend approval of C/Z #1851 for the Evergreene Companies, LLC for a change in zone from AR-1 Agricultural Residential District to MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

1. The site is along Gill's Neck Road, which has developed with a variety of housing types, including single family homes, duplexes, multi-family units and even an assisted living facility. MR zoning is consistent with the development trends of this area.
2. The property is nearly adjacent to the Breakwater RPC, which has MR zoning. This application represents a reasonable extension of that existing MR zoning.
3. The site. On the outskirts of Lewes, is appropriate for MR zoning and the housing types permitted in that zone.
4. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan, which is a Developing Area. MR zoning is appropriate in this area according to the Plan.
5. The site is served by central sewer provided by Sussex County.
6. The site is served by central water provided by a publicly regulated water system.
7. The Sussex County Zoning Code states that the purpose of MR zoning is to provide medium density residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is just outside of the City of Lewes with development occurring all around, and it is in a developing area under the current Comprehensive Plan. This location is appropriate for MR zoning according to the stated purpose of the District.
8. The change in zone will not adversely affect neighboring properties or roadways.
9. For all of these reasons, my recommendation is to approve the application for a change in zone from AR-1 to MR.

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

Ms. Stevenson moved that the Commission recommend approval of CU 2134 for The Evergreene Companies, LLC for multi-family dwellings based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 26 single family duplex-type structures on approximately 7.3 acres, for a density of 3.5 units per acre. This density is appropriate within the MR zone, which permits up to 4 units per acre.
2. The property is in an area where other residential development has occurred, including the mixed-use Breakwater and Cadbury developments and other single family and multi-family developments. This project is generally consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this area according to the Plan, which states that "a range of housing types" are acceptable here.

4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The property does not contain any wetlands.
6. The project will have 18% the site set aside as active and passive open space. This includes the preservation of 1.32 acres of existing woodlands on the site.
7. The development will be served by central sewer provided by Sussex County.
8. The development will be served by central water.
9. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 24.
 - B. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. Interior Street design shall meet or exceed the Sussex County street design requirements.
 - F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
 - G. All lots shall be set back at least 75 feet from the Gill's Neck Road Right of Way. This is consistent with the design of other existing developments on both side of Gill's Neck Road.
 - H. Section 115-218 of the Zoning Code allows the County to require a 20 foot forested buffer around multi-family developments. Like other developments in the area, there shall be a vegetated or forested buffer of at least 20 feet in width around the entire perimeter of the project, with the exception of the area fronting along Gill's Neck Road. This buffer area shall include the existing vegetation that exists along the boundary of this property.
 - I. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer area. The landscape plan shall clearly designate the existing 1.32 acres of forested area that will be preserved.
 - J. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 8:00 am and 5:00 pm Monday through Friday.
 - K. No other outdoor construction activities shall occur at the site except between the hours of 7:30 am through 7:00 pm, Monday through Friday, and 8:00 am through 2:00 pm on Saturdays. There shall be no construction activities at the site on Sundays.
 - L. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - M. The applicant shall form a homeowners' association responsible for the perpetual maintenance, repair and replacement of the roads, and any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
 - N. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - O. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

- P. As stated by the applicant, there shall be a swimming pool and small pool house installed on the premises. The swimming pool shall be at least 15 feet by 30 feet in size.
- Q. 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 Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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 Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 5, 2018
RE: Staff Analysis for CZ 1851 The Evergreene Companies, LLC (Admirals Chase)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1851 The Evergreene Companies, LLC (Admirals Chase) to be reviewed during the July 12, 2018 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 335-8.00-44.00 to allow for a change from AR-1 (Agricultural Residential District) to MR (Medium Density Residential District) to be located at 16386 Gills Neck Rd. The size of the property is 7.33 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 use to the north, south, east, and west are Environmentally Sensitive Developing Areas. 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 MR (Medium Density Residential District) can be considered in this land use classification.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned MR-RPC (Medium Density Residential District Residential Planned Community). There is a Conditional Use in the area (CU 1772 – Governors for multifamily).

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



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 Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 5, 2018
RE: Staff Analysis for CU 2134 The Evergreene Companies, LLC (Admirals Chase)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2134 The Evergreene Companies, LLC (Admirals Chase) to be reviewed during the July 12, 2018 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 335-8.00-44.00 to allow for multifamily (26 units) to be located at 16386 Gills Neck Rd. The size of the property is 7.33 ac. +/-.

