



Sussex County Council Public/Media Packet

**MEETING:
September 15, 2015**

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SAMUEL R. WILSON JR., VICE PRESIDENT
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Sussex County Council

AGENDA

SEPTEMBER 15, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Recognition of Retiring County Engineer Michael Izzo

Presentation by the Delaware Department of Transportation Secretary Jennifer Cohan

Todd Lawson, County Administrator

1. Proclamation – Constitution Week
2. Sign Ordinance Workshop Details
3. Delaware Department of Transportation 2017-2022 Capital Transportation Program Request
4. Administrator's Report

10:15 a.m. Public Hearing

D'Orazio Expansion of the Dagsboro-Frankford Sanitary Sewer District

Vince Robertson, Assistant County Attorney

1. Estates at Sea Chase - Receipt of Bond Proceeds and Release of Bonding Company



Hal Godwin, Assistant County Administrator

1. Dog Control Contract Update

Bobby Schoonover, EMS Technical Services Manager

1. Medic 104 & Eastern District Supervisor Station
 - A. Design Services

John Ashman, Director of Utility Planning

1. Resolution for Project Planning Advance for Chapel Green & Oak Crest Farms
2. Resolution for Asset Management Incentive Program

Heather Sheridan, Director of Environmental Services

1. Inland Bays Regional Wastewater Facility
 - A. Hydrogeologic Services for Rapid Infiltration Basins and Spray Irrigation

Lawrence Lank, Director of Planning and Zoning

1. Report on receipt of public comments regarding Conditional Use No. 2014, application of Jay Beach
2. Report on receipt of public comments regarding Change of Zone No. 1770, application of TD Rehoboth, LLC

Old Business:

“AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS”

Grant Requests

1. Trap Pond Partners for new storage building
2. Boys & Girls Clubs of Delaware for program expenses
3. Greater Georgetown Chamber of Commerce for the Wings & Wheels Festival

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Personnel and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2022 filed on behalf of Home of the Brave Foundation, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (located northwest of Sharps Road (Road 200) 0.6 mile northeast of Coastal Highway (Route One) - (Tax Map I.D. 330-12.00-11.01) (911 Address – 6632 Sharps Road, Milford)

Conditional Use No. 2023 filed on behalf of Frank Miranda

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (located northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection – (Tax I.D. No. 533-18.00-12.00) (911 Address: 33053 Lighthouse Road, Selbyville)

Conditional Use No. 2024 filed on behalf of Stockley Materials, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS” (located southeast of Lewes-Georgetown Highway (Route 9) 0.3 miles southwest of Coastal Highway (Route One) – (Tax I.D. No. 334-5.00-192.00, 193.00, 194.00) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 8, 2015 at 5:15 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 listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 18, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 18, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Todd Lawson, County Administrator, was not in attendance.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 331 15
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of August 11, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**PRIMEROS PASOS, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**CATHOLIC CHARITIES, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comment**

Public Comment

There were no public comments.

**New Salary
Structure**

Mr. Lawson presented for discussion the possibility of grandfathering employees as it pertains to the new pay scale. This topic was discussed during the Public Hearing on the FY16 Budget; at that time, concern was

New Salary Structure/Grand-fathering Provision (continued)

expressed about certain employees (15) who would fall outside of the maximum pay grades in the new salary structure. Mr. Lawson noted that, since the FY16 Budget did not contain any COLA, and merits were applied to current salaries, the pay structure as endorsed and enacted will have no effect on the 15 employees this budget year. Therefore, the concern is for the employees falling outside of their maximum range in the next budget year. Mr. Lawson noted that, for this reason, Council has a year to address the issue. Mr. Lawson stated that it is his understanding that the Council would want him and the Finance Director to develop the appropriate measure in the FY17 Budget process to codify the Council's direction on this issue.

M 332 15 Exempt Current Employees/ New Salary Structure

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council directs the County Administrator and Finance Director to exempt all current employees with a salary that exceeds the employees' maximum pay grade within the County's new pay plan which was adopted in the Fiscal Year 2016 Budget from being subject to maximum salary caps in future budgets; and, Be It Further Moved to allow any future merit or COLA calculation to be applied to said employees' base pay.

Motion Adopted: 5 Yeas.

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

Administrator's Report

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

1. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for June, there were 154 violent crime arrests with 114 clearances; 1,496 property crimes with 532 clearances; and 24,248 total traffic charges with 16,948 corresponding arrests. Of those traffic arrests, 465 were for DUI. Finally, there were 2,388 total vehicle crashes investigated in June. In total, there were 189 troopers assigned to Sussex County for the month of June.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Subcommittee Meeting

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Wednesday, August 19th, at 10:30 a.m. at the CHEER Community Center, 20520 Sand Hill Road, in Georgetown. During the meeting, the Committee will continue to discuss planning for their annual conference scheduled for October 21, 2015.

**Administrator's
Report
(continued)**

3. Sussex County Emergency Operations Center Call Statistics – July 2015

Attached please find the call statistics for the Fire and Ambulance Callboard for July 2015. There were 17,834 total calls handled for the month of July. Of those 9-1-1 calls in July, 82 percent were made from wireless phones.

4. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Swann Cove – Phase 6, effective August 3rd; Lewes Crossing (aka Deep Valley Farm) – Phase 3, effective August 6th; and Bay Forest Club – Phase 4.1, effective August 10th.

5. Council Meeting/Holiday Schedule

A reminder that Council will not meet on August 25th, September 1st, or September 8th. The next regularly scheduled Council meeting will be held on September 15th at 10:00 a.m.

County offices will be closed Monday, September 7th, for the Labor Day holiday.

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

**Public
Hearing/
Proposed
Ordinance/
Moratorium
on Off-
Premises
Signs**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".

This Ordinance establishes a six-month moratorium upon the acceptance of applications for a special use exception for off-premises signs. This moratorium may be extended, modified, or terminated at any time by a majority vote by the Sussex County Council.

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time action was deferred for further consideration by the full Commission. (Only three members of the Planning and Zoning Commission were present on August 13, 2015.)

The Council discussed the Proposed Ordinance and the County's sign ordinance, in general.

Public comments were heard.

**Public Hearing/
Proposed Ordinance/
Moratorium on Off-Premises Signs
(continued)**

Nancy Chernoff of Clear Channel Outdoors commented on digital billboards in the County.

Davit Hutt, Attorney, expressed his objections to the proposed moratorium. Mr. Hutt commented on the detrimental effects that a moratorium would have; commented on how the Council's discussion on bandit signs and LED signs turned into a proposed moratorium on billboards; and referenced the letter written by the Board of Adjustment, dated April 6, 2015, regarding off-premise signs. Mr. Hutt offered his assistance in the process of reviewing the County's sign ordinance.

Lynn Rogers, owner of Rogers Sign Company, expressed his objections to the proposed moratorium. Mr. Rogers commented on the detrimental effects that a moratorium would have on the economy. He also commented on the Highway Administration's and DeDOT's strict regulations on billboards.

Dan Kramer stated that the Public Hearing on this date is a waste of time since the Planning and Zoning Commission has not yet made a recommendation on the Proposed Ordinance.

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

**M 333 15
Defer Action on Proposed Ordinance/
Moratorium on Off-Premises Signs**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".

Motion Adopted: 5 Yeas.

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

**Report on Receipt of Information/
CZ 1770**

Lawrence Lank, Director of Planning and Zoning, reported on information received regarding Change of Zone No. 1770 filed on behalf of TD Rehoboth, LLC. Mr. Lank stated that, on June 2, 2015, the Council held a public hearing on this application. At the conclusion of the public hearing, Council requested that the record remain open for a period of 30 days for written comments or questions from Council and/or responses from agencies; thereafter, comments received would be presented to the Council after which the record would remain open for a period of 15 days for anyone wishing to respond (in writing) to the comments submitted.

Mr. Lank announced that reports were received from DeDOT and the Department of Agriculture. Comments were also received from Vince Robertson, Assistant County Attorney, in response to questions raised by

**Report on
Receipt of
Information/
CZ 1770
(continued)**

the Council and from Janelle Cornwell, Planning and Zoning Manager, relating to FAA regulations.

It was noted that the public will be given a 15 day period of time, until the close of business on September 2, 2015, to submit written comments pertaining to the information submitted to Council on this date.

**Old
Business/
CZ 1764
to Modify
Conditions
Imposed on
Ordinance
No. 1770**

Under Old Business, the Council discussed Change of Zone No. 1764, "AN ORDINANCE TO MODIFY CONDITION NUMBERS 1, 4, 13, AND 17 IMPOSED ON ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, LLC FOR THE COASTAL CLUB, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, AND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, FOR A 13.425 ACRES, MORE OR LESS, PORTION OF THE PROPERTY" (Change of Zone No. 1764) filed on behalf of Coastal Club, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on April 9, 2015 at which time the Commission deferred action. On April 23, 2015, the Commission recommended approval with conditions.

The Sussex County Council held a Public Hearing on this application on May 19, 2015 at which time action was deferred.

**M 334 15
Amend
Conditions
4 and 17A/
Ordinance
No. 1770**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Conditions Nos. 4 and 17A of Ordinance No. 1770 for the following reasons (1 – 6) as stated by the Planning and Zoning Commission in its recommendation for approval on Pages 10 and 11 of its submission to County Council on May 19, 2015:

- 1. The original Application contemplated sewer service via an on-site wastewater treatment and disposal system operated by a private utility.**
- 2. Since the time of approval, the sewer provider has changed so that the Coastal Club development will now be served as part of a Sussex County Sanitary Sewer District. As a result, Condition No. 4 of Ordinance No. 1770 should be modified to state "The development shall be served by central sewer as part of a Sussex County Sewer District."**
- 3. The developer has also proposed revised language for Condition No. 17A regarding the means of providing wastewater treatment and disposal to properties along Jimtown Road now that County sewer service is available. The revisions proposed by the developer have been modified by the Sussex County Engineering Department for conformity**

**M 334 15
Amend
Conditions
4 and 17A/
Ordinance
No. 1770
(continued)**

with its sewer requirements.

4. There must be a timeframe under which the developer is required to connect Jimtown properties to the Sussex County sewer system pursuant to the original Condition No. 17A without cost to those property owners choosing to connect. This must be clarified in the modified Condition No. 17A.
5. No property owner within Jimtown between Beaver Dam Road and the existing bridge at Goslee Creek should be required by Sussex County or the developer to connect to the County sewer system, but sewer is available for connection if they choose or if necessary.
6. Condition No. 17A shall be modified to state as follows, based upon the developer's request and the County Engineering Department's recommendations:

"A. Sewer

At its sole cost and expense, Developer will provide the properties of Jimtown with lateral and gravity connections to a Sussex County Sewer District, whereby capacity is allocated in accordance with the Goslee Creek Planning Study. The Jimtown service area is described as those properties with frontage on Jimtown Road that are located between the existing bridge at Goslee Creek and the intersection of Beaver Dam Road.

At its sole cost and expense, the Developer will complete construction of a sanitary sewer transmission system of sufficient size to convey the Jimtown sewerage through the Coastal Club sanitary sewer system to the Sussex County sewer system within three (3) years of the commencement of construction on the Coastal Club site. Based upon the established date of construction commencement (May 23, 2014), the Developer must complete the Jimtown transmission system by May 22, 2017.

At its sole cost and expense, Developer will engineer and construct a sanitary sewer collection system within Jimtown Road from the bridge to the intersection of Jimtown and Beaver Dam Roads, and connect it to the Coastal Club transmission system. The home, lot or parcel owners will not be responsible for any System Connection Charges (SCC's) if connected to the Central Sewer within three (3) years from the date of substantial completion of the Sewer System. The Developer shall be responsible for paying the SCC for any existing home connecting during the three (3) year period. No home, lot or parcel owners of Jimtown shall be required by Sussex County to hook up to the central sewer unless they choose to do so.

Each resident of Jimtown that chooses to hook up to the Coastal Club sanitary sewer system, with such hookup being solely at the discretion of each individual property owner, will pay the user rates set by Sussex County."

**M 334 15
(continued)**

Motion Adopted: 5 Yeas.

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

**M 335 15
Amend
Condition
No. 17C of
Ordinance
No. 1770**

Mr. Arlett and Mr. Cole requested that the County notify the residents of the timeframe for sewer.

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend Condition No. 17C of Ordinance No. 1770 for the following reasons (1 – 6) as stated by the Planning and Zoning Commission in its recommendation for approval on Pages 11 and 12 of its submission to County Council on May 19, 2015:

- 1. Condition No. 17C of the original approval required streetlights, but only “if desired by the residents of Jimtown”.**
- 2. The Applicant, with the assistance of First State Community Action Agency, has sought input from as many people as possible through various forms of outreach, including mailings, meetings, visits, ballots and phone calls. There is no clear consensus that streetlights are not wanted, and many people from Jimtown in attendance at the public hearing stated that they desire to have streetlights installed along Jimtown Road.**
- 3. There is also a significant amount of development occurring along Beaver Dam Road and Robinsonville Road. Many of these developments were not yet approved or in existence in 2005 when the Coastal Club project was first approved. Jimtown Road connects between these two roads, and will continue to see increased traffic as these developments progress. For this reason, requiring the developer to install streetlights along Jimtown Road as proffered by the original developer promotes the health, safety and welfare of the Jimtown Community and traffic safety along Jimtown Road.**
- 4. There was also testimony from the Jimtown Community during the public hearing that streetlights are not necessary every 100 feet as required by Ordinance No. 1770. Instead, as one member of the public stated, it is appropriate for them to be installed on the existing poles along the street.**
- 5. Finally, the original approval required the streetlights to be installed within 1 year of the start of construction of the Coastal Club project, which occurred on May 23, 2014. Since the 1 year deadline will be impossible to make, the Planning and Zoning Commission**

**M 335 15
Amend
Condition
No. 17C of
Ordinance
No. 1770
(continued)**

recommended that it be amended to state 2 years from the start of construction, giving the developer and the residents until May 22, 2016 for the streetlights to be installed.

6. Condition No. 17C of Ordinance No. 1770 shall be modified to state:

“Within two (2) years of the commencement of construction (May 23, 2014), Coastal Club, LLC at its sole cost and expense will provide for the installation of all streetlights required by DelDOT together with streetlights on each telephone pole along Jimtown Road between the existing bridge at Goslee Creek and the intersection with Beaver Dam Road. Additionally, all street light rental or service charges (for these streetlights only) will be borne by Coastal Club, LLC, its successors or assigns.”

[No vote was taken on this Motion.]

