

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

**MEETING:  
August 25, 2020**

**\*\*DISCLAIMER\*\***

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**Sussex County Council  
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(302) 855-7743**

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
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**SUSSEX COUNTY COUNCIL**

**A G E N D A**

**AUGUST 25, 2020**

**10:00 A.M.**

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes – August 11, 2020**

**Reading of Correspondence**

**Public Comments**

**Consent Agenda**

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA1129  
El Rancho – P&R Lands, LLC**

**Todd Lawson, County Administrator**

- 1. Presentation and discussion related to Land Use Master Planning**
- 2. Administrator's Report**

**Gina Jennings, Finance Director**

- 1. Fire/Ambulance Company Grant Agreement**

**10:15 a.m. Public Hearing**

**Camp Arrowhead III Annexation of the Sussex County Unified Sanitary Sewer District**



**10:30 a.m. Public Hearing**

**Proposed Owls Nest Paving Improvements Assessment Roll**

**10:45 Public Hearing**

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

**Patrick Brown, Project Engineer**

**1. The Owl’s Nest Pavement Improvements, Project T20-01**

**A. Final Property Assessment Rates**

**Hans Medlarz, County Engineer**

**1. Little Meadows, Inc.**

**A. Surrender of lift state parcel 132-1.12-67.00**

**2. Granting of Access Easement to Miranda Enterprises, LLC**

**John Ashman, Director of Utility Planning**

**1. Request to prepare and post notices for the Sewer District Expansion for Island Watersports into the Bay View Estates Area**

**Introduction of Proposed Zoning Ordinances**

**Council Members’ Comments**

**Executive Session – Land acquisition pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session items**

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

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.**

**Change of Zone No. 1918 filed on behalf Mark A. Casey**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS” (land lying on the southeast corner of Warwick Road and Downs Landing Road) (Tax I.D. No. 234-33.00-55.00) (911 Address: 28517 Warwick Road, Millsboro)**

**Conditional Use No. 2214 filed on behalf of Anthony Crivella & Harold E. Dukes, Jr.**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS” (land lying on the northeast side of Johnson Street southeast of Central Avenue) (Tax I.D. No. 334-13.20-25.00) (911 Address: Not Available)

**Conditional Use No. 2216 filed on behalf of Kenneth Dominic Alton Drummond**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS” (land lying on the southwest side of Hopkins Road approximately 0.58 mile northwest of Beaver Dam Road (Route 23)) (Tax I.D. No. 234-5.00-46.04) (part of) (911 Address: 20366 Hopkins Road, Lewes)

**Conditional Use No. 2233 filed on behalf of Brothers Landscaping, LLC**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES MORE OR LESS” (land lying on the north side of German Road approximately 1.58 miles east of Concord Pond Road) (Tax I.D. No. 231-13.00-190.00) (911 Address: 24516 German Road, Seaford)

## **Adjourn**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on August 18, 2020 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.



-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountype.gov/council-chamber-broadcast>.

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountype.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountype.gov](mailto:rgriffith@sussexcountype.gov). All comments shall be submitted by 4:30 P.M. on Monday, August 24, 2020.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 11, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 11, 2020, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 312 20  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of July 28, 2020 were approved by consent.

**Corre-  
spondence**

Mr. Moore reported on correspondence received from the Georgetown Historical Society.

Mr. Rieley reported on correspondence received from the Town of Fenwick Island.

**Public  
Comments**

Public comments were heard and one person spoke via the phone line (name indecipherable) regarding the inability to be connected to the Council meeting via the phone line during the July 28th Council meeting to speak regarding the DelDOT MOU Revision.

**Appoint-  
ments**

Mr. Lawson reported on a Building Code Appeal Board (Board of Adjustments and Appeals) appointment for Council's consideration.

**M 313 20  
Appoint-  
ment**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Bradley Layfield to the Sussex County Building Code Appeal Board (Board of Adjustments and

**M 313 20  
Approve  
Appoint-  
ment  
(continued)**

**Appeals), effective immediately, until such time as the term expires in April 2024.**

**Motion Adopted: 5 Yeas.**

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

**Appoint-  
ment**

**Mr. Lawson reported on an appointment to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities for Council's consideration.**

**M 314 20  
Approve  
Appoint-  
ment**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Linda Forte to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities, effective immediately, until such time as the term expires in May 2022.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Downs Property Purchase**

**On August 6, 2020, Sussex County settled with the Downs families for the purchase of a certain piece of property identified as Tax ID 135-20.00-92.01 for a purchase price of \$880,000, which includes relocation costs as permitted by the FAA. This property is necessary to acquire for the County's airport expansion. Since the property acquisition was previously discussed by Council in Executive Session, the Attorney General's office has advised the County that it should disclose the identity of the property when the need for confidentiality has ended. Today's announcement follows the Attorney General's guidance.**

**2. DelDOT Sussex County Project Updates**

**The Delaware Department of Transportation (DelDOT) provided an update on the agency's transportation projects as well as the paving and rehabilitation projects in Sussex County. A copy of the report is attached, and more information can be found on DelDOT's website. This information has been provided for the benefit of the County Council and the public to better understand the status of DelDOT's projects here in Sussex County.**

**Administrator's Report (continued)**

**3. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Ocean View Beach Club – Phase 4B received Substantial Completion effective July 27<sup>th</sup>.

**4. Council Meeting Schedule**

A reminder that Council will not meet on Tuesday, August 18<sup>th</sup>. The next regularly scheduled Council meeting will be held on August 25<sup>th</sup> at 10:00 a.m.

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

**Delaware Transit Reimbursement Program Request**

Mrs. Jennings reported that DART, a division of DelDOT, has allocated \$796,862.00 for funding of transportation expenses for various senior centers in Sussex County. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2021 as per State law; this is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is similar to previous years:

Nanticoke Senior Center	\$ 44,959.00
Indian River Senior Center	2,100.00
Laurel Senior Center	99,083.00
Lewes Senior Center	27,120.00
Cape Henlopen Senior Center	43,066.00
CHEER, Inc.	<u>580,534.00</u>
<b>TOTAL</b>	<b>\$796,862.00</b>

**M 315 20 Approve Allocation of State Funds/ Senior Agencies**

A Motion was made by Mr. Burton, seconded Mr. Wilson, that the Sussex County Council approves the allocation of State funds to various senior agencies within Sussex County, as presented.

**Motion Adopted: 5 Yeas.**

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

**Kitchen Incubator Initiative**

Bill Pfaff, Economic Development Director, reported on funding that the Economic Development Office received from the State of Delaware for a business incubator. Mr. Pfaff reported that an Advisory Group was established in 2019 to form a kitchen incubator in Sussex County. Mr. Pfaff gave a presentation on the launching of the kitchen incubator program in Sussex County. The kitchen incubator is a commercial kitchen that allows small food business owners a way to expand production without large expenses for commercial equipment and supplies, and provides a training

**Kitchen  
Incubator  
Initiative  
(continued)**

ground for restaurant employees. Mr. Pfaff stated that he wants to market the incubator to small business owners and farmers looking to expand their operations, noting that the kitchen incubator can be a platform to grow a company. Companies using the kitchen incubator will pay a membership fee and an hourly fee for using the kitchen. Mr. Pfaff stated that he will report back to Council within the next six months with a design and a budget for the kitchen incubator.

**Vehicle  
Purchases  
RFP**

Bobby Schoonover, Manager of EMS Logistics, presented the bid results for the Vehicle Purchases RFP. Three bids were received, two for vehicles and one for EMS response truck up-fits.

**M 316 20  
Accept  
Vehicle  
Bids**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council accepts from the lowest bidder, Hertrich Fleet Services of Milford, Delaware, the request for various vehicle proposals, for specifications A, C, D, E, F, G-1, G-2-1, H-1, 2, 3, 4 and 5, I-1, I-2, and J; and Winner Ford of Cherry Hill, New Jersey, for specification B, for the 2020-2021 model year.

**Motion Adopted: 5 Yeas.**

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

**M 317 20  
Accept  
Vehicle  
Bid**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council accepts from the lowest bidder, First Due Customs, LLC of Seaford, Delaware, the up-fit for specifications K and L.

**Motion Adopted: 5 Yeas.**

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

**Request to  
Withdraw  
CZ 1914**

Jamie Whitehouse, Planning and Zoning Director, presented a request that Sussex County Council accept the withdraw of the application known as Change of Zone No. 1914 filed on behalf of Ronald E. and M. Candace Gray. The Council held a public hearing on this application on June 30, 2020 at which time action was deferred.

**M 318 20  
Accept  
Request  
to Withdraw  
CZ 1914**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council accepts the request to withdraw Application Change of Zone No. 1914 filed on behalf of Ronald E. and M. Candace Gray.

**Motion Adopted: 5 Yeas.**

**M 318 20  
(continued)**

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

**Carl M.  
Freeman/  
CMF  
Tidewater  
Landing**

**Hans Medlarz, County Engineer, presented a request from Carl M. Freeman Companies for the surrender of oversizing credits, an Infrastructure Use Agreement (Weidman Parcel), and CMF Tidewater Landing, LLC's payment in lieu offer.**

**M 319 20  
Accept  
Surrender  
of Over-  
sizing  
Credits/  
CMF  
Bayside,  
LLC**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering and Finance Departments, that Sussex County Council accepts Carl M. Freeman's, AKA CMF Bayside, LLC's, offer to surrender any and all oversizing credits for sewer utility improvements above and beyond Americana Bayside's requirements in exchange for exempting active and proposed development activities within Americana Bayside, capped at 2033 EDUs per the original RPC approval, from the Infrastructure Use Agreement requirement under Ordinance No. 2577.**

**Motion Adopted: 5 Yeas.**

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

**M 320 20  
Approve  
Infra-  
structure  
Use  
Agreement**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Infrastructure Use Agreement between Sussex County and CMF Bayside, LLC for the Americana Bayside Weidman parcel (No. 533-19.00-297.00).**

**Motion Adopted: 5 Yeas.**

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

**M 321 20  
Accept  
CMF  
Tidewater  
Landing's  
Offer of  
Payment  
In Lieu**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council accepts CMF Tidewater Landing, LLC's offer of \$549,900.00, as a one-time contribution in lieu of sewer infrastructure installation along a segment of Robinsonville Road.**

**Motion Adopted: 5 Yeas.**

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

**Chesapeake Utilities/ Utility Easements**      **Hans Medlarz, County Engineer, presented a request for granting a Natural Gas Utility Easement on Parcel Nos. 234-11.00-56.11 (Route 24 from Angola Road to Hollymount Road – Chapel Branch crossing) and 135-20.00-75.00 (Delaware Coastal Business Park).**

**M 322 20 Approve Easements/ Chesapeake Utilities**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of easements to Chesapeake Utilities Corporation for Tax Parcel 234-11.00-56.11 in the consideration of \$7,551.00 and Tax Parcel 135-20.00-75.00, in the consideration of \$2,000.00.**

**Motion Adopted:    5 Yeas.**

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

**Herring Creek & Chapel Branch SSDs/ C/O #1**      **Hans Medlarz, County Engineer, presented Change Order No. 1 to the Herring Creek & Chapel Branch Sanitary Sewer Districts with Robinsonville Road Development Area Pump Stations, Project S20-06. Change Order No. 1 in the amount of \$51,460.00 is for bank slope stabilization repairs along an unnamed lagoon tributary to Burtons Prong in Millsboro; repairs are required as a result of Tropical Storm Faye.**

**M 323 20 Approve Change Order/ Herring Creek & Chapel Branch SSDs/ C/O #1**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract S20-06, Herring Creek and Chapel Branch Sanitary Sewer Districts with Robinsonville Road Development Area Pump Stations, Phase 2, be approved, increasing the Contract up to \$51,460.00, for a new contract total of \$5,308,220.00.**

**Motion Adopted:    5 Yeas.**

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

**Herring Creek SSD/ Bid Award**      **Hans Medlarz, County Engineer, presented a recommendation to award Project S20-07, Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main. Eight bids were received; JJID, Inc. of Bear, Delaware submitted the low base bid of \$5,091,000.00.**

**M 324 20 Award Bid/ Herring Creek SSD/ Project S20-07**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-07, Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, be awarded to JJID, Inc. for their base bid of \$5,091,000.00, contingent upon USDA concurrence.**

**M 324 20  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Forcemain  
Consoli-  
dation/  
SCRWF/  
Project  
M20-11**

**Hans Medlarz, County Engineer, presented a Final Balancing Change Order (No. 3) in the credit amount of \$18,139.50 and Request for Final Acceptance for Project M20-11, Materials – Forcemain Consolidation at SCRWF. A design change resulted in an overrun of materials which could be returned for credit. The new contract amount represents final balancing and final acceptance to close out the contract.**

**M 325 20  
Award  
Bid/  
Forcemain  
Consoli-  
dation/  
SCRWF/  
Project  
M20-11**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Contract M20-11, Materials Purchase for Forcemain Consolidation at South Coastal Regional Wastewater Facility, be approved, decreasing the contract by \$18,139.50, for a new final contract total of \$321,805.09, with the reissuance of Final Acceptance effective August 11, 2020.**

**Motion Adopted: 5 Yeas.**

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

**Cherry  
Walk  
Annexation/  
Public  
Hearing  
Results**

**John Ashman, Director of Utility Planning, presented the public hearing results for the Cherry Walk Annexation of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). The Engineering Department had annexed the majority of the parcels responding in favor to the Cherry Creek Valley polling letter; other residents came to the public hearing asking for additional information. Council directed the Engineering Department to again poll the area; the Department mailed out a polling letter to the balance of the property owners. The results of the poll show sufficient interest to request permission to prepare and post notices for parcels on Cherry Walk Drive and David Drive. The area was posted and advertised. The Department received a call in support of the expansion from one property owner who owns ten parcels in the proposed boundary area. A Public Hearing was held on July 30, 2020; the current status after the Public Hearing and polling letters show 15 in favor, 11 opposed and 1 undecided. Mr. Ashman noted that this project can be added to the County's Joy Beach project.**

**M 326 20  
Adopt  
R 009 20**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 009 20 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NORTH AREA, TO INCLUDE THE CHERRY WALK AREA LOCATED IN INDIAN RIVER HUNDRED,**



**M 326 20  
(continued)**

**SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 327 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$5,500.00 (\$3,500.00 from Mr. Hudson’s Councilmanic Grant Account, \$1,500.00 from Mr. Burton’s Councilmanic Grant Account and \$500.00 from Mr. Rieley’s Councilmanic Grant Account) to West Side New Beginnings for community health and safety expenditures.**

**Motion Adopted: 5 Yeas.**

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

**M 328 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Rieley’s Councilmanic Grant Account to Millsboro Little League for a new speaker system.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Road, Ocean View).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)”.**

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

**M 329 20**      **At 11:30 a.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.**  
**Go Into**  
**Executive**  
**Session**

**Motion Adopted:    5 Yeas.**

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

**Executive**      **At 11:34 a.m., an Executive Session of the Sussex County Council was held**  
**Session**      **in the Council Chambers for the purpose of discussing matters relating to**  
**land acquisition. The Executive Session concluded at 12:04 p.m.**

**M 330 20**      **At 12:05 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton,**  
**Reconvene**      **to come out of Executive Session and reconvene the Regular Session.**  
**Regular**  
**Session**

**Motion Adopted:    5 Yeas.**

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

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

**M 331 20**      **At 12:05 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**  
**Recess**      **to recess until 1:30 p.m.**

**Motion Adopted:    5 Yeas.**

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

**M 332 20**      **At 1:34 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley,**  
**Reconvene**      **to reconvene.**

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

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

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

**Introduction**      **Jamie Whitehouse, Planning and Zoning Director, introduced two new**  
**of P&Z**      **employees in the Planning and Zoning Department, Chase Phillips and Nick**  
**Employees**      **Torrance.**

**Public  
Hearing/  
CU 2223**

**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 BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2223) filed on behalf of A&W Burbage, LLC (Tax I.D. No. 134-14.00-36.00 (Part of) (911 Address: 32855 Jones Road, Frankford).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2020 at which time action was deferred. On June 25, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated June 11 and 25, 2020.)**

**The Sussex County Council held a Public Hearing on this application on July 14, 2020 at which time the Council denied the application since there was no one present on behalf of the application and due to the lack of a record before the Council. The Applicant submitted a request for a re-hearing in a timely manner and the Council granted the request on July 28, 2020.**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Gerald Burbage was present on behalf of the application. Mr. Burbage stated that the request is for boat and RV storage; that approximately 4 acres of the property will be used; that there would be an electronic gate to secure the property; that boat storage is needed in the area; that storage will be located behind the chicken houses and the residence on the site; and that there will be no impact on traffic.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 333 20  
Adopt  
Ordinance  
No. 2728/  
CU 2223**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2728 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2223) filed on behalf of A&W Burbage, LLC, with the following conditions:**

- A. The site shall be limited to boat and RV storage only.**
- B. The perimeter of the site shall be fenced with a 7-foot high chain linked type of fencing. The entrance shall be gated with electronic access.**

**M 333 20  
Adopt  
Ordinance  
No. 2728/  
CU 2223  
(continued)**

- C. No maintenance of boats or RVs shall be performed on the site.**
- D. Security lighting shall be provided on the site and shall be directed away from neighboring properties.**
- E. No junked or inoperable boats, boat trailers or RVs shall be kept on the site.**
- F. There shall be no more than 145 spaces for boat and RV storage. Those parking or storage spaces shall be shown on the Final Site Plan and marked on the site itself.**
- G. One lighted sign shall be permitted near the entrance. It shall not be larger than 32 square feet per side.**
- H. Violation of any condition of approval may be grounds for terminating this conditional use approval.**
- 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. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Absent; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2210**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2210) filed on behalf of Dewey Beer Company, LLC (Tax I.D. No. 235-30.00-21.00) (911 Address: 18499 Harbeson Road, Harbeson).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**Mr. Whitehouse reported that, prior to the Planning and Zoning Commission’s public hearing, six letters of support and eleven letters of opposition were submitted into the record. Since that time, one additional letter was received stating concerns about the application.**

**The Council found that Fred Townsend, Attorney, was present on behalf of the application with Mike Riley and Brandon Smith of Dewey Beer Company. They stated that Dewey Beer Company is currently located in Dewey Beach (a brewpub); however they have outgrown the space and have**

**Public  
Hearing/  
CU 2210  
(continued)**

**found this location which will allow them to accommodate demand; that they plan to keep the existing location in Dewey Beach; that the site is an appropriate location for a microbrewery; that this location will be an ancillary operation for the production of beer; that microbreweries are regulated by the State; that they will be limited to production of beer, not the sale of beer or alcohol produced offsite by other manufacturers; that there will not be a bar on the site; that there will be a patron area, tasting room, and a patio outside; that this will be a manufacturing use that takes place on this site; that the types of uses will be low density; that there will be no food manufacturing within the boundaries of the building; that any live music on the patio will be low-key, i.e. acoustic; that there will be five to six people per day working in the brewery to start off and then two to three employees per day thereafter; that all waste will be disposed of appropriately; that proposed hours of operation for patron use is 11:00 a.m. to 11:00 p.m.; that actual hours of operation are projected to be shorter than that; and that the Applicant agrees to the conditions proposed by the Planning and Zoning Commission.**

**Public comments were heard.**

**Linda Gumeny commented on the number of dumpsters needed, the placement of the dumpsters, and questioned how often trash will be picked up. Ms. Gumeny stated that she is not opposed to the application as long as the site plan is designed properly to accommodate the use and that landscaping is installed between this commercial activity and the residential area.**

**Jacqueline Conklin stated that she does not oppose the application; however she would like to see the hours of operation limited to 11:00 a.m. to 9:00 p.m.**

**There were no additional public comments.**

**The Public Hearing and public record were closed.**

**M 334 20  
Amend  
Condition  
C/  
CU 2210**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend Condition C recommended by the Planning and Zoning Commission to read as follows: “Any usage of the outdoor patio and any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties to the north and east of the site.”**

**Motion Adopted: 5 Yeas.**

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

**M 335 20  
Adopt  
Ordinance  
No. 2729/  
CU 2210**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2729 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2210) filed on behalf of Dewey Beer Company, with the following conditions, as amended:**

- A. The Applicant must comply with all State and Federal requirements for the brewery and testing room operations.**
- B. The hours of operation for public access to the micro-brewery shall be between 11:00 a.m. and 11:00 p.m. daily.**
- C. Any usage of the outdoor patio and any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties to the north and east of the site.**
- D. The signage shall comply with the sign requirements of the underlying C-1 Zone**
- E. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.**
- G. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.**
- H. The use shall comply with all parking requirements contained in the Sussex County Zoning Code.**
- I. The failure to abide by these conditions shall result in the termination of the conditional use approval.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2217**

**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 STORAGE OF UTILITIES EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS” (Conditional Use No. 2217) filed on behalf of Israel Bravo (Tax I.D. No. 331-2.00-44.07) (911 Address: 20871 Sanfilippo Road, Bridgeville).**

**Public  
Hearing/  
CU 2217  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Israel Bravo was present on behalf of his application. He stated that he needs a space to store his trucks, trailers and materials; that he proposes to use only about 1 acre of the 6 acre parcel; that the majority of the lot is wetlands and unusable; that the site is limited to the current cleared area; and that he is willing to add trees to screen the area where he has the storage.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 336 20  
New  
Condition/  
CU 2217**

**A Motion was made by Mr. Vincent, seconded by Mr. Burton, to add a new Condition C (and renumber the remaining conditions) to the recommended conditions of the Planning and Zoning Commission, to read as follows: "There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area."**

**Motion Adopted: 5 Yeas.**

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

**M 337 20  
Amend  
Condition/  
CU 2217**

**A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition A recommended by the Planning and Zoning to read as follows: "The use shall be limited to the parking and storage of vehicles, equipment, trailers, and conduit reels associated with the utility installation company, all of which shall be located and confined to the current cleared area."**

**Motion Adopted: 5 Yeas.**

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

**M 338 20  
Adopt  
Ordinance  
No. 2730**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2730 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF UTILITIES"**

**M 338 20  
Adopt  
Ordinance  
No. 2730/  
CU 2217  
(continued)**

**EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS” (Conditional Use No. 2217) filed on behalf of Israel Bravo, with the following conditions:**

- A. The use shall be limited to the parking and storage of vehicles, equipment, trailers, and conduit reels associated with the utility installation company, all of which is to be located and confined to the current cleared area.**
- B. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
- C. There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area.**
- D. As confirmed by the Applicant, no sign for the business shall be located on the site.**
- E. All chemicals associated with the use shall be stored indoors and in appropriate containers.**
- F. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- G. The failure to abide by these conditions shall result in the termination of the conditional use approval.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1917**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (Change of Zone No. 1917) filed on behalf of Iacchetta Development Corporation (Tax I.D. No. 533-18.00-28.01) (911 Address: 33175 Lighthouse Road, Selbyville).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**



**Public  
Hearing/  
CZ 1917  
(continued)**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Ray Tomasetti, Attorney, was present on behalf of the Applicant. Mr. Tomasetti stated that the site is adjacent to other C-1 properties, including boat storage and a shopping center (site of shopping center is owned by the Applicant); that a portion of the rear of the property is adjacent to AR-1 property and is used for agricultural use; that the plan is to exit through the shopping center (owned by the Applicant); that up to 21 parking spaces are proposed; that the proposed building will most likely be used for an office and a warehouse for the Applicant's business; and that the application is in compliance with the Comprehensive Plan.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 339 20  
Adopt  
Ordinance  
No. 2731/  
CZ 1917**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2731 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS" (Change of Zone No. 1917) filed on behalf of Iacchetta Development Corporation.**

**Motion Adopted: 5 Yeas.**

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

**M 340 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 2:58 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

## ENGINEERING DEPARTMENT

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



# Sussex County


DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Memorandum

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

**FROM:** John J. Ashman   
Director of Utility Planning

**RE:** *Existing Wastewater Infrastructure Use Agreement  
El Rancho IUA 1129  
File: OM 9.01*

**DATE:** August 25, 2020

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the use of existing wastewater infrastructure with **P&R Lands, LLC** for the **El Rancho** project in the Johnson's Corner Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

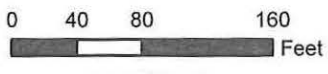
Under the proposed arrangement, the **El Rancho** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said infrastructure **P&R Lands, LLC** will contribute **\$7,801.00.00** for the financial catch-up contribution of the existing infrastructure to serve **11.00** Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of the on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