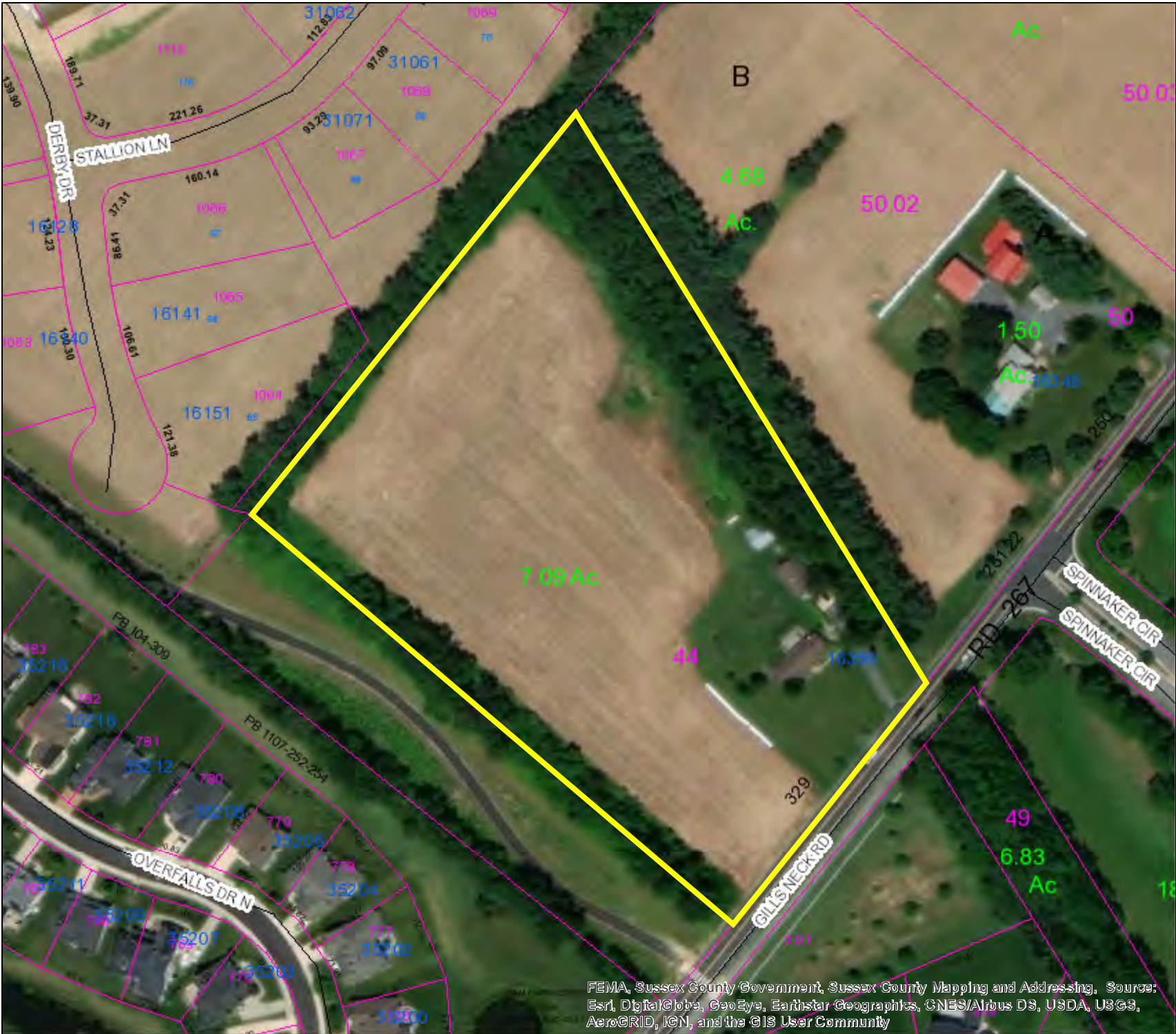
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, south, east, and west are Environmentally Sensitive Developing Areas. 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 property is zoned AR-1 (Agricultural Residential District). The properties to the north, south and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned MR-RPC (Medium Density Residential District Residential Planned Community). There is a Conditional Use in the area (CU 1772 – Governors for multifamily).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multifamily would be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