**M 336 15
Amend
Motion
M 335 15
Amending
Condition
No. 17C of
Ordinance
No. 1770**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Motion M 335 15 by amending the last sentence of reason 6 to read as follows:

Additionally, all street light rental, service charges, or any other related expenses (for these streetlights only) will be borne by Coastal Club, LLC, its successor or assigns.

Motion Adopted: 5 Yeas.

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

**M 337 15
Amend
Condition
17C of
Ordinance
No. 1770**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend Condition No. 17C of Ordinance No. 1770 for the following reasons (1 – 5) as stated by the Planning and Zoning Commission and Reason No. 6 which shall be modified, as amended:

- 1. Condition No. 17C of the original approval required streetlights, but only “if desired by the residents of Jimtown”.**
- 2. The Applicant, with the assistance of First State Community Action Agency, has sought input from as many people as possible through various forms of outreach, including mailings, meetings, visits, ballots and phone calls. There is no clear consensus that streetlights are not wanted, and many people from Jimtown in attendance at the public hearing stated that they desire to have streetlights installed along Jimtown Road.**

**M 337 15
Amend
Condition
17C of
Ordinance
No. 1770
(continued)**

3. **There is also a significant amount of development occurring along Beaver Dam Road and Robinsonville Road. Many of these developments were not yet approved or in existence in 2005 when the Coastal Club project was first approved. Jimtown Road connects between these two roads, and will continue to see increased traffic as these developments progress. For this reason, requiring the developer to install streetlights along Jimtown Road as proffered by the original developer promotes the health, safety and welfare of the Jimtown Community and traffic safety along Jimtown Road.**
4. **There was also testimony from the Jimtown Community during the public hearing that streetlights are not necessary every 100 feet as required by Ordinance No. 1770. Instead, as one member of the public stated, it is appropriate for them to be installed on the existing poles along the street.**
5. **Finally, the original approval required the streetlights to be installed within 1 year of the start of construction of the Coastal Club project, which occurred on May 23, 2014. Since the 1 year deadline will be impossible to make, the Planning and Zoning Commission recommended that it be amended to state 2 years from the start of construction, giving the developer and the residents until May 22, 2016 for the streetlights to be installed.**
6. **Condition No. 17C of Ordinance No. 1770 shall be modified to state:**

“Within two (2) years of the commencement of construction (May 23, 2014), Coastal Club, LLC, at its sole cost and expense, will provide for the installation of all streetlights required by DeDOT together with streetlights on each telephone pole along Jimtown Road between the existing bridge at Goslee Creek and the intersection with Beaver Dam Road. Additionally, all street light rental, service charges, or any other related expenses (for these streetlights only) will be borne by Coastal Club, LLC, its successors or assigns.”

Motion Adopted: 5 Yeas.

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

**M 338 15
Amend
Condition
No. 17D of
Ordinance
No. 1770**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition No. 17D of Ordinance No. 1770 for the following reasons 1 – 9 as stated by the Planning and Zoning Commission in its recommendation for approval on Pages 12 and 13 of its submission to County Council on May 19, 2015:

**M 338 15
Amend
Condition
17D of
Ordinance
No. 1770
(continued)**

- 1. Conditions No. 17D of the original approval required sidewalks but only “if desired by the residents of Jimtown”. It also stated that they should be installed either within the right of way of Jimtown Road or outside of the right of way on Jimtown lots. This requirement was proffered by the original developer of the Coastal Club project.**
- 2. The Applicant, with the assistance of First State Community Action Agency, has sought input about sidewalks from as many people as possible through various forms of outreach, including mailings, meetings, visits, ballots and phone calls. There is no clear consensus that sidewalks are not wanted, and many people from Jimtown in attendance at the public hearing stated that they desire to have sidewalks installed along Jimtown Road.**
- 3. The Applicant has stated its willingness to install sidewalks.**
- 4. It is not reasonable to require easements from property owners for the installation of sidewalks on their properties, especially if there is not 100% agreement about them. Also, many of the homes along Jimtown Road are very close to the right of way and there is very little room in some cases to put in a sidewalk outside of the right of way.**
- 5. There is a significant amount of development occurring along Beaver Dam Road and Robinsonville Road. Many of these developments were not yet approved or in existence in 2005 when the Coastal Club project was first approved. Jimtown Road connects between these two roads, and will continue to see increased traffic as these developments progress. For this reason, requiring the developer to install sidewalks along Jimtown Road promotes the health, safety and welfare of the Jimtown Community.**
- 6. There was also testimony during the public hearing that most of the homes are on the northeast side of Jimtown Road, so if sidewalks are going to be installed on just one side of the road as required by the original Condition No. 17D, it should be on the northeast side of Jimtown Road.**
- 7. The developer must consult with DeIDOT, the Sussex Conservation District and any other agencies that can be of assistance to design and construct the sidewalks within the road right of way on the northeast side of Jimtown Road between the bridge over Goslee Creek and the intersection with Beaver Dam Road.**
- 8. Because construction work will need to occur on Jimtown Road to install the sewer and roadway improvements required by Condition**

**M 338 15
Amend
Condition
17D of
Ordinance
No. 1770
(continued)**

Nos. 17A and 17E, the sidewalks should be installed at the same time as this work is underway. Condition No. 17A requires the sewer to be installed in Jimtown Road within three years of May 23, 2014, so the same timeframe should apply to the sidewalk installation.

9. For these reasons and the record made during the public hearing, Condition No. 17D of Ordinance No. 1770 shall be modified to state as follows:

“Within three (3) years of the commencement of construction (May 23, 2014), Coastal Club, LLC at its sole cost and expense shall provide a sidewalk within the Jimtown Road right of way on the northeast side of Jimtown Road from the existing bridge over Goslee Creek to the intersection of Jimtown Road and Beaver Dam Road in accordance with the approval of DeIDOT and the Sussex Conservation District.”

Motion Adopted: 5 Yeas.

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

**M 339 15
Modify
Condition
No. 1 of
Ordinance
No. 1770**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend Condition No. 1 of Ordinance No. 1770 for the following reasons (1 – 2) as stated by the Planning and Zoning Commission in its recommendation for approval on Page 13 of its submission to County Council on May 19, 2015:

1. Condition No. 1 concerns the number of units within the development. The original Condition No. 1 stated that “the maximum number of dwelling units shall not exceed 630 of which at least 432 shall be located on single family lots. The 20 lots with roadway connection to Jimtown Road shall also be eliminated.”
2. Although the 20 Jimtown Road single family lots were eliminated, the total number of single family lots in the entire development was not reduced by 20 lots. As a result, the first sentence of Condition #1 should have referenced 412 single family lots instead of 432 so that Condition #1 states as follows:

“The maximum number of dwelling units shall not exceed 630 of which at least 412 shall be located on single family lots. The 20 lots with roadway connection to Jimtown Road shall be eliminated. The roadway connection to Jimtown Road shall be eliminated.”

Motion Adopted: 5 Yeas.

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

**M 440 15
Approve
Removal
of RPC
Overlay**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Council approves the removal of the Residential Planned Community (RPC) Overlay from 13.4 acres of land that was originally part of Coastal Club RPC (Ordinance No. 1770).

Motion Denied: 5 Nays.

(DENIED)

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
Mr. Arlett, Nay; Mr. Wilson, Nay;
Mr. Vincent, Nay**

**Reasons for
Denial of
M 440 15**

Motion M 440 15 was denied for the following reasons:

- 1. The area of the request to delete the RPC Overlay was originally part of the Coastal Club RPC, and the acreage was used to calculate the overall density of the project.**
- 2. There has been no justification for the removal of the RPC designation, other than the fact that the land is no longer needed for the on-site wastewater treatment facility that was originally proposed for the project. The project is now going to be part of the Sussex County Sanitary Sewer District.**
- 3. The original RPC approval limited density to 1.74 units per acre on all of this land rezoned to MR from AR-1 as part of the application.**
- 4. As stated in the original Findings of Fact for Ordinance No. 1770, it was noted that the RPC kept the density to an appropriate level less than what was permitted under the surrounding AR-1 Zoning. By removing the RPC Overlay, the density could rise to up to 4 units per acre under the MR Zoning. The Planning and Zoning Commission does not believe this possible density would have been approved at the time the Coastal Club application was originally presented and the necessary change in zone to MR was permitted primarily as a result of the RPC Overlay limiting the density of the project.**
- 5. MR zoning without a RPC Overlay allowing up to 4 units per acre is not appropriate in this location.**
- 6. For the foregoing reasons, the Planning and Zoning Commission recommended denial of Applicant's request for removal of Residential Planned Community Overlay from 13.4 acres of land that was originally part of Coastal Club RPC (Ordinance No. 1770) and, therefore, the property should remain subject to the MR/RPC as originally contemplated for the Coastal Club residential project.**

**M 441 15
Amend
Condition
No. 13**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition No. 13 of Ordinance No. 1770, and generally modify Ordinance No. 1770 for the following reasons 1 – 2 as stated by the Planning and Zoning Commission in its recommendation for approval on Pages 14 and 15

**M 441 15
Amend
Condition
No. 13 of
Ordinance
No. 1770
(continued)**

of its submission to County Council on May 19, 2015:

1. Throughout all of Ordinance No. 1770, there is reference to the developer being Marine Farm, LLC. Since that LLC is no longer involved in the project, all references to it should be updated to refer to Coastal Club, LLC.
2. The Applicant has stated that Condition No. 13, regarding the “Eagle Wildlife Habitat Conservation Area” is no longer necessary, as there is not an eagle nest on the property. It is appropriate to modify this condition under the circumstances, but it should still remain as open space. The Planning and Zoning Commission recommend that it be modified to state:

“The former 42-acre “Wildlife Habitat Area” shall remain an open natural area in perpetuity, with uses limited to trails and other passive recreational uses. There shall not be any residences, structures, pool, clubhouses, or similar amenities constructed within this area.”

Motion Adopted: 5 Yeas.

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

**Request
for Re-
statement
of Condi-
tions of
Ordinance
No. 1770**

Mr. Moore reported that the Planning and Zoning Commission requested, as part of the adoption of their recommendations to Council, that Council include a restatement of all of the Conditions of Ordinance No. 1770, as modified, in their entirety, so that there is one document containing all of the current conditions of approval. Mr. Moore advised that his office has prepared this document.

**M 442 15
Adopt
Ordinance
No. 2413**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2413 entitled “AN ORDINANCE TO MODIFY CONDITION NUMBERS 1, 4, 13, AND 17 IMPOSED ON ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, LLC FOR THE COASTAL CLUB, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, AND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, FOR A 13.425 ACRES, MORE OR LESS, PORTION OF THE PROPERTY” (Change of Zone No. 1764), as amended.

Motion Adopted: 5 Yeas.

**M 442 15
(continued)**

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

**Notice to
Property
Owners**

A copy of Ordinance No. 1770, as amended, will be sent to the Jimtown property owners as notification of the timeframe/deadlines for each project.

**Pump
Station 23
Modifi-
cations
Project**

Juel Gibbons, Project Engineer, presented the bid results for Contract 14-22, Pump Station 23 Modifications Project. The construction work detailed in the contract consists of modifying an existing wet pit / dry pit pump station to a conventional submersible pump station. Ms. Gibbons reported that seven bids were received and that the low bidder was Hopkins Construction, Inc. of Bridgeville in the amount of \$483,820.00. The Engineer's estimate for the project was \$641,780.00.

**M 443 15
Award
Contract/
Pump
Station 23
Modifi-
cations
Project**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Contract 14-22, Pump Station 23 Modifications, be awarded to Hopkins Construction, Inc. of Bridgeville, Delaware, at a bid amount of \$483,820.00.

Motion Adopted: 5 Yeas.

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

**Pump
Station 207
and Force
Main
Project**

Juel Gibbons, Project Engineer, presented a Balancing Change Order and request to grant Substantial Completion for Contract 12-23, Pump Station 207 and Force Main. This contract is for the installation of approximately 100 LF of gravity sewer, 9,000 LF of force main, construction of a new pump station building and fencing, addition of odor control, and upgraded electrical and communications systems. On June 3, 2015, the new pump station was placed into operation; thus, the request is that the Council approve June 3 as the date of Substantial Completion. The proposed Balancing Change Order results in a credit to the contract in the amount of \$137,683.21. The original contract amount was \$4,123,810.90; Change Order No. 1 also resulted in a credit to the contract in the amount of \$4,062.10. The final contract amount is \$3,982,065.59.

**M 444 15
Pump
Station 207
and Force
Main
Project/
Approve
Change
Order &
Grant
Substantial
Completion**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Balancing Change Order for Contract No. 12-23, Pump Station 207 and Force Main, be approved, which decreases the contract amount by \$137,683.21 for a new total of \$3,982,065.59 and that Substantial Completion be granted, effective June 3, 2015, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

**M 444 15
(continued)**

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

**Route 26
Phase 3
Sewer
Expansion
Project**

Joe Wright, Assistant County Engineer, presented an Agreement for professional services for the Route 26 Phase 3 Sewer Expansion Project. The construction work is part of DelDOT's overall Route 26 improvement project. Mr. Wright reported that the DelDOT project had an original completion date of 900 calendar days starting in January 2014. There is no milestone completion date requirement within that contract that specifies when the Sussex County work had to be completed. The County originally included a Construction Administration and Resident Project Representation Services period of June 2014 through January 2015. Mr. Wright reported that the County's work will be completed prior to the end of DelDOT's project completion; however, there is additional time required through September 2015. The County's contractor is Whitman Requardt & Associates.

**M 445 15
Approve
Agreement/
Route 26
Phase 3
Sewer
Expansion
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that an Agreement for Construction Administration and Resident Project Representation Services on the SR 26 Phase 3 Sewer Expansion Contract, in an amount not to exceed \$75,879.00, be approved, effective August 18, 2015.

Motion Adopted: 5 Yeas.

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

**IBRWF
Phase 2B
Expansion
Project**

Joe Wright, Assistant County Engineer, presented an Agreement for the Inland Bays Regional Wastewater Facility Phase 2B Expansion Contract for Construction Administration and Resident Project Representation Services. The completion date for this project was April 20, 2015; however, the project is not yet completed. The current anticipated completion date is October 1, 2015, which would be approximately 160 calendar days beyond the original completion date. In accordance with contract documents, liquidated damages would be assessed against the contractor for failure to perform on time, in an amount not to exceed \$2,000.00 per day. Mr. Wright stated that it is the County's intent to fully recover the costs presented on this date from the contractor through the liquidated damage process, upon completion of the project.