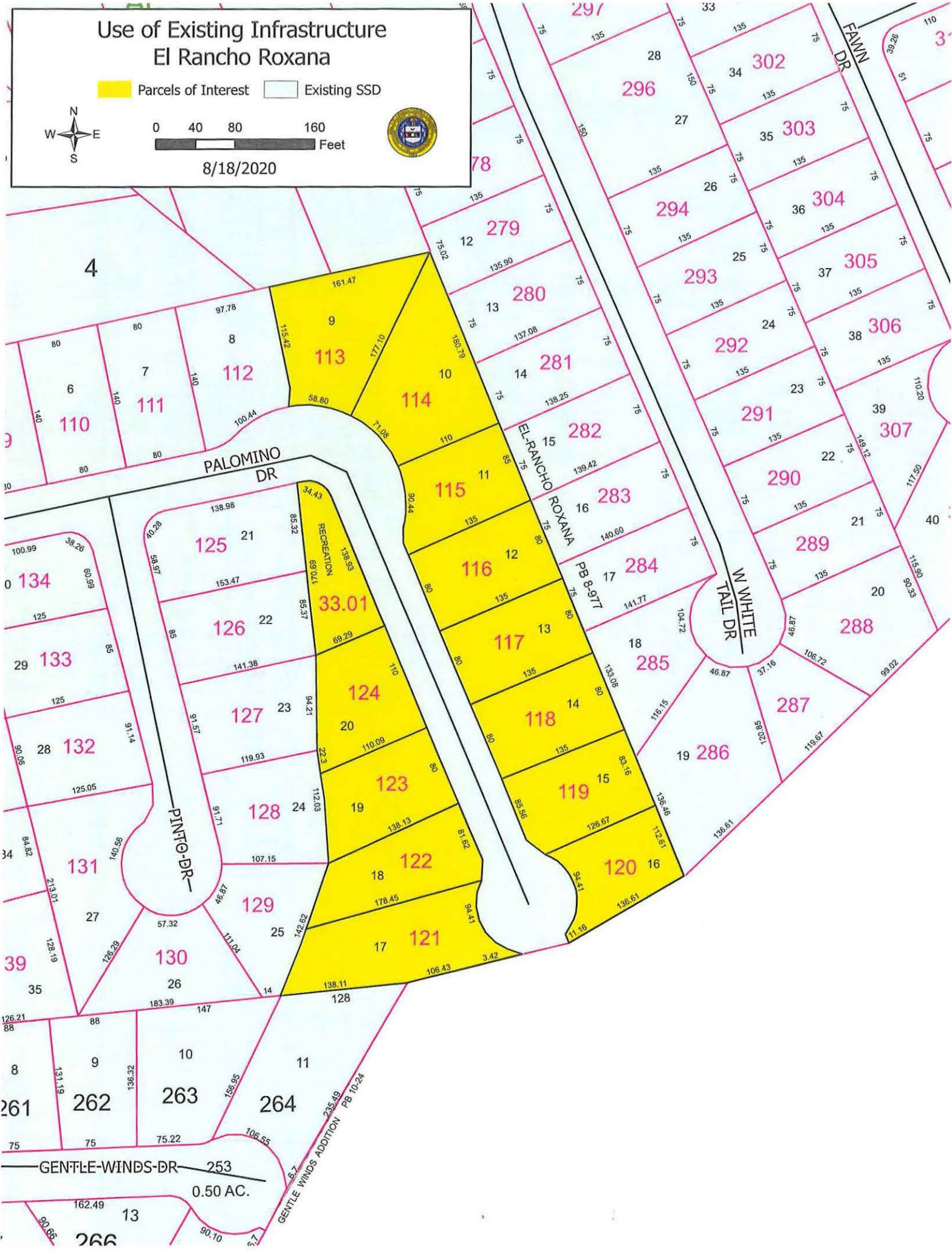


# Use of Existing Infrastructure El Rancho Roxana

Parcels of Interest Existing SSD



8/18/2020



**EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

**El Rancho IUA 1129**

THIS AGREEMENT ("Agreement"), made this 30 day of July 2020, by and between:

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

**P&R LANDS, LLC**, a Limited Liability Corporation and developer of a project known as **El Rancho**, hereinafter called the "Developer."

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcels 533-11.00-33.01 be known as **El Rancho** ("Project") and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area) and;

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **11.00** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$7,801.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving beneficial acceptance of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **P.O. Box 117 Dagsboro Delaware 19939.**

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

FOR THE COUNTY:

{Seal}

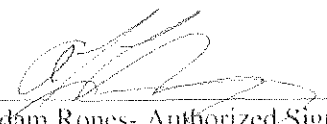
By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Robin A. Griffith  
Clerk of the County Council

FOR P&R LANDS, LLC

By:  \_\_\_\_\_ (Seal)  
Adam Rones- Authorized Signatory

 \_\_\_\_\_ (DATE)

WITNESS: \_\_\_\_\_





# LAND USE MASTER PLANNING

## DISCUSSION

**AUGUST 25, 2020**



# MASTER PLANNING

- Supported by the Sussex County Comprehensive Plan
- Discussed by P&Z Commission and County Council Members
- Requires an Ordinance to give the County the authority
- Staff has developed a framework to begin the initiative



# MASTER PLANNING

- Like Residential Planned Community (RPC), but with more diverse development types and design flexibility.
- Not intended to replace RPCs, subdivisions or more typical types of commercial development.
- Intended to promote unified, integrated large-scale developments where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these.
- Intended to incorporate the following areas as part of a single unified development plan:
  - Residential Areas
  - Neighborhood Commercial Areas
  - Professional, Medical and Financial Office Areas
  - Civic Areas
- Intended to promote interconnectivity throughout the development and with existing DeIDOT roadways, with primary interconnecting roads dedicated to DeIDOT.



# MASTER PLANNING

## 4 STEP PROCESS for DEVELOPER

1. Pre-application planning cooperation and coordination between the developer's planners and County Planners.
2. Public Hearing before P&Z and County Council on Master Plan Zone Ordinance, which can include conditions of approval. Includes:
  - "General Overall Master Plan"
  - "Master Manual"
  - "Spatial Distribution Plan"
3. Administrative Review by Planning & Zoning. Includes:
  - "Implementation Plan"
  - "Implementation Manual"
4. Planning & Zoning Staff Review. Includes:
  - "Final Site Development Plans"

Each level includes confirmation that what is proposed is consistent with what has already been approved. So, P&Z's review of the Implementation Plan and Implementation Manual will make sure that both follow what is provided in the MPZ Ordinance, the Master Manual, the General Overall Master Plan and the Spatial Distribution Plan.







# CONTENTS OF MASTER MANUAL

- Nearby Development Precedents
- Existing Natural Features
- Circulation and Transportation (Road Systems)
- Area Locations
- Range of Building Lots
- Density
- Housing Types
- Building Guidelines
- Accessory Structures
- Open Spaces
- Community Landscape Design/Plan
- Preliminary Design of SWM
- Community Lighting Design/Plan
- Community Signage Design/Plan



# NEXT STEPS

- An Ordinance is required to implement Master Planning
- Continue working on draft of ordinance
- Consult with DelDOT on road coordination within Master Planned Community
- Public Hearings on Code Revision in Chapter 115





# LAND USE MASTER PLANNING

QUESTIONS  
&  
COMMENTS



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 Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson Jr

FROM: Gina A. Jennings  
Finance Director/COO

RE: **FIRE/AMBULANCE COMPANY AGREEMENT**

DATE: August 21, 2020

On Tuesday, I, along with leadership from the Sussex County Volunteer Fire Association, will be presenting the attached grant agreement to be executed between Sussex County Government and each individual fire and ambulance company.

Attached is the presentation that will be given on Tuesday, which explains the grant agreement.

Please let me know if you have any questions.

GAJ/nc

Attachments

pc: Mr. Todd F. Lawson



**GRANT AGREEMENT BETWEEN SUSSEX COUNTY, DELAWARE AND  
XXXXXXXXXXXX COMPANY TO FURNISH FIREFIGHTING AND/OR BASIC LIFE  
SUPPORT SERVICES**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between Sussex County, Delaware, a county and political subdivision of the State of Delaware (the “County”) and the \_\_\_\_\_ Company (the “Company”), a non-profit corporation of the State of Delaware.

WHEREAS, the Company has provided fire protection and prevention and basic life support services to the portion of the County as currently regulated by the State Fire Prevention Commission (the “Area”), and

WHEREAS, the County and the Company both desire to continue in this relationship, and

WHEREAS, the Company desires to receive funds to support the operations of the fire protection and prevention and basic life support services, and

NOW THEREFORE, in consideration of their mutual promises and obligations, the parties thereto, intending to be legally bound, hereby agree as follows:

1. The Company shall continue to provide and furnish fire protection, fire prevention firefighting and basic life support services to the Area from the date of this Agreement.
2. The County acknowledges that the Company is the exclusive firefighting or basic life support services entity for the Area established pursuant to State of Delaware (“State”) law by the State Fire Prevention Commission and shall not enter into a written agreement with any other person or entity for the provision of firefighting services to or within the Area except in compliance with mutual aid agreements with the Company or in compliance with applicable State law.

3. The parties hereto agree that the Area shall automatically change and conform if any changes are required thereto pursuant to 16 Del.C. § 6607.

4. The parties hereto acknowledge that 16 Del.C. § 6607 vests in the State Fire Prevention Commission the power and the authority to determine whether any new fire companies or substations shall be authorized in the State, to prohibit the suspension of fire protection services in the State, to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies in the State. Notwithstanding anything in this Agreement to the contrary, the County is not hereby assuming any power, authority or responsibility with respect to any of the aforementioned powers or authority of the State Fire Prevention Commission.

5. The provisions of this Agreement shall be binding on the successors of the parties hereto.

6. The rights, privileges and obligations of the parties hereto shall not be assignable.

7. This Agreement shall not be nor be implied to be a waiver of any limitation of the liability of the Company or the County as provided by statute or otherwise.

8. This Agreement shall continue on a year to year basis unless and until terminated by either party in writing delivered to the other party at least thirty (30) days before the expiration of that current term.

9. The Company hereby agrees to defend, indemnify and save the County and its officers, employees and agents harmless from and against, all liabilities, losses, damages, costs and expenses (including reasonable attorney fees), causes of action, suits, claims, demands and judgments of any nature arising from or in connection with its entry into this Agreement. The County hereby agrees to defend, indemnify and save the Company and its officers, employees

and agents harmless from and against, all liabilities, losses, damages, costs and expenses (including reasonable attorney fees), cause of action, suits, demands, and judgements of any nature arising from or in connection with its entry into this Agreement.

10. The Company hereby agrees to establish financial policies and procedures that address at a minimum such topics as: financial responsibilities, conflict of interest, budget process, receipt of fund procedures, disbursement of funds procedures, check policy, compensation approvals, insurance coverage, bank accounts, travel and expense reimbursement procedures, asset recording and tracking, and ambulance insurance billings.

11. The Company hereby agrees to submit each year the minimum level of financial report required by the Fire Commission and (2) any independent accountant comments to the County six and a half months after its fiscal year end.

12. The Company hereby agrees to submit every year the Analysis of Income and Expenses form to the County six and a half months after its fiscal year end, see Attachment A.

13. The County hereby agrees to pay for a list of Agreed Upon Procedures performed by the County's independent auditor every year. The Agreed Upon Procedures will be completed within nine months of a Company's fiscal year end. The list of Agreed Upon Procedures will be provided by the County to the Company. There shall be no more than eight Agreed Upon Procedures done per year. The Company can pay for their own independent accountant to perform the agreed upon procedures if the report is shared with the County within nine months of the Company's fiscal year end.

14. The Company shall allow access to its records for inspection to perform the Agreed Upon Procedures by the County's independent auditors if the County's auditors are performing the Agreed Upon Procedures.

15. The County shall provide funding to the Company through the annual budget process and distribute based on the following terms:

- (a) Fire Enhancement Funding – Funded through a fee placed on building permits, allocated based on a formula provided by the Sussex County Volunteer Fire Association, and distributed by the County quarterly;
- (b) Fire Company Grant – Funded through the County annual budget process, allocated as an equal amount per Sussex County fire company whereas Carlisle Fire Company receives one-half of what the other fire companies receive, and distributed by the County semi-annually;
- (c) Rescue Truck Grant – Funded through the County annual budget process, allocated as an equal amount per Sussex County fire company with a rescue truck whereas Carlisle Fire Company receives one-half of what the other fire companies receive, and distributed by the County semi-annually;
- (d) Aerial Device Grant – Funded through the County annual budget process, allocated as an equal amount per Sussex County fire company with an aerial device whereas Carlisle Fire Company receives one-half of what the other fire companies receive, and distributed by the County semi-annually;
- (e) Ambulance Grant – Funded through the County annual budget process, allocated as an equal amount per Sussex County company with ambulance service whereas Carlisle Fire Company receives one-half of what the other fire companies receive, and distributed by the County semi-annually;

- (f) Ambulance Grant (non-fire) – Funded through the County annual budget process, allocated as an equal amount per Sussex County ambulance company with no fire service, and distributed by the County semi-annually;
- (g) Fire Service Discretionary – Funded through the County annual budget process, allocated by the Sussex County Volunteer Fire Service for the salaries of emergency medical technicians, and distributed by the County monthly after submission of salary report by Company;
- (h) Fire Service Special Grant – Funded through interest earned on \$10 million, allocated equally to the Sussex County fire companies, Sussex County ambulance companies, and Sussex County Volunteer Fire Association whereas Carlisle Fire Company receives one-half of what the other fire companies receive.
- (i) Any additional funding and terms established during the County’s annual budget.

16. IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

SUSSEX COUNTY, DELAWARE

By \_\_\_\_\_  
President of County Council

Attest: (SEAL)

\_\_\_\_\_  
Clerk of Council

Approved as to form

By: \_\_\_\_\_  
County Attorney

XXXXXXXXXXXXXXXXXXXXX COMPANY

By \_\_\_\_\_  
President

Attest: (CORPORATE SEAL)

Attachment A

<b>ANALYSIS OF INCOME AND EXPENSES for FY _____</b>					
				_____ Company	
				Cross Reference to BLS State Report	
	<b>Fire</b>	<b>Ambulance</b>	<b>Total</b>		
<b>Income:</b>					
State of Delaware				#1	
Sussex County				#1	
Municipal Funding				#1	
3rd Party Billing				#2	
Fundraising/Fund Drive				#3	
Other				#4	
<b>Total Income:</b>				#5	
<b>Expenses:</b>					
Employee				#12	
Insurance				#16	
Maintenance and Fuel				#20	
Equipment				#27	
Capital				#30	
Fundraising					
Other					
<b>Total Expenses:</b>				#31	
<b>Net Income/(Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b> *	#32	
* Should agree to Statement of Revenue and Expenses, and Other Changes in Net Assets					
<b>Other Stats:</b>					
	<b>Fire</b>	<b>Ambulance</b>	<b>Total</b>		
Number of Calls				#33	
Number of Paid Ambulance Hours Per Day Provided				#36	
Vehicles (years and mileage):					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
Capital Items >\$25,000 Purchased in FY					
1					
2					
3					

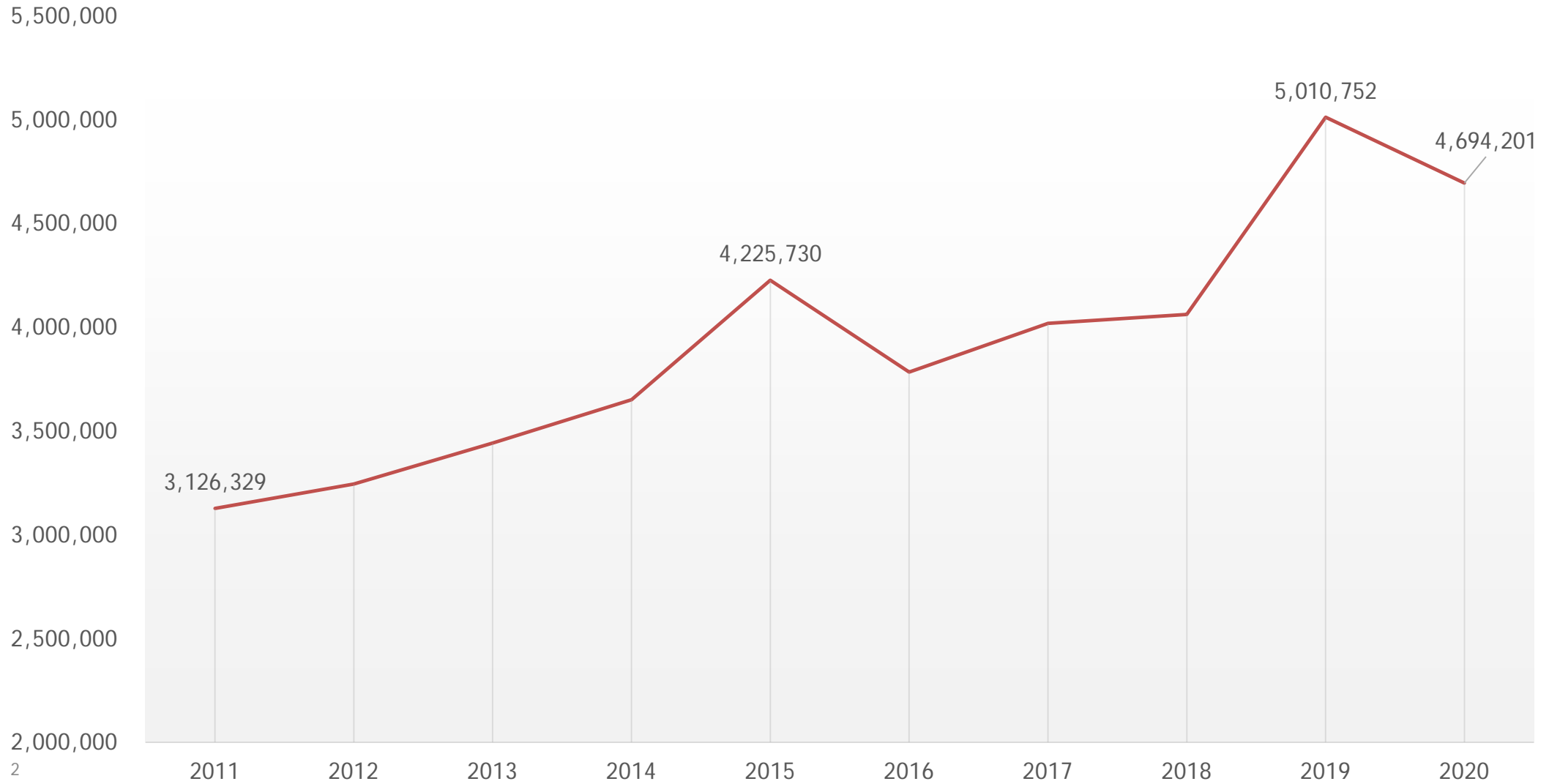
# Sussex County Fire/Ambulance Company Grant Agreement

August 25, 2020





# Fire Service Funding

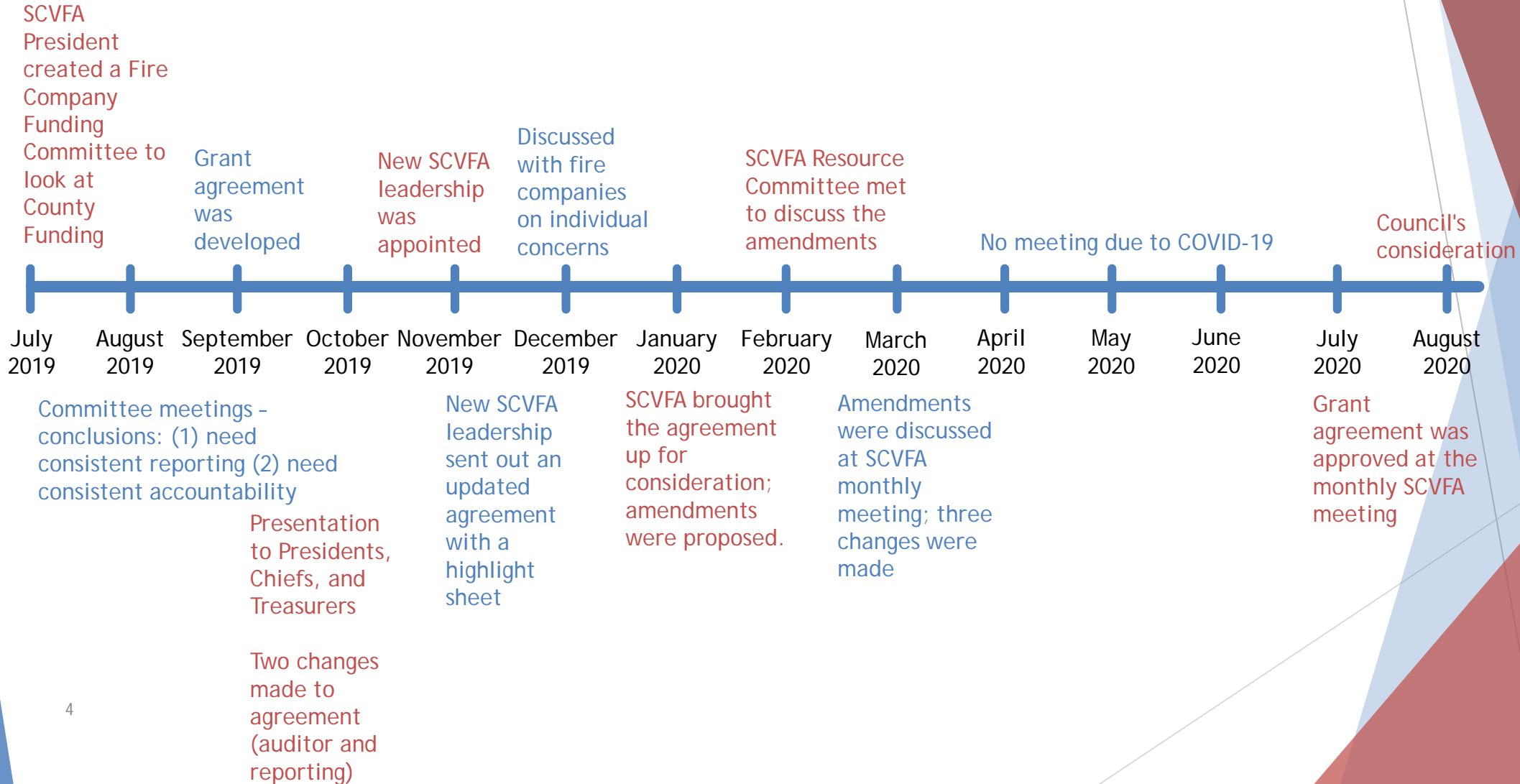


# Fire Service Funding

Type of Funding	FY20 Amount	
BLS (Fire Discretionary)	\$2,000,000	Formula determined by SCVFA
SCVFA (Fire Discretionary)	45,158	Distribution determined by SCVFA
Fire Enhancement - Building Permits	1,789,443	Allocation based on a formula provided by SCVFA
Semi-annual Fire Company Grant	519,265	Equal amount per company - Carlisle receives ½
Semi-annual Fire Equipment Grant	125,288	Equal amount per company - Carlisle receives ½
Special Interest Grant	120,250	Equal amount per company - Carlisle receives ½
Semi-annual Ambulance Grant	94,797	Equal amount per company - Carlisle receives ½
<b>Total</b>	<b>\$4,694,201</b>	



# How we got to a grant agreement:



# Grant Agreement Requirements

- ▶ Established financial policies approved by each company board
  - ▶ Financial Responsibilities
  - ▶ Conflict of Interest
  - ▶ Budget Process
  - ▶ Procedure for receipt of funds
  - ▶ Procedure for disbursement of funds
  - ▶ Check policy
  - ▶ Compensation and payroll approvals
  - ▶ Travel and expense reimbursement policy
  - ▶ Banks accounts
  - ▶ Insurance Coverage
  - ▶ Equipment recording and tracking
  - ▶ Insurance billings
- ▶ Separate reporting for ambulance services versus fire services
- ▶ Annual Agreed Upon Procedures completed by an Independent Accountant
  1. Obtain a copy of the fire companies' policy and procedure and review for grant compliance
  2. Randomly select 10 payment transactions and review for board compliance
  3. Select 5 employees and verify proper approval of salaries
  4. Select 10 credit card transactions and verify policy compliance
  5. Select 2 travel reimbursements and verify procedure compliance
  6. Select 3 bank reconciliations and accuracy and very reconciling items over \$5,000
  7. Review 3rd party ambulance billings
  8. Verify insurance coverage meets board policy