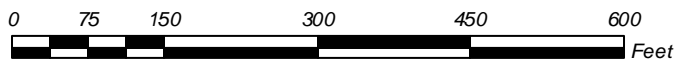
▭ Public Protected Lands

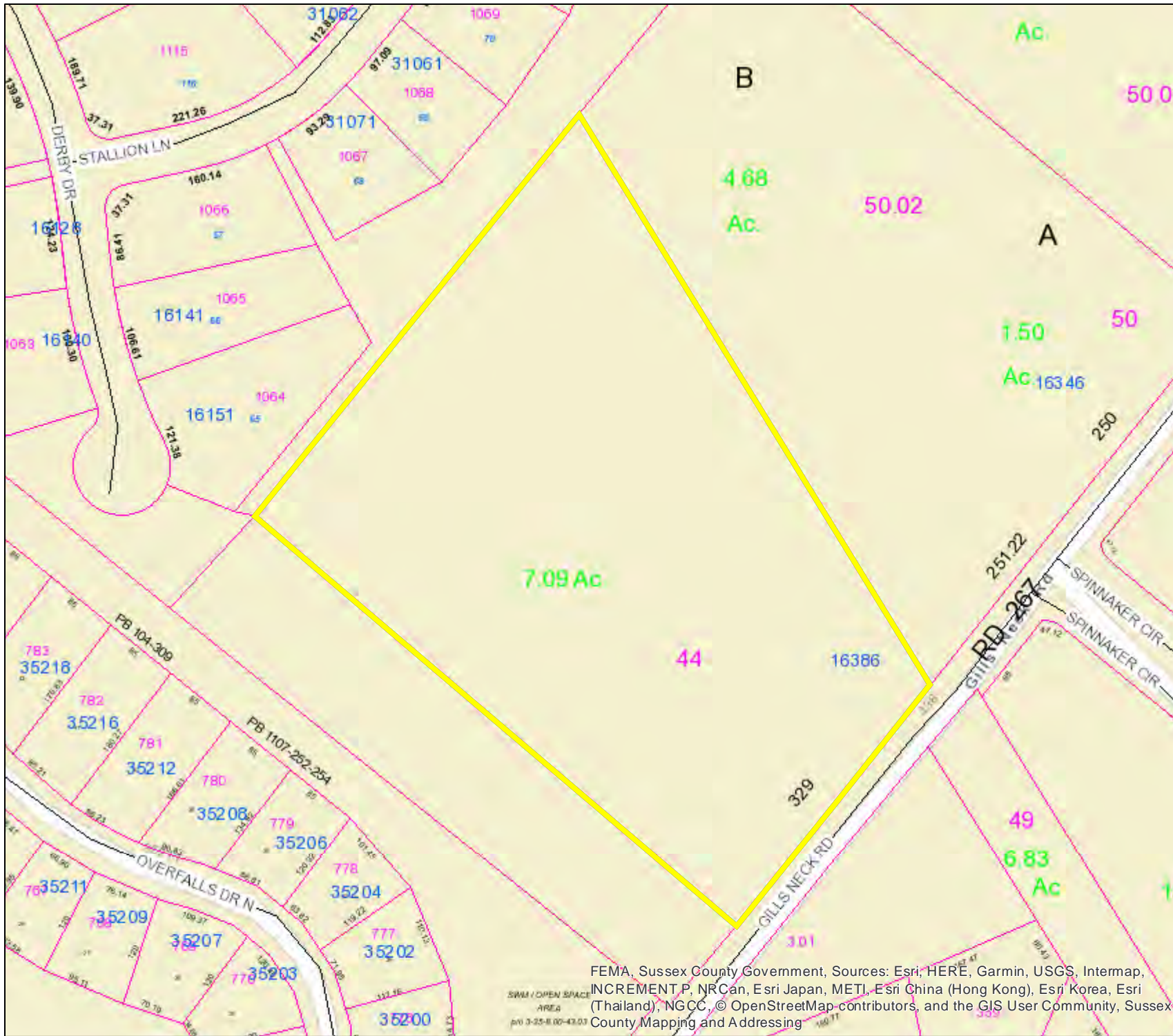
▭ Municipalities

▭ Communities

▭ Boundaries State County

FEMA, Sussex County Government, Sussex County Mapping and Addressing, Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