**M 446 15
Approve
Agreement/
IBRWF
Phase 2B
Expansion
Project**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1-A for Construction Administration and Resident Project Representation Services on the Inland Bays Regional Wastewater Facility, Phase 2B Contract, in an amount not to exceed \$68,040.00, be approved, effective August 18, 2015.

**M 446 15
(continued)**

Motion Adopted: 5 Yeas.

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

**Pump
Station 210
Improve-
ments/
Bid
Results**

Michael Izzo, County Engineer, presented the bid results for Contract No. 15-07, Pump Station 210 Improvements. Mr. Izzo reported that Pump Station 210 is the main pumping station for the West Rehoboth Sewer District, which pumps directly to the Wolfe Neck Plant. Mr. Izzo stated that the Engineering Department is looking to reduce the flow to the plant and that this proposed improvement will begin redirecting a portion of the flow from Pump Station 210 that would go to Wolfe Neck to the Inland Bays Plant.

Mr. Izzo reported that two bids were received and that the low bidder was Kuhn Construction with a bid amount of \$5,003,700.00, with alternate bid items. The Engineer's estimate was \$4,837,300.00 with alternate bid items. Mr. Izzo commented on the over budget amount when comparing the bid to the Engineer's estimate. Mr. Izzo noted that this is a time-sensitive project; it is anticipated that the improvements would be on-line in the Summer of 2017. Mr. Izzo stated that the Engineering Department recommends awarding the bid to Kuhn Construction.

**M 447 15
Award
Bid for
Pump
Station 210
Improve-
ments**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Sussex County Project No. 15-07, Pump Station 21 Improvements, be awarded to Kuhn Construction Co. of Hockessin, Delaware, at the base bid amount of \$5,003,700.00

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 448 15
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for the promotion of the Nanticoke Heritage Byway Project.

Motion Adopted: 5 Yeas.

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

**M 449 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Summer Children's Theatre for program expenses.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR SINGLE-FAMILY / CONDOMINIUM UNITS (AGE RESTRICTED) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS" (Conditional Use No. 2029) filed on behalf of Truitt Homestead, LLC (Tax I.D. No. 334-19.00-3.00) (911 Address: None Available).

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR PROPANE AND OIL STORAGE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.82 ACRES, MORE OR LESS" (Conditional Use No. 2030) filed on behalf of Dean Sherman / Sherman Heating Oil (Tax I.D. No. 331-3.00-164.00) (911 Address: None Available).

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR - 1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.3 ACRES, MORE OR LESS" (Conditional Use No. 2031) filed on behalf of East Coast Auto, Inc. (Tax I.D. No. 531-11.00-40.00) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS" (Change of Zone No. 1785) filed on behalf of Truitt Homestead, LLC (Tax Map I.D. No. 334-19.00-3.00) (911 Address: None Available).

Introduction of Proposed Zoning Ordinances (continued)

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Change of Zone No. 1786) filed on behalf of Wilson Baker, Inc. (Tax Map I.D. No. 230-26.00-40.00) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

Council Members' Comments

Mrs. Deaver questioned the Council Members' comment process during Council meetings.

Mr. Arlett commented on various events he attended in the County.

Mr. Arlett also commented on the 2015 Little League Big League Softball World Series games that took place in Sussex County and extended congratulations to all the teams.

M 450 15 Go Into Executive Session

At 12:07 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to personnel and land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session

At 12:08 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to personnel and land acquisition. The Executive Session concluded at 12:28 p.m.

M 451 15 Reconvene Regular Session

At 12:29 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

Action

Mr. Moore announced that there was no action on Executive Session items.

**M 452 15
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 12:20 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

Respectfully submitted,

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

DRAFT

SUSSEX COUNTY COUNCIL



A PROCLAMATION TO DECLARE SEPTEMBER 17-23 AS CONSTITUTION WEEK

WHEREAS, the Sussex County Council wishes to recognize organizations for their contributions to the betterment of our community; and

WHEREAS, the Major Nathaniel Mitchell Chapter of the Daughters of the American Revolution of Georgetown and other DAR chapters across the United States serve as volunteer, patriotic organizations that promote education and historic preservation; and

WHEREAS, in support of its mission, the Daughters of the American Revolution will lead the country's celebration of Constitution Week from September 17, 2015, through September 23, 2015; and

WHEREAS, the United States of America functions as a republic under the Constitution, the oldest written national constitution still in active use, which outlines the self-government of a people; and

WHEREAS, this landmark idea that ordinary citizens had the inalienable right as individuals to be free, living their lives under their own governance, was the impetus of the American Revolution; and

WHEREAS, the tradition of celebrating the Constitution began nearly 60 years ago by the Daughters of the American Revolution, when, in 1956, President Dwight D. Eisenhower officially declared September 17 through September 23 as Constitution Week; and

WHEREAS, the intent of the celebration is to emphasize citizens' responsibilities for defending, protecting and preserving the Constitution for posterity; to inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and to encourage the study of the historical events which led to the framing of the Constitution in 1787;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby declares September 17 through September 23 as Constitution Week in Sussex County; and

BE IT FURTHER RESOLVED that all citizens are encouraged to reflect on the duty committed to each of us by our forefathers – to preserve, protect and defend the Constitution, and the freedoms it guarantees, for generations to come.



Michael Vincent, Council President

Dated: September 15, 2015



Sussex County 2017-2022 Capital Transportation Program Request

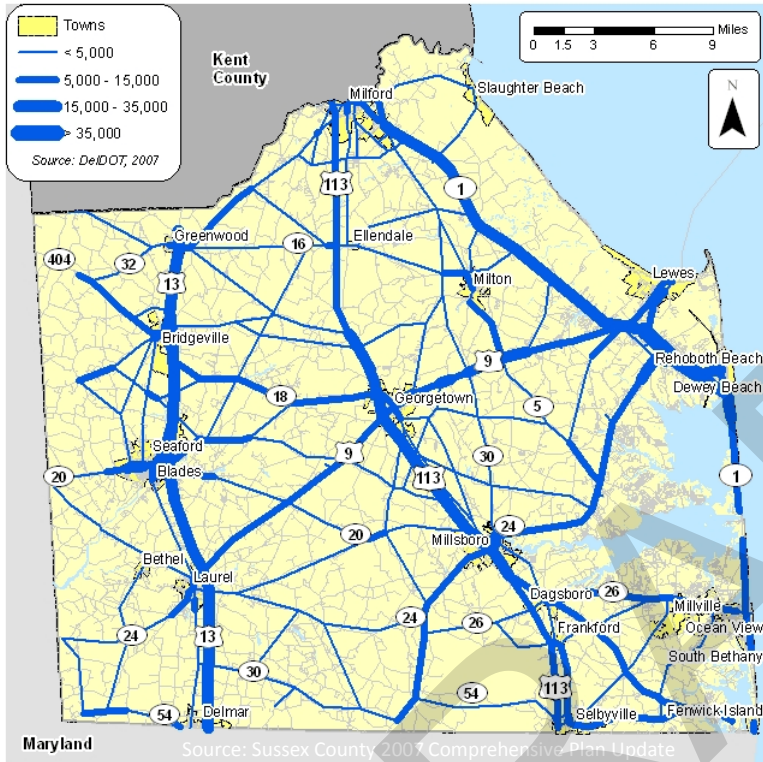


September 24, 2015

Sussex County

2017-2022 Capital Transportation Program Request

Average Annual Daily Traffic - 2005



Sussex County is Delaware's largest county, with 938 square miles of land within its borders. Within that broad expanse is more than 37 percent of the State's 6,281 miles of public roadway.

In Sussex County, the most heavily traveled roadways are US 13 and SR 1 (each carrying more than 30,000 vehicles daily), followed by US 113 with more than 24,000 vehicles daily. At the same time, the major east-west routes also are heavily traveled, though these are less capable of extensive traffic. Congestion due to the movement of summer visitors often compounds traffic problems.

As noted in the charts below, congestion is expected to worsen by 2030, even assuming currently planned projects are completed.

2000 and 2030 Year-Round Congestion (Volume to Capacity Ratio > 85%)



2000 and 2030 Summer Congestion (Volume to Capacity Ratio > 85%)



Source: Sussex County 2007 Comprehensive Plan Update

Sussex County Priorities

2017-2022 Capital Transportation Program Request



The following items are Sussex County's transportation priorities for the 2017-2022 Capital Transportation Program, based on past requests and public input. Each priority is explained in further detail in subsequent sections of this request:

- SR 1 Improvements
- Delaware Coastal Airport
- Park Avenue/US 9 Truck Route
- East-West Improvements
 - ❖ SR 24
 - ❖ SR 26
 - ❖ Routes 404/9
- Bicycling/Walking Trails
- North-South Highway Improvements
- Local Roads
- Intersections, Signage & Signalization
- Alternative Transportation

Del. Route 1 Improvements

2017-2022 Capital Transportation Program Request

Pedestrian and bicyclist safety along the SR 1 corridor in Sussex County's beach communities has gained increasing attention in recent years with numerous accidents, some fatal, occurring along the highway, particularly between the Five Points intersection and Dewey Beach.

Sussex County recognizes finding solutions to the challenges present along SR 1 will not be easy. An ongoing \$6.5 million effort to install sidewalks and add or improve existing crosswalks within the corridor, scheduled for completion by Fall 2016, stands to enhance pedestrian safety. However, pedestrian concerns must be balanced with the needs of the 80,000 daily beach-bound vehicles that depend on a steady traffic flow to reach their destinations. The County continues to call on DelDOT to consider reduced speed limits and simplified, visible signage in the corridor to aid drivers and pedestrians. Additionally, a low-level median barrier also might be appropriate to discourage pedestrian traffic outside of crosswalks.



What is critical is that there be community consensus in whatever decisions are made, to ensure SR1 serves its primary purpose as the gateway to Delaware's beaches, while maintaining safety for those who walk, bike and ride the corridor each day.

Editorial »

Route 1 fatality demand

Hot topics: Route 1 lights, crosswalks

DelDOT: Crosswalks

DelDOT: Funds

Police investigate fatal crash near Dewey Sussex roads

Courtesy: Cape Gazette (Summer 2013)

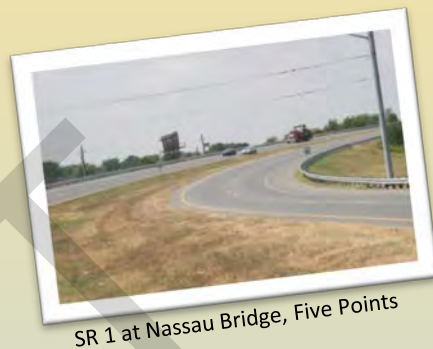
Del. Route 1 Improvements

2017-2022 Capital Transportation Program Request

Sussex County supports a multi-faceted approach to enhancing SR 1 to improve pedestrian safety and ensure traffic flow.

➤ **Five Points Intersection/US 9 Realignment**

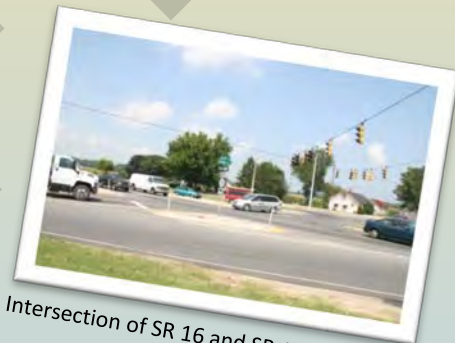
Improvements are needed at the Five Points intersection to reduce accidents at this gateway to the resort area, which is often congested and confusing to motorists. Realignment of the US 9 connection at Five Points, as well as reduced speeds on SR 1 south of the Nassau bridge, could ease congestion and improve safety. Meantime, intersection improvements at Wescoats and Savannah roads and a planned New Road connector could alleviate traffic approaching the Five Points area.



SR 1 at Nassau Bridge, Five Points

➤ **Intersection at SR 16 near Milton**

An overpass with exits at this intersection, similar to the design built at SR 1/SR 30 near Milford, would improve safety by eliminating cross-traffic and the need for a traffic signal.



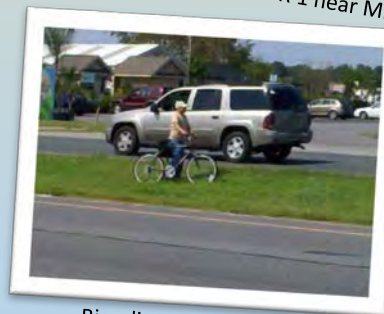
Intersection of SR 16 and SR 1 near Milton

➤ **Sidewalks**

Additional sidewalks along SR 1, particularly in gaps that exist between Five Points to Dewey Beach, would improve safety for pedestrians and encourage walking along the busy corridor.

➤ **Pedestrian Crosswalks**

Pedestrian/bicycle crosswalks at key locations – namely existing intersections – along with reduced speed limits would improve safety, especially for those walking near the retail outlets.



Bicyclist crossing SR 1

➤ **Pedestrian/Bicycling Paths**

Expanding the popular Rails with Trails concept along railway corridors, particularly between Georgetown and Lewes, could improve alternative movement to and along the SR 1 corridor. Additionally, dedicated pathways, improved lighting, more visible signage and crossings, and education outreach efforts to visitors could enhance bicycling safety, which is paramount in light of recent tragedies involving motorists fatally striking pedestrians and cyclists on SR 1.

➤ **Commercial Properties Interconnectivity**

Connecting entrances/exits between adjoining commercial properties should be a priority, where possible, along the SR 1 corridor. This would allow those visiting stores the ability to move among the properties without having to re-enter and exit the highway. Such connectivity also should be used in commercial areas along the US 13 and US 113 corridors.



Sidewalk ends along SR 1

Delaware Coastal Airport

2017-2022 Capital Transportation Program Request



Delaware Coastal Airport near Georgetown is a critical part of Southern Delaware's transportation system, and the facility – with a new name, marketing campaign and growing commercial activity – continues to provide lift to the local economy.

The airport records nearly 40,000 landings and takeoffs each year, and is home to a vibrant economic and educational base, including PATS Aircraft Systems with its auxiliary fuel tank installation business and the DelTech aircraft maintenance training program. Currently, there are 16 employers and nearly 1,100 jobs at the adjacent Sussex County Industrial Park, with an annual payroll of more than \$36 million.

Planned improvements, notably the extension of the main runway from 5,500 feet to 6,000 feet, will help retain well-paying jobs and attract new opportunities to Delaware Coastal Airport and the greater community. An earlier 500-foot runway extension project began in August 2012 and was completed in late 2013.