# Financial Report



## ANALYSIS OF INCOME AND EXPENSES for FY \_\_\_\_\_ Volunteer Fire Company

	Fire	Ambulance	Total
<u>Income:</u>			
State of Delaware			
Sussex County			
Municipal Funding			
3rd Party Billing			
Fundraising			
Fund Drive			
Contributions			
Other			
<b>Total Income:</b>			
<u>Expenses:</u>			
Ambulance Salaries and Benefits			
Other Program Expenses			
Administration			
Fundraising			
Loss on Disposal of Assets			
<b>Total Expenses:</b>			
<b>Net Income/(Deficit)</b>	<b>0</b>	<b>0</b>	<b>0*</b>

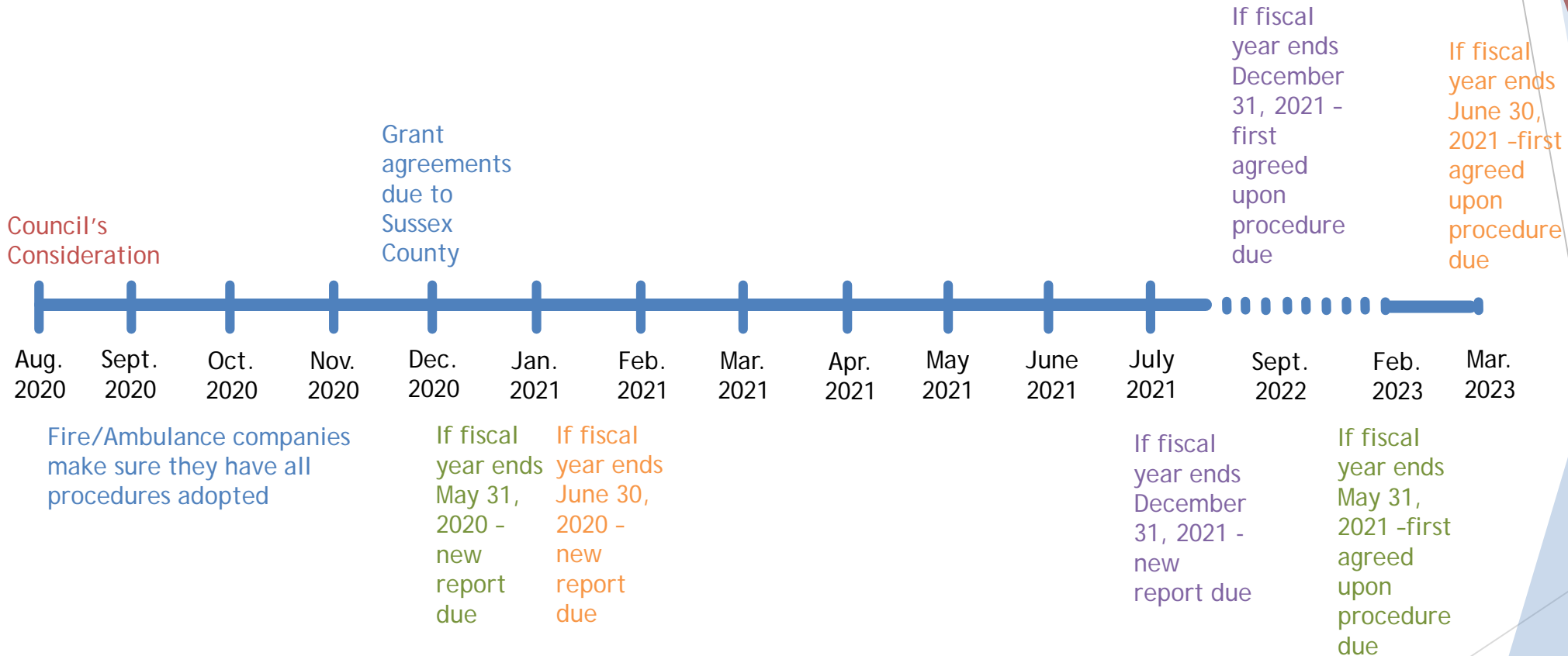
\* Should agree to Statement of Revenue and Expenses, and Other Changes in Net Assets

### Other Stats:

	Fire	Ambulance	Total
Number of Calls			
Number of Paid Full-Time Staff			
Vehicles (years and mileage):			
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
Capital Items >\$25,000 Purchased in FY			
1			
2			
3			



# Next Steps:







# Why is this Important

- ▶ Formalized agreement for County funds
- ▶ Uniform Reporting
  - ▶ Clearer picture on where funds may need to be allocated
- ▶ Accountability
  - ▶ Companies rely on their communities for support
    - ▶ Primarily a volunteer service
    - ▶ Donations
    - ▶ Tax dollars



# Motion

Be it moved that the Sussex County Council approve the standard grant agreement, as presented, with the individual fire and ambulance companies that operate in Sussex County and receive County grant funds.





## Camp Arrowhead III Public Hearing Fact Sheet



- The Engineering Department was granted permission to prepare and post notices for an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area) on June 9, 2020.
- This is the third expansion requested by the Diocesan (Di-0-ces-san) Council for Camp Arrowhead. The previous expansions brought in only the facilities they planned to connect immediately.
- The Camp was responsible for the construction of a small pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek. This work has been completed.
- The camp had a sewer failure and completed an emergency connection, now they need to complete the appropriate steps for full service. The current request is to expand the boundary to include the area designated for the existing office.
- There is an existing MOU associated with the previous annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. If approved this annexation would add to the number of connection fees that would need be paid prior to connection.
- The expansion will consist of 20,930 Sq. Ft. more or less.
- The parcels will be responsible for System Connection Charges of \$6360.00 per EDU based on current rates.
- The project was posted and placed on our website on August 3, 2020.

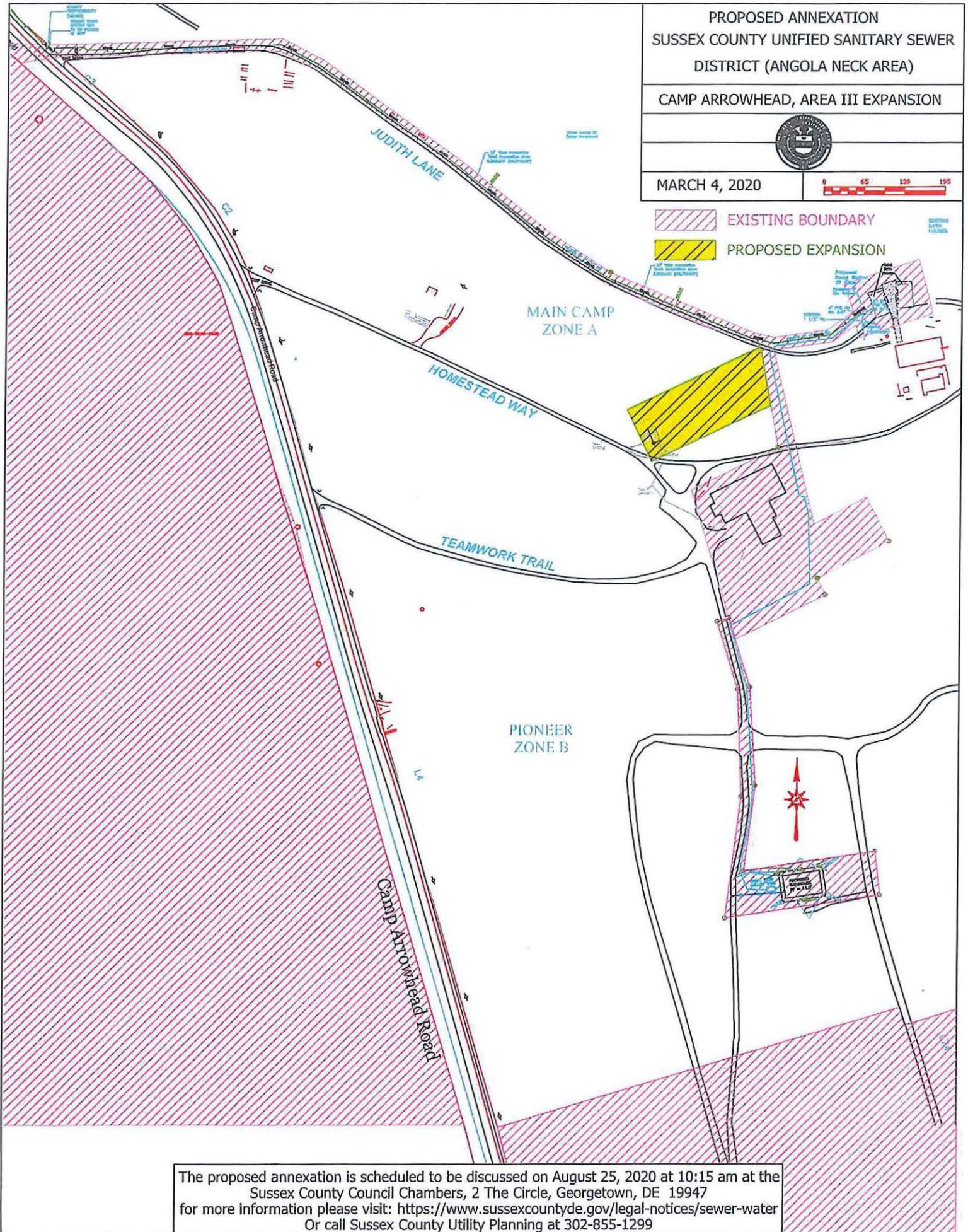
PROPOSED ANNEXATION  
 SUSSEX COUNTY UNIFIED SANITARY SEWER  
 DISTRICT (ANGOLA NECK AREA)  
 CAMP ARROWHEAD, AREA III EXPANSION



MARCH 4, 2020



-  EXISTING BOUNDARY
-  PROPOSED EXPANSION



The proposed annexation is scheduled to be discussed on August 25, 2020 at 10:15 am at the  
 Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
 for more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>  
 Or call Sussex County Utility Planning at 302-855-1299



## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NORTH AREA, TO INCLUDE THE CAMP ARROWHEAD 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 Camp Arrowhead, 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 Camp Arrowhead area and further described as follows:

NOTE: The above description has been prepared using Sussex County Tax Map 234-12.00 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

**Beginning** at a point, said point being on the SCUSSD boundary, said point also being a corner of lands N/F "Camp Arrowhead" annexed into the aforementioned SCUSSD, thence turning and running along the lines of the herein defined annexation the following 4 bearings and distances:

1. Thence having a bearing of South 10°11'31" East for a distance of 96.43 feet, to a point;
2. thence having a bearing of South 64°22'52" West for a distance of 212.34 feet, to a point;
3. thence having a bearing of North 25°37'8" West for a distance of 92.96 feet, to a point;
4. thence having a bearing of North 64°22'52" East for a distance of 237.99 feet, to a point, said point being that of the **BEGINNING**.

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.

# **PUBLIC NOTICE**

## **PROPOSED CAMP ARROWHEAD EXPANSION II OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (ANGOLA NECK AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **March 31, 2020** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Angola Area, to include a portion of a parcel of land along the east side of Camp Arrowhead Road, being situate in Indian River Hundred, Sussex County, Delaware.

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

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

**Beginning** at a point, said point being on the SCUSSD boundary, said point also being a corner of lands N/F "Camp Arrowhead" annexed into the aforementioned SCUSSD, thence turning and running along the lines of the herein defined annexation the following 4 bearings and distances:

1. Thence having a bearing of South 10°11'31" East for a distance of 96.43 feet, to a point;
2. thence having a bearing of South 64°22'52" West for a distance of 212.34 feet, to a point;
3. thence having a bearing of North 25°37'8" West for a distance of 92.96 feet, to a point;
4. thence having a bearing of North 64°22'52" East for a distance of 237.99 feet, to a point, said point being that of the **BEGINNING**.

**NOTE:** The above description has been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records. The annexation contains 20,902 square feet more or less.

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

**The public hearing will be held on this issue at 10:15 a.m. on August 25, 2020 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.  
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
CAMP ARROWHEAD III EXPANSION  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

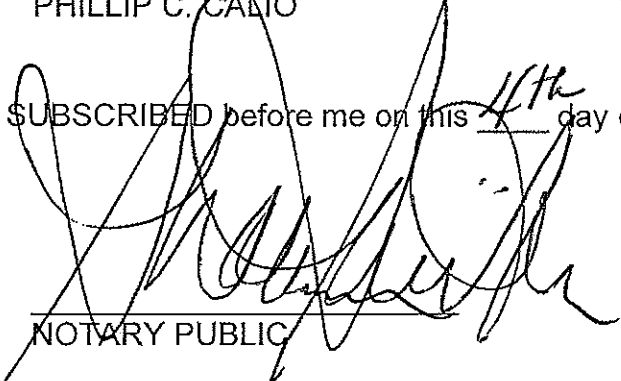
COUNTY OF SUSSEX )(

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

- A. On August 3, 2020 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On August 3, 2020 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post in front of DEC Pole 14854 in the easterly Right-of-Way (ROW) of Camp Arrowhead Road, 60' east of Angola Road,
  - 2. On a post in front of the Camp Office 3' from Diamond State Telephone Ped DA62/4,
  - 3. On a post in front of the Camp Office 18' northwest from DST Ped DA62/4,
  - 4. On a post in front of the Camp Office 51' northwest of DST Ped DA62/4,
  - 5. On a post in front of the Camp Office 72' northwest of DST Ped DA62/4,
  - 6. On a post in front of a stop sign at the intersection of Waterview Road and Bookhammer Landing Road,
  - 7. On a post in front of a stop sign at the intersection of Waterview Road and Bookhammer Landing Road,
  - 8. On a post in the easterly ROW of Camp Arrowhead Road 85'± south of John J. Williams Highway.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 4th day of Aug, A.D., 2020

  
NOTARY PUBLIC

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

My Commission Expires

6/14/2022



## NOTICE OF PUBLIC HEARING

### THE OWL'S NEST PAVING IMPROVEMENTS

#### CHAPTER 96 - SUSSEX COMMUNITY IMPROVEMENT (SCI) PROJECT T20-01

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on **Tuesday, August 25, 2020 at 10:30 AM in Council Chambers, located at 2 The Circle, Georgetown, Delaware**, in accordance with Chapter 96 of Sussex County Code.

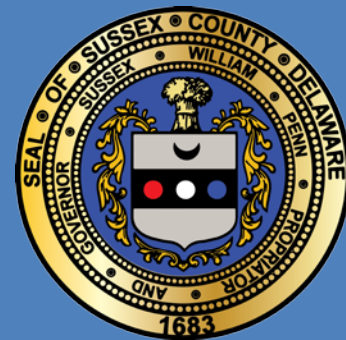
An Assessment Roll showing the Annual Assessment for every assessable property within the project boundary has been completed, based on final costs of all improvements constructed in accordance with **The Owl's Nest Paving Improvements (Sussex County Project T20-01)**. The Assessment Roll may be examined by interested parties at the offices of the Sussex County Engineering Department, 2 The Circle, Georgetown, Delaware, during regular business hours and days until the published date and time of the Public Hearing.

This Public Hearing is being held to provide an opportunity for real property owners of the community to make comments on the rates determined for the Assessment Roll. Affected property owners in The Owl's Nest project boundary are represented on Sussex County Tax Map 533-10 Parcels 184 – 200. Sussex County Council will hear and consider any comments or objections which may be made to the Assessment Roll.

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. Special instructions related to public participation will be provided fully in the meeting agenda, available electronically on the County's website: <https://sussexcountyde.gov/agendas-minutes/county-council>. This includes information for viewing and participating remotely.

Any questions regarding this Project, Public Hearing or the Assessment Roll may be referred to the Sussex County Engineering Department, Patrick Brown, P.E., Project Engineer III at (302) 855-7815.

BY: Hans Medlarz, P.E.  
Sussex County Engineer



*Bond Issue 2020*



# 2020 Bond Issue



Type of Issue	Amount
Refunding	\$55,000,000
New Debt	\$42,600,000
Total	\$97,600 000

# Refunding



Bond	Par Amount	Estimated Net PV of Savings	Sewer Areas Impacted
2012A/B	\$36,770,000	\$5,936,000	Ellendale, Oak Orchard, Cedar Neck, Dagsboro/Frankford, West Rehoboth
RD92-32	\$245,173	\$63,000	Ocean Way Estates
RD92-58	\$5,985,000	\$1,461,000	SCRWF
RD92-72	\$410,000	\$119,000	Prince George's Acres
RD92-67	\$1,715,000	\$465,000	Piney Neck
RD92-48	\$1,415,000	\$411,000	Miller Creek
RD92-50	\$880,000	\$256,000	Miller Creek
RD92-68	\$3,240,000	\$672,000	Millville
RD92-34	\$900,000	\$186,000	Fenwick – RT 54
RD92-70	\$3,310,000	\$540,000	Millville
Total Estimated Savings		\$10,109,000	

# New Debt



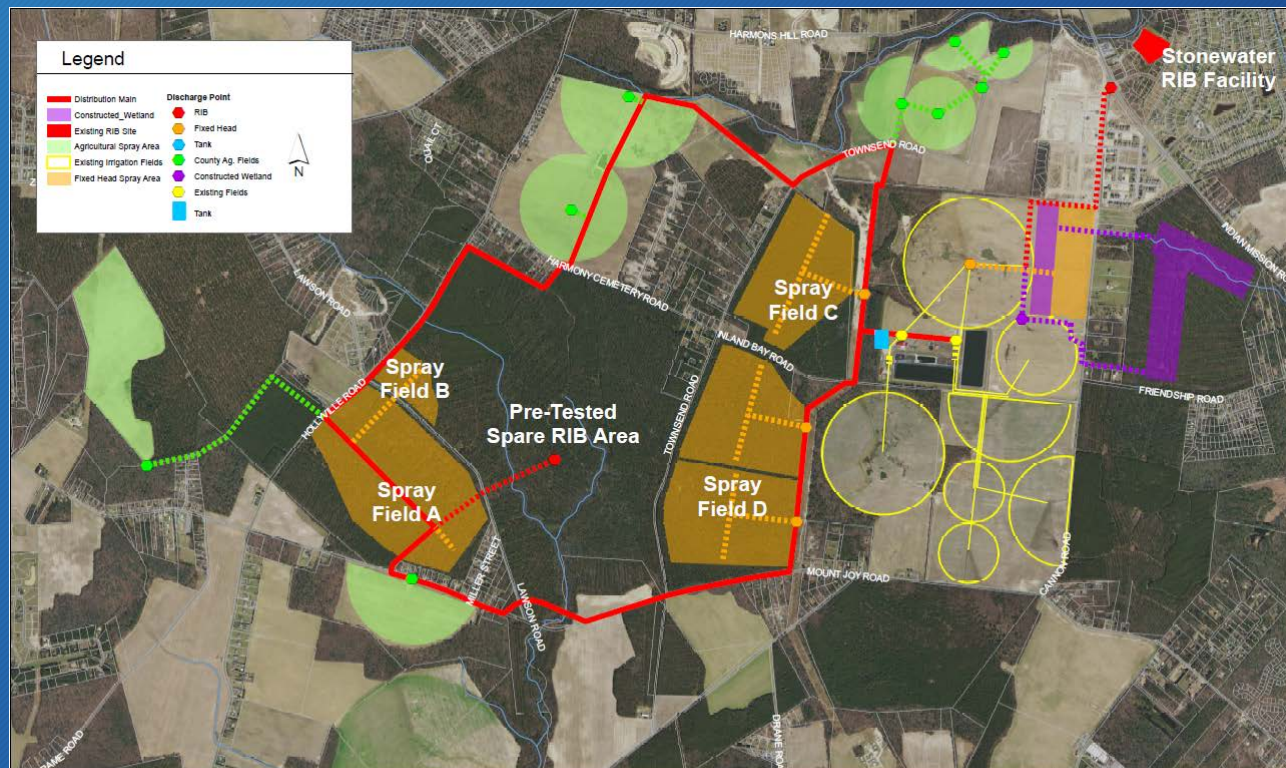
Description	Amounts
Inland Bays Regional Wastewater Facility: Biosolids/Septage Pre-Treatment	\$10,900,000
Inland Bays Regional Wastewater Facility: Part of the Effluent Distribution Loop	\$7,500,000
South Coastal Regional Wastewater Facility: Treatment Plant Upgrades	\$14,450,000
Piney Neck Regional Wastewater Facility: Transmission Diversion	\$7,000,000
Piney Neck Regional Wastewater Facility: Remediation of Existing Lagoons	\$2,750,000
<b>Total</b>	<b>\$42,600,000</b>



# Inland Bays



- Goal 1:** Creation of a regional biosolids and septage facility for all of Sussex County under bilateral agreements.
- Goal 2:** Assurance of 20-year disposal capacity by connecting year-round alternate outlets & agricultural spray partners.



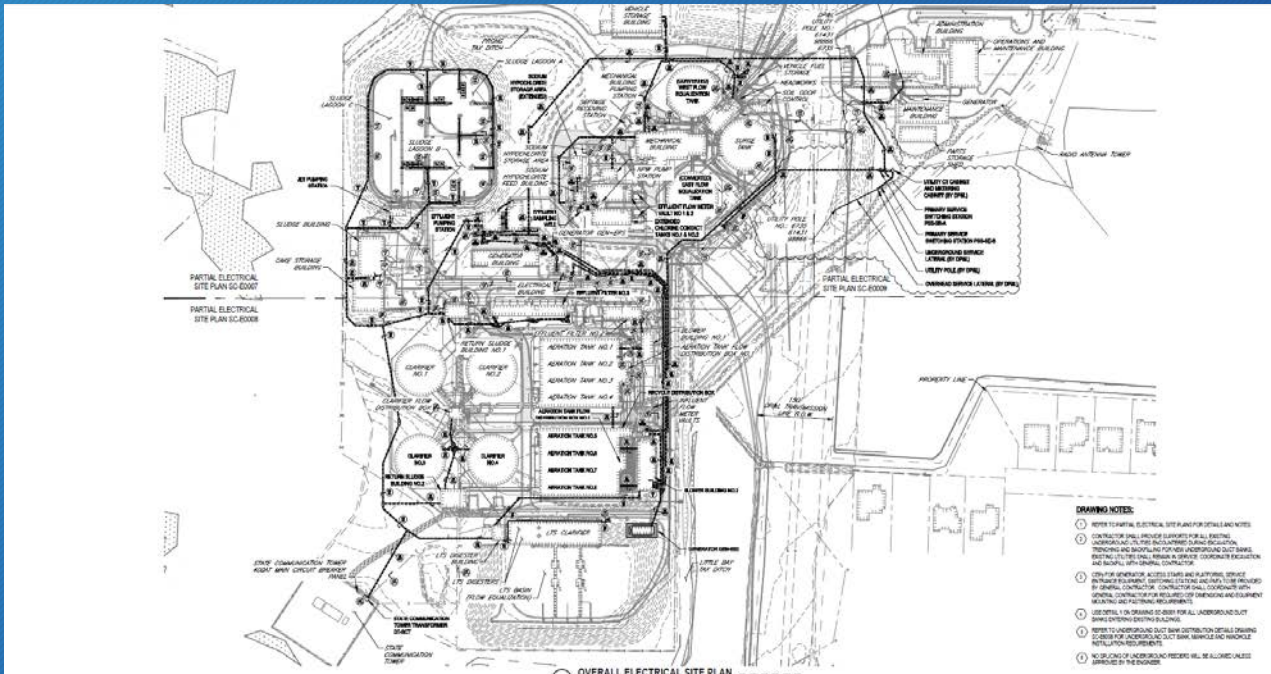
	<p>CLIENT SUSSEX COUNTY, DE ENGINEERING DEPARTMENT</p>	<p>PROJECT INLAND BAYS RWF PHASE #2 EXPANSION: CONTRACT S19-10</p>	<p>TITLE INLAND BAYS RWF PROJECT LAYOUT OVERVIEW</p>	<p>SCALE 0 0.125 0.25 0.5 Miles</p>
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# South Coastal