■ Municipalities

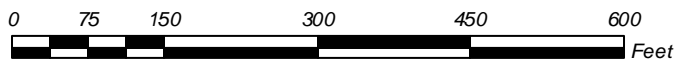
■ Communities

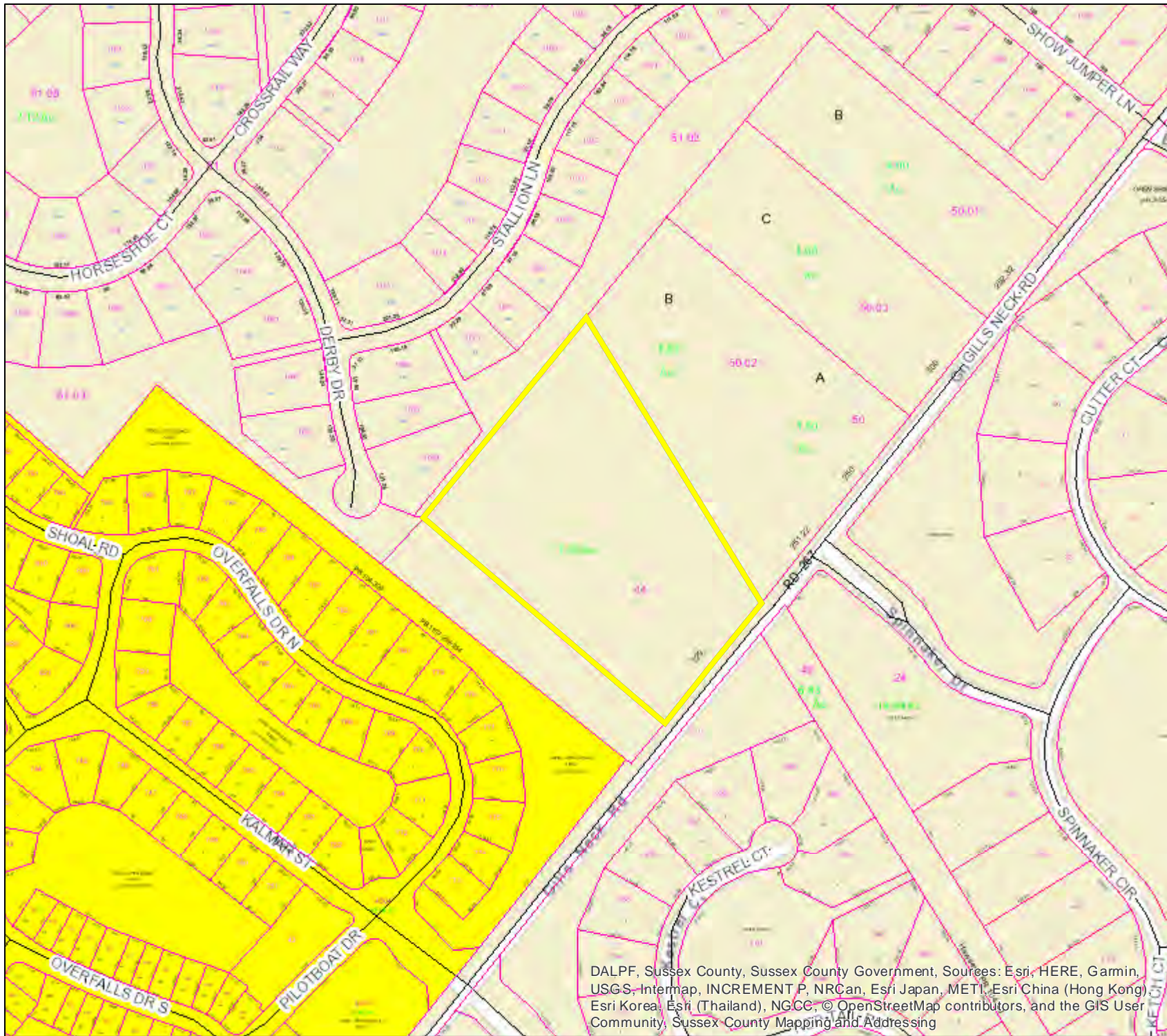
■ Boundaries State County

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



Sussex County Map





Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

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



Introduced 3/13/18

**Council District No. 3 - Burton
Tax I.D. No. 335-8.00-44.00
911 Address: 16386 Gills Neck Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS

WHEREAS, on the 1st day of February 2018, a zoning application, denominated Change of Zone No. 1851, was filed on behalf of The Evergreene Companies, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 1851 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Gills Neck Road, approximately 135 feet west of Spinnaker Circle in the Wolfe Runne development and being more particularly described in the attached legal description, said parcel containing 7.33 acres, more or less.

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

PROPOSED

Introduced 3/13/18

**Council District No. 3 - Burton
Tax I.D. No. 335-8.00-44.00
911 Address: 16386 Gills Neck Road, Lewes**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS

WHEREAS, on the 1st day of February 2018, a conditional use application, denominated Conditional Use No. 2134 was filed on behalf of The Evergreene Companies, LLC; and

WHEREAS, on the _____ day of _____ 2018, 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. 2134 be _____; and

WHEREAS, on the _____ day of _____ 2018, 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. 2134 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 Gills Neck Road, approximately 135 feet west of Spinnaker Circle in the Wolfe Runne development and being more particularly described in the attached legal description, said parcel containing 7.33 acres, more or less.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 7, 2018

RE: County Council Report for CZ 1852 Canal Corkran

The Planning and Zoning Department received an application (CZ 1851 Canal Corkran) to amend a condition of approval for the MR-RPC. The request would allow for an amendment to the MR-RPC to allow for the subdivision of several parcels into 8 parcels for an additional 6 lots located off Canal Crossing Rd. The Planning and Zoning Commission held a public hearing on July 12, 2018. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, site plan, staff analysis, results of the Service Level Elevation from DelDOT comments from the Sussex Conservation District and one letter in support was record into the record.