Sussex County government plans improvements of nearly \$12 million from FY16 to FY20 at the airport and industrial park complex. The local share of costs for the additional 500-foot runway extension will be approximately \$12 million. This includes \$6 million for the actual runway extension, and an additional \$6 million for the necessary realignment of Park Avenue (see Page 7). The Delaware General Assembly in June allocated \$5 million in the Bond Bill for improvements, laying additional groundwork for this important project to get in the air.

The County urges the Council on Transportation, the Department, and the State to continue their work with the County and Delaware's Congressional delegation to secure the necessary federal and state funding for the full 1,000-foot runway extension, which is critical to ensuring aviation safety and continued economic opportunities in Sussex County.

Park Avenue/US 9 Truck Route

2017-2022 Capital Transportation Program Request



Park Avenue is an essential route in the Georgetown area, providing access to the Sussex County Industrial Park, as well as a bypass for trucks and local traffic moving through the central portion of the county. However, this two-lane road – also known as Truck Route 9, the designated road for tractor trailers moving through the Georgetown area – is in need of critical upgrades, from turn lanes and shoulders to intersection improvements and a partial realignment.

As part of the planned main runway extension project at Delaware Coastal Airport, the southern end of Park Avenue to shift from its current terminus at South Bedford Street to approximately one-half mile south, to the intersection of South Bedford Street and Arrow Safety Road. The realignment is necessary to accommodate the extension of the main runway at Delaware Coastal Airport to 6,000 feet.

Equally as important, the realignment and need for other upgrades provide an opportunity for the State to enhance this route, which could serve as the base of a future Georgetown bypass to accommodate through-traffic to and from the beaches, as well as along the US 113 corridor.

While the Delaware General Assembly has earmarked \$5 million in funding for the airport and Park Avenue project, spread over the next five years, County government requests the Council on Transportation give thoughtful consideration to allocating additional long-term funding for Park Avenue's realignment and other improvements. Doing this would enable the runway project to move forward sooner and guarantee a safer route for the traveling public.

East–West Corridors

2017-2022 Capital Transportation Program Request

The Capital Transportation Program budget in FY16 includes approximately \$20.5 million in State and federal funding for a number of improvements to portions of the county’s network of east-west arteries. Projects targeted for funding include preliminary engineering work on SR 24, intersection improvements along the US 9 corridor, and continued construction of the mainline SR 26 improvements.

Sussex County appreciates the State’s ongoing attention to these very critical links to the transportation system by budgeting for these current and future long-term projects.

However, substantially more funding will be needed in the years ahead, particularly for rights of way acquisitions, so improvements on other major east-west arteries can occur across the entire network. These improvements would include:

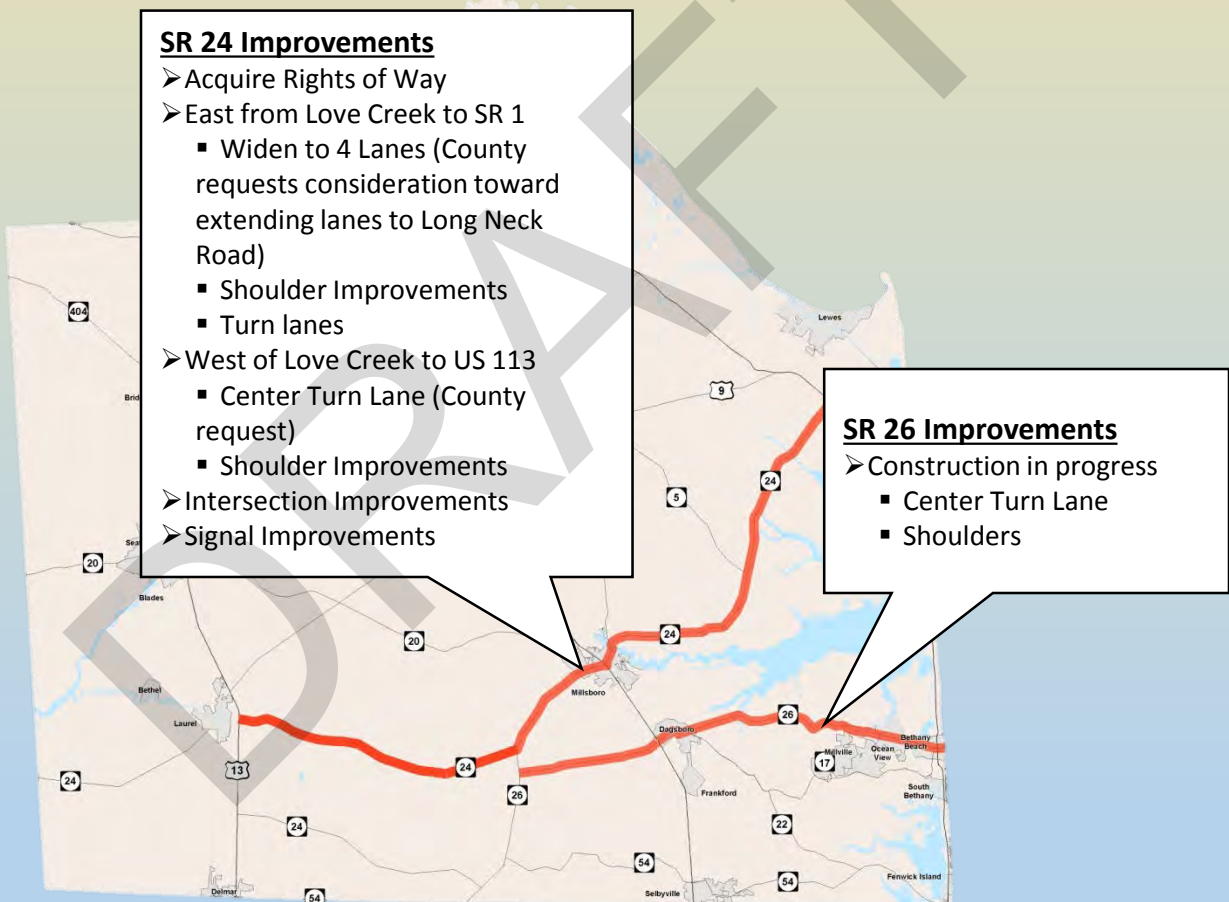
- Widening corridors with additional lanes and shoulders to accommodate increased traffic volume, improving traffic flow and safety;
- Resurfacing of shoulders to highway standards;
- Intersection upgrades such as the addition of left-turn lanes, increased illumination, and directional signage;
- Better coordination of traffic signals at identified choke points.

If current travel patterns continue as predicted, increased and frequent congestion will further interfere with local residents’ mobility in many areas. Anticipating and funding necessary improvements such as these across the county’s entire network of east-west arteries will better meet the travel needs of local residents and visitors for decades to come.

East–West Corridors

2017-2022 Capital Transportation Program Request

State Routes 24 and 26 are two of Sussex County's primary east-west corridors, allowing entry and egress from coastal communities. These routes are critical to allowing local motorists and destination drivers access to homes and commercial centers in the resort area. The routes in their current configuration, both two-lane roads, are currently insufficient to safely and efficiently move traffic into and out of the area, particularly during peak summer months and evacuations.



East–West Corridors

2017-2022 Capital Transportation Program Request

The SR 404/18 corridor, which connects with US 9 at Georgetown, is the principal means of east-west movement in Sussex County. This route, which connects to Route 404 in Maryland, is the gateway for beach-bound traffic during summer months. High traffic volume often limits this two-lane road's capacity; Maryland is widening its portion of the route to accommodate east-west traffic to and from Delaware.

SR 404/SR 18 Improvements

- Increase Capacity for SR 404/SR 18 from Maryland east to Georgetown
 - Conduct comprehensive corridor review to identify and prioritize key intersections for improvement
- Consider use of center, right turn lanes at potential 'choke points' to improve traffic flow

US 9/SR 404/SR 18 Improvements

- Increase Capacity for US 9/SR 404/SR 18 from Georgetown east to SR 1
 - Conduct comprehensive corridor review to identify and prioritize key intersections for improvement
- Consider use of center, right turn lanes at potential 'choke points' to improve traffic flow



Bicycling/Walking Trails

2017-2022 Capital Transportation Program Request

Sussex County supports the continued attention placed on efforts to bring new trails and pathways to Southern Delaware. Just this summer, new phases of the Junction & Breakwater Trail near Lewes and the Assawoman Canal Trail in Ocean View opened, giving cyclists and pedestrians safe, scenic ways to enjoy Sussex County.

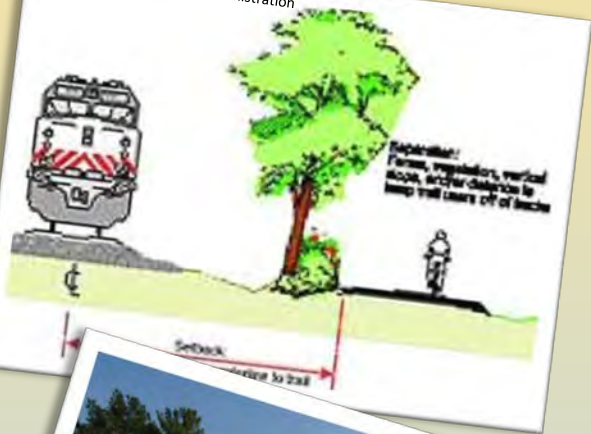
In the 2016 State budget, the Delaware General Assembly set aside \$3 million in funding, along with another \$1 million expected in federal dollars, to continue the trails initiative that will link communities, parks, and other points of interest in the First State.

One potential project that could benefit from this funding is the long proposed Georgetown-to-Lewes Rail Trail, which would stretch 17 miles alongside the Delaware Coastline Railroad line from the county seat to the beaches. This proposed multi-use path would provide an alternate means for residents and visitors alike to navigate Sussex County, to access other trails, such as the Junction & Breakwater Trail between Lewes and Rehoboth Beach, and would promote a healthier lifestyle for users young and old. It could also retain the current rail line, providing a critical link for businesses to move products and keep the local economy strong.

Sussex County requests that the Council on Transportation and the Department evaluate proposals such as the Georgetown-to-Lewes Rail Trail when deciding how to allocate Delaware's annual share of federal matching funds, such as the Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Program (STP) grants.

Those dollars, in conjunction with the nearly \$34 million that has been allocated by the State in the past five years, could make alternative, multi-use paths a reality for bicyclists and pedestrians who want to connect with their communities and the natural beauty that makes Sussex County so special.

Source: Federal Highway Administration



Credit: Southern Delaware Tourism



Credit: Office of the Governor

North-South Hwy Improvements

2017-2022 Capital Transportation Program Request

Improvements to Sussex County's major north-south corridors, specifically US 113, remain a significant transportation need to address local traffic requirements, seasonal demands and interstate travel. Public sentiment to preserve the highway with minimal impacts on properties remains high, and the State should weigh those concerns as it resumes corridor plans, particularly as it pertains to a possible Millsboro bypass and grade-separated US 113 and SR 18/404 interchange in Georgetown.



US 113 is fed by SR 1 from the north, SR 404 from the west and the Maryland portion of US 113 from the south. Many travelers to the coastal areas of Sussex County already utilize US 113 to bypass the often congested SR 1 corridor. This is especially evident along the corridor at points including Georgetown and Millsboro during summer weekends, as traffic can back up for miles at times.

Users have distinct, and in some cases, conflicting operational requirements. Local users prefer access to properties with relatively simple and safe traffic patterns. Trucks, vacationers, and long-distance commuters, on the other hand, desire high-speed traffic patterns with minimal interruptions. Intersection upgrades, additional travel lanes, and other modifications could satisfy travelers' needs, and ease demand on other north-south arteries, such as US 13 and SR 1.

Because of the project's potential costs and effects, the County believes improvements should be phased in, based on public consensus, and given high priority to move the project from concept to reality.

Local Roads

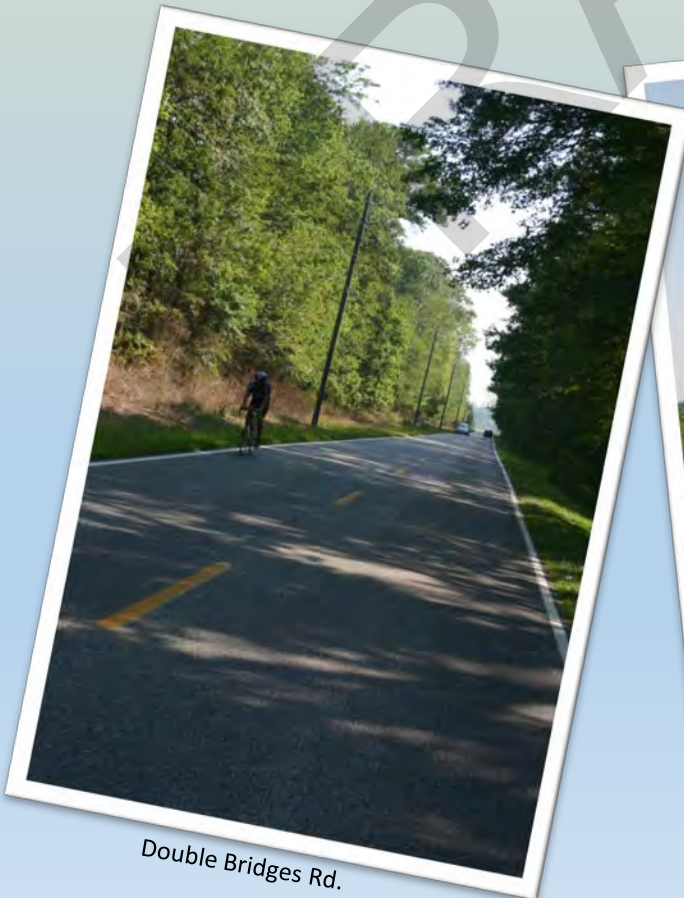
2017-2022 Capital Transportation Program Request

Routes such as SR 1, US 113 and US 13 serve as the major arteries of Sussex County's transportation network. Local roads, however, are the vessels that move traffic throughout all parts of the body.

The Sussex County Council submits the following list of local roads as those that should be targeted for upgrade and expansion. These roads are currently or soon will serve a growing population, which will result in added traffic. Many of these roads, either by State designation or through motorists' preference, are used as alternate routes for major thoroughfares.

Upgrades of these roadways includes paving of the surface, widening shoulders and/or installing turn lanes, as indicated. Upgrades also should include marking bicycle and pedestrian lanes, and illuminating key intersections.