**Goal:** Ensuring the 20-year treatment capacity of the facility by matching existing, permitted outfall capacity

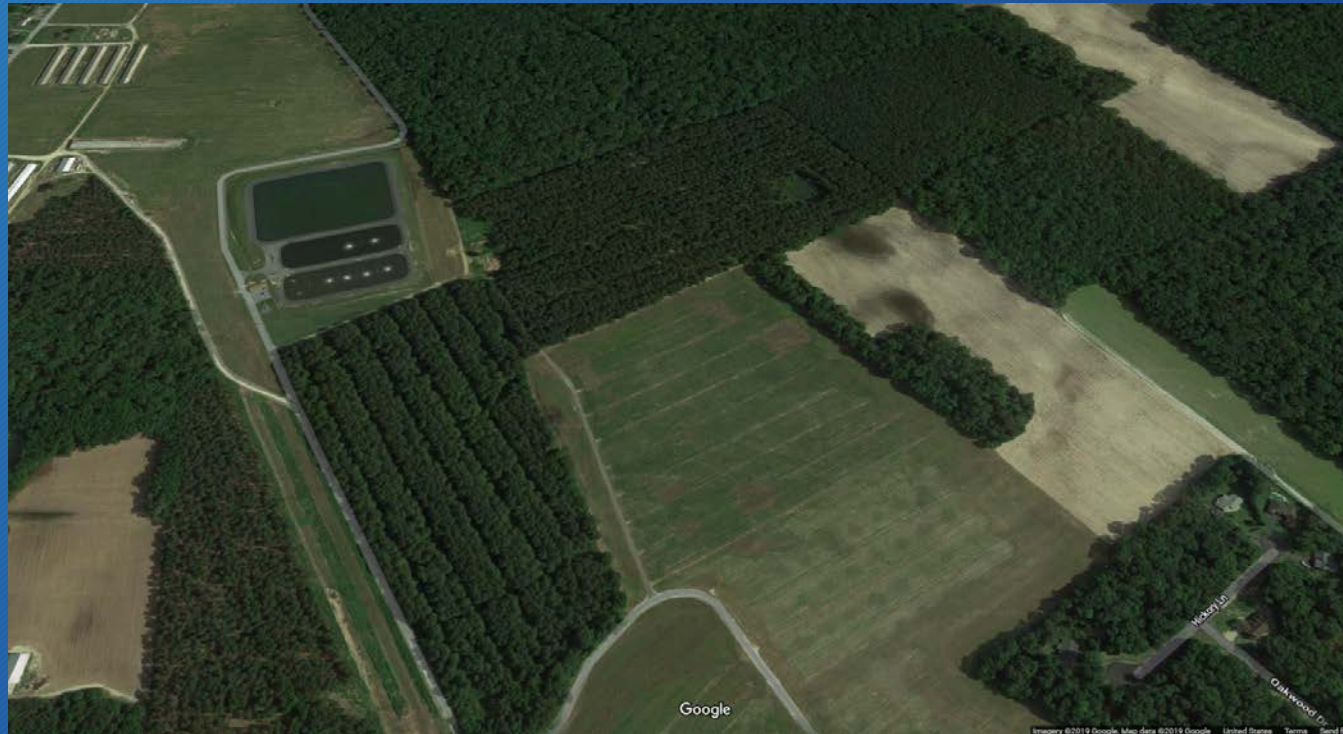




# Piney Neck



- Goal 1:** Decommission the plant and divert flow to South Coastal Regional Wastewater Facility
- Goal 2:** Construct a biosolids distribution facility for the Eastern Sussex County agricultural partners
- Goal 3:** Build ultimate landfill disposal capacity of unutilized volume



# Ordinance Short Title



**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**





*Bond Issue 2020*

**ORDINANCE NO. [\_\_\_\_\_]**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

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

WHEREAS, acting pursuant to its Home Rule Power and pursuant to Title 9, Delaware Code, Chapter 67 and Ordinance No. 2212 adopted by the County Council on September 13, 2011, the County has previously authorized the issuance of its General Obligation Refunding Bonds, Series 2012A (the "2012A Bonds") and General Obligation Refunding Bonds, Series 2012B (the "2012B Bonds" and collectively with the 2012A Bonds, the "2012 Bonds"), the proceeds of which were used to (i) provide funds for the current refunding of certain of the County's General Obligation Bonds owned by the United States Department of Agriculture, Rural Utilities Service, (ii) provide funds for the current refunding of the County's outstanding General Obligation Bonds, Series 2003, and (iii) pay the costs of issuance of the 2012 Bonds;

WHEREAS, the Series 2012 Bonds remain outstanding and the County deems it in the best interest of the County to refund some or all of these obligations in order to realize debt service savings therefrom;

WHEREAS, acting pursuant to its Home Rule Power and pursuant to Title 9, Delaware Code, Chapter 67 and various ordinances adopted by County Council, the County has previously authorized the issuance of its general obligation bonds (the "USDA Bonds") listed in Exhibit A attached hereto and made a part hereof;

WHEREAS, the USDA Bonds remain outstanding and the County deems it in the best interest of the County to refund some or all of these obligations in order to realize debt service savings therefrom;

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized (a) the refunding of some or all of the 2012 Bonds and some or all of the USDA Bonds to pay the principal, premium and interest on some or all of the 2012 Bonds and some or all of the USDA Bonds to the date of maturity or prior redemption or to acquire United States Government (or other) obligations to be invested and applied for such purpose ("the Refunding Program") and (b) the design, construction and equipping of the sewer system improvement projects listed in Exhibit B attached hereto and made a part hereof (the "New Money Project" and collectively with the Refunding Program, the "Project");

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

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations in one or more series of the County which are backed by the County's full faith and credit to finance the costs of the Project and for the other purposes described herein.

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its general obligations in one or more series in the maximum aggregate principal amount not to exceed \$100,000,000 (the "Bonds") to finance or reimburse the County for the costs of the Project. The annual debt service payments on the that portion of the Bonds dedicated towards the Refunding Program shall not exceed the annual debt service payments on the 2012 Bonds or the USDA Bonds being refunded in any fiscal year.

The County Administrator is authorized and directed to give notice on behalf of the County of the call for redemption of the 2012 Bonds and the USDA Bonds selected for redemption before their scheduled maturity date consistent with the refunding plan determined by the County Administrator to be in the best interest of the County.

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

Proceeds of the Bonds may not be applied for the payment of any operating expense, the payment of any judgment resulting from the failure of the County to pay any item of operating expense, or the payment for any equipment or any public improvements of a normal life of less than 3 years.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title

9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 3. Appointment of Financial Advisor. The County hereby appoints Public Advisory Consultants, Inc. as its financial advisor (the “Financial Advisor”) in connection with the sale of the Bonds.

Section 4. Terms and Sale of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine, with the advice of the County’s Financial Advisor, to be in the best interests of the County, including containing a pledge of the County’s full faith and credit. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, and shall be subject to redemption, as the County Administrator shall determine, with the advice of the County’s Financial Advisor, shall be in the best interests of the County subject to the other provisions of this Ordinance.

The Bonds shall be issued pursuant to the terms of a bond purchase agreement and other bond documents which shall prescribe the terms of the Bonds. The Bonds may be issued in one or more series and shall be sold in a public competitive bid transaction or in a privately negotiated transaction with one or more investment bankers selected by the County Administrator, as shall be determined by the County Administrator to be in the best interests of the County.

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

Section 6. Authorization and Approval of Bond Documents. The County Administrator is authorized to execute and deliver on behalf of the County, a bond purchase agreement and other bond documents, if necessary, with such terms and provisions consistent with this Ordinance which the County Administrator shall deem to be in the best interests of the County. In addition the County Administrator is authorized to enter into, on behalf of the County, all such other agreements, certificates and other documents as he shall determine shall be necessary or appropriate to carry out the intent of this Ordinance, including but not limited to a bond purchase agreement with respect to the sale of the Bonds, applications for, and agreements with respect to, bond insurance or other credit enhancement, and an agreement or agreements with depositories with respect to the bond proceeds and related funds.



Section 7. Authorization of Offering Documents. The County Administrator is authorized to cause to be prepared and to execute and deliver on behalf of the County, any and all offering documents he determines are necessary or appropriate in connection with the offering and sale of the Bonds, including a Preliminary Official Statement and an Official Statement, and he is authorized to “deem final” the Preliminary Official Statement for the purposes of Rule 15c2-12 of the Securities and Exchange Act of 1934 (the “Rule”).

The final form of the Official Statement, and any supplement thereto, shall be substantially in the form of the Preliminary Official Statement, except for such changes, modifications, additions, and deletions as the County Administrator determines and approves. The President or the Vice-President of the Sussex County Council or the County Administrator are authorized to execute by and on behalf of the County such Official Statement (including any supplement thereto), and the County Administrator is authorized to cause such Official Statement (and any supplement thereto) to be distributed in connection with the offering and sale of the Bonds.

Section 8. Continuing Disclosure. The County covenants for the benefit of holders of the Bonds that, so long as any Bonds are outstanding, it will file or cause to be filed all financial information, operating data and notices of events, actions or failure to act, with such persons or entities and at such times as may be necessary to comply with the requirements of the Rule with respect to the Bonds.

The County Administrator is authorized to execute and deliver on behalf of the County a Continuing Disclosure Agreement in connection with the issuance of the Bonds specifying the specific actions that the County shall be obligated to undertake to comply with the Rule. The County Administrator is hereby authorized to take such other actions, by contract with a fiscal agent or otherwise, as such official shall deem appropriate to cause the County to comply with this Section.

Section 9. Non-Arbitrage Certificate and Covenants. The Bonds may be issued as taxable or tax-exempt obligations in one or more series.

If any of the Bonds or any series of the Bonds are issued on a tax-exempt basis, the County Administrator and the Director of Finance shall be the officials of the County responsible for the issuance of the Bonds pursuant to Section 103 of the Code (hereinafter defined). The County Administrator and the Director of Finance shall also be the officials of the County responsible for the execution and delivery (on the date of the issuance of the Bonds) of a certificate of the County (the “Tax Certificate”) that complies with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder (the “Regulations”), and such officials are hereby authorized and directed to execute and deliver a Tax Certificate to Bond Counsel on the date of the issuance of the Bonds.

The County shall set forth in the Tax Certificate its reasonable expectations as to relevant facts, estimates, and circumstances relating to the use of the proceeds of the Bonds or of any moneys, securities, other obligations to the credit of any account of the County, which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code or the Regulations (collectively, the “Bond Proceeds”). The County covenants and agrees with the registered owners

of the Bonds that the facts, estimates, and circumstances set forth in the Tax Certificate will be based on the County's reasonable expectations on the date of the issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

The County covenants and agrees with the registered owners of the Bonds that it will not make, or permit to be made, any use of the Bond Proceeds that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations and that it will comply with those provisions of Section 148 of the Code and the Regulations as may be applicable to the Bonds.

The County specifically covenants that it will comply with the provisions of the Code applicable to the Bonds, including, without limitation, compliance with provisions regarding the timing of the expenditure of the proceeds of the Bonds, the use of such proceeds, the restriction of investment yields, the filing of information with the Internal Revenue Service, and the calculation and rebate of certain earnings resulting from the investment of the proceeds of the Bonds. The County further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof and take such other and further actions as may be required to maintain the exemption from federal income taxation on the Bonds. All officers, employees, and agents of the County are hereby authorized and directed to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds as may be necessary or appropriate in connection herewith.

The County hereby declares its official intent to use a portion of the Bond Proceeds to reimburse itself for certain expenditures made in connection with the New Money Project prior to the issuance of the Bonds.

Section 10. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 11. Further Action. The County Administrator is hereby authorized to appoint, if appropriate, in such manner and on such terms and conditions as he deems appropriate, an escrow agent, a verification agent, a Bond Registrar and a Trustee or Paying Agent, who may be the same person or organization.

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

Section 12. Effective Date. This Ordinance shall become effective immediately upon its passage.

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

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. [\_\_\_\_\_] ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

SUSSEX COUNTY, DELAWARE

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Clerk  
Sussex County Council

PROPOSED

## EXHIBIT A

### USDA LOANS ELIGIBLE FOR REFUNDING

- 1996 Wastewater General Obligation Bonds (Ocean Way Estates)
- 2010 Wastewater General Obligation Bonds (SCRWF)
- 2011 Wastewater General Obligation Bonds (Prince Georges Acres)
- 2011 Wastewater General Obligation Bonds (Piney Neck)
- 2011A Wastewater General Obligation Bonds (Millers Creek)
- 2011B Wastewater General Obligation Bonds (Millers Creek)
- 2011 Wastewater General Obligation Bonds (Millville)
- 2011 Wastewater General Obligation Bonds (Fenwick Island)
- 2012 Wastewater General Obligation Bonds (Millville)

PROPOSED



EXHIBIT B

<u>New Money Project</u>	<u>Expected Amount (\$)</u>
Inland Bays Regional Wastewater Facility: Construction of a Regional Biosolids Drying Facility and a Septage Pre-treatment System	10,900,000
South Coastal Regional Wastewater Facility: Treatment Plant Upgrades for continued NPDES Permit Compliance associated with the 2020 Plant Capacity	14,450,000
Piney Neck Regional Wastewater Facility: Transmission System Diversion Improvements including Right-of-Way Acquisition to allow for Compliance and eventual Retirement of ext. State LTS Permit	7,000,000
Inland Bay Regional Wastewater Facility: Effluent Distribution System connecting various agricultural spray irrigation sites and the acquisition of such Lands	7,500,000
Piney Neck Regional Wastewater Facility: Remediation of existing Lagoons associated with the Retirement of the State LTS Permit	<u>2,750,000</u>
Total	<u>42,600,000</u>

## 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) 853-5881



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

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

FROM: Patrick Brown P.E.  
Project Engineer III

RE: ***THE OWL'S NEST PAVING IMPROVEMENTS, PROJECT T20-01***  
A. *FINAL PROPERTY ASSESSMENT RATES*

DATE: August 25, 2020

Election results for the proposed Owl's Nest Chapter 96 Sussex Community Improvements project were presented to Council on June 11, 2019. Based on affirmative Election results and Engineering Department recommendation, Council adopted Resolution No. R 013 19 authorizing the Department to perform improvements and for the County Engineer and Finance Director to determine a uniform rate for billing after substantial completion of the Owl's Nest Paving Improvements project.

The Engineering Department advertised Sussex County Project T20-01 on August 9, 2019. Four (4) bids were received, publicly opened and read aloud on Wednesday, August 28, 2019. A preliminary project estimate developed in March 2019 and utilized for the Petition and Election stages of the Chapter 96 Program included a \$5,000 HOA contribution to the Project. Based on bid results the HOA increased their project contribution to \$20,000. This contribution amount maintained the assessment roll estimate provided in the Project Election.

On September 17, 2019 Council awarded Project T20-01 to Jerry's Inc., of Milford, DE, for an \$87,653.65 contract amount, and the Notice to Proceed was issued effective November 4, 2019. Change Order No. 1 was presented to Council and approved on January 14, 2020, modifying the design approach. With final project restoration completed, Change Order No. 2 was presented and approved by Council on March 10, 2020 balancing the final contract amount with Substantial Completion granted January 30, 2020.

The Engineering Department has developed an Assessment Roll with the Finance Director based on all final project costs including construction costs, the County administration fee, and funding



provided by the HOA to reduce the balance due. The County Departments have determined the final project balance owed to be \$73,676.36. The Assessment Roll identifies an equal sharing of this balance by the 17 parcels affected by the project and allows for a 10-year repayment option at a 3.75% fixed rate. The proposed assessments are \$4,333.90 and \$527.70 for lump sum and annual financed amounts, respectively. These final values remained lower than the estimates voted on in the Project Election.


In accordance with Chapter 96 Code, a Public Hearing is scheduled for August 25, 2020 at 10:30 AM to receive comments on the proposed Assessment Roll. This Hearing was properly advertised in a general circulation newspaper during each of the two weeks preceding the week of the Hearing, and a direct mailing to each of the 17 affected parcels was made to distribute the Public Hearing Advertisement, the proposed Assessment Roll and a summary letter.

Upon conclusion of the Public Hearing, the Engineering Department will offer Council a Resolution to adopt the Assessment Roll with authorization for the Finance Director to proceed with billing each affected parcel. Additionally, by the Resolution, the Assessment Roll will be recorded in Sussex County and the Board of Assessments directed to place the words "special community lien" in the description field of all affected parcels. This serves as an alert during any title search that special costs may exist within a community due to a Sussex Community Improvement Project.

**THE OWL'S NEST PAVEMENT IMPROVEMENTS (T20-01)**  
**CHAPTER 96 PROJECT - ASSESSABLE PROPERTIES**  
**ASSESSMENT ROLL**

TAX MAP	PARCEL NO.	LOT NO.	OWNER	LUMP SUM ASSESSMENT	FINANCED ASSESSMENT
533-10.00	184.00	1	Hudson, Jeffrey R	\$4,333.90	\$527.70
533-10.00	185.00	2	Webb, John A. Jr & Mary E.	\$4,333.90	\$527.70
533-10.00	186.00	3	Wingate, William Luke	\$4,333.90	\$527.70
533-10.00	187.00	4	Lucas, Allison A.	\$4,333.90	\$527.70
533-10.00	188.00	5	Vickers, Stephen E. & Amy M.	\$4,333.90	\$527.70
533-10.00	189.00	6	Jensen, Richard S. & Regina D.	\$4,333.90	\$527.70
533-10.00	190.00	7	Aydelotte, Todd E. & Beatrice M.	\$4,333.90	\$527.70
533-10.00	191.00	8	Dubois, Barry D. & Vickie L.	\$4,333.90	\$527.70
533-10.00	192.00	9	Moeser, Timothy F. & Susan K.	\$4,333.90	\$527.70
533-10.00	193.00	10	Umpire LLC	\$4,333.90	\$527.70
533-10.00	194.00	11	Paslowsky, Michael G. & Rae Ann James	\$4,333.90	\$527.70
533-10.00	195.00	12	Hughes, Gayle Susan	\$4,333.90	\$527.70
533-10.00	196.00	13	Fischer, Kevin Lee & Jennifer E. Martin	\$4,333.90	\$527.70
533-10.00	197.00	14	Rishel, Kenneth R. & Wendy E.	\$4,333.90	\$527.70
533-10.00	198.00	15	Martin, Charles & Catherine	\$4,333.90	\$527.70
533-10.00	199.00	16	Rodimak, Ronald S. & Kathleen A. Rasmus	\$4,333.90	\$527.70
533-10.00	200.00	17	Watts James A TTEE & Janelle Rae TTEE Rev Trust	\$4,333.90	\$527.70

NOTES: 17 Assessable Parcels as per Project Election and Resolution  
Final Project Total Cost: \$93,676.36 (construction + administration fee)  
HOA Funds Contribution: (\$20,000.00)  
Final Project Cost Due: \$73,676.36  
3.75% Fixed Rate of 10-Year Financing

Approved by County Engineer:  Date: 8/6/20

Approved by Finance Director:  Date: 8/16/20



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTING THE UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING THE FINAL COST OF THE OWL'S NEST PAVING IMPROVEMENTS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T20-01.**

**WHEREAS**, Sussex County Council authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of The Owl's Nest on April 30, 2019 by Resolution No. R 010 19; and

**WHEREAS**, the Sussex County Engineering Department held an Election for The Owl's Nest Chapter 96 project in accordance with Sussex County Code, Chapter 96 on June 5, 2019 from 1:30 pm until 5:30 pm. and presented the certified results of the Election to Council as being favorable in proceeding with the Project; and

**WHEREAS**, following the requirements of Sussex County Code, § 96-6(B), Sussex County Council authorized the Engineering Department to proceed with the design and construction of the specified improvements for The Owl's Nest Chapter 96 Sussex Community Improvement project on June 11, 2019 by Resolution No. 013 19, further resolving the Sussex County Engineer and Sussex County Finance Director to complete the improvements and to compile a final cost accounting to determine a uniform rate of assessment for each of the assessable properties within The Owl's Nest Chapter 96 project, upon substantial completion of the project; and

**WHEREAS**, Project T20-01, The Owl's Nest Paving Improvements was publicly advertised, bid and awarded by Council on September 17, 2019 to Jerry's Inc., who completed all improvements and received Substantial Completion, effective January 30, 2020, by Council motion on March 10, 2020; and

**WHEREAS**, an Assessment Roll based on final cost accounting was compiled by the Engineering Department and Finance Director, defining a uniform rate for the seventeen (17) affected parcels in the amount of \$ 527.70 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$ 4,333.90, and presented at a properly advertised Public Hearing on August 25, 2020 allowing review and comment in accordance with § 96-11 of the Code; and

**NOW THEREFORE,**

**BE IT RESOLVED**, that Sussex County Council adopts the Assessment Roll for The Owl's Nest Paving Improvements, Project T20-01 and authorizes the Finance Director to proceed with billing each of the seventeen (17) affected parcels in the amount of \$ 527.70 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$ 4,333.90 according to Chapter 96 Code; and

**BE IT FURTHER RESOLVED**, that Sussex County Council directs the Assessment Roll to be recorded in Sussex County and the Board of Assessment to cause the words "special community lien" to be placed beside the name of each freeholder in the suburban community in order that persons such as prospective buyers of, or attorneys making title searches upon, the properties making inquiry at the office of the Board of Assessment concerning County taxes may be informed that special liens exist against the properties in the Sussex community.

Patrick J. Brown, P.E.  
Project Engineer III

Presented August 25, 2020

## ENGINEERING DEPARTMENT

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

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

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

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

**RE:** *Blades Sanitary Sewer District Area, Little Meadows, Inc.*  
*A. Surrender of sewer lift station parcel 132-1.12-67.00*

**DATE:** August 25, 2020

On September 24, 2013, Council approved the Concord Road expansion of the Blades Sanitary Sewer District Area. A funding request was submitted to USDA, Rural Development. After receiving obligation documentation, County Council accepted the conditions associated with the original \$729,000.00 loan and \$449,000.00 grant offer.

On October 3, 2017, County Council approved the Concord Road Construction Agreement with the Town of Blades and the associated Amendment No. 3 to the base contract with Davis, Bowen and Friedel, Inc. combining the water and sewer projects in one construction document. On November 14, 2017, County Council awarded Contract No. 15-03 to Zack Excavating Inc. Due to the increased construction costs, the Finance and Engineering Departments submitted a supplemental request to USDA which was granted providing additional \$220,000.00 in loan and \$145,000.00 in grant funding.

On October 23, 2018, Council approved Change Order No. 3 to the contract extending gravity sewer and eliminating the existing Little Meadows pump station no. 64 by diverting flow to the new pump station on Concord Road. This allowed the elimination of needed station upgrades, the utilization of available grant funding within the USDA Concord Road contract and completion of a partial gravity sewer extension towards the RT-13 corridor. On January 14, 2020, Council approved Change Order No.5 closing out the USDA contract and granting project completion.

The work associated with Change Order No. 3 crossed over other lands owned by Little Meadows, Inc. The owner was offered compensation for the required easement (copy attached) but opted to request the return of the sewer lift station, parcel 132-1.12-67.00, instead. (letter & deed attached) This parcel was deeded to the County as part of the original development. It is surrounded by subdivision open space also owned by Little Meadows, Inc. Therefore, the Engineering Department recommends accepting the easement agreement and authorizing the County Attorney to prepare a deed returning parcel 132-1.12-67.00 to Little Meadows, Inc.



**Little Meadows, Inc.**  
**25560 Business Park Drive Unit 2**  
**Seaford, DE 19973**  
**302-629-3034**

August 10, 2020

Hans M. Medlarz, P.E.  
Sussex County Engineer  
2 The Circle | PO Box 589  
Georgetown, DE 19947

Dear Hans:

Little Meadows, Inc. has inspected and approved the dismantled lift station easement area in the back of Phase I and identified as Tax ID # 1-32-1.12-67.

Little Meadows requested Sussex County to leave the paved roadway, the rest of the area has been returned to its original state. Little Meadows, Inc. agrees to accept Sussex County's surrender of this parcel and will accept ownership upon receipt of a deed on the above aforementioned parcel.

If you have any questions, or need us to submit additional information please feel free to call our office, 302-629-3034.

Sincerely,



Bobbi Truitt  
Office Manager

50262

02573 271

Tax Parcel Numbers: part of 1-32-1.12-31.05  
Prepared By: Housing Unlimited, Inc.  
897 Brickyard Road  
Scaford, DE 19973

*This Fee Simple Deed made this 18th* day of **January** in the year  
of our lord **Two thousand one**,

**BETWEEN:**

**LITTLE MEADOWS, INC.** 897 Brickyard Road, SEAFORD, DELAWARE, 19973, party  
of the first part,

-and-

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, of P.O. Box 589,  
GEORGETOWN, DELAWARE 19947, party of the second part,

**WITNESSETH**, that for the sum of One Dollar (\$1.00) lawful money of the United States  
of America, the receipt whereof is hereby acknowledged, the said party of the first part does  
hereby grant and convey unto the party of the second part, his successor and assigns,

Part of all those certain lots, pieces or parcels of land, located in Broad Creek Hundred,  
Sussex County, and the State of Delaware, in the Subdivision known as Little Meadows and as  
described in a survey prepared by Miller Lewis, Inc., Land Surveyors, dated December 18, 2000,  
and more particularly described as follows:

**BEGINNING** at a point 19.6 ft. from the southeast corner of lot #10; thence continuing South  
31°-56'-34" East a distance of 30.00 ft. to a point; thence continuing South 57°-50'-09" West a  
distance of 245.93 ft. to a point; thence continuing North 39°-00'-51" West a distance of 30.22 ft.  
to a point; thence continuing North 57°-50'-09" East a distance of 249.65 ft. to the point and  
place of beginning.