The Commission found David Hutt, Attorney with Morris, James, Wilson, and Halbrook, Ring Lardner, with Davis, Bowen & Friedel, Bill Lingo, Principal of Canal Corkran, LLC were present on behalf of the application; that Mr. Hutt stated the application is to request to amend a condition of the existing MR-RPC to further subdivide two lots into six lots for a total of eight lots; that lot 21 is 1.3 acres and lot 22 is seven acres; that the larger tracts were left and considered as personal lots by the developer and there is no longer a need for larger lots; that they would to now like to fully incorporate them into the Canal Corkran community; that the two lots are not fully governed by deed restrictions; that the response to 99-C is in the exhibit booklet; that it has been a development since 1998; that all the lots use the same access and the same utilities; that the Ordinance for the RPC was approved for 177 units with a maximum density of 2.76 units to an acre; that 164 units with a maximum density of 2.51 units per acre was constructed with six lots; that of 170 units is 2.61 density and is still under the approved original density; that the lots are similar in size with the rest of the area and some are even larger; that they request have submitted a request for a waiver from the 20 foot forested buffer requirement as the wooded areas are in wetlands and cannot be disturbed; that there is no new common area to be conveyed to the HOA; that they would be willing to mark the wetlands; that the adjacent subdivision has a large wooded area near the proposed lots; that this decreases the number of units to 170 and increases the single family units to 105; that the HOA provided a letter in support of the application; that Mr. Lardner stated that the old cul-de-sac will be removed and moved further back; that the setbacks are 30 foot front yard, 10 foot side yard and 10



feet rear yard; that they will use the wetlands as a de facto property line and establish a setback off of the wetlands; that they did do a wetland delineation update; that there will be deed restrictions, especially regarding the wetlands; and that there will be notes on the plan and they may sign the wetlands.

The Commission found that Jason Abela spoke in support of the application that Mr. Abela stated he is the President of the HOA; that the proposal will have a negligible effect on the development and accessory buildings are not allowed in the development; and that they have 65% approval by the homeowners.

The Commission found that Ed Haggerty spoke in opposition to the application; that Mr. Haggerty stated there is a stream that goes through the wooded area and he is concerned with what happens to it; that he has questions on how close they can build to the homes on the adjacent subdivision; and that he has concerns with noise.

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

The Commission discussed the wetlands; the need for the deeds and restrictive covenants to state there are non-disturbance areas; and whether markers should be placed showing the wetlands.

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

At their meeting of July 26, 2018, the Planning Commission discussed the application that has been deferred since July 12, 2018.

Mr. Hudson moved that the Commission recommend approval of CZ #1852 for Canal Corkran, LLC to amend the existing MR-RPC approved, as Ordinance #1279 to allow the re-subdivision of 2 existing large lots into 8 new lots based on the record made during the public hearing and for the following reasons:

1. The Canal Corkran MR-RPC was approved in 1998 and it has been existence for years, with only a small number of vacant lots remaining at this time. At the time it was approved, the developer retained 2 very large lots at the northern end of the development. One Lot was 1.3 acres and the other was 7.0 acres.
2. The developer, who is the applicant here, seeks to subdivide these large lots into a total of 8 lots, all of which will be consistent with the other lots in the development.
3. This re-subdivision will create a total of 6 new lots, which is still less than the total number of lots permitted as part of the original approval.
4. The Canal Corkran Homeowners Association has approved this application. Originally, these 2 lots were excluded from contributing to the Homeowners Association. These new lots will all be part of the Homeowners Association and will contribute to it in the same way as all of the other existing lots in the Canal Corkran development.
5. All of the conditions of Ordinance #1279 shall remain in effect, except for condition #6, which shall be amended to state as follows:
“6. The maximum number of units for the project shall not exceed 170 units, with no more than 51 multi-family condominium units, 14 multi-family duplex units, and 105 single family lots. By comparison, the existing zonings of C-1 General Commercial and

AR-1 Agricultural Residential could permit 160 or more units, and a subdivision project with MR Medium Density Residential zoning could permit 200 or more units.”

6. The new lots shall all be subject to the Declaration of Covenants, Conditions, Easements and Restrictions for Canal Corkran.
7. In addition to the conditions included in Ordinance #1279, a new condition shall be added with regard to these 8 new lots: “Any of the 8 new lots that have wetlands within their boundaries shall contain the ‘Wetlands Notice’ in their deed as required by Section 99-6H of the Subdivision Code. In addition, all of the wetlands areas within each lot shall be clearly marked with permanent markers to identify them as non-disturbance areas.”
8. A revised Mater Plan for the MR-RPC showing these new lots shall be submitted to the Planning and Zoning Commission for approval.