The County recognizes it may be impractical to abandon the use of 'tar and chip' treatments on some roads. The County, however, encourages DelDOT to continue pursuit of its 10-year goal to pave all 'tar and chip' roads with an annual average daily traffic (ADT) count greater than 500 vehicles.



Double Bridges Rd.



'Tar & Chip' roadway west of Georgetown

Local Roads

2017-2022 Capital Transportation Program Request

Bethany Beach

- RD 360 – Fred Hudson Road
(Flooding)
- RD 363 – Double Bridges Road
(Shoulders/Bike path)

Blades

- RD 490 – River Road
(Shoulders)

Bridgeville

- RD 40 – Redden Road
(Shoulders)
- RD 525 – Coverdale Road
(Shoulders)

Dagsboro/Frankford

- RD 336 – Piney Neck Road
(Pave; Shoulders)
- RD 402A – Fox Run Road
(Pave)
- US 113 – DuPont Blvd. at Crickett Street
(Median crossover for EMS)

Fenwick Island

- DE 54 – Lighthouse Road
(Grade-separated
bike/pedestrian path at viaduct)

Georgetown/Harberson

- RD 48 – Zoar Road/Hollyville Road
(Shoulders; Intersections at
Avalon and Hurdle Ditch roads)
- RD 62 – East Trap Pond Road
(Shoulders)
- RD 318 – Park Avenue (Truck Route 9)
(Shoulders; Left-turn lane from
US 9)
- RD 527 – Wilson Hill Road
(Pave)
- US 9/SR 5 – Lewes-Georgetown Highway
(Intersection signal timing)
- US 113 – DuPont Blvd. at E. Trap Pond Rd.
(Median crossover for EMS)



Greenwood

- DE 36 – Scotts Store Road
(Shoulders)
- RD 594 – Webb Farm Road
(Flooding at sharp turn)

Laurel

- RD 446 – Beaver Dam Branch Road
(Pave & Widen)
- RD 468 – Discount Land Road
(Sidewalks)
- RD 492 – Portsville Road/Sixth Street
(Pave)

Lewes

- RD 88 – Cave Neck Road
(Lengthen left-turn lane from
SR 1)
- RD 266 – New Road
(Shoulders; Bike path; Elevate
bridge)
- RD 267 – Gills Neck Road
(Turn lanes; Shoulders; Signage)
- RD 268A – Dartmouth Drive
(Service exit)
- RD 269 – Clay Road
(Pave)
- RD 269A – Orchard Road at Savannah Road
(Signal)

Local Roads

2017-2022 Capital Transportation Program Request

Lewes (cont.)

- RD 270 – Wolfe Neck/Munchy Branch roads
(Bike/pedestrian path)
- RD 283 – Cedar Grove Road/Plantations
Road
(Shoulders)
- RD 285 – Beaver Dam Road
(Pave; Shoulders; Turn lanes)

Millsboro

- RD 328A – Godwin School Road
(Pave)

Millville/Ocean View

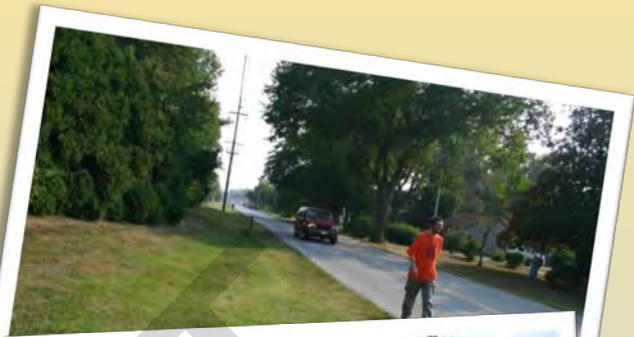
- RD 84 – Central Avenue
(Shoulders)
- RD 349 – Old Mill Road
(Shoulders)
- RD 350 – Railway Road
(Widen shoulders)
- SR 26 – Atlantic Ave. at Central Ave.,
West Ave.
(Intersection signal timing)

Milton

- RD 38 – Prime Hook Road
(Flooding; Widen)
- RD 88 – Cave Neck Road
(Widen shoulders)
- SR 16 – Broadkill Road
(Lengthen right-turn lane to SR 1)

Rehoboth Beach

- RD 15A – Rehoboth Avenue Ext.
(Shoulders/sidewalks/bike path)
- RD 15A – Rehoboth Avenue Ext.
(Drawbridge plates for
bicycles)
- RD 15A – Rehoboth Avenue Ext. at
Church Street
(Intersection signal timing)
- RD 274 – Old Landing/Warrington roads
(Intersection improvements;
Signalization)



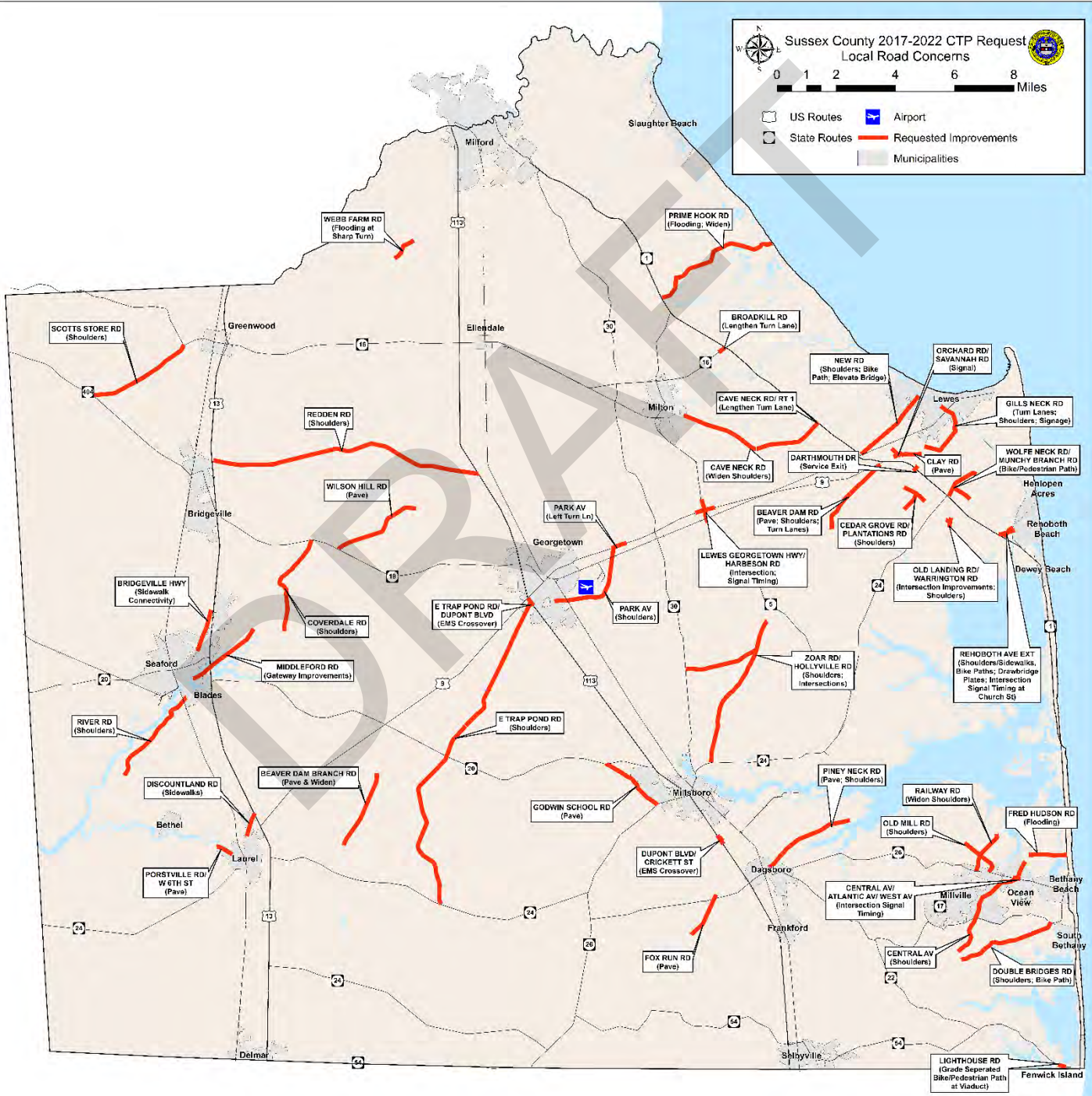
Seaford

- RD 535 – Middleford Road
(Gateway improvements)
- US 13A – Bridgeville Highway
(Sidewalk connectivity)

Local Roads

2017-2022 Capital Transportation Program Request

Items highlighted in **RED** correspond with road improvement requests listed on Pages 14 and 15 of the Sussex County 2017-2022 Capital Transportation Program request.



Intersections, Signage & Signalization

2017-2022 Capital Transportation Program Request

Like a chain, a transportation network is only as strong as the intersections, signage and traffic signals that connect together the system of roads and highways. Routes that easily clog because of limited capacity, poorly timed signals and inadequate signage can impede the flow of traffic.



The County encourages the State to continue evaluating intersections along major routes, such as the US 9 corridor between Georgetown and Lewes, to determine the best means for improving traffic flow. The County supports the State's current effort to improve US 9 intersections at Gravel Hill, Harbeson, Hudson and Sweetbriar roads. Improvements at these and other intersections includes the installation of dedicated turn lanes and better coordination of traffic signals.

The County also encourages the State to improve signage along and near roads, such as SR 30 and SR 5 from Milford to Long Neck, that could serve as local bypass routes, thereby alleviating congestion on major highway corridors, including SR 1 and US 113.

An additional suggestion to improving mobility is to incorporate blinking red arrow, left-turn signals at key intersections. This type of signal, found in areas of Kent and New Castle counties, could ease congestion at Sussex intersections, such as those along SR 1, US 9, US 13 and US 113.



Transportation Alternatives

2017-2022 Capital Transportation Program Request

Delaware is at a crossroads: how does the state continue to drive commerce without stalling its transportation system? With visits and new residents on the rise, particularly in coastal communities, now is the time to expand transportation alternatives – particularly mass transit – to meet growing public demand, conserve resources and lessen the burden on highways. Stronger consideration toward options, such as those listed below, could reduce traffic congestion on Sussex County’s network of roads.

➤ **Bus Service**

▪ *Fixed Route Service*

Extending DART First State service to other areas, such as Selbyville, Millsboro, Long Neck and other job centers; expanding year-round service to multiple Sussex County points from Dover/Wilmington

▪ *Private Partnerships*

Encourage private mass transit providers to offer bus routes between urban centers and Sussex beaches

▪ *Signage and Stops*

Current bus stops should be evaluated to ensure pick-up and drop-off locations are optimal and not placed at out-of-the-way sites; larger signs at those locations could better draw public attention and boost ridership

▪ *Coordinated ParaTransit Services*

Helps the growing senior and disabled population with more efficient service

➤ **Passenger Rail Service**

The County supports the effort by Delaware and Maryland to study passenger rail service on the Delmarva Peninsula

➤ **Expanded Park & Ride System**

Offer public additional park & ride locations to encourage carpooling, improve use of mass transit

➤ **Bicycle and Pedestrian**

Complement the popular Junction and Breakwater Trail with other rail trails (e.g. Georgetown to Lewes, as well as Ellendale to Milton); such interconnectivity of trails could allow cyclists to commute safely between coastal and inland portions of the county



Closing Remarks

2017-2022 Capital Transportation Program Request

Sussex County Council thanks the Department of Transportation and the Council on Transportation for considering its request for the 2017-2022 Capital Transportation Program.

As limited transportation funding is appropriated for various projects throughout the State of Delaware, particularly in these difficult economic times, the County Council trusts that DelDOT and the Council on Transportation recognize how vital the County's recommendations are to accommodating an increasing population, expansive geography and rebounding local economy.

Sussex County encompasses the largest geographic area in Delaware, occupying more than 46 percent of the area in the state. Additionally, nearly 37 percent of all State-maintained roads are in Sussex.

The Delaware Population Consortium estimates Sussex County's population will grow approximately 30 percent between 2010 and 2025. Despite a weaker national economy, tourism continues to thrive in Southern Delaware, and that causes additional demands on our transportation system.

Residents of Sussex County continue to express concerns regarding the maintenance and improvements needed to the local road system. As the county grows, these concerns will only increase. Waiting to plan and make needed roadway improvements after the fact will only make these improvements more expensive and difficult to implement.

Sussex County requests the State of Delaware weigh these factors as it allocates transportation funds. The State should also consider the economic impact as it relates to the County's request.

Closing Remarks

2017-2022 Capital Transportation Program Request

As noted in previous years, County Council encourages the State to consider adequate funding for needed improvements to the County's transportation system. Sussex County urges DelDOT to take the necessary steps now to make essential projects, namely improvements along SR 1 to ensure pedestrian and bicyclist safety, as well as improvements to the network of east-west arteries, among its highest priorities.

Pedestrian safety is of critical concern, especially with the volume of traffic along major corridors in the resort communities. Sussex County respectfully asks the State to evaluate pedestrian right-of-way laws, particularly in high-traffic corridors where speeds exceed 25 mph, to limit collisions and improve safety.

In addition to improving mobility and safety, enhancing economic development opportunities in Sussex County should be a factor in determining transportation priorities and funding.

Rerouting Park Avenue and extending the main runway at Delaware Coastal Airport will help to preserve existing jobs at the County's Industrial Park, and spawn new employment opportunities in the near future. Meantime, providing a walking/bicycling trail between Georgetown and Lewes would increase tourism opportunities, especially in central Sussex County.

Overall improvements to the County's transportation system will ensure Sussex County and the State of Delaware can continue to serve our population, as well as attract and safely accommodate the millions of visitors who come to our state each year.

Again, Sussex County Council thanks the Department of Transportation and the Council on Transportation for allowing the County the opportunity to submit its yearly requests for the Capital Transportation Program. We expect this report will assist the Department in prioritizing which projects earn priority funding from DelDOT's limited resources.



**Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947**

www.sussexcountyde.gov

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

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

August 28, 2015

David N. Rutt, Esquire
Moore & Rutt
122 West Market Street
P.O. Box 554
Georgetown, DE 19947

**REF: PROPOSED EXPANSION OF THE DAGSBORO/FRANKFORD
SANITARY SEWER DISTRICT TO INCLUDE PARCELS SITUATED
ON THE NORTHWEST SIDE OF COUNTY ROAD 54, OMAR ROAD
TAX MAP AND PARCEL NUMBERS 433-6.15-46.00, 47.00 & 48.00
LANDS OF NINO L. D'ORAZIO
FILE NUMBER: OM – 8.05.37**

Dear Mr. Rutt:

Enclosed for your review and approval is a proposed resolution to extend the boundary of the Dagsboro/Frankford Sanitary Sewer District to include parcels situated on the northwest side of County Road 54, Omar Road, Lands of Nino L. D'Orazio. The resolution has been prepared in accordance with 9 Del. C. Section 6502 (a).