Being a part of the same lands conveyed unto Little meadows, Inc. by David B. Webb, Jr.  
on April 17, 2000, and being of record in the Office of the Recorder of Deeds, in a for Sussex  
County, at Georgetown, Delaware in Deed Book 2476, page 181.

County                      State                      Total  
00                              00                              .00  
Date: 3/20/2001  
Consideration: .00

*df*

*df*



02573 272

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

WITNESS:

[Signature] [Signature] (SEAL)  
 Little Meadows, Inc.  
 David B. Webb, Jr. CEO

STATE OF DELAWARE :  
 : SS.  
 COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 2nd day of March, A.D. 2001,  
 personally appeared before me, the Subscriber, a Notary Public for the State and County  
 aforesaid, DAVID B. WEBB, JR., party to this indenture, known to me personally to be such,  
 and acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

TOWN OF BLADES  
 REALTY TRANSFER TAX

[Signature] (SEAL)  
 Notary Public [Signature]  
 My Comm. Exp. 11/30/02

VAL # 126  
 AMOUNT 1  
 DATE 3/20/01  
C. Rementis

RECORDER OF DEEDS  
 RICHARD W. BELL, II  
 01 MAR 20 PM 2:35  
 SUSSEX COUNTY  
 DOC. SURCHARGE PAID

Received  
 MAR 21 2001  
 ASSESSMENT DIVISION  
 OF SUSSEX CTY.

RETURN TO:  
 GRANTEE  
 5-21-01

Tax Parcel No. 132-1.16-5.00

Prepared by and Return to:

SUSSEX COUNTY ENGINEERING  
P.O. BOX 589  
GEORGETOWN, DE 19947

**EASEMENT AND AGREEMENT**

**THIS EASEMENT AND AGREEMENT** is made and entered into this 14<sup>th</sup> day of August, A.D., 2020, by and between, **LITTLE MEADOWS. INC** with an address of, 25560 Business Park Drive, Unit 2, Seaford, DE 19973 party of the first part (hereinafter referred to as “the Grantor”) and **SUSSEX COUNTY**, a political subdivision of the State of Delaware, with an address of #2 The Circle, Georgetown, Delaware 19947 (hereinafter referred to as “the Grantee”).

**WHEREAS**, the Grantor is the owner of that certain tract of lands and premises located in Broad Creek Hundred, Sussex County and State of Delaware, and said parcel of land (hereinafter referred to as “the Property”), being described as Tax Parcel No. 132-1.16-5.00.

**WHEREAS**, SUSSEX COUNTY is preparing plans for certain improvements (hereinafter referred to as “Improvements”) to its Sanitary Sewer Utilities (hereinafter referred to as “the System”).

**WHEREAS**, it is necessary that the Improvements to the System pass under and through the Property.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants herein contained in hand to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the parties to this Easement Conveyance and Agreement do hereby agree as follows:

1. The Grantor does hereby grant and convey unto the Grantee a fifteen (15) feet wide permanent sewer utility easement for the purpose of locating, construction, operating, maintaining and repairing the Improvements to the Systems, including, but not limited to, any and all pipes, structures and appurtenances relating thereto, any time, for the benefit of the Grantee, its successors heirs and assigns as shown on attached Exhibit prepared by Davis Bowen & Friedel, Inc. dated June 2018.
2. Notwithstanding the granting of the aforesaid permanent easement, the Grantor reserves unto itself and its successors, heirs and assigns, the full use and enjoyment of the property. However, the Grantor shall not construct or permit the construction of any structure with a permanent foundation within the boundaries of the aforesaid permanent sewer utility easement.

3. The Grantor does hereby grant a fifteen (15) feet wide temporary easement running parallel with the permanent easement under, across, and through a limited portion of the Property for the purpose of constructing the Improvements.
4. The Grantee agrees that all earth removed in the process shall be replaced in such a manner to neither change any grades or disturb any existing drainage features. After the construction of the Improvements to the Systems, or after any repairs to same, the Property shall be restored to its former condition, consistent with good engineering and construction practices at a minimum with topsoil, seed and mulch.
5. Grantee agrees to return to the Grantor the tax parcel 132-1.12-67.00, further described in Deed Book 2573, Page 271 also known as Sussex County Pump Station No. 64 which will no longer be required upon completion of the Improvements.
6. Grantee shall have uninterrupted right of ingress and egress to and from the easement for emergency, repair and locating activities.
7. Grantor agrees that the easements and rights of way granted hereunder, and all the mutual promises and covenants contained herein shall be deemed to be easements, right of way, and promises and covenants running with the land, and, accordingly, the same shall be binding upon the successors heirs and assigns of the respective parties hereto.
8. The Grantee agrees to abide by all applicable laws, rules and regulations pertaining to the use and operation of the Systems.

**THE REMAINDER OF THIS PAGE IS BLANK**

IN WITNESS, WHEREOF, intending to be legally bound hereby, the parties to this Easement and Agreement have hereunto set their respective hands and seals on the day and year first above written.

LITTLE MEADOWS, INC

By: Francis W. Horner (SEAL)  
Francis W. Horner, President

\_\_\_\_\_  
Attest

STATE OF DELAWARE :  
SS.  
COUNTY OF SUSSEX: :

BE it remembered, that on the 14<sup>th</sup> day of August, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid Francis W. Horner known to be personally to be such, and she acknowledged said Indenture to be her act and deed and the act and deed of said corporation.

Bobbie Thiel  
notary

SUSSEX COUNTY

\_\_\_\_\_  
Attest

By: \_\_\_\_\_ (SEAL)  
Michael H. Vincent, President

STATE OF DELAWARE :  
SS.  
COUNTY OF SUSSEX: :

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, Present of the Sussex County Council, known to be personally to be such, and he acknowledged said Indenture to be his act and deed and the act and deed of said County.

\_\_\_\_\_  
Notary Public



## 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) 853-5881



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

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

FROM: Hans Medlarz, County Engineer

RE: *Granting of Access Easement to Miranda Enterprises, LLC*

DATE: August 25, 2020

Sussex County owns parcel 533-18.00-15.00 located on Route 54 also known as Lighthouse Road. This land was acquired with enterprise funds and historically used for Class B biosolids disposal in accordance with the current DNREC Agricultural Sludge Utilization Permit. It is currently under an active farm lease through the 2021 growing season.

The owner of Coastal Veterinary Clinic Mr. Frank Miranda owns the adjacent parcel 533-18.00-12.00 under Miranda Enterprises, LLC and operates an established business called Coastal Veterinary. He is currently seeking a County permit for a 400 square foot building addition which requires a site plan as part of the permitting process. The associated survey revealed that a portion of the driveway, which has been in existence since the 1980's, unintentionally encroaches onto the County property.

Therefore, Mr. Miranda is now requesting a perpetual access easement agreement, letter attached. The attached survey delineates the +/-1,400 square foot encroachment. Based on the survey the Engineering Department prepared a standard easement agreement for the requested area. Based on the small area involved, its location adjacent to the property line and the results of recent farm appraisals the Department believes the cost of appraisal will exceed the easement value. Therefore, the Department recommends the granting of the easement to Miranda Enterprises, LLC in exchange for payment of \$2,000.00 representing "Cost of appraisal".



TO:

Sussex County Engineering Department

Attn: Hans Medlarz

From:

Frank A. Miranda

DBA: Miranda Enterprises; Coastal Veterinary; Heavenly Hound Hotel.

Dear Mr. Medlarz

Coastal Veterinary is doing a small (approx. 400 s/f) addition. A portion of the driveway that has been in existence since the 1980's encroaches onto the adjacent Sussex County property. DelDOT is requesting an easement agreement from the county before they grant their approval.

I am requesting that Sussex County Council grant to Miranda Enterprises LLC a perpetual access agreement of the area delineated in a survey from Land Design. A copy is enclosed. We offer as compensation the cost of the appraisal.

Thank you for your consideration.



Frank A. Miranda

Tax Parcel No. 5-33-18.00-15.00

Prepared by and Return to:

SUSSEX COUNTY ENGINEERING  
#2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

### ACCESS EASEMENT AGREEMENT

This Access Easement Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020, by and between Sussex County, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947 party of the first part (hereinafter referred to as “the Grantor”, and Miranda Enterprises, LLC, with an address of 30520 Quillens Point Road, Ocean View, DE 19970 (hereinafter referred to as “the Grantee”).

WHEREAS, the Grantor is the owner of that certain tract of lands and premises located in Baltimore Hundred, Sussex County and State of Delaware, and said parcel of land (hereinafter referred to as “the Property”), being described as Tax Parcel No. 533-18.00-15.00.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, as well as the sum of Two Thousand dollars (\$2,000.00) in hand paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the parties to the Easement and Agreement do hereby agree as follows:

1. The Grantor does hereby grant and convey unto the Grantee a permanent access easement across, and through a limited portion of the Property as defined and described herein below for the purpose of ingress & egress as shown on that certain plot prepared by Land Design dated August 4, 2020, attached.
2. Said easement being more particularly described as follows:  
Beginning at a point situated on the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises, said point being located North 28 degrees 36 minutes 00 seconds 51.51 feet from a concrete monument located on the eastern property line of Lands Now or Formerly of Sussex County and on an extension of the westerly property line of Lands Now or Formerly of Miranda Enterprises, LLC, said concrete monument being located approximately 30 feet north of the centerline of Lighthouse Road;

Thence leaving said point of beginning and proceeding through Lands Now or Formerly of Sussex County the following three courses and distances:

North 8 degrees 38 minutes 31 seconds East 29.30 feet to a point,  
North 28 degrees 36 minutes 00 seconds East 114.74 feet to a point,  
North 49 degrees 58 minutes 42 seconds East 27.43 feet to a point

on the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises , LLC; Thence proceeding by and with the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises, LLC, South 28 degrees 36 minutes 00 seconds West 167.82 feet to the point of beginning and containing 1413 sq. ft . more or less.

3. The Grantee shall have uninterrupted right of ingress and egress to and from the easement. Notwithstanding the granting of the aforesaid access easement and right of way, the Grantor reserves unto itself and its successors, heirs and assigns, the limited use and enjoyment of the Property.
4. The easement and right of way granted hereunder, and all the mutual promises and covenants contained herein shall be deemed to be easements, right of way, and promises and covenants running with the land, and accordingly, the same shall be binding upon the successors, heirs and assigns of the respective parties hereto.

THE REMAINDER OF THE PAGE IS BLANK



IN WITNESS, WHEREOF, intending to be legally bound hereby, the parties to this Easement Conveyance and Agreement have hereunto set their respective hands and seals on the day and year first above written.

Signed in the Presence of:

MIRANDA ENTERPRISES, LLC

\_\_\_\_\_  
Attest

By: \_\_\_\_\_  
Frank A. Miranda

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Frank A. Miranda, known to me personally to be such, and they acknowledged said Indenture to be their act and deed and the act and deed of said corporation.

\_\_\_\_\_  
Notary Public

SUSSEX COUNTY, DELAWARE

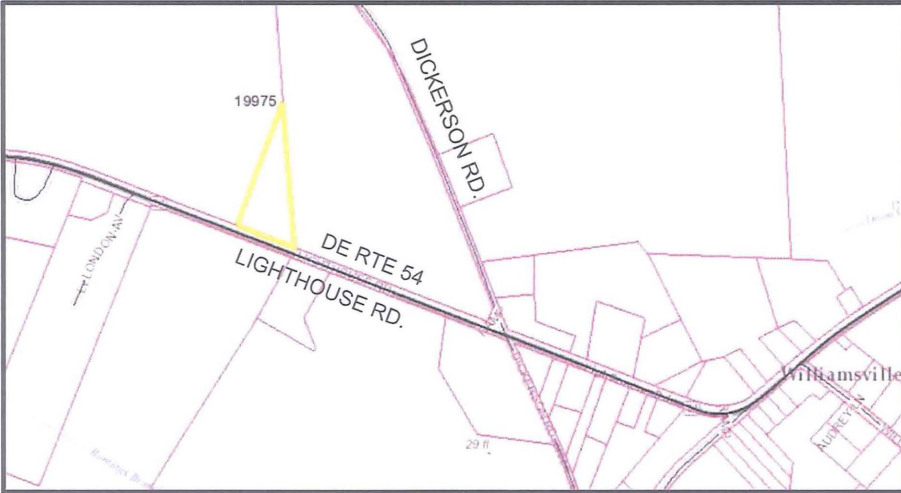
\_\_\_\_\_  
Attest

By: \_\_\_\_\_(SEAL)  
Michael H. Vincent, President  
Of Sussex County Council

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, known to me personally to be such, and he acknowledges said indenture to be his act and deed and the act and deed of said company.

\_\_\_\_\_  
Notary Public



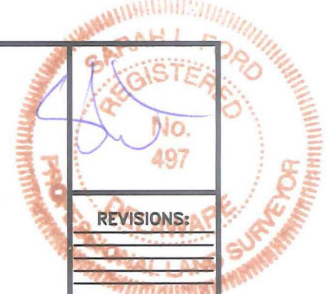
**VICINITY MAP**  
NOT TO SCALE

**SITE DATA:**

- 1. TAX PARCEL/ OWNER: 533-18.00-12.00  
MIRANDA ENTERPRISES, LLC  
30520 QUILLENS POINT ROAD  
OCEAN VIEW, DE 19970
- 2. SITE AREA: ±2.52 AC.
- 3. PRESENT ZONING: AR-1 C.U.  
PRESENT LAND USE: VETERINARIAN OFFICE/  
KENNEL/ RESIDENCE

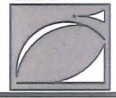
**NOTES:**

- 1. SURVEY SOURCE: FRANK G. LYNCH, JR. & ASSOCIATES, INC. FROM A SURVEY TITLED "AS CONSTRUCTED SURVEY SHOWING A PROPOSED ADDITION", DATED MAY 22, 2015, SUPPLEMENTED WITH GOOGLE EARTH IMAGERY FOR SITE IMPROVEMENTS.
- 2. THERE ARE NO FEDERAL 404 LANDS ON SITE. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
- 3. SITE IS IN FLOOD ZONE X (UNSHADED) PER FEMA FLOOD MAP 10005C0635K DATED MARCH 16, 2015.



**REVISIONS:**

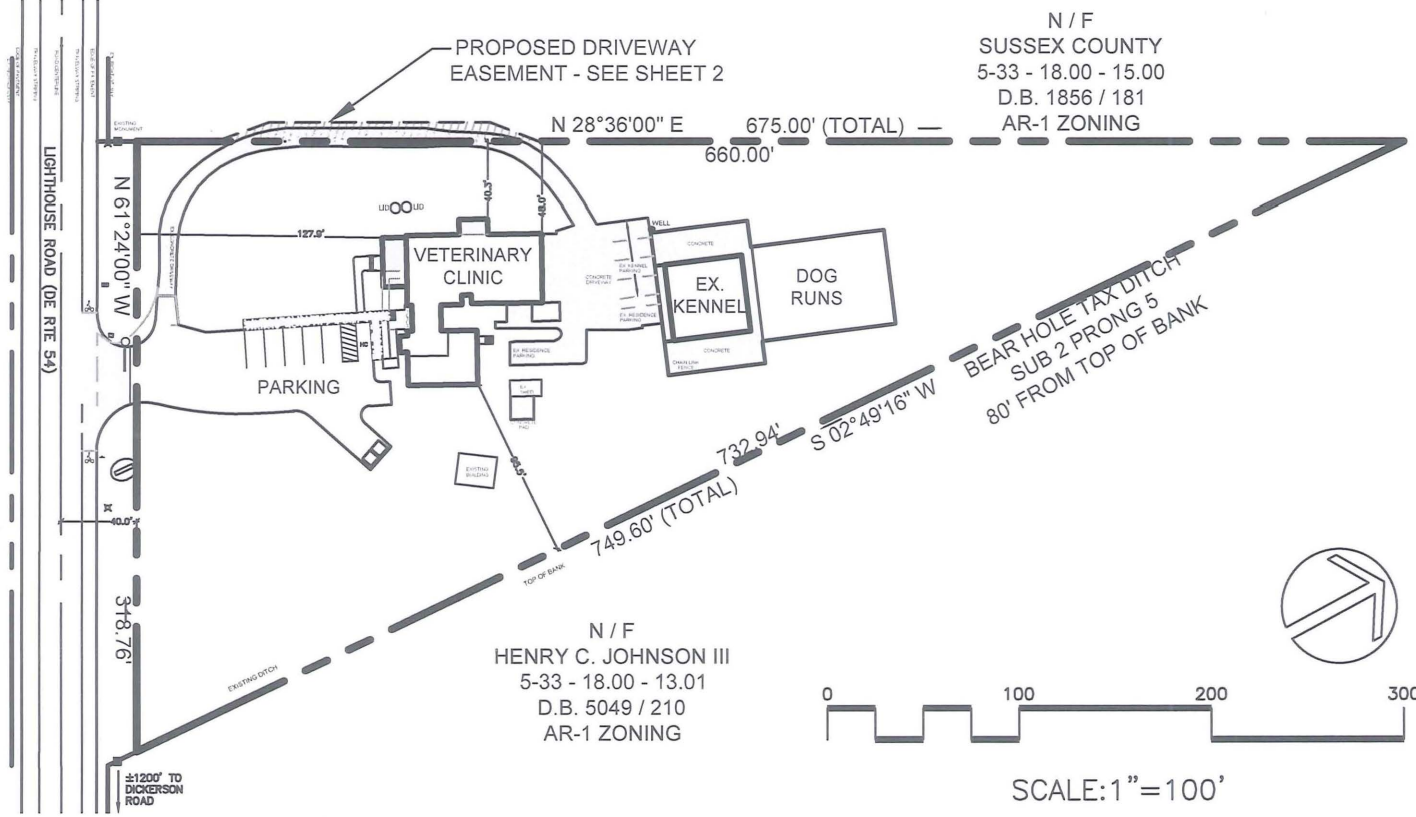
**LAND DESIGN**  
Surveying / Landscape Architecture  
13 Middle Ave.  
Oakhawk, DE 19950  
302.577.9192, 302.576.0287 FAX  
landdesign@landdesign.com



DRIVEWAY ENCROACHMENT EASEMENT TO  
**COASTAL VETERINARY**  
DE ROUTE 54  
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

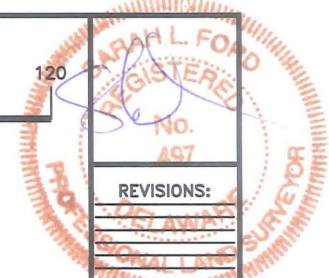
SITE PLAN: JTF  
DRAWING: RWB  
REVIEW: SLF

DATE  
8/4/20





SCALE: 1" = 40'



REVISIONS:

**LAND DESIGN**  
 Surveying / Landscape Architecture  
 Oak Grove, Suite 20  
 200327-1919, 20233-932724  
 landdesign@comcast.net

DRIVEWAY ENCROACHMENT EASEMENT TO  
**COASTAL VETERINARY**  
 DE ROUTE 54  
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN/IF	DATE
DRAWING: RWB	8/4/20
REVIEW: SLF	

2 of 2

N / F  
 SUSSEX COUNTY  
 5-33 - 18.00 - 15.00  
 D.B. 1856 / 181  
 AR-1 ZONING

PROPOSED EASEMENT FROM  
 SUSSEX COUNTY FOR 10'  
 DRIVEWAY ENCROACHMENT  
 ±1413 SQ.FT.

N 28°36'00" E  
 675.00' (TOTAL)

N 08°38'31" E  
 29.30'

N 28°36'00" E 114.74'

N 49°58'42" E  
 27.43'

41.51' 167.82' 450.67'

5' 10'

EXISTING MONUMENT

EX. RIGHT-OF-WAY

EDGE OF PAVEMENT

TRAVELWAY STRIPING

ROAD CENTRELINE

LIGHTHOUSE ROAD (DE RTE 54)

N 61°24'00" W

Proposed ADDITION (Phase 1)  
 12.5' X 26' +/-  
 (289 sq.ft.)

AREA for Future Addition (Phase 2)  
 8' X 15' +/-  
 (120 sq. ft.)

Proposed Sidewalk  
 Existing Sidewalk to be removed

Existing Entry to be renovated

Expanded VETERINARY CLINIC  
 ±3266 SQ.FT.  
 1 Story

1 Story  
 2 Story

STORAGE  
 ±665 SQ.FT.

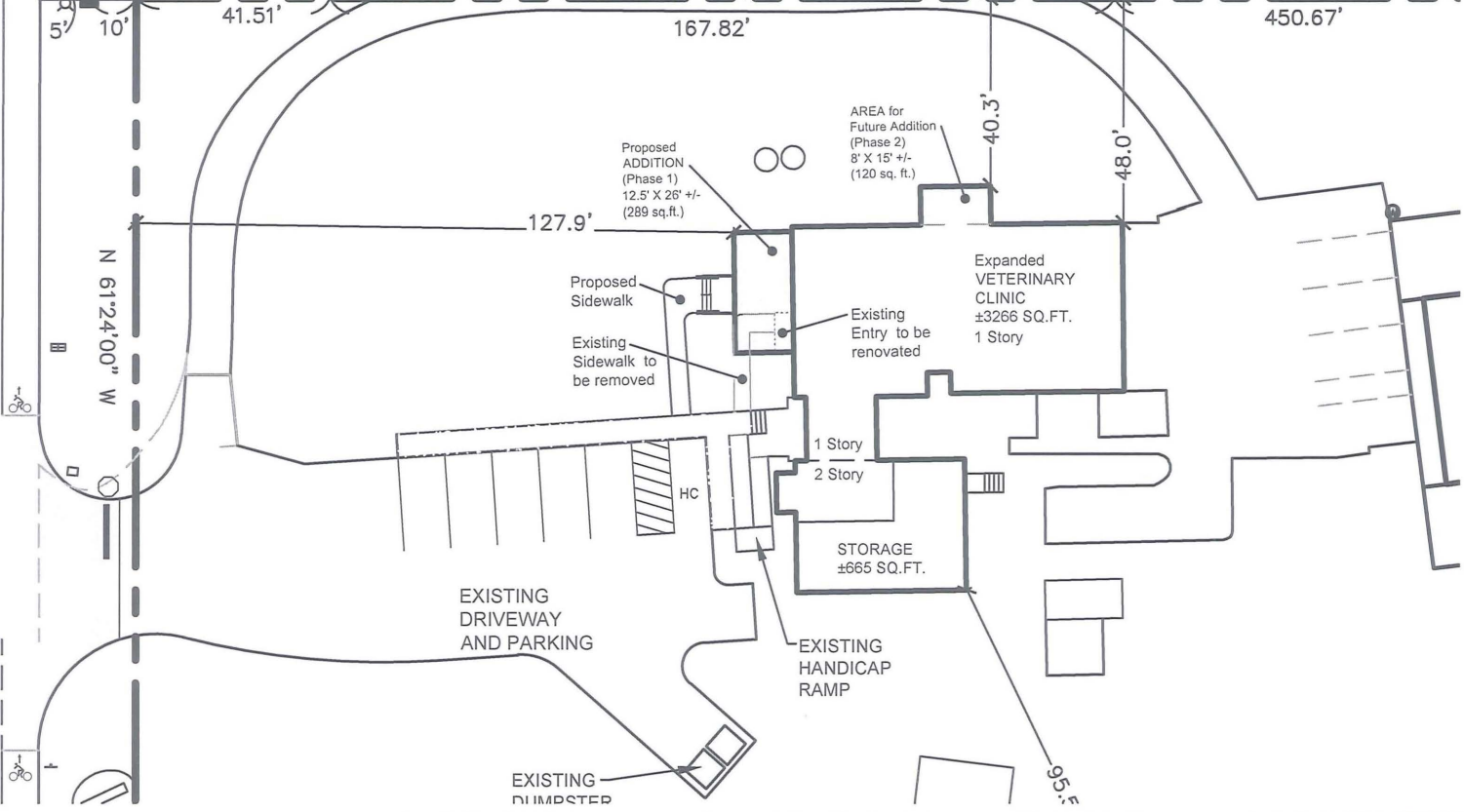
EXISTING DRIVEWAY AND PARKING

EXISTING HANDICAP RAMP

EXISTING DUMPSTER

HC

95.5'



**Easement from Sussex County, Parcel 533-18.00-15.00 to Lands Now or Formerly of Miranda Enterprises LLC, Parcel 533-18.00-12.00**

The following is a description of an easement located on Lands Now or Formerly of Sussex County, located on the north side of Delaware Route 54, also known as Lighthouse Road, in Baltimore Hundred, Sussex County, Delaware. Said easement to be given to Lands Now or Formerly of Miranda Enterprises, LLC, the adjacent property to the East. Said easement being more particularly described as follows:

Beginning at a point situate on the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises, said point being located North 28 degrees 36 minutes 00 seconds 51.51 feet from a concrete monument located on the eastern property line of Lands Now or Formerly of Sussex County and on an extension of the westerly property line of Lands Now or Formerly of Miranda Enterprises, LLC, said concrete monument being located approximately 30 feet north of the centerline of Lighthouse Road; Thence leaving said point of beginning and proceeding through Lands Now or Formerly of Sussex County the following three courses and distances:

North 8 degrees 38 minutes 31 seconds East 29.30 feet to a point,

North 28 degrees 36 minutes 00 seconds East 114.74 feet to a point,

North 49 degrees 58 minutes 42 seconds East 27.43 feet to a point on the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises, LLC; Thence proceeding by and with the common property line between Lands Now or Formerly of Sussex County and Lands Now or Formerly of Miranda Enterprises, LLC, South 28 degrees 36 minutes 00 seconds West 167.82 feet to the point of beginning and containing 1413 sq. ft. more or less.