Motion by Mr. Hudson, seconded by Ms. Wingate and carried with four (4) votes to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-1. (Ms. Stevenson voted against the motion)

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 Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 5, 2018
RE: Staff Analysis for CZ 1852 Canal Corkran, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1852 Canal Corkran, LLC to be reviewed during the July 12, 2018 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 334-13.00-363.00, 363.01, 363.02 and 334-13.00-1298.00 through 1414.00 and 334-13.00-1447.00 to allow for an amendment to the MR-RPC to allow for the subdivision of several parcels into 8 parcels for an additional 6 lots located off Canal Crossing Rd. This will increase the overall number of units permitted within the development by 6. The size of the property is 65.125 ac. +/-.

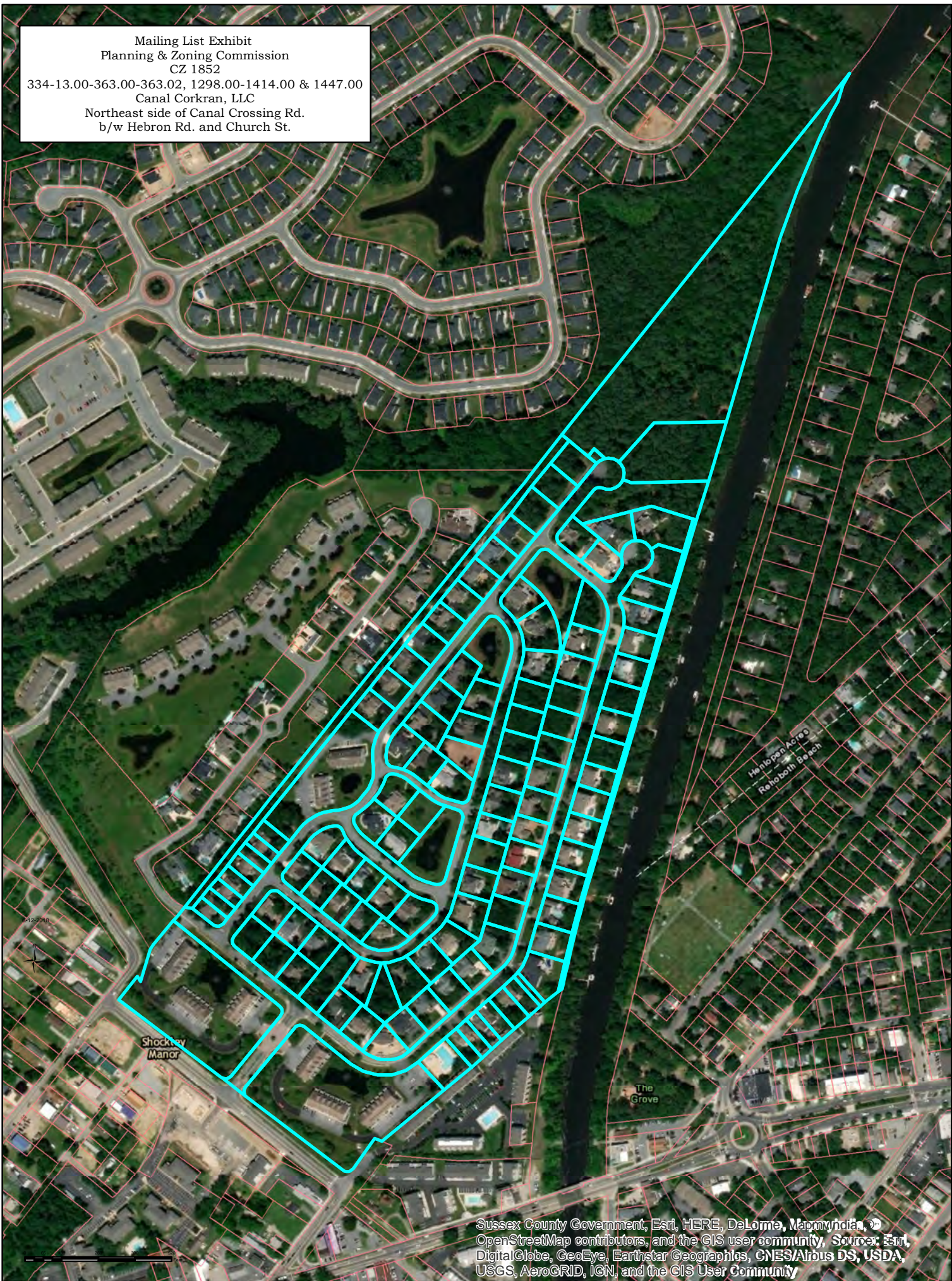
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The property is zoned MR-RPC (Medium Density Residential District – Residential Planned Community). The properties to the north are zoned MR-RPC (Medium Density Residential District – Residential Planned Community) and HR-1 High Density Residential District – Residential Planned Community). The properties to the west are zoned GR (General Residential District) and C-1 (General Commercial District). The properties to the south are zoned C-1 (General Commercial District) and there are lands located within the Henlopen Acres and the City of Rehoboth Beach. The properties to the east are in Henlopen Acres. 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 to amend the development to allow for 6 additional lots would be considered consistent with the land use, area zoning and uses. Staff notes concern with the subdivision of the wetlands.