A public hearing on the extension is scheduled for 10:15 am on September 15, 2015. Therefore, your approval is requested by Tuesday, September 8, 2015.

If you should have questions, please feel free to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT


John J. Ashman
Director of Utility Planning

Enclosure

cc: Todd Lawson
Michael Izzo
Jayne Dickerson
Rob Davis

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE PARCELS SITUATED ON THE NORTHWEST SIDE OF COUNTY ROAD 54, OMAR ROAD, TAX MAP AND PARCEL NUMBERS 433-6.15-46.00, 47.00, & 48.00, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Dagsboro Frankford Sanitary Sewer District; 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 area of tax ID numbers 433-6.15-46.00, 47.00, & 48.00, the inclusion of these properties 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 Robert Lynch, 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 Dagsboro Frankford Sanitary Sewer District to encompass the lands mentioned above situated northerly of Omar Road, as follows:

BEGINNING at a point, situate on the northwesterly right of way (ROW) of Omar Road, said point being approximately 125' northeast of the intersection of Honolulu Road & Omar

Road said point being the southwesternmost corner of lands N/F of Nino & Doris D'Orazio; thence proceeding by and with said lands of D'Orazio northwesterly 220± feet, said point being the northwesternmost corner of said lands of D'Orazio and a point on the existing boundary of the DFSSD, thence by and with said DFSSD boundary in a northeasterly direction 190± feet to a point, said point being the northeasternmost corner of other lands N/F of D'Orazio; thence proceeding by and with said other lands of D'Orazio southeasterly 251± feet to a point, said point being the southeasternmost corner of said lands of D'Orazio and a point on the northwesterly ROW of Omar Road, thence following said ROW southwesterly 188± feet to a point, said point being that of the BEGINNING.

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;

BE IT FURTHER RESOLVED that the County Engineer is hereby directed 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.

PROPOSED EXTENSION OF THE DAGSBORO-FRANKFORD SANITARY
SEWER DISTRICT
AFFIDAVIT FOR POSTING OF NOTICES

STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED, that the subscriber, Robert W Lynch 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 24, 2015 he was a GIS Specialist for the Sussex County Engineering Department, Sussex County, State of Delaware; and

B. On August 24, 2015 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

1) On the area of lands being considered for the proposed extension of the Dagsboro-Frankford Sanitary Sewer District in four (4) locations as follows:

a) On a driven stake located at the southeasternmost corner of tax id 433-6.15-46.00, situated on the north side of County Road 54, Omar Road.

b) On a driven stake located at the southwesternmost corner of tax id 433-6.15-46.00, situated on the north side of County Road 54, Omar Road.

c) On a driven stake located at the southwesternmost corner of tax id 433-6.15-47.00, situated on the north side of County Road 54, Omar Road.

d) On a driven stake located at the southwesternmost corner of tax id 433-6.15-48.00, situated on the north side of County Road 54, Omar Road.

2) Inside the Dagsboro post office on a bulletin board in the lobby.

3) Inside the Frankford library on a bulletin board near the bathroom.

4) Inside the Frankford town hall on a bulletin board in the

lobby.

- 5) Inside the Dagsboro town hall on a bulletin board in the lobby.


Robert W Lynch

SWORN TO AND SUBSCRIBED before me on this 24th day of Aug A.D., 2015.


NOTARY PUBLIC

My Commission Expires _____
JAYNE E. DICKERSON
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on May 7, 2017

**PUBLIC NOTICE OF THE PROPOSED
EXPANSION OF THE DAGSBORO/FRANKFORD SANITARY SEWER DISTRICT
TO INCLUDE PARCELS SITUATED ON THE NORTHWEST SIDE
OF COUNTY ROAD 54, OMAR ROAD
TAX MAP AND PARCEL NUMBERS 433-6.15-46.00, 47.00, &48.00
LANDS OF NINO L. D'ORAZIO
FILE NUMBER: OM-8.05.37**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on August 4, 2015, to consider expanding the boundary of the Dagsboro/Frankford Sanitary Sewer District (DFSSD) to include tax map and parcels 433-6.15-46.00, 47.00, & 48.00, land now or formerly (N/F) of Nino L. D'Orazio, situated on the northwest side of County Road 54, Omar Road. The parcels are located in the Dagsboro Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate on the northwesterly right of way (ROW) of Omar Road, said point being approximately 125' northeast of the intersection of Honolulu Road & Omar Road said point being the southwesternmost corner of lands N/F of Nino & Doris D'Orazio; thence proceeding by and with said lands of D'Orazio northwesterly 220± feet, said point being the northwesternmost corner of said lands of D'Orazio and a point on the existing boundary of the DFSSD, thence by and with said DFSSD boundary in a northeasterly direction 190± feet to a point, said point being the northeasternmost corner of other lands N/F of D'Orazio; thence proceeding by and with said other lands of D'Orazio southeasterly 251± feet to a point, said point being the southeasternmost corner of said lands of D'Orazio and a point on the northwesterly ROW of Omar Road, thence following said ROW southwesterly 188± feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the DFSSD is within these boundaries and said to contain .97 acres, more or less. The boundary description has been prepared using Sussex County tax map number 433-6.15.

A map outlining and describing the extension to the DFSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15AM, September 15, 2015 in the Sussex County Council Chambers. 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.

Michael A. Izzo, P.E.
County Engineer

Potential Expansion of the Dagsboro Frankford Sanitary Sewer District



TBD



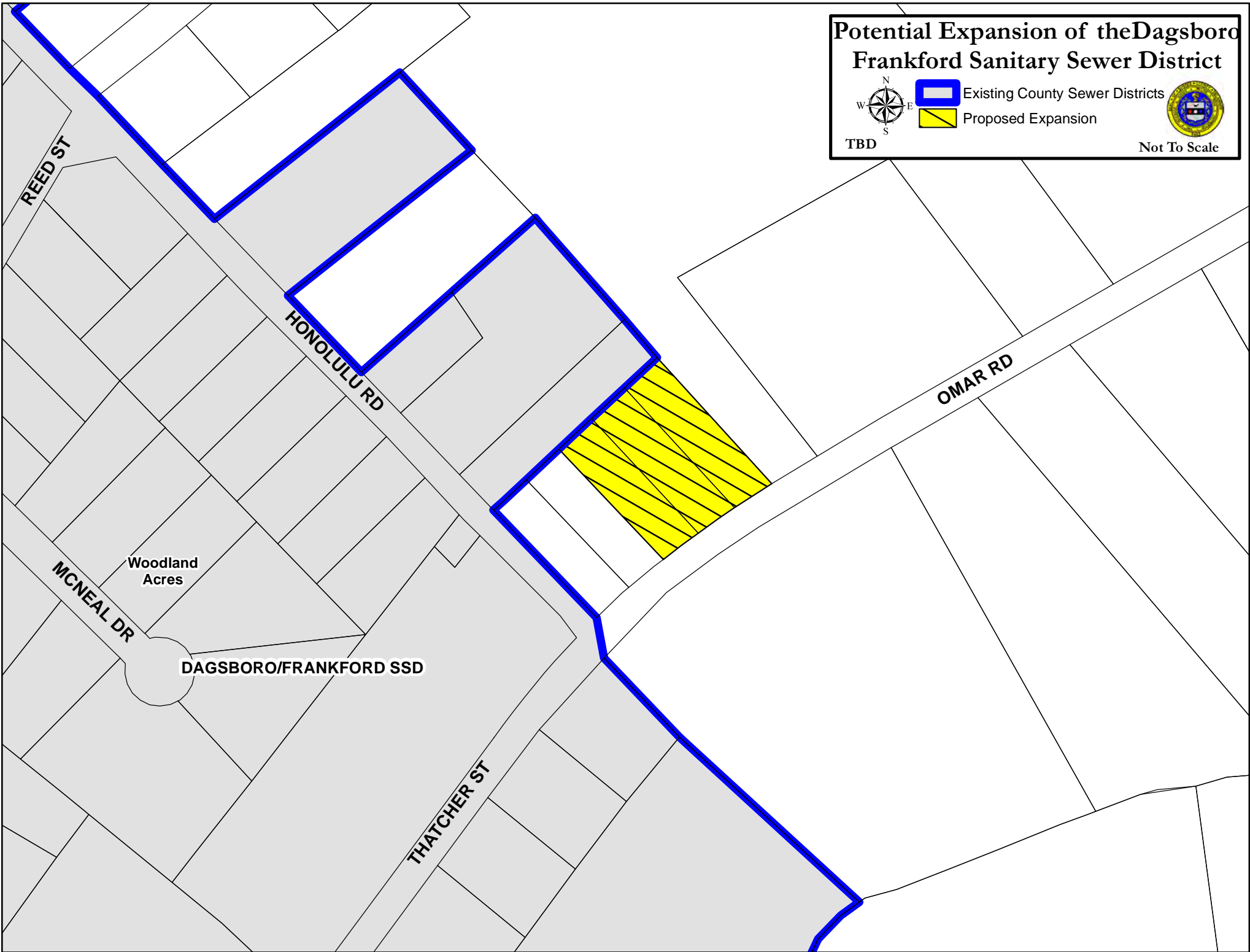
Existing County Sewer Districts



Proposed Expansion



Not To Scale



GRIFFIN & ROBERTSON, P.A.
ATTORNEYS AT LAW

JAMES D. GRIFFIN
VINCENT G. ROBERTSON

19264 MILLER ROAD, UNIT A
REHOBOTH BEACH, DELAWARE 19971

(302) 226-8702

FAX: (302) 226-8704
ROBERTSON@GRLAWFIRM.COM

MEMO

TO: Sussex County Council
FROM: Vincent G. Robertson, Esquire
Assistant County Attorney
RE: The Estates of Sea Chase Bond
DATE: September 10, 2015



On September 15, 2015 Council will consider the Release of Utica Mutual Fire Insurance Company under its Bond to Sussex County for the Estates at Sea Chase. Since this is a legal document, we are seeking Council's approval of the document for execution. The payment amount to Sussex County under the bond is \$55,000.00. This amount represents estimates obtained by both Utica and Sussex County Engineering for the outstanding work to be performed. More importantly, the amount has been approved by the Estates of Sea Chase Condominium Association, Inc. The Association's approval of this amount is set forth in a Release it has executed for the benefit of Sussex County.

A proposed Motion is also attached for your convenience.

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THE APPROVAL OF THE ESTATES OF SEA CHASE CONDOMINIUM ASSOCIATION, INC. AND LEGAL COUNSEL, THE RELEASE OF UTICA MUTUAL INSURANCE COMPANY AS SURETY UNDER THE PERFORMANCE AND PAYMENT BOND NUMBER SU3490434 UPON RECEIPT OF THE PAYMENT OF \$55,000.00 IS HEREBY APPROVED.

**PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1**

September 8, 2015

ZZZ1502827 (SCED)

Mr. Robert Schoonover, NREMT-P
Division Manager (Technical Services)
P.O. Box 589
8 Mulberry Street, Suite B
Georgetown, DE 19947
Submitted Via Email: RSchoonover@sussexcountyde.gov

**RE: Proposal for Surveying, Architectural, Engineering and Construction Phase Services
Tax Parcel # 334-12.00-57.02 (Plantations Road) Lewes-Rehoboth Hundred**

Dear Mr. Schoonover:

Pennoni Associates Inc. (Pennoni) has enclosed for your review our proposal to provide Surveying, Architectural, Engineering, and Construction Phase Services for the Proposed Medic 104 / Emergency Medical Services (EMS) 100 facility to be located outside of Lewes along Plantations Road in Sussex County, DE.

It is understood that Sussex County currently owns the property and plans to install a new EMS facility capable of housing up to four (4) EMS vehicles and a residential portion to house corresponding staff members during their respective shifts. The existing site is currently zoned AR-1 with proposed use of EMS Facility. Based on the zoning it appears that a conditional use will be required for this project. A boundary survey has been provided of the property describing its area to be 3.00 acres in size. The existing site is mostly cleared farmland portion (cropland) with no defined access to Plantations Road. The land appears fairly flat, with no defined drainage way from the parcel. No wetland determination/delineation was provided, however it does not appear that any area slated for building construction is located within an area of wetland concern. The scope of services outlined below are to complete detailed Site Construction Plans and Architectural Plans to achieve appropriate approvals, as well as, assist the County with bidding, award, and construction administration. Pennoni's goal on this project is to not only be the technical workhouse in design and plan preparation for the project, but also to work directly beside Sussex County EMS to ensure that their vision for the project meets their expectations and budget.

FIRM PROFILE

Pennoni, established in 1966, is a multi-disciplined engineering and design consulting firm that provides personalized services and solutions to meet the needs of our diverse clients. Pennoni employs over 1000 professional, technical, and administrative personnel in more than 30 offices throughout Delaware, Pennsylvania, New Jersey, Connecticut, Florida, Massachusetts, New Hampshire, North Carolina, Maryland, Ohio, Virginia, New York and Florida.

- Land Use Planning / Design
- Environmental Engineering
- Environmental Sciences
- Civil Engineering
- Mechanical Engineering
- Electrical Engineering
- Geotechnical Engineering
- Landscape Architecture
- Bridge & Highway Engineering
- Construction Inspection
- Construction Materials Testing
- Fabrication Inspection
- Geographic Info. Systems
- Industrial Hygiene
- Construction Services
- Planning
- Plumbing Engineering
- Site Design
- Solid & Hazardous Waste
- Surveying
- Structural Engineering
- Transportation Engineering
- Water & Wastewater Management

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

PROJECT APPROACH

Our project team's approach is to identify optimum solutions to challenges by approaching projects and tasks from the owner/operator perspective. We will differentiate between short-term and long-term solutions and balance value added costs. We will accomplish this by maintaining an awareness of life cycle costs, constructability, maintenance requirements, sustainability of resources, operational simplicity, reliability, and flexibility. The purpose of these efforts is to serve the interests of the owner to the greatest extent possible. We have used this approach in our work throughout the State for over three decades and our project results demonstrate the success of this approach.