## Island Watersports Expansion Notes

- I am here before you this morning to request permission to prepare and post notices for an expansion of the Sussex County Unified Sanitary Sewer District (Bay View Estates Area).
- The expansion was requested by Mike Ferrari from Island Watersports.
- The request is for parcel 533-11.00-287.02. The parcel is located along Williamsville Road and contiguous to the County's existing sewer district boundary.
- The property has site plan approval.
- The expansion will consist of 5.40 acres more or less.
- The parcels will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A Public Hearing is tentatively scheduled for September 22<sup>nd</sup>, 2020 depending on the outcome of this request.

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Sussex County Engineering  
Attn: John Ashman  
PO Box 589  
Georgetown, DE 19947

6/24/2020

Dear John,

I spoke with you a few weeks ago about getting our property annexed in for county sewer. We finally got our site plan approved and now in the building permit phase. Our tax map ID is 533-19.00-287.02 (35609 Williamsville Road, Williamsville, DE). The property already had the hookup at the property line from the research you preformed while I was in your office. Mis-Utility marked the piping and we have the access cover visible.

We are just sending this letter along with the \$750 fee (5.4 acres) as requested from you.

My contact info is:

[mike@ocmdboats.com](mailto:mike@ocmdboats.com)

Cell: 410-707-0693

Office: 302-537-2628

Fax: 302-539-2628

Sincerely,



Michael Ferrari



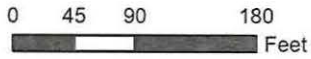
39084 Harpoon Rd  
Fenwick Island, DE 19944

PHONE 302-537-2628  
FAX 302-539-2628  
EMAIL [info@ocmdboats.com](mailto:info@ocmdboats.com)  
WEBSITE [www.ocmdboats.com](http://www.ocmdboats.com)

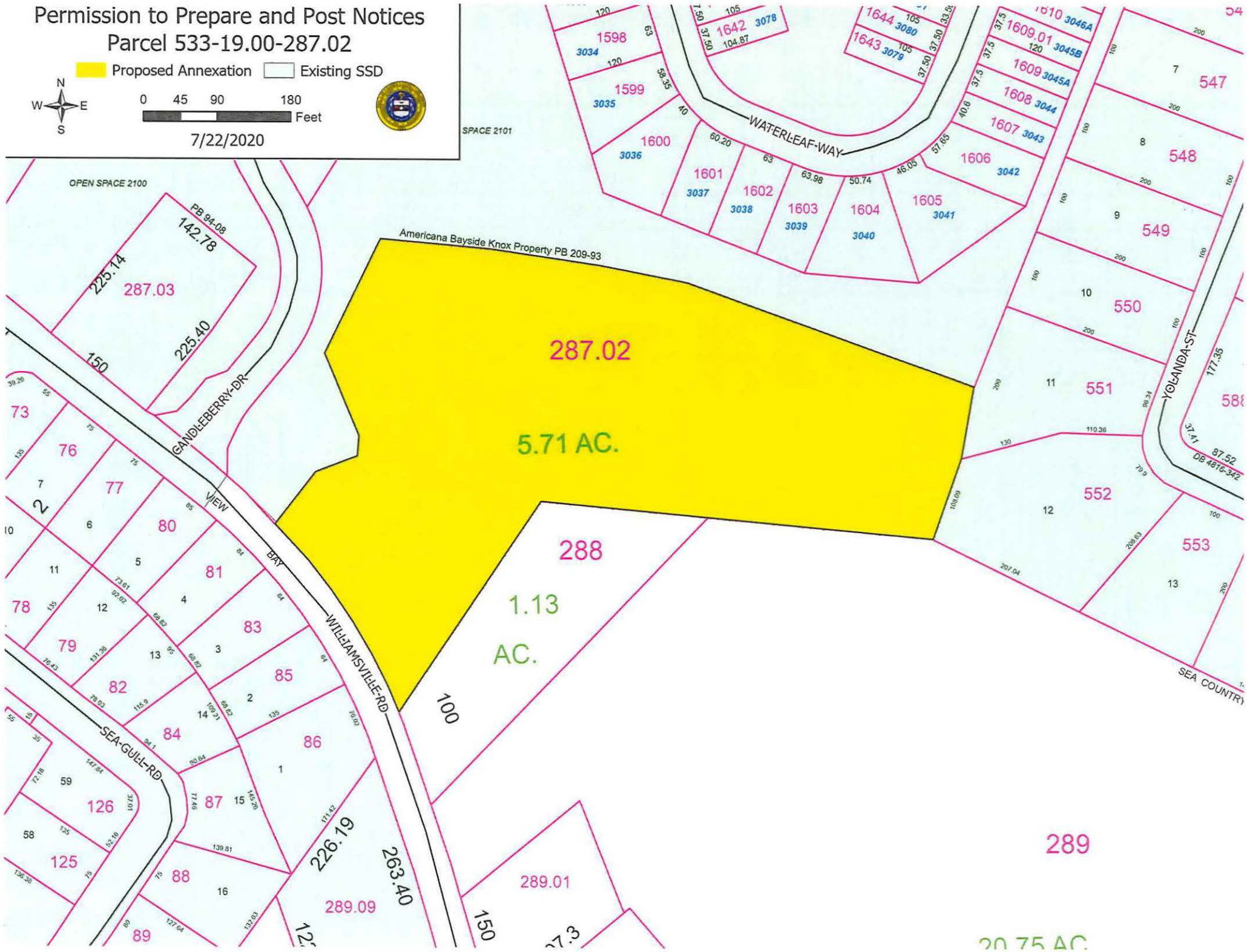
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# Permission to Prepare and Post Notices Parcel 533-19.00-287.02

Proposed Annexation Existing SSD



7/22/2020



**Council District 3 - Burton  
Tax I.D. No. 230-7.00-95.00  
911 Address: 22754 Argos Corner Road, Lincoln**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of July 2020, a conditional use application, denominated Conditional Use No. 2235 was filed on behalf of Brian P. Lessard, Lessard Builders, Inc. and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, 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. 2235 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article V, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2235 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying at the southeast corner of Argos Corner Road and Coastal Highway (Route 1), and being more particularly described per the attached legal descriptions, said parcels containing 10.76 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.**



Council District 5 - Rieley  
Tax I.D. No. 533-20.00-22.00 & 20.00 (Portion of)  
911 Address: None Available

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS**

WHEREAS, on the 12th day of August 2020, a conditional use application, denominated Conditional Use No. 2236 was filed on behalf of Carl M. Freeman Companies; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, 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. 2236 be \_\_\_\_\_; and

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

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

**Section 1.** That Chapter 115, Article V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2236 as it applies to the property hereinafter described.

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

**ALL** that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by George, Miles & Buhr, said parcel containing 9.20 acres, more or less.

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

**To Be Introduced 8/25/20**

**Council District 3 - Burton  
Tax I.D. No. 334-12.00-55.01 (Portion of)  
911 Address: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of July 2020, a conditional use application, denominated Conditional Use No. 2237 was filed on behalf of Sam C. Warrington II; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, 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. 2237 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2237 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Atlantic Surveying & Mapping, LLC, said parcel containing 2.5 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.**

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 18, 2020

RE: County Council Report for CZ 1918 Mark A. Casey

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The Planning and Zoning Department received an application (CZ 1918 filed on behalf of Mark A. Casey) for a Change of Zone of parcel 234-33.00-55.00 from an MR Medium Zoning District to a AR-1 Agricultural Residential Zoning District for 28517 Warwick Rd, Millsboro. The size of the property is 7.10 acres +/-.

The Planning and Zoning Commission held a public hearing on July 23, 2020. At the meeting of August 13, 2020, the Commission recommended approval of the application for the 7 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of July 23, 2020 and the draft minutes from the August 13, 2020 Planning & Zoning Commission meeting.

Draft Minutes of the Planning & Zoning Commission Meeting of July 23, 2020

### C/Z 1918 Mark A. Casey

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS.** The property is lying on the southeast corner of Warwick Road and Downs Landing Road. 911 Address: 28517 Warwick Road, Millsboro. Tax Parcel: 234-33.00-55.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's site plan, a staff analysis, and the DelDOT service level evaluation response.



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That the Commission found that Mr. Mark Casey was present on behalf of the Application. Mr. Casey stated that his company is Delaware Cultured Seafood; that approximately eight years ago he began working with Delaware's Center for Inland Bays non-profit on an oyster seeding program and then went on to work with the University of Delaware; that he worked on legislation to have oysters for sale and consumption on the inland bays; that this property is where they would like to import seed; that it would be planted onto the shell; that this would be done so that the inland bays can maintain the root program; that UD has shut down their program; that this would be for consumption for local markets and for the farmers out in Rehoboth Bay.

The Commission found that no one spoke in favor of or in opposition to the Application. Chairman Wheatley announced that the Public hearing for the Application was now closed.

At the conclusion of the Public Hearings, the Commission discussed C/Z 1918 – Mark A. Casey. Motion by Mr. Mears, seconded by Ms. Wingate, to defer action for further consideration. Motion carried unanimously 5-0.

#### Draft Minutes of the Planning & Zoning Commission Meeting of August 13, 2020

The Commission discussed this application which has been deferred since July 23, 2020.

Mr. Mears moved that Commission recommend approval for Change of Zone 1918 Mark A. Casey for a change of zone from MR Medium Residential District to AR-1 Agricultural Residential District based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant is requesting this rezoning so that the property can be used for aquaculture. This use is permitted in the proposed AR-1 District and it is not permitted in the MR District.
2. This is a downzoning from MR to AR-1. With the AR-1 Zoning, less intensive uses will be permitted on the property.
3. The proposed aquaculture use is a benefit to the residents and visitors of Sussex County as well as the County's environment. The Applicant works with the Center for Inland Bays and the University of Delaware to improve the quality of County waterways through the aquaculture uses that will be performed on this property and on the nearby waterways.
4. The use will also support other aquaculture farmers in Rehoboth Bay by providing a location for an oyster seeding program.
5. AR-1 Zoning is an appropriate zoning classification in the Coastal Area according to the Sussex County Comprehensive Plan.
6. The downzoning to AR-1 will have a positive effect on nearby roadways and area properties.
7. No parties appeared in opposition to this Application.

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



**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date July 23, 2020.

Application: (CZ 1918) Mark A. Casey

Applicant: Mark A. Casey  
28517 Warwick Road  
Millsboro, DE 19966

Owner: Mark A. Casey  
28517 Warwick Road  
Millsboro, DE 19966

Site Location: Located on the southeast corner of Warwick Road (S.C.R. 310A) and  
Downs Landing Road.

Current Zoning: Medium Density Residential (MR)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 7.10 acres +/-

Tax Map ID: 234-33.00-55.00



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jamie.whitehouse@sussexcountyde.gov



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## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 25, 2020  
RE: Staff Analysis for CZ 1918 Mark A. Casey

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1918 Mark A. Casey to be reviewed during the July 23, 2020 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 Tax Parcel 234-33.00-55.00 to allow for a change of zone from Medium Density Residential (MR) Zoning District to an Agricultural Residential (AR-1) Zoning District. The parcel is located on the southeast corner of Warwick Road (S.C.R. 310A) and Downs Landing Road in Millsboro. Additionally, the Indian River Bay abuts the south side of the parcel. The size of the property is approximately 7.10 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Coastal Area" with all adjoining properties to the west, east and north of the parcel also being designated "Coastal Areas."

"Coastal Areas" are areas that can accommodate development provided that special environmental concerns are addressed and include a range of housing types such as single-family homes and multi-family units. Retail and offices use are also appropriate within this Zoning District.

The areas to the south (on the opposite side of the Indian River Bay) of the subject parcel are designated as "Industrial Area." "Industrial Areas" support larger industrial uses, including but not limited to heavier industry, light industry, warehousing, and flex space.

The Agricultural Residential (AR-1) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Medium Density Residential (MR) as are the adjoining property to the east and parcel to the north on the opposite side of Downs Landing Road. All properties to the west on the opposite side of Warwick Road (S.C.R. 310A) are zoned Agricultural Residential (AR-1).

Since 2011, there has been one Change of Zone application proposed within a one-mile radius of the application site. This application was for Change of Zone (C/Z 1823) to facilitate a change of



zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the County Council at its meeting of Tuesday, July 25, 2017 and adopted through Ordinance No. 2513.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to Agricultural Residential (AR-1) in this location, would be considered as being consistent with the land use, area zoning and surrounding uses.



# Sussex County



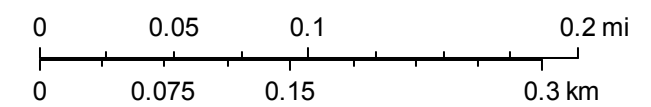
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<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	ON INDIAN RIVER
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
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- Streets
- County Boundaries

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





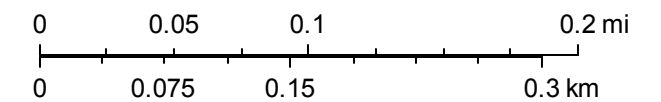
# Sussex County



<b>PIN:</b>	234-33.00-55.00
<b>Owner Name</b>	CASEY MARK A
<b>Book</b>	4523
<b>Mailing Address</b>	4615 OLD LINDEN HILL RD
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	ON INDIAN RIVER
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

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-  Tax Parcels
-  Streets
-  County Boundaries

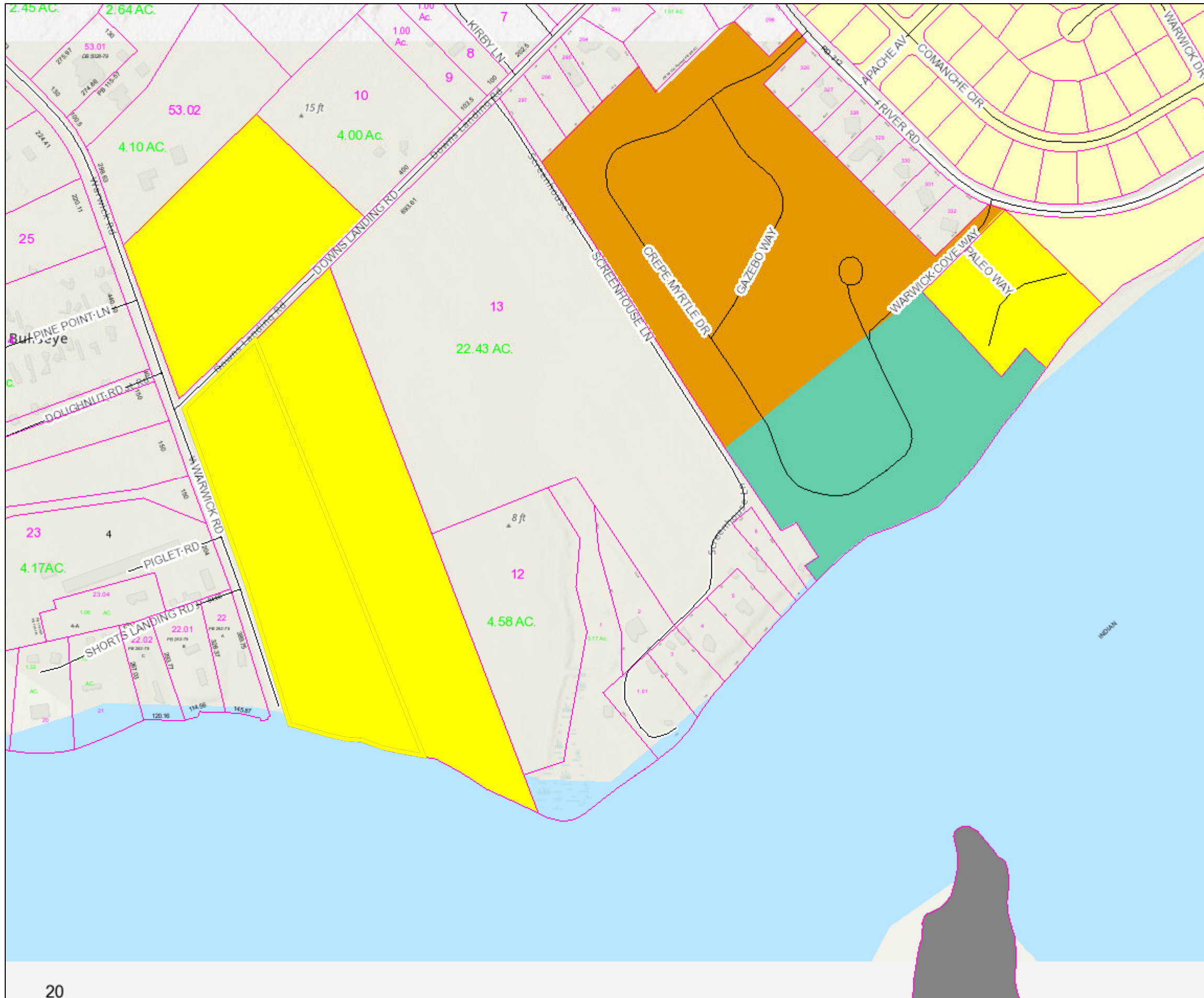
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# Sussex County



<b>PIN:</b>	234-33.00-55.00
<b>Owner Name</b>	CASEY MARK A
<b>Book</b>	4523
<b>Mailing Address</b>	4615 OLD LINDEN HILL RD
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	ON INDIAN RIVER
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

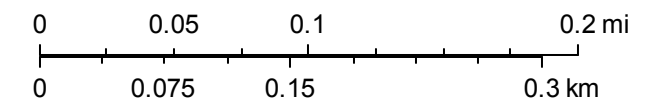
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- Tax Parcels
- Streets

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 18, 2020

RE: County Council Report for CU 2214 Anthony Crivella and Harold E. Dukes, Jr

---

The Planning and Zoning Department received an application (CU 2214 filed on behalf of Anthony Crivella and Harold E. Dukes, Jr) for a Conditional Use for parcel 334-13.20-25.00 to allow for a food truck to be operated for a period exceeding three days. The parcel is zoned C-1 General Commercial Zoning District. The parcel size is 0.115 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on July 23, 2020. At the meeting of August 13, 2020, the Commission recommended approval of the application for the 5 reasons and subject to the 8 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of July 23, 2020 and the draft minutes of the August 13, 2020 Planning & Zoning Commission meeting.

Approved Minutes of the July 23, 2020 Planning & Zoning Commission Meeting

### **C/U 2214 Anthony Crivella & Harold E. Dukes, Jr.**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS.** The property is lying on the northeast side of Johnson St. southeast of Central Ave. 911 Address: N/A. Tax Parcel: 334-13.20-25.00



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Mr. Whitehouse advised the Commission that they have received a site plan and survey, a staff analysis, the Applicant's exhibits, a copy of the DelDOT service level evaluation response. Also received are two mail returns.

The Commission found that Ms. Mackenzie Peet, Esquire was present on behalf of the applicant, DaNizza Wood Fired Pizza and the owners, Anthony Crivella and Harold E. Dukes, Jr.; that the Applicant is requesting a conditional use to permit, locate and operate a food truck on the subject property for a period to exceed three days to provide food for the patrons of Revelation Brewing Company; that Revelation Brewing Company received approval for a conditional use to operate a microbrewery on Lot 45 in 2018; that Revelation Brewing Company hired DaNizza Pizza to provide food for Revelation patrons; that DaNizza received a temporary food vendor license and was located along Central Avenue initially; that the license allowed for the food truck to remain in that location from March 15 through November 15, 2019; that a complaint was made regarding the location of the food truck; that the food truck has been moved from the front of Lot 45 now to Lot 49 which is in the rear of the Revelation Brewing Company; that a conditional use application to permit a food truck at this location was filed December 2019; that Lot 49 is a 5,000 sf unimproved lot in a general commercial (C-1) zoning district surrounded by similar commercial properties; that the food truck does meet the setback requirements for the property; that the proposed location of the food truck is compatible with the surrounding uses; that it is low-profile as it sits behind Revelation Brewery on another lot; that the food truck operates on weekends only when Revelation is open; that additional parking is not required for the food truck; that this is a temporary use as Revelation will be moving to an alternative site in the near future; that the hours of operation would be Friday, Saturday and Sunday from 11 am – 9 pm; that the food truck will remain on the site when not open for business; that a dumpster will be on site; and that the food truck receives its electricity from the Revelation site.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2214 – Anthony Crivella & Harold E. Dukes, Jr. Motion by Mr. Mears, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

#### Draft Minutes of August 13, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 23, 2020.

Mr. Mears moved that the Commission recommend approval for Conditional Use 2114 Anthony Crivella & Harold E. Dukes, Jr. based upon the record made during the Public Hearing and for the following reasons:

1. This is an application to allow a food truck or trailer serving pizza to be located on property owned by the applicants.
2. The site is zoned C-1 General Commercial, which permits various uses that are more intensive than what is proposed here, including full-scale restaurants. The use as a food truck location is consistent with the underlying C-1 zoning.



3. The food truck will serve residents of the community, people on the nearby bike trail and patrons of the nearby Revelation Brewing Company.
4. The use will not adversely affect neighboring properties, the community or area roadways.
5. No parties spoke in opposition to this application.
6. This recommendation is subject to the following conditions:
  - a. The use shall be limited to a mobile or temporary food and beverage vendor. When not in continuous operation, it must be removed from the site and must not become permanently located on the site.
  - b. The use shall comply with all setback and parking requirements.
  - c. The applicant shall comply with all DelDOT requirements, including entrances.
  - d. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
  - e. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.
  - f. The hours of operation shall be from 11:00 am until 7:00 pm, Fridays, Saturdays and Sundays.
  - g. Any dumpsters associated with the use shall be screened from the view of neighboring properties and roadways.
  - h. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, AICP MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date July 23, 2020.

Application: (CU 2214) Anthony Crivella & Harold E. Dukes, Jr.

Applicant: Da Nizza Wood Fired Pizza, LLC  
30 East Pine Street  
Georgetown, DE 19947

Owner: Anthony Crivella & Harold E. Dukes, Jr.  
325 E Rehoboth Avenue  
Rehoboth Beach, DE 19971

Site Location: Located on the northeast side of Johnston St. southeast of Central Ave.

Current Zoning: General Commercial (C-1)

Proposed Use: Operate a Food Truck for a period exceeding three (3) days

Comprehensive Land Use Plan Reference: Commercial Area

Councilmatic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire District

Sewer: Sussex County

Water: Private

Site Area: 0.115 acres +/-

Tax Map ID.: 334-13.20-25.00



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PLANNING & ZONING DIRECTOR  
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jamie.whitehouse@sussexcountyde.gov



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## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Headley, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: July 1, 2020  
RE: Staff Analysis for CU 2214 Anthony Crivella & Harold E. Dukes, Jr.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2214 to be reviewed during the July 23, 2020 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 334-13.20-25.00 to allow the operation of a food truck for a period exceeding three (3) days. The parcel is located on the northeast side of Johnston St. southeast of Central Ave. Rehoboth Beach, Delaware. The size of the property is 0.115 acre +/-.