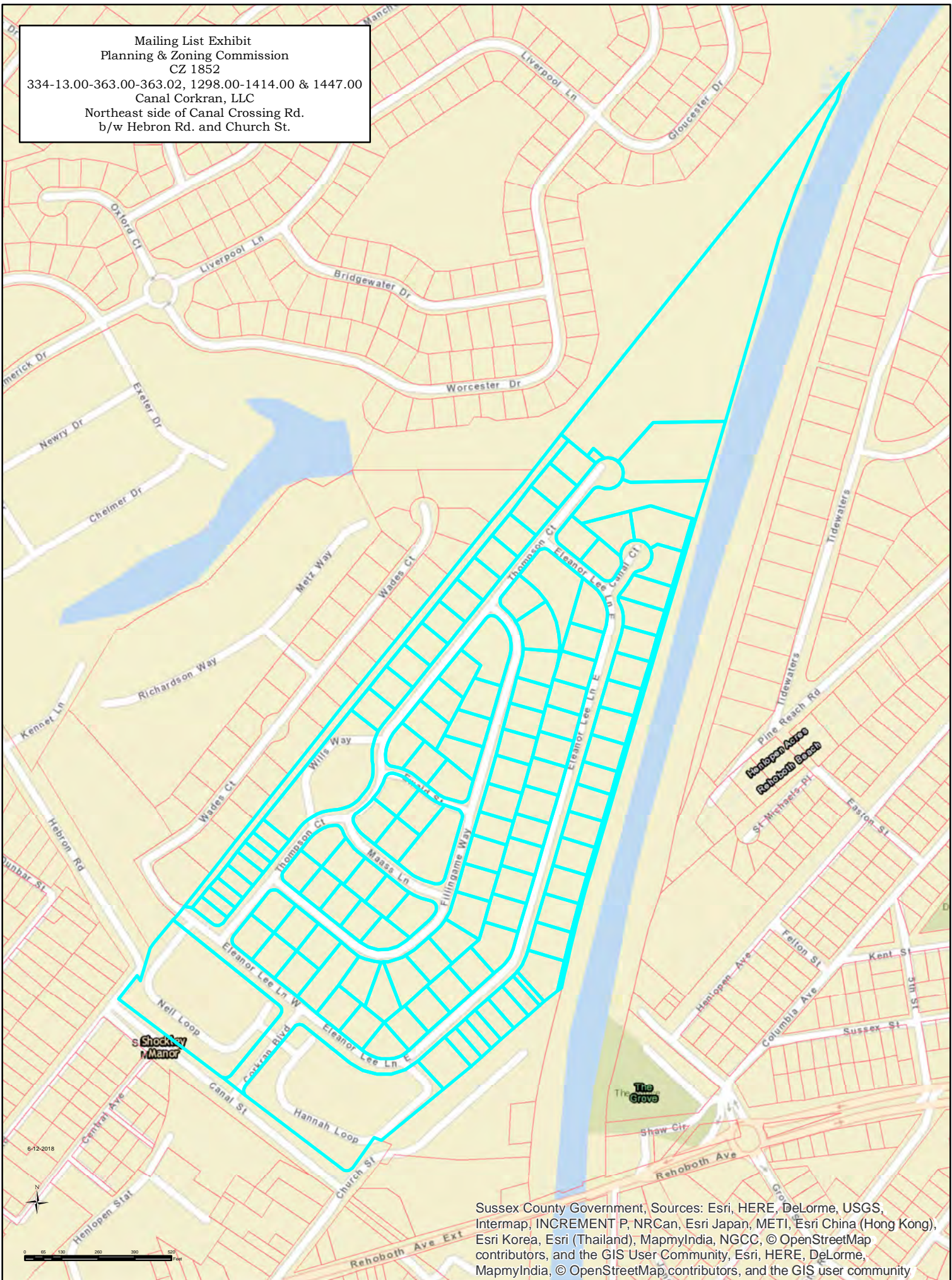


Mailing List Exhibit
Planning & Zoning Commission
CZ 1852
334-13.00-363.00-363.02, 1298.00-1414.00 & 1447.00
Canal Corkran, LLC
Northeast side of Canal Crossing Rd.
b/w Hebron Rd. and Church St.