Our engineers, technicians, and managers have extensive experience with land planning, land development, surveying, water resources, stormwater, GIS, mapping, traffic, construction administration, environmental, and public works on a vast variety of projects. We maintain two successful offices in Delaware as well as offices in nearby Maryland and Pennsylvania. Pennoni offers comprehensive engineering services in-house, and we do not rely on sub-consultants. The Project Manager and team leaders will utilize Company staff as necessary to cover a project or assignment, with the intent of minimizing expenditure while maximizing results.

SCOPE

For this project, Pennoni will implement a multi-task approach to complete the scope of services for this project. Our Scope of Services and Fee, further defined herein, is based on our understanding of the project as described by you (the client), our cursory investigation of the subject property, as well as, our experience on similar projects within Sussex County. The following are the steps anticipated to be completed:

PROPERTY TOPOGRAPHIC SURVEY

A property boundary survey has been completed by a third Party. Pennoni is in receipt of this described boundary survey and will utilize it during our surveying task, however will perform additional topographic surveying of the property to identify surface features needed for design.

We will also engage in a full topography survey of the subject property in order to develop a base plan in the area slated for construction. We will determine the location, both horizontal and vertical (NAVD88), of existing surface features such as buildings, paving, fences, vegetation, utilities, etc. Grade elevations will be established at an interval not to exceed fifty feet (50') throughout the subject area. A rough grid method will be used, however, strict adherence to the "grid" will be disregarded in favor of location of significant grade changes, high and low points and apparent flow lines. Grade information will be gathered twenty five feet (25') into adjacent properties, where permissible. We will obtain utility information from existing records and from the respective utility companies utilizing the "Miss Utility of Delmarva" system.

From the information gathered, we will prepare a base plan that depicts ground elevations with contours at one foot (1') intervals and spot elevations where appropriate. The plan will also illustrate physical features on the site such as buildings, overhead structures, paving edges, visible utility structures, woods lines, ditches, etc. Utilities will be delineated utilizing record information gathered and visible utility structures found in the field. A benchmark will be established that can be used during the land development permitting of the project that will help in the design of the site and building.

Estimated Fee: \$3,800.00

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

CONCEPTUAL LAYOUTS (SKETCH PLANS)

Using historical information provided by the County and sketches of your anticipated use of the building, Pennoni will prepare architectural sketch plans that illustrate the proposed building improvements, consisting of a plan and sufficient elevations to demonstrate the features and size of the buildings. This plan will be utilized for discussion between Pennoni and yourself prior to initializing full design plans.

Also using input provided by you and the results of our topographic survey as base information, Pennoni will prepare a Sketch Plan for the proposed site improvements including building location, entrance location, parking layout, drive aisles, and stormwater management facilities. The Sketch Plan will illustrate proposed improvements that are in conformance with the Sussex County Zoning Ordinance.

1. Prepare architectural sketch plans (Concept Floor plan and Elevations) for Review and Discussion
2. Prepare site plan sketches (Concept Site Plan) for Review and Discussion

Estimated Fee: \$3,600.00

STORMWATER ASSESSMENT STUDY (SAS) AND MEETING (STEP 1)

Per the January 1, 2014 Sediment and Stormwater Regulations, the initial step in submitting a project for review is to prepare a stormwater assessment study (SAS) and attend a pre-application meeting with Soil Conservation District. Pennoni will prepare this report and attend the meeting on behalf of the County.

1. Prepare Project Application Meeting Request Form
2. Prepare Stormwater Assessment Report (SAR) and submit to Sussex Conservation District
3. Attend Project Application Meeting with DNREC and Sussex Conservation District

Estimated Fee: \$2,000.00

SOIL FEASIBILITY STUDY, SOIL BORINGS, AND INFILTRATION TESTING

As part of the requirements for design and approval of infiltration type best management practices, a study of the projects soil characteristics will need to be performed, compiled, evaluated, and submitted in conjunction with the stormwater management design for the proposed improvements. Pennoni offers these services in-house and can begin this work (weather dependent) upon receipt of a signed proposal. This will ensure no lag time in the design or approval of the project. Based on information available online, the soils in the area of proposed improvements consist of Greenwich Loam and Downer Sandy Loam classified as hydrologic soil groups B. This places the soils on the project in a well-drained soil type which shows good signs of drainable soils and would seem to be a suitable soil when designing infiltration practices, however would be beneficial to understand the soils. Identifying the constraints associated with the soils on-site will be a step in the process that should be performed early in the design. The soils data, borings, and infiltration testing will provide the necessary information to effectively design the stormwater system.

1. Perform a soil feasibility study based on available information to determine extent of borings and testing
2. Perform in-field hand auger soil borings to classify the sites soils and determine seasonal ground water elevations in areas where infiltration practices will be designed.
3. Based on the soil boring information collected and reviewed, single ring infiltration testing will be performed in the estimated footprint of bmp's requiring data to be collected.
4. The information collected by the soil study, borings, and infiltration testing will be compiled into a report to be used during design and submitted with the stormwater application.

Estimated Fee: \$4,000.00

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

STORMWATER MANAGEMENT PLAN, REPORT, AND SUBMISSIONS (STEP 2 AND STEP 3)

1. Design On-site Stormwater Management System meeting current DNREC regulations
2. Basic Layout and Modifications as necessary to show on a Site Plan
3. Grading Plans (as necessary) with detail to show drainage delineations and routing
4. Erosion and Sediment Control Plans in conformance with DNREC regulations
5. Prepare Construction Drawings for submission to:
 - Sussex Conservation District ("SCD")
 - Delaware Department of Natural Resources and Environmental Control ("DNREC") – NOI
6. Submit the Construction Plans / Applications to appropriate agencies
7. Attend review meetings with the Client and Agencies to review the Construction Plan Comments.
8. Address Agency comments
9. Re-submit revised Construction Plans to review Agencies
10. Prepare package of approval letters received for the project for satisfy SWM approval

NOTE: Review fees are not included in this estimated fee and will be the responsibility of the client to provide during the permitting phase.

Estimated Fee: \$9,500.00

SITE ACCESS COORDINATION/ ENTRANCE PERMITTING (DELDOT)

Pennoni will prepare the necessary drawings, details and applications, Initial Stage Form, to submit to Del DOT. We will attend meetings with Sussex County on your behalf.

1. Coordination with DelDOT as to the appropriate entrance design standards for the use as proposed.
2. Attend meeting or phone calls with DelDOT for discussions related to access to the property.
3. Prepare and submit applications for entrance permitting (Assistance with forms, signatures, bonding of improvements, etc. may need to be coordinated with client as well)
4. Place entrance location on site plans / record plan for design consideration including site distance triangles and standard details for entrance approval.

Based on understanding of DelDOT's regulations and previous projects, the traffic generated by the site shall only require a letter of no object and a standard entrance submission for the site. It is not anticipated that any traffic impact study or operational analysis be required for this site. It is possible given the site's location that DelDOT impose slightly higher requirements on the access or require additional reviews based on the sites location and highly trafficked route. (Plantations Road)

Estimated Fee: \$2,500.00

CONSTRUCTION DOCUMENTS (SITE)

Utilizing the stormwater management design and site access coordination as described above, Pennoni will design and prepare full Construction Plans in support of this project as necessary to bid the project including additional items such as utility layout and design, etc. Specific plans will include: Site Plans, Utility Plans, Parking, Drainage and Grading Plans, Landscape Plans, Erosion and Sediment Control Plans, as well as all details necessary to create a complete set of construction documents. In addition to Soil Conservation District and DelDOT, Pennoni will prepare and submit applications to all other regulatory agencies that have jurisdiction on this project. Other assumed agencies requiring submission at this point are: Fire Marshal, Office of Drinking Water, Tidewater, and Sussex County.

Estimated Fee: \$12,500.00

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

SITE PLAN APPROVAL (SUSSEX COUNTY PLANNING & ZONING)

Based on the existing zoning (AR-1), it does not appear that the proposed use of the property is a permitted use under the code. After reviewing several other similar facilities in the area, the zoning still shows as AR-1 for the other uses. Per discussion with P&Z through Sussex County EMS, the property is exempt and this use is permitted. Based on that, Pennoni will prepare a Preliminary Site Plan for submission to Sussex County Planning and Zoning Department ("P&Z"). This plan will be developed from the Sketch Plan but revised to incorporate additional detail with regards to drainage and grading, utilities, dimensions, etc. Our Preliminary Site Plan will also provide zoning information, land use calculations, buffer yards and appropriate certifications/notes. Assuming Planning and Zoning grants preliminary approval, and upon receipt of all other approvals from outside agencies, Pennoni will prepare and resubmit final plans to the County for final site plan approval. It may be possible to lump both of these meetings into a single final site plan hearing.

1. Coordination with Sussex County Planning and Zoning for site plan approval
2. Attend meeting or phone calls with P&Z for discussions related to site plan approval
3. Upon completion of site design and receipt of necessary approvals and permits Pennoni would submit to Sussex County Planning and Zoning for Preliminary and Final Site Plan approval under a conditional use.

Estimated Fee: \$3,500.00

PRELIMINARY AND FINAL ARCHITECTURE PLANS

Based on the review comments received from the sketch plan phase above, Pennoni will prepare full preliminary construction documents including comprehensive floor plans, foundations, elevations, sections and details to clearly indicate all features of the building necessary for construction permitting and bidding.

Mechanical, electrical/lighting, and plumbing plans (MEP) will be generated during this phase for review and comment. Specifications for heating, air conditioning, and ventilation (HVAC) will also be generated for the contractors use once awarded the project. It is understood that heating and air conditioning will be provided for the garage and residential portions of the building utilizing a multi-fueled 2 zone system (heat pump with backup gas powered heat). Additional instant-on heating (immediate heat) will also be provided for the garage portion of the building. An existing generator owned by the county at their current location is intended to be relocated to this site and used for backup. Pennoni understands the cost savings and will do everything possible to utilize this piece of equipment. It is also understood that the foundation for the garage portion shall be slab on grade, while the residential portion will consist of a conditioned crawl space. The building plans are not anticipated to require extensive structural engineering support, however Pennoni does provide these services and would bring in the appropriate staff to assist if needed.

The majority of this work can be handled by the architectural staff, however Pennoni has mechanical, electrical, and structural engineers on staff should they be needed for this phase of work.

Once the preliminary construction set is compiled, a copy of the plans will be provided to Sussex County EMS for their semi-final review and comment. If the plans are acceptable at this point, Pennoni will submit these plans to the State Fire Marshals office for their review. Comments will addressed in a timely fashion and resubmitted for approval. Upon completion of all FM comments, the plans will be finalized and submitted to the Sussex County Building Code Department for final review, approval, and permit.

NOTE: Review fees, Fire Marshal and Building Code are not included in this estimated fee and will be the responsibility of the client to provide during the permitting phase.

Estimated Fee: \$20,800.00

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

DETAILED TECHNICAL SPECIFICATIONS

Pennoni will assist Sussex County EMS with preparation of the detailed technical specification documents for all phases of the project. Specifications will include a front end with contract forms and documents to be completed during bidding and a detailed technical section including both site and architectural disciplines. Support from the Sussex County EMS will be required to determine bidding dates and coordination with Sussex County Council.

Estimated Fee: \$8,500.00

BIDDING ASSISTANCE (BID PHASE)

Pennoni will assist Sussex County EMS in the bidding phase by preparing the advertisement (the county shall actually submit the advertisement), printing the necessary bid documents (plans and specifications), attending a pre-bid meeting at the Council chambers and/or on-site, replying to all requests for information (RFI's), administering addendums, and keeping a log of prospective bidders. Once the bid period has ended, Pennoni will attend a bid opening at the county chambers, assist with opening of the bids, tabulation of bids, and a recommendation for award. This estimate is based on a typical bid process, additional addendums or changes during the bidding phase could result in additional effort than described.

Budgetary Estimate: \$4,500.00

CONSTRUCTION ADMINISTRATION

Pennoni will assist Sussex County EMS in the all aspects of the construction phase including pre-construction meeting(s), construction stakeout, inspection of building construction, inspection of site components, inspection of stormwater management facilities including Certified Construction Review (CCR), handling of all RFI's and contractor questions during construction, etc. The intent is to provide a thorough construction review while keeping the cost minimal. The thought is to provide weekly or bi-weekly inspections based on how much construction is occurring, while making an effort to review certain milestones throughout the construction process. It is understood that this phase could vary based on the amount of effort required or requested. Pennoni is willing to work with the County should they wish to add additional in-house inspectors to reduce costs. Specific items included (but not limited to) consist of the following:

1. Coordinate and Assist with Distribution of Construction Documents to Contractor
2. Pre-Construction Meeting Attendance (SCD)
3. Construction Stakeout (Limit of disturbance, Erosion control, Building corners, Stormwater Management facilities, parking, utilities, rough grading, etc.)
4. Certified Construction Review (**\$250.00 per visit weekly if required**)
5. Pond / SWM Facility As-built Survey and Submission
6. Weekly / Bi-weekly inspections
7. Milestone Inspections
8. Final Walkthrough and punchlist
9. Project Closeout

The budgetary estimate below is based on best available information. Actual costs associated with construction administration may vary based on the final design of improvements and area to be disturbed. While the items listed are general for projects of this nature, variations may occur based on regulations and requirements at the time of construction. Once designs are complete, a better understanding of all construction administration costs could be discussed further and an updated estimate could be issued.

Budgetary Estimate: \$26,000.00

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

ESTIMATE OF COST

Based on our knowledge of similar projects, Pennoni has prepared an estimate for preparation of plans and documents in support of the stormwater management approval of the above project. The Estimate of Cost is based on the Scope of Services as outlined within in this proposal. The work will be performed closely to the outline above, however given the nature of construction projects, unforeseen expenditures and changes to the scope are possible. Pennoni will coordinate any and all modifications to the scope during the contract period and will attempt to keep costs associated with the project to a minimum.