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

The areas to the north, south, east and west are also designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings. The site is adjacent to the Revelation Brewery and Park Shores, a multi-family community.

The property is zoned General Commercial (C-1) Zoning District. The adjacent properties to the north, south, east and west of the application site are also zoned General Commercial (C-1).

Since 2011, there have been no Conditional Use applications within the vicinity of the application site:

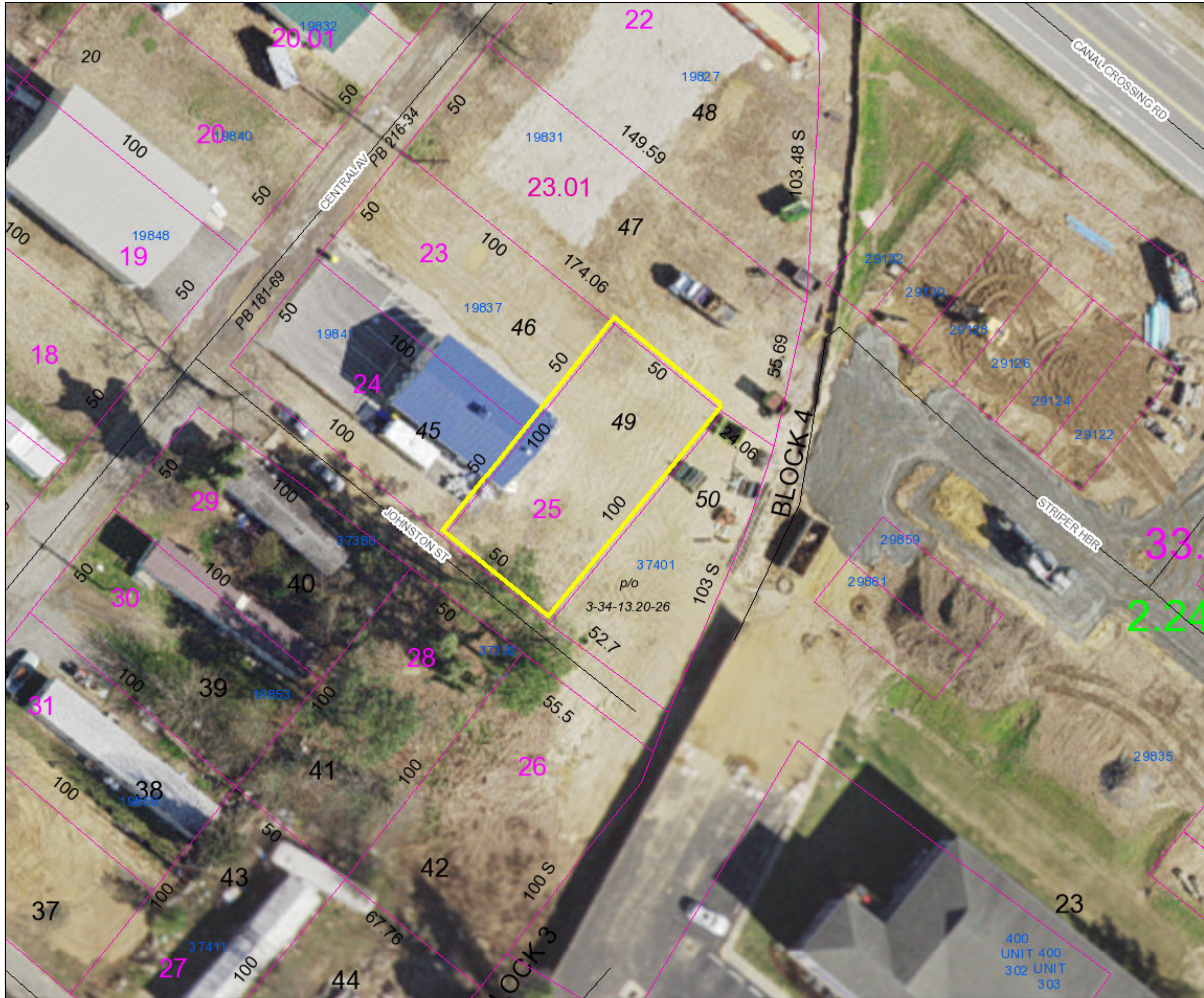
Based on the analysis of the land use, surrounding zoning and uses, a conditional use to allow for a food truck to be operate for a period exceeding three (3) days could be considered as being consistent with the land use, area zoning and surrounding uses.







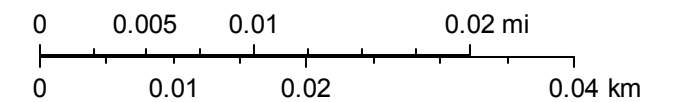
# Sussex County



<b>PIN:</b>	334-13.20-25.00
<b>Owner Name</b>	CRIVELLA TONY
<b>Book</b>	4954
<b>Mailing Address</b>	323 REHOBOTH AVE STE B
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	SHOCKLEY SUBD.
<b>Description 2</b>	LOT 49 BLK 4
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
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  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries

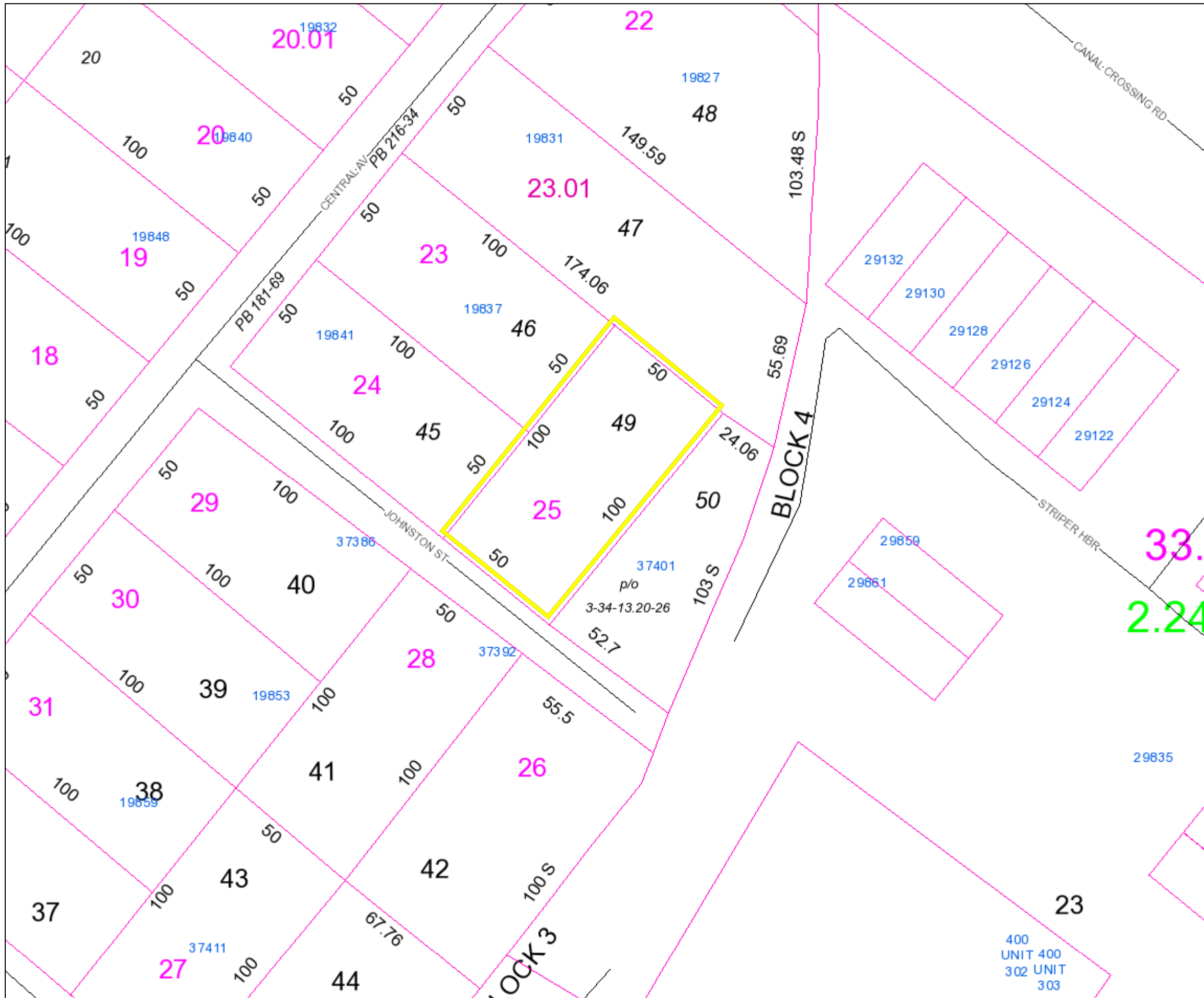
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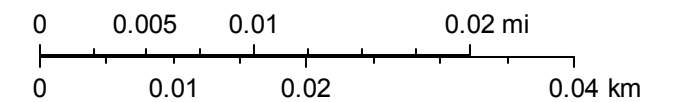
# Sussex County



<b>PIN:</b>	334-13.20-25.00
<b>Owner Name</b>	CRIVELLA TONY
<b>Book</b>	4954
<b>Mailing Address</b>	323 REHOBOTH AVE STE B
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	SHOCKLEY SUBD.
<b>Description 2</b>	LOT 49 BLK 4
<b>Description 3</b>	N/A
<b>Land Code</b>	

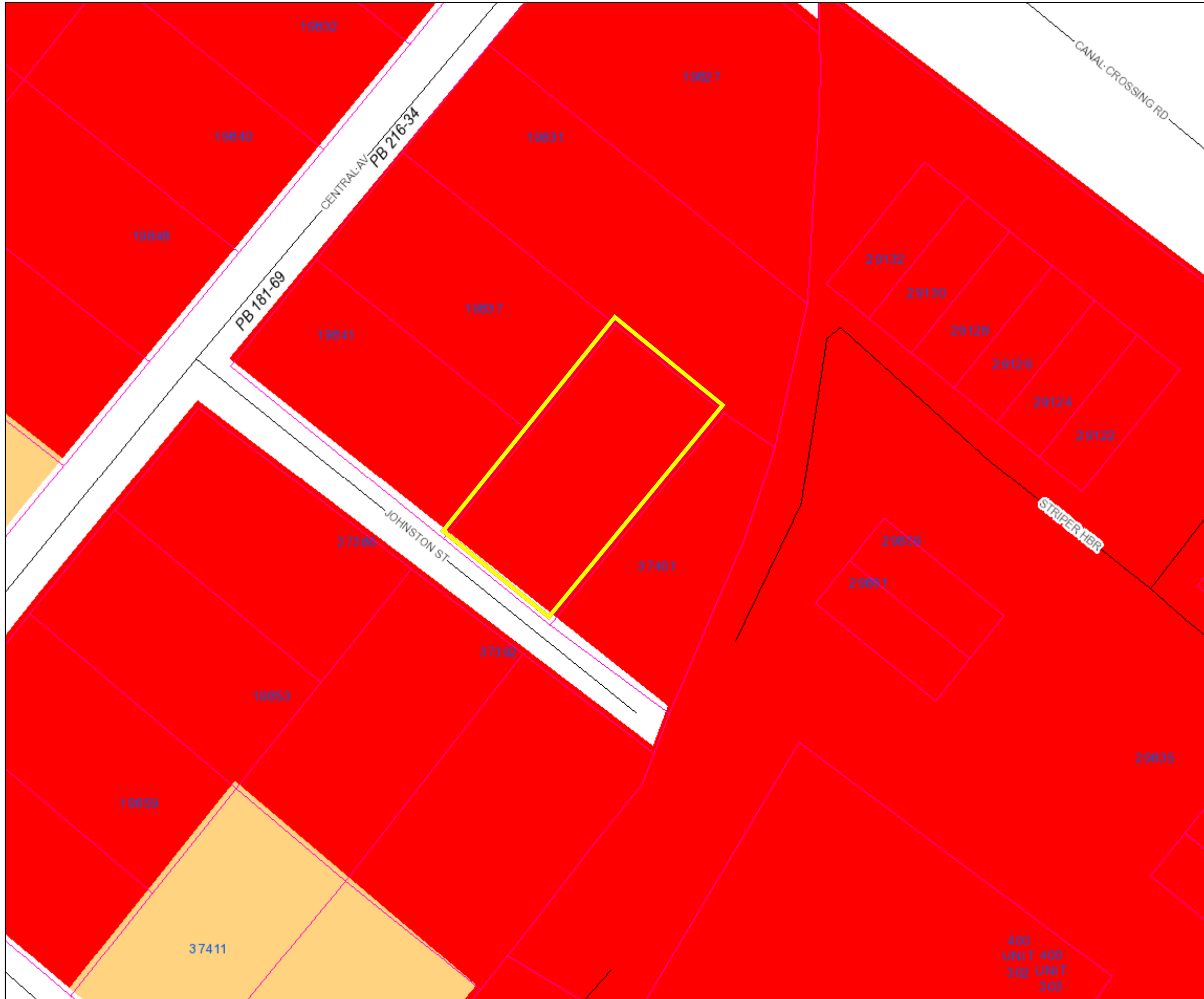
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  - 911 Address
  - Streets
  - County Boundaries
- Tax Ditch Segments**
  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries

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# Sussex County

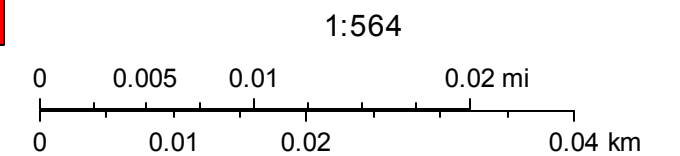


<b>PIN:</b>	334-13.20-25.00
<b>Owner Name</b>	CRIVELLA TONY
<b>Book</b>	4954
<b>Mailing Address</b>	323 REHOBOTH AVE STE B
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	SHOCKLEY SUBD.
<b>Description 2</b>	LOT 49 BLK 4
<b>Description 3</b>	N/A
<b>Land Code</b>	

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- polygonLayer**

  - Override 1
- Tax Parcels
- 911 Address
- Streets



JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
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(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 18, 2020

RE: County Council Report for CU 2216 Kenneth Dominic Alton Drummond – Quality Care Homes

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The Planning and Zoning Department received an application (CU 2216 filed on behalf of Kenneth Dominic Alton Drummond – Quality Care Homes) for a Conditional Use for parcel 234-5.00-46.04 (part of) to allow for a home remodeling and repair services, storage repair and maintenance, light building material and storage and general office for quality care homes and managers residence at 20366 Hopkins Road, Lewes. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 3.57 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on July 23, 2020. At the meeting of August 13, 2020, the Commission recommended approval of the application for the 6 reasons and 14 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of July 23, 2020 and the draft minutes of the August 13, 2020 Planning & Zoning Commission meeting.

[Approved Minutes of the July 23, 2020 Planning & Zoning Commission Meeting](#)

### **C/U 2216 Kenneth Dominic Alton Drummond**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,**



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

**CONTAINING 3.57 ACRES, MORE OR LESS.** The property is lying on the southwest side of Hopkins Rd. approximately 0.58 mile northwest of Beaver Dam Rd. (Rt. 23). 911 Address: 20366 Hopkins Road. Tax Parcel: 234-5.00-46.04 (Part of).

Mr. Whitehouse advised the Commission that they have received an exhibit booklet, a site plan, a staff analysis, and a copy of the DelDOT service level evaluation response.

The Commission found that Mr. Mark Davidson was present on behalf of the Applicant, Kenneth Dominic Alton Drummond; that also present is the Applicant, Mr. Drummond and Engineer, Mr. Alan Decktor; that the Application is to grant a conditional use of land in the AR-1 zoning district located on 3.57 acres out of the 6.34 acres of the property; that the property is located on the west side of Hopkins Road; that an exhibit booklet has been submitted as part of the Application; that Mr. Drummond is the owner of the subject property and of Quality Care Homes; that the subject property is bordered on the north and west by agricultural fields, on the south by wooded lands, and on the east by Hopkins Road; that Hopkins Road which is a local road with connections to Fisher Road and Beaver Dam Road which will provide easy access to neighboring towns; that since 2015 Quality Care Homes has been a local Delaware company which has been delivering home improvement and general contracting services; that there are two full-time employees and eight subcontractors with plans to grow to 20 full-time employees in the future; that a site plan has been submitted to show how the Applicant plans to use this property for his business; that currently existing on the site is Applicant's residence; that the Applicant has planted approximately 80 trees bordering the property; that the building's parking and storage will begin approximately 1,000 feet back from Hopkins Road; that the conditional use area of the property will be screened from adjacent properties by a vegetative buffer; that stormwater management will be within the conditional use area of the property and will provide for 100% infiltration and ground water recharge and will meet the Sussex Conservation District and DNREC's regulations; that there will be a new onsite waste disposal system and a new onsite domestic well meeting all the requirements for DNREC for the proposed uses; that the entrance for the Application will share the same entrance as the single family home on the property; that upgrades to the entrance required by DelDOT will be provided by the Applicant; that two additional buildings are being proposed to provide storage for materials, for repairs to vehicles and for the day-to-day office and business operations for Quality Care Homes; that the second story of one of the buildings will be for the general office and for living quarters for the manager that the Applicant plans to hire; that in the 2019 Sussex County Comprehensive Plan the area for the proposed conditional use is identified to be in a low-density area; that the focus of business uses in low-density areas should be providing services to nearby residences and commercial areas; that the 2015 Strategies for State Policies and Spending identifies the Investment Level 4; that proposed conditions of approval were submitted as part of the exhibit book; and that that the proposed conditional use meets the general purpose of the zoning ordinance being located in an appropriate location meeting the purpose of this district and the Comprehensive Plan by providing sufficient space in appropriate locations for the certain uses which cannot be well-adjusted to their environment in particular locations with full protection offered to the surrounding properties by the rigid application of the district, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.



Ms. Stevenson asked if the Applicant will continue to live on the property. Mr. Davidson responded that the Applicant and his family will continue to live on the site. Ms. Stevenson asked if outdoor storage is being requested. Mr. Davidson stated that there will be no outside storage. Ms. Stevenson asked if there would be deliveries to the site and what is the number of trucks onsite. Mr. Davidson responded that most deliveries will be made directly to worksites, but leftover material would be brought back to this site and stored in one of the two proposed buildings and that most of the employees now are subcontractors but when the business grows there will be an increase in the number of trucks onsite.

Ms. Stevenson asked if there would be additional requirements for the manager's residence. Mr. Robertson stated that it is part of this Application so there would be no additional requirements.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2216 – Kenneth Dominic Alton Drummond. Motion by Ms. Stevenson, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

#### Draft Minutes of August 13, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 23, 2020.

Ms. Stevenson moved that the Commission recommend approval for Conditional Use 2216 for Kenneth Dominic Alton Drummond based upon the record made during the Public Hearing and for the following reasons:

1. The proposed location is appropriate for a business such as this. It is a 6.34-acre parcel surrounded by farmland and woods. The buildings associated with this use are approximately 1000 feet from the roadway.
2. The use will not have an adverse impact on adjacent or neighboring properties, roadways or the community in general.
3. The Applicant has planted approximately 80 trees on the property to act as a screen from other properties in the area.
4. The site is in a Low-Density Area according to the Sussex County Comprehensive Plan, and this type of low impact use is appropriate in the Area according to the Plan.
5. The Applicant testified that he will continue to reside on the property while the business is operating.
6. No parties appeared in opposition to this application.
7. This recommendation is subject to the following conditions:
  - a. The use shall be limited to home remodeling and home construction services with light material storage associated with that use. Maintenance and repair of the businesses' equipment shall be permitted to occur on the site. An office for the business only with a residence for the business manager or senior employee shall also be permitted. No other business shall be conducted from the site, and no retail sales shall be permitted on the site.

- b. As stated by the Applicant, all construction materials will be stored indoors.
- c. The Applicant shall comply with all DelDOT requirements, including any entrance and roadway improvements that are directed by DelDOT.
- d. No outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.
- e. All dumpsters, storage bins and stockpile locations shall be screened from view of neighboring properties and roadways.
- f. The site shall be fenced and gated.
- g. One in directly lighted sign, not to exceed 32 square feet per side, shall be permitted.
- h. All security lights shall be fully screened and downward so that they do not shine on neighboring properties or adjacent roadways.
- i. The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. There shall not be any Sunday hours of operation.
- j. There shall not be any dumping on the site. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways and shall be located at least 50-feet from the property boundaries.
- k. The Final Site Plan shall clearly show all loading and storage areas and areas for vehicle parking and equipment storage and these areas shall be clearly marked on the site itself. These areas shall be screened and shall be at least 50-feet from the property boundaries.
- l. All required screening or buffering shall be shown on the Final Site Plan.
- m. Failure to comply with any of these conditions shall be grounds for the termination of this Conditional Use.
- n. 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 recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 4-0.

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
J. BRUCE MEARS  
R. KELLER HOPKINS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date July 23, 2020.

Application: (CU 2216) Kenneth Dominic Alton Drummond – Quality Care Homes

Applicant: Kenneth Dominic Alton Drummond – Quality Care Homes  
20366 Hopkins Road  
Lewes, DE 19958

Owner: Kenneth Dominic Alton Drummond  
20366 Hopkins Road  
Lewes, DE 19958

Site Location: 20366 Hopkins Road  
Lewes, DE 19958

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional Use Requested: Home remodeling & Repair Services; Storage Repair Maintenance; Light Building Material and Storage and General Office & Manager’s Residence

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Tier 3- Coordinated CPCN Areas

Water: Private

Site Area: 6.34 acres +/-

Tax Map ID.: 234-5.00-46.04



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jamie.whitehouse@sussexcountyde.gov



# Sussex County

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## Memorandum

To: Sussex County Planning Commission Members  
From: Jennifer Norwood, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: July 1, 2020  
RE: Staff Analysis for CU 2216 Kenneth Dominic Alton Drummond – Quality Care Homes

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2216 Kenneth Dominic Alton Drummond – Quality Care Homes to be reviewed during the July 23, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-5.00-46.04 to allow for a home remodeling & repair services, storage repair maintenance, light building material and storage, and general office & manager's residence. The size of the property is 6.34 ac. +/-, a 3.57 ac. +/- portion of the property will be used for the proposed Conditional Use. The property is zoned AR-1 (Agricultural Residential Zoning District) and located southwest side of Hopkins Rd. approximately 0.58 miles northwest of Beaver Dam Rd. (Rt. 23).