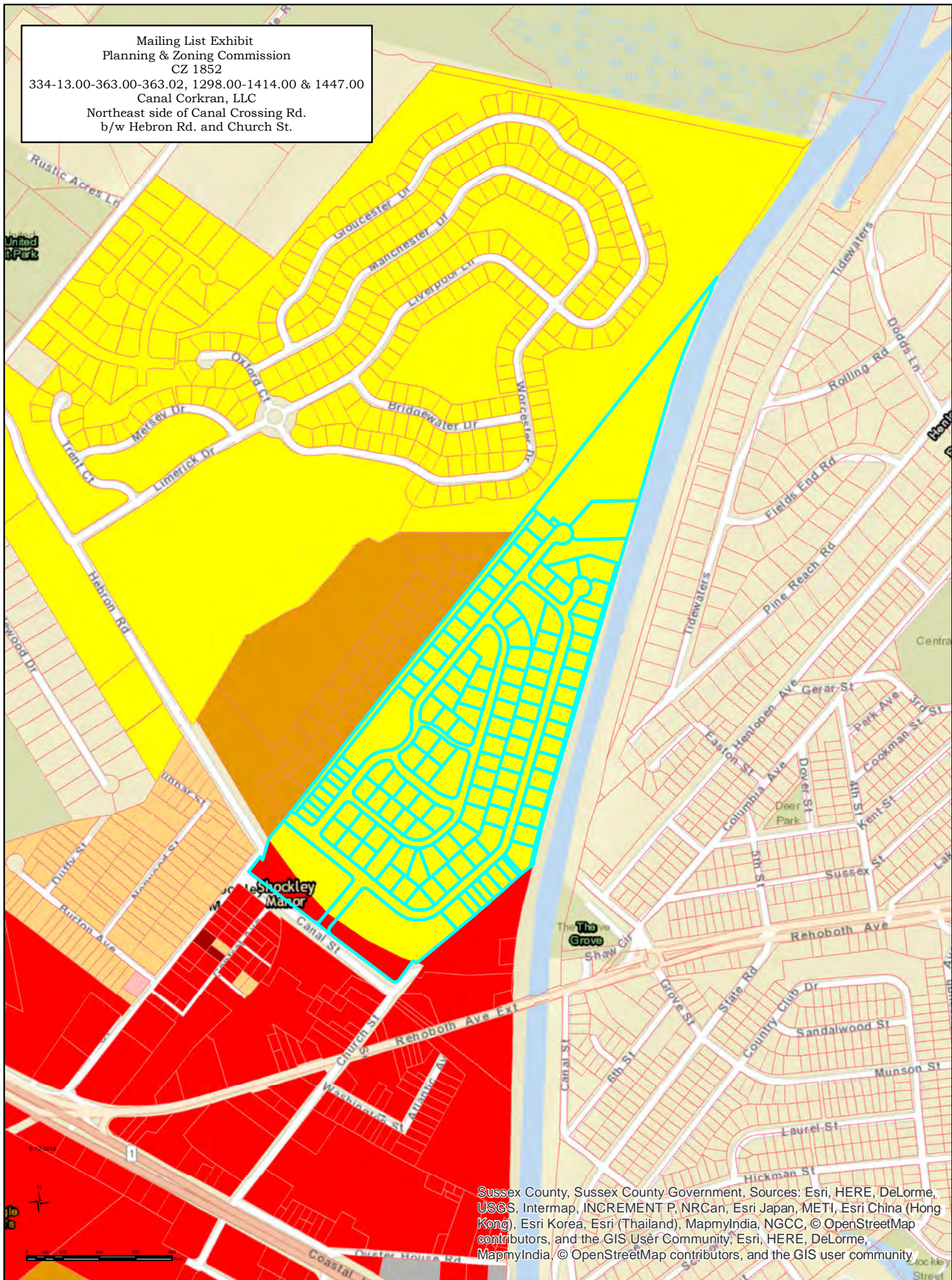
Sussex County Government, Esri, HERE, DeLorme, MapmyIndia, ©
OpenStreetMap contributors, and the GIS user community, Source: Esri,
DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,
USGS, AeroGRID, IGN, and the GIS User Community

Mailing List Exhibit
Planning & Zoning Commission
CZ 1852
334-13.00-363.00-363.02, 1298.00-1414.00 & 1447.00
Canal Corkran, LLC
Northeast side of Canal Crossing Rd.
b/w Hebron Rd. and Church St.



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

Mailing List Exhibit
Planning & Zoning Commission
CZ 1852
334-13.00-363.00-363.02, 1298.00-1414.00 & 1447.00
Canal Corkran, LLC
Northeast side of Canal Crossing Rd.
b/w Hebron Rd. and Church St.



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

Introduced 03/13/18

Council District No. 4 - Cole

Tax I.D. No. 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00-1414.00 and 334-13.00-1447.00

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2018, a zoning application, denominated Change of Zone No. 1852, was filed on behalf of Canal Corkran, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 1852 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Canal Crossing Road between Hebron Road and Church Street, and being more

particularly described per the attached legal description, said parcel containing 65.125 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