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

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for



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



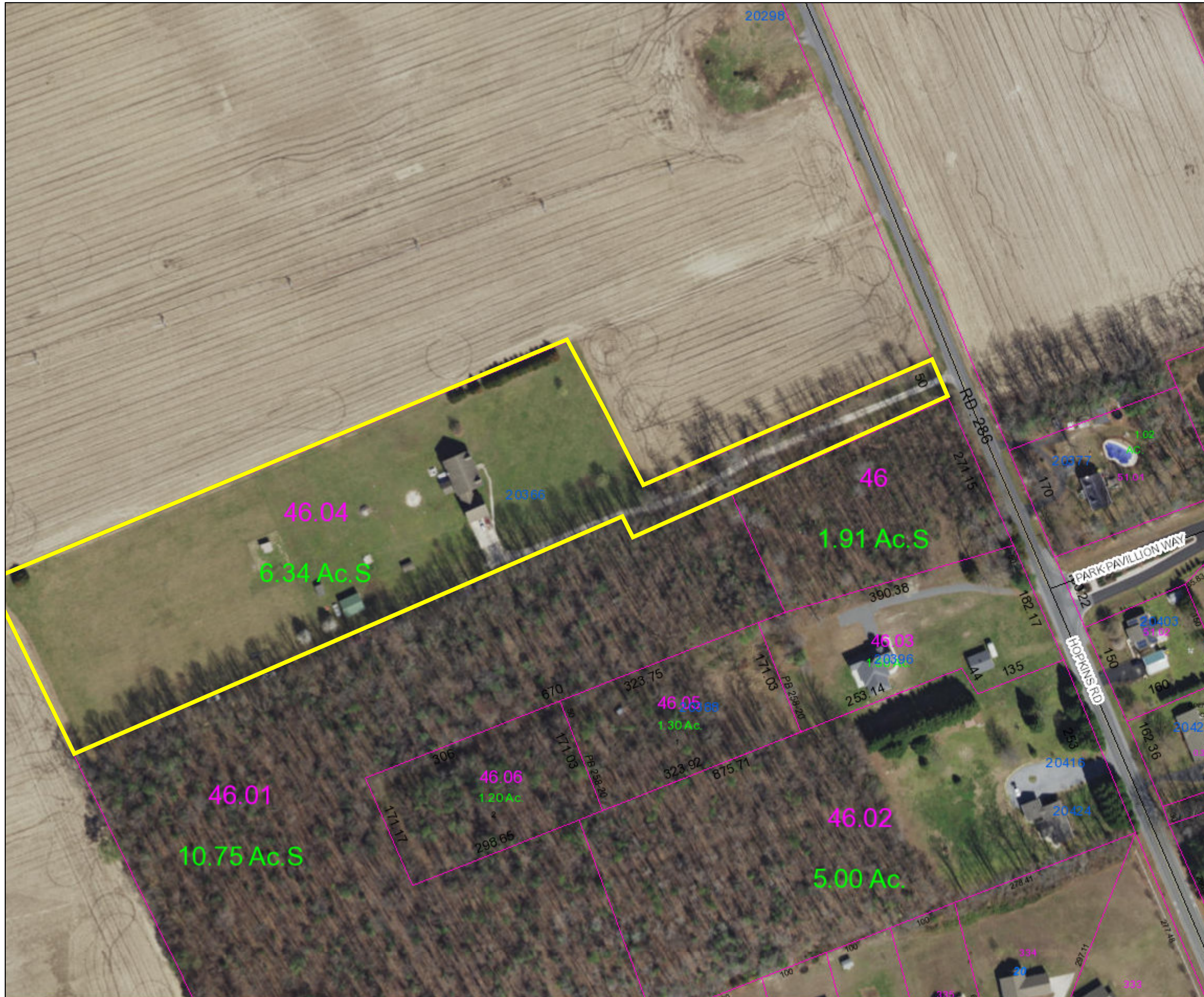
a home remodeling & repair services, storage repair maintenance, light building material and storage, general office and a manager's residence could be considered consistent with the land use, area zoning and surrounding uses.

Staff notes the conceptual site plan shows a proposed 4,800 square foot two (2) story building for storage, office space and manager residence, and a 4,800 square foot one (1) story building for future storage area.





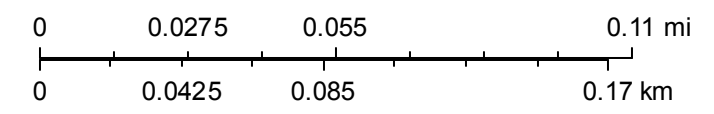
# Sussex County



<b>PIN:</b>	234-5.00-46.04
<b>Owner Name</b>	DRUMMOND KENNETH DOMINIC TTEE
<b>Book</b>	5204
<b>Mailing Address</b>	20366 HOPKINS RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	SW/RT 286
<b>Description 2</b>	3115' NW/RT 285
<b>Description 3</b>	N/A
<b>Land Code</b>	

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- Tax Parcels
- 911 Address
- Streets

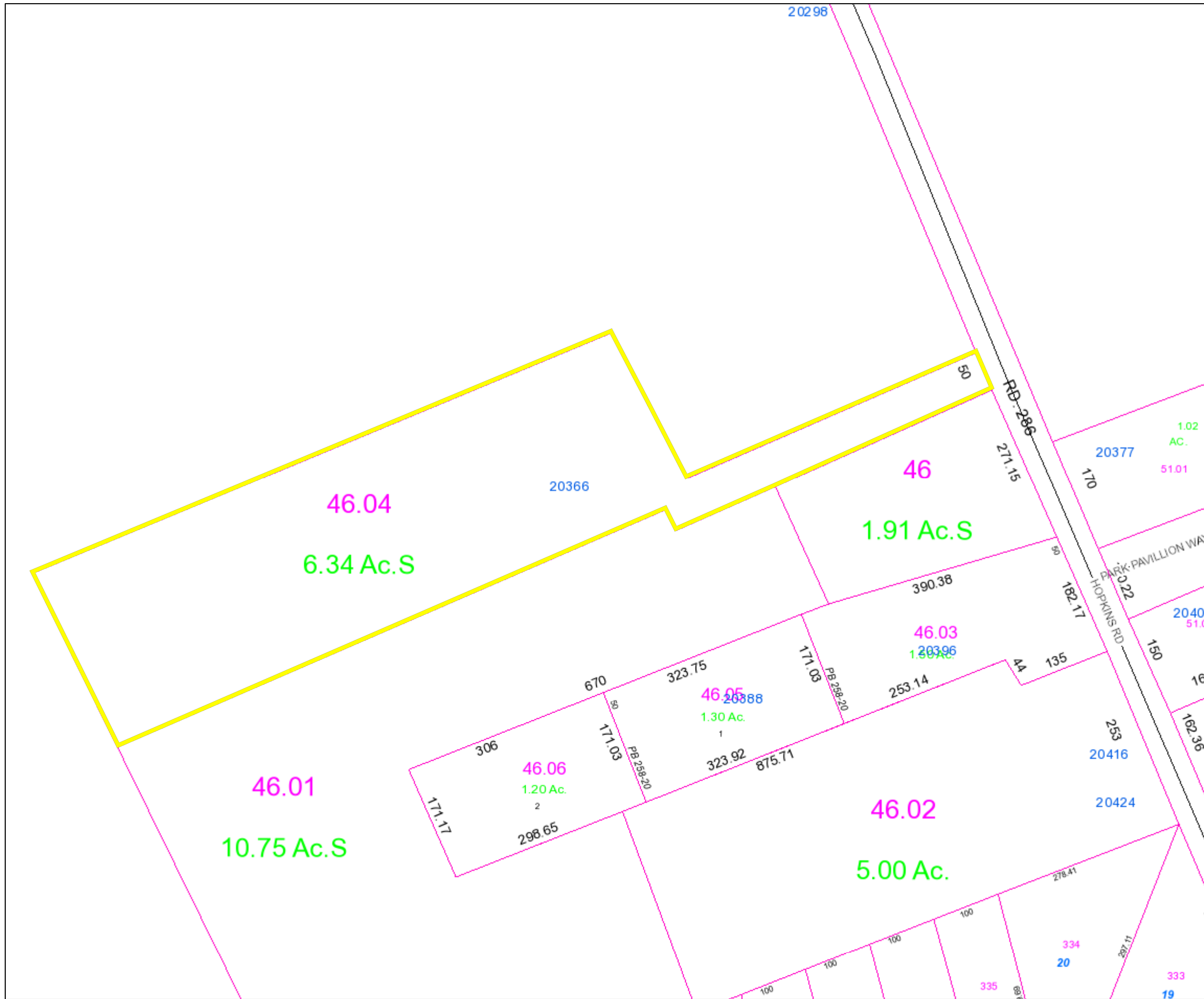
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# Sussex County



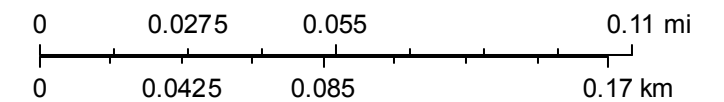
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<b>Mailing Address</b>	20366 HOPKINS RD
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<b>Description</b>	SW/RT 286
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<b>Description 3</b>	N/A
<b>Land Code</b>	

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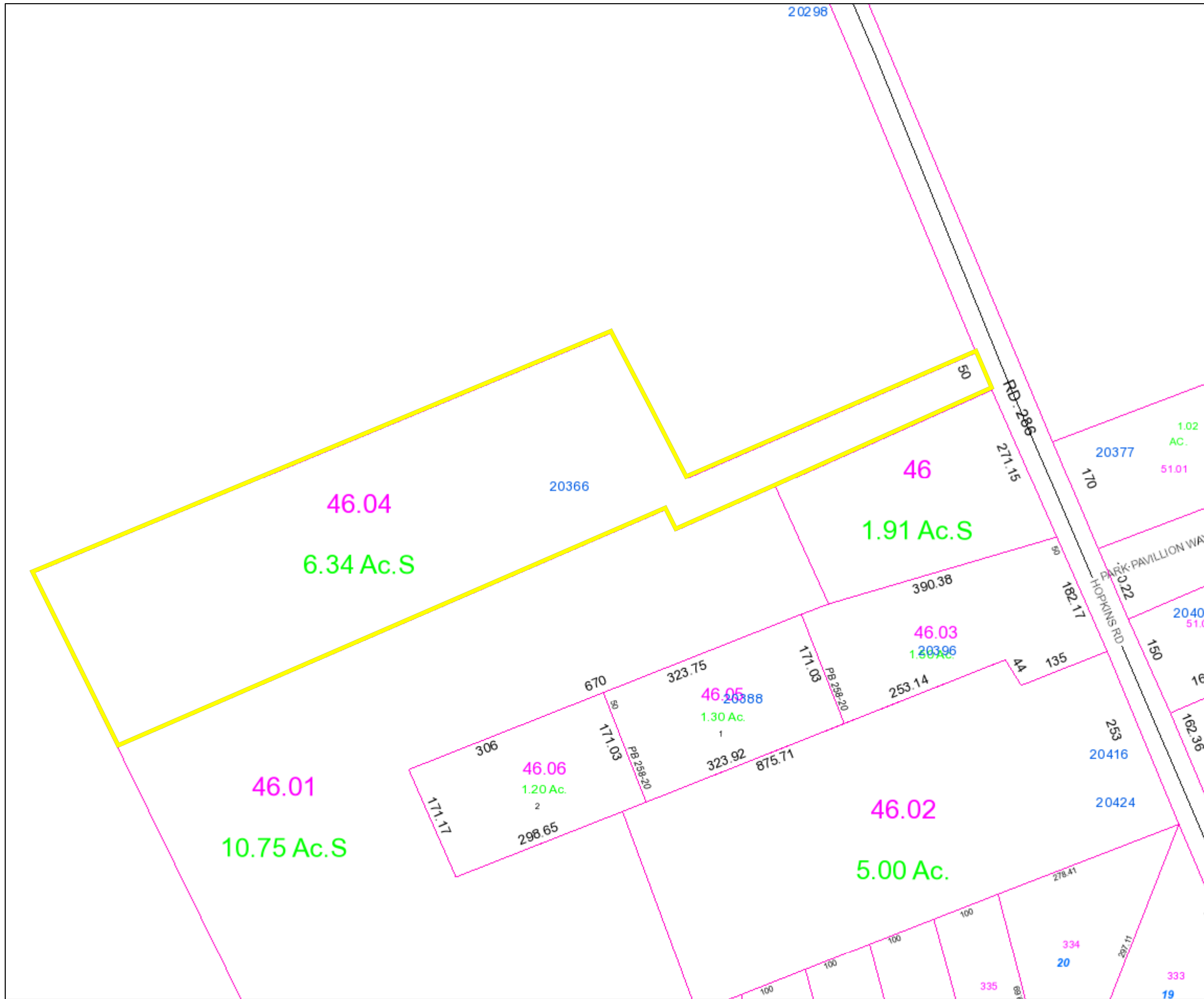
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- Streets

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# Sussex County



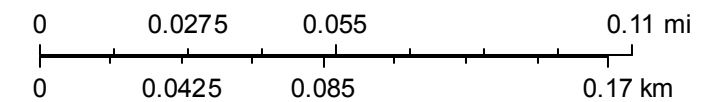
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<b>Owner Name</b>	DRUMMOND KENNETH DOMINIC TTEE
<b>Book</b>	5204
<b>Mailing Address</b>	20366 HOPKINS RD
<b>City</b>	LEWES
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<b>Description</b>	SW/RT 286
<b>Description 2</b>	3115' NW/RT 285
<b>Description 3</b>	N/A
<b>Land Code</b>	

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Override 1
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**Sussex County**

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 18, 2020

RE: County Council Report for CU 2233 Brothers Landscaping, LLC

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The Planning and Zoning Department received an application (CU 2233 filed on behalf of Brothers Landscaping, LLC) for a Conditional Use for parcel 231-13.00-190.00) to allow for a landscaping business at 24516 German Road, Seaford. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 5.0 acres, more or less.

The application was received following the service of a Notice of Violation dated January 15, 2020

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on July 23, 2020. At the meeting of August 13, 2020, the Commission recommended approval of the application for the 7 reasons and 11 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of July 23, 2020 and the draft minutes of the August 13, 2020 Planning & Zoning Commission meeting.

[Approved Minutes of the July 23, 2020 Planning & Zoning Commission Meeting](#)

### **C/U 2233 Brothers Landscaping, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES MORE OR LESS.** The property is lying on the north side of German Rd. approximately 1.58 miles east of Concord Pond Rd. 911 Address: 24516 German Road, Seaford. Tax Parcel: 231-13.00-190.00.



Mr. Whitehouse advised the Commission that they have received a site plan, a staff analysis, and a copy of the DelDOT service level evaluation response.

The Commission found that Mr. Ismar Chun was present on behalf of the Application, that also present is Amy Pardee. Ms. Pardee said that the proposal is to use the rear of the property for the business' commercial vehicles; that there was a complaint made against the property; that the business currently has eight trucks with trailers and a dump truck; that the dump truck will be stored in the rear of the property; that irrigation lines are stored inside; that one of the owners of the company resides on the property; that there are security cameras; that privacy fencing will be installed to screen from neighbors; and there will be no dumping of landscaping debris on the property

Mr. Chun stated that the business has been in operation for ten years; that there are 28 employees; that they were renting an area in Laurel but purchased this property September 2019; that the company has seven trailers, six bobcats; that a sign is being requested; and that hours of operation would be Monday – Friday from 6:00 am - 8:00 pm, Saturday 6:00 am – 3:00 pm with no Sunday hours.

The Commission found that two people spoke in favor of the Application. Mr. Don Brockette stated that he is the neighbor to the east of the subject property and that he fully supports the request for the conditional use for the property. Mr. Mark Casey stated he is a customer of Brother's Landscaping; that they do quality work; that they keep their place looking good; that they are good people; and that he supports their Application.

The Commission found that no one spoke in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2233 – Brothers Landscaping, LLC. Motion by Mr. Hopkins, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

#### Draft Minutes of August 13, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 23, 2020.

Ms. Stevenson moved that Commission recommend approval for Conditional Use 2233 Brothers Landscaping, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The property is located on a 5-acre parcel, among other large parcels of land. It is an appropriate location for this limited type of use.
2. The site is located within a Low-Density Area according to the Sussex County Comprehensive Plan. This low impact type of use is appropriate within this Area.
3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
4. The use will not adversely affect area roadways or neighboring properties.

5. The applicant has stated that his landscaping company provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. Two people spoke in favor of the application, including one of the neighboring property owners.
7. No parties spoke in opposition to this application.
8. This recommendation is subject to the following conditions:
  - a. This use shall be limited to a landscaping company.
  - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
  - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.
  - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - e. The hours of operation shall be limited to 6:00 am through 8:00 pm, Monday through Friday, and from 6:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as - needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
  - f. There shall not be any dumping of trees, branches, grass or other debris on the site.
  - g. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - h. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - i. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
  - j. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
  - k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, AICP, MRTPI

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date July 23, 2020.

Application: (CU 2233) Brothers Landscaping, LLC

Applicant: Brothers Landscaping, LLC  
24516 German Road  
Seaford, DE 19973

Owner: Ualfred and Ismar Chun  
24516 German Road  
Seaford, DE 19973

Site Location: 24516 German Road  
Seaford, DE 19973

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional  
Use Requested: Landscaping Business

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Mr. Wilson

School District: Seaford School District

Fire District: Seaford Fire District

Sewer: Tier 4- System Optional Area

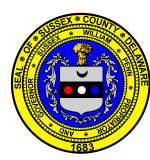
Water: Private

Site Area: 5.00 acres +/-

Tax Map ID.: 231-13.00-190.00







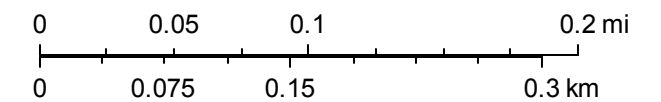
# Sussex County



<b>PIN:</b>	231-13.00-190.00	
<b>Owner Name</b>	CHUN CASTRO	UALFRED E
<b>Book</b>	5121	
<b>Mailing Address</b>	24516 GERMAN RD	
<b>City</b>	SEAFORD	
<b>State</b>	DE	
<b>Description</b>	LANDS OF RANDALL C	
<b>Description 2</b>	HANDY JR LOT 4	
<b>Description 3</b>	NW/RT 524 CT#43155	
<b>Land Code</b>		

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- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts

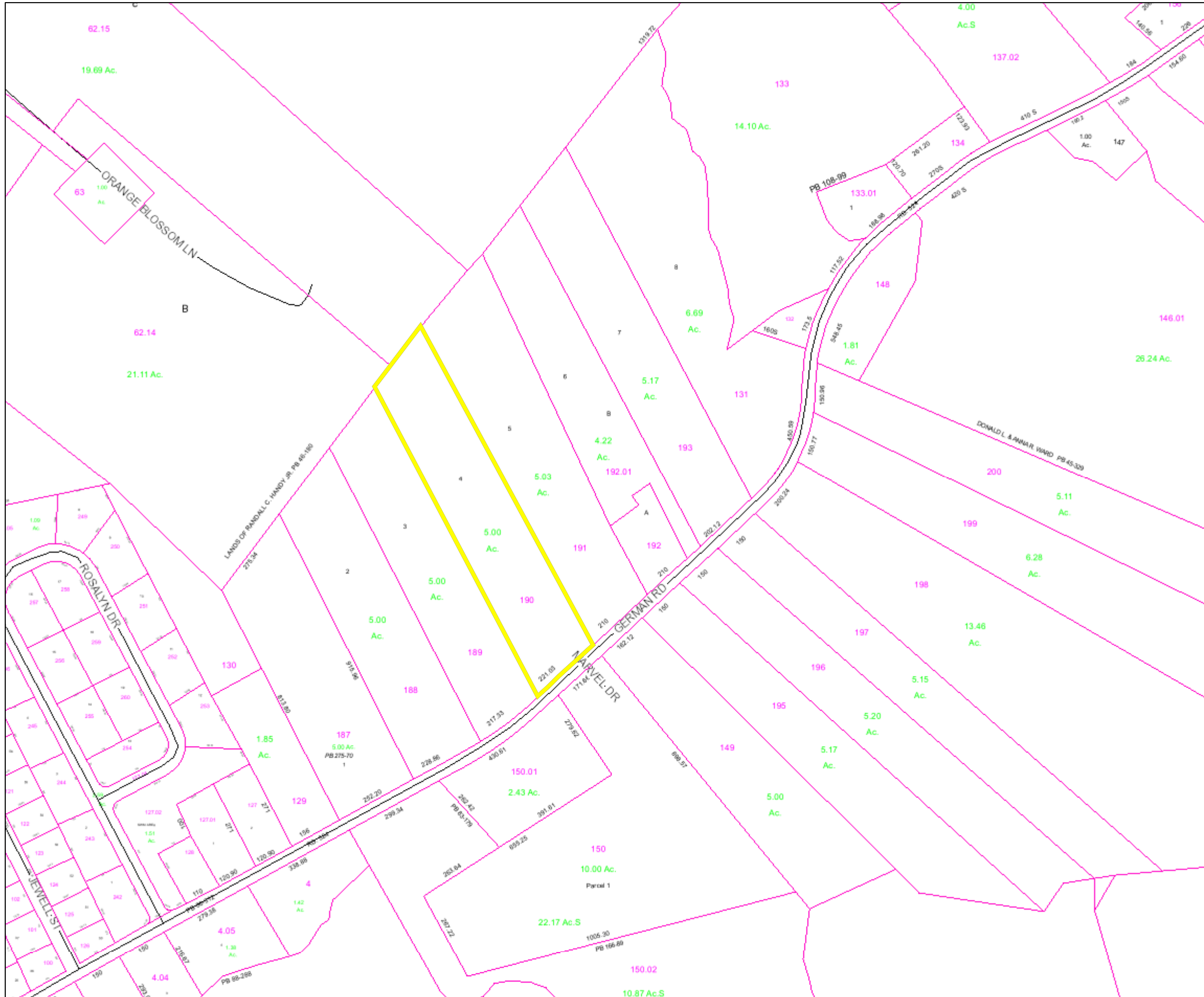
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# Sussex County



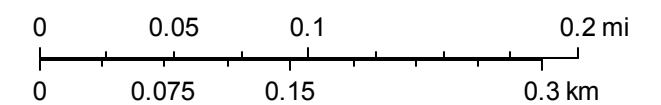
<b>PIN:</b>	231-13.00-190.00	
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	UALFRED E	
<b>Book</b>	5121	
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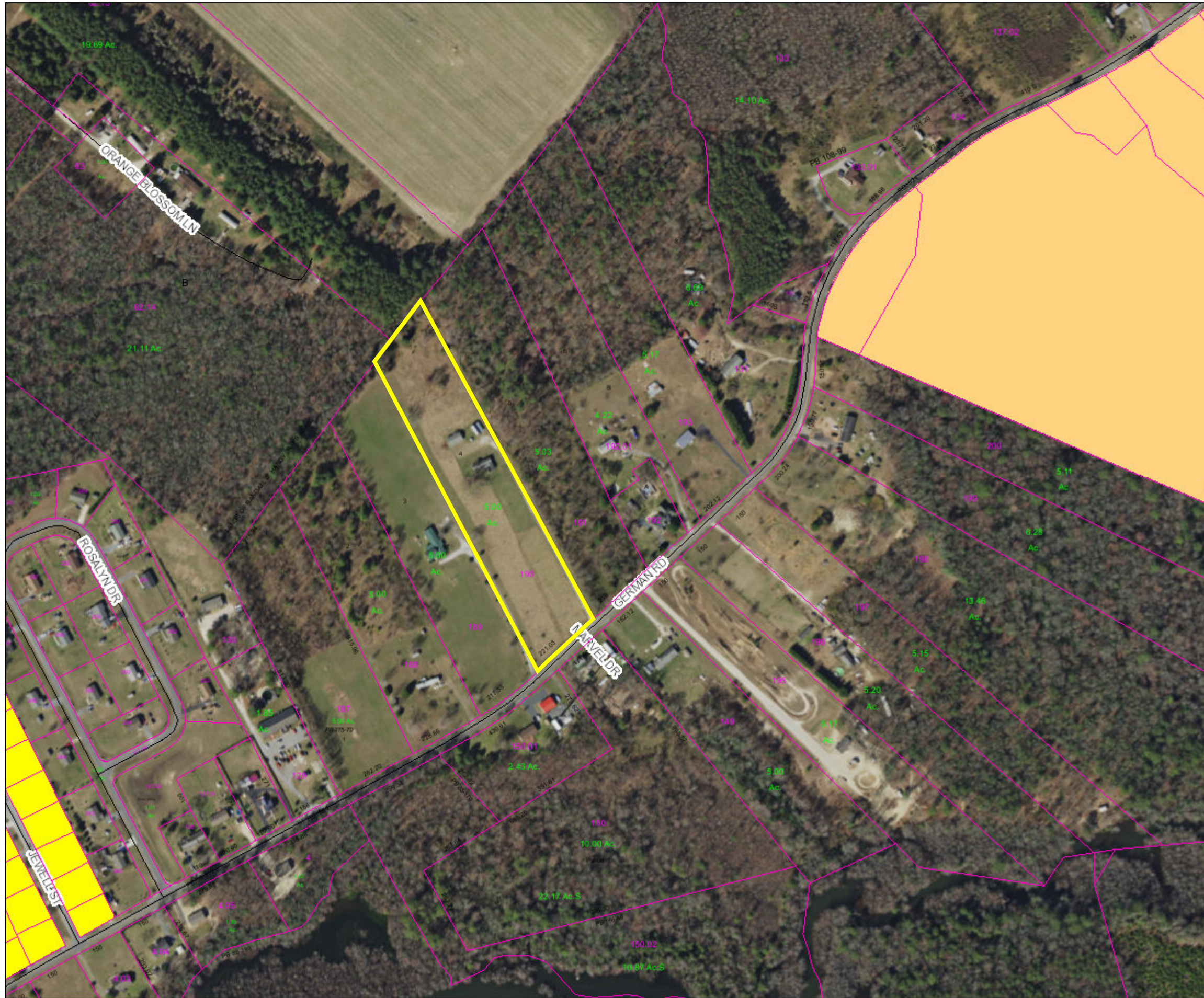
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# Sussex County



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- Streets

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