Summary of Estimated Site Design Fees:

PROPERTY TOPOGRAPHIC SURVEY	\$ 3,800.00
CONCEPTUAL LAYOUTS (SKETCH PLANS)	\$ 3,600.00
STORMWATER ASSESSEMENT STUDY (SAS) AND MEETING (STEP 1)	\$ 2,000.00
SOIL FEASIBILITY STUDY, SOIL BORINGS, AND INFILTRATION TESTING	\$ 4,000.00
STORMWATER MANAGEMENT PLAN, REPORT, AND SUBMISSIONS	\$ 9,500.00
SITE ACCESS COORDINATION/ ENTRANCE PERMITTING (DELDOT)	\$ 2,500.00
CONSTRUCTION DOCUMENTS (SITE)	\$12,500.00
<u>SITE PLAN APPROVAL (SUSSEX COUNTY P & Z)</u>	<u>\$ 3,200.00</u>
Subtotal of Estimated Design Fees (Site Plans and Design)	\$ 41,100.00

Summary of Estimated Building Plan / Specification Fees:

PRELIMINARY AND FINAL ARCHITECTURE PLANS	\$ 20,800.00
<u>DETAILED TECHNICAL SPECIFICATIONS</u>	<u>\$ 8,500.00</u>
Subtotal of Estimated Fees (Building Plans and Specifications)	\$ 29,300.00

Summary of Estimated Construction Administration Costs:

BIDDING ASSISTANCE (BID PHASE)	\$ 4,500.00
<u>CONSTRUCTION ADMINISTRATION (CONSTRUCTION PHASE)</u>	<u>\$ 26,000.00</u>
Subtotal of Budgetary Estimates (Building Plans and Specifications)	\$ 29,500.00

Subtotal of Estimated Design Fees and Construction Administration	\$99,900.00
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Please note: The work performed within this proposal will be billed hourly on a Time & Materials basis. The above fees are Pennoni's best estimate of necessary work to be performed based on past experience on projects of similar nature. Pennoni will contact the client as needed to update them on where the project stands and changes in estimated costs associated with the project. The above estimated fees are for budgetary purposes and may change during the course of the project. At any time the client may wish to change the scope of the project to better account for their needs.

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

REIMBURSABLE EXPENSES

Please note: The fees provided above include expected reimbursable expenses (i.e., travel, and reproduction). Extraordinary reimbursable expenses not currently anticipated will be first discussed prior to invoicing.

HOURLY RATE SCHEDULE

ENGINEERING	HOURLY RATE
Senior Engineer/Geologist/Surveyor/Landscape Architect/Architect	\$130.00
Project Engineer/Surveyor/Landscape Architect/Architect	\$125.00
Staff Engineer/Surveyor/ Landscape Architect/Architect	\$115.00
Senior Environmental Scientist	\$100.00
Associate Engineer/Surveyor/Landscape Architect/Architect	\$100.00
Graduate Engineer/Architect	\$ 90.00
Senior Survey/Engineer/CAD Technician	\$ 85.00
Engineering Technician II	\$ 80.00
Engineering Technician	\$ 75.00
Engineering Designer	\$ 75.00
Three-Person Survey Crew	\$200.00
Two-Person Survey Crew	\$155.00
Senior Surveyor	\$130.00
Project Surveyor	\$120.00
Staff Surveyor	\$100.00
Senior Survey Technician	\$ 85.00
GPS (One-Person Survey Crew)	\$100.00
GIS/Mapping	\$ 75.00
Construction Inspector	\$ 80.00
Clerical Staff	\$ 50.00
 OTHER SERVICES	 UNIT RATE
Copies and Reproduction	No charge

The hourly rates above are effective for work performed on this project until December 31, 2016, at which time Pennoni reserves the right to increase these hourly rates.

ADDITIONAL SERVICES

If the client elects to retain Pennoni on a Time and Material Basis, the hourly rates schedule will be used for all invoicing. Any work outside the Scope of Services will be considered Additional Services and invoiced on a Time-and-Materials basis in accordance with the included employee rate chart. Services under this proposal include revisions to plans and applications required to conform to published regulations of applicable regulatory agencies. Revisions in response to personal preferences of individual reviewers, agency reviewers and the Client cannot be anticipated if not included in published regulations. Therefore, such unanticipated revisions will be considered Additional Services. Prior to performing unanticipated revisions, we will discuss the cost with the Client and confirm in writing. Please be advised it is prudent to budget some monies for unforeseen services that may need to be conducted.

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

BILLING AND PAYMENT

Invoices will be prepared on a monthly basis and will provide a percent complete and/or an hourly breakdown as well as a description of the services completed during the billing period. The invoices will be submitted for payment upon receipt. The Client acknowledges that the method of Billing and Payment is understood in detail; that the terms agreed upon can only be changed by written addendum; and that the work may be stopped until payment is made in accordance with the agreement. Pennoni was selected as one of Sussex County's selected consultants and all aspects of that agreement shall be held for this contract. Please refer to that agreement for anything that may vary from this proposal.

TERMS AND CONDITIONS

General

1. Our General Terms and Conditions (Form LE01, dated 11/2014) are considered as part of this proposal. The Client indicates by the execution of this proposal that the General Terms and Conditions have been reviewed and understood as well as the previously agreed upon contract between Pennoni Associates Inc. and Sussex County.

Limitations & Exclusions

- Amenity Landscaping – landscaping beyond the minimum required.
- Site Lighting other than specifically identified
- Additional Agency submittals and approvals are excluded including but not limited to: DeIDOT Commercial Entrance Approval, etc. Pennoni can offer these services for the client however additional fees shall result based on the need and requirements of the project.
- Application fees for permits are to be paid by the Client and are, therefore, excluded from our fee.
- Pennoni does not guarantee approvals as these are often subject to circumstances beyond our control. Our fees are due and payable regardless of ultimate approval.
- We will perform our services in accordance with accepted professional standards.
- Our Scope of Services specifically excludes services necessary for procurement of variances
- The fees provided in this proposal are for providing the specific services described within the Scope of Services. Services provided by Pennoni for this project which are not specifically included in the above Scope of Services will be considered Additional Services and will be billed as such in addition to the above stated fee.
- This proposal specifically excludes off-site utility infrastructure improvements and design of telephone, gas and electric utilities.
- The Construction Plans will also be used as permit drawings that will be submitted to the applicable regulatory agencies for review and approval. The permit drawings will contain only that information necessary to secure the relevant permits and that are within the authority of the permitting agency's review. Additional levels of detail and other design elements that may be necessary to complete construction documents are not included in our Scope of Services.
- The project does not seem to entail a large amount of structural or geotechnical engineering; however, Pennoni offers these services in-house and can provide a separate proposal for these services if needed.
- Client will provide unimpeded access to the Site for all equipment and personnel necessary for us to perform the work set forth in this proposal. Pennoni, and/or any sub consultants used by Pennoni for this work, will not be responsible for the accuracy of descriptive data pertaining to any areas of the site to which we do not have access.
- It is understood by the Client that, on projects involving subsurface exploration, some incidental damage to the site may result as a normal part of equipment operations. Pennoni, and/or any sub consultants used by Pennoni, will endeavor to keep such damage to a minimum, but will not be responsible for the repair of site

PROPOSED MEDIC 104 / EMS 100 FACILITY (PLANTATIONS ROAD) | SUSSEX COUNTY, DE
MAP NUMBER 334-12.00-57.02 | ZONED AR-1

damage that is a normal part of site exploration procedures unless specific arrangements are made and detailed herein to the contrary.

- Client will be responsible for accurately delineating the locations of all subsurface structures and utilities for the Site not included under the Miss Utility System. Pennoni will have no Dig Safe responsibilities and will not be responsible for the repair of any Site damage arising from subsurface exploratory procedures. Client waives any claim against Pennoni and agrees to hold us harmless for any and all claims or liabilities, including response and cleanup costs, arising from damage done to, resulting from, or as a consequence of damage done to, subsurface structures and utilities not identified during the DE Miss Utility or by the Owner.

Pennoni is committed to bringing the best resources to our clients to assist in development of their projects. We appreciate this opportunity to submit our proposal. Should you find this proposal acceptable, please execute the contract by signing below returning one copy to Pennoni Associates. Should you have any questions or need additional information, please do not hesitate to call.

Respectfully Submitted,

PENNONI ASSOCIATES INC.



Carlton Savage Jr., P.E.
Senior Engineer / Division Manager



Mark H. Davidson
Associate Vice President

Enclosures: *Pennoni General Terms & Conditions (Form LE01, dated 11/2014)*

ACCEPTED BY: _____
Sussex County Emergency Medical Services (EMS)

Date

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SUSSEX COUNTY *EMERGENCY MEDICAL SERVICES*

22215 Dupont Blvd. • P.O. Box 589 • Georgetown, DE 19947 • 302-854-5050 • FAX 302-855-7780

Robert A. Stuart
Director

Motion

Be it moved that Sussex County Council, based upon the recommendation of the Sussex County Emergency Medical Services Department, authorizes its President to execute an agreement with Pennoni Associates, Inc. of Milton, Delaware to provide design services for the EMS Medic 104 and Eastern District Supervisor building on Plantations Road in Rehoboth Beach, Delaware at a cost not to exceed \$ 99,900.00

September 15, 2015

**Caring People,
Quality Service**



Todd F. Lawson
Administrator



RESOLUTION

TO SUBMIT A REQUEST FOR A PROJECT PLANNING ADVANCE FOR WASTEWATER PROJECT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL TO FINANCE PRELIMINARY PLANNING FOR SERVICE TO OAK CREST FARMS AND CHAPEL GREEN AND APPROVE A CONTRACT WITH WHITMAN REQUARDT & ASSOCIATES , LLP FOR THE COMPLETION OF THE STUDY

WHEREAS , the Sussex County Council proposes to engineer the Preliminary Planning Study for Oak Crest Farms, Chapel Green and surrounding communities; and

WHEREAS , both communities have permit limitations on their current treatment and disposal systems that mandate significant upgrades by 2021; and

WHEREAS, the Goslee Creek Planning Study determined that service to the two communities is feasible and each community has expressed interest in a County option; and

WHEREAS, this is a septic elimination project to continue Sussex County's efforts to serve existing homes/developments and eliminate existing septic systems; and

WHEREAS, Sussex County has received a cost proposal of **\$46,400.00** from Whitman Requardt & Associates LLP to prepare the Preliminary Engineering Report (PER) and Environmental Assessment (EA); and

WHEREAS, Sussex County proposes to enter into a contract with Whitman Requardt & Associates LLP to prepare the Preliminary Planning Study, contingent on approval of the Planning Advance; and

WHEREAS, the Water Infrastructure Advisory Council offers Project Planning Advances for Wastewater, Surface Water and Drinking Water Projects for up to 50% of the costs to assist in financing proposed projects that recognize and are consistent with the County's Comprehensive Plan and the goals of *Shaping Delaware's Future*; and

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby directs the Engineering Department to submit a Project Planning Advance application to the Water Infrastructure Advisory Council for up to \$23,200.00 to assist in financing the Oak Crest Farms & Chapel Green Preliminary Planning Study and approve a contract with Whitman Requardt & Associates LLP for the amount of \$46,400.00 per the attached proposal.

September 15, 2015
Files: GC-5.01



SCOPE OF SERVICES

OAK CREST FARMS AND CHAPEL GREEN PRELIMINARY ENGINEERING REPORT AND ENVIRONMENTAL REVIEW

This attachment outlines the required Scope of Services for the Preliminary Planning for service to Oak Crest Farms and Chapel Green. This work effort consists of a review of the previously proposed infrastructure, the review of initial hydraulics as required to estimate pump horsepower requirements and the development of cost estimates for the County's usage for the projects required Public Hearing and Referendum.

PART A: Preliminary Engineering Report

1. Field review of existing subdivision layouts and existing 5 pump stations (one within Chapel Green and four within Oak Crest).
2. Make recommendations as to upgrades required for the collection pump stations in regards to anticipated upgrades to meet County standards.
3. Review existing collection system and make recommendations for upgrades of system modifications to or elimination of existing septic tanks located within existing collection system.
4. Review of service area with respect to both Oak Crest Farms and Chapel Green and review impacts to serving both developments into the proposed PS#21 O/Goslee Creek 24-inch regional forcemain.
5. Review impacts of serving isolated areas around both developments for service into the project.
6. Review of hydraulics for proposed two pump stations, with estimate of pump HP requirements. A field review of the existing pump stations that serve both developments will be made. However, it is assumed that new replacement pump stations will need to be constructed to meet current County standards.
7. Develop cost estimates for infrastructure.
8. Summarize system in an amendment to the County.
9. Address County comments on Amendment.
10. Attend One Public Hearing with County.

PART B - Environmental Review

1. Background Data Collection – WR&A will conduct a collection of background environmental data required for the environmental assessment.
2. Purpose and Need/Alternatives Definition – WR&A will assess and define the purpose and need of the proposed expansion and provide various alternatives for its completion.
3. Inter-agency Correspondence - WR&A will prepare correspondence on behalf of Sussex County for inter-agency review.
4. USDA Environmental Assessment Forms – WR&A will complete the required forms for the environmental assessment on behalf the County. This includes the environmental screening checklist.
5. Environmental Impacts Analysis – WR&A will investigate the impacts of the proposed expansion on the surrounding environment.
6. Categorical Exclusion Report Documentation – This effort will involve development of the low-level Environmental Assessment documentation to reflect the potential environmental impacts of the proposed action. Documents will be developed in a format consistent with USDA National Environmental Policy Act (NEPA) guidelines, and will include documentation of potential impacts, support maps, and inter-agency correspondence.
7. Preliminary Engineering Report and Environmental Assessment. Prepare Preliminary Engineering Report and combine with Environmental Assessment (Part I) for submission to Funding Agency.

Assumptions:

- *Field studies and survey services are not required. There are no historical/archeological resources, coastal zone consistency, floodplain, or rare, threatened or endangered species concerns.*
- *The activity will require the level of documentation appropriate for a finding of no significant impact.*
- *This report does not include a discussion of indirect and cumulative impacts, required to assess future trends, regional development, or proposed activities outside of the County/State right-of way.*

RESOLUTION

TO SUBMIT A REQUEST FOR AN ASSET MANAGEMENT INCENTIVE FOR THE COUNTY'S WASTEWATER INFRASTRUCTURE TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL TO FINANCE THE DEVELOPMENT AND IMPLEMENTATION OF AN ASSET MANAGEMENT PLAN FOR THE COUNTY'S WASTEWATER FACILITIES

WHEREAS , the Sussex County Council proposes to implement an asset management plan for our existing wastewater infrastructure ; and

WHEREAS , the Engineering Department is desirous of establishing the Current State of Assets , Level of Service, Critical Assets , Minimum Life Cycle Costs and Long Term Funding Plan; and

WHEREAS , Sussex County proposes to enter into a contract with one of our previously selected and approved miscellaneous consultants to prepare the Preliminary Planning Study, contingent on the approval of the Planning Advance ; and

WHEREAS , the Water Infrastructure Advisory Council offers up to \$100,000 No Match Required Grant to develop and implement an Asset Management Plan; and

WHEREAS , the Water Infrastructure Advisory Council offers Loan Interest Rebates of up to one half of the interest paid on any new SRF loans for up to five years after completion of projects.

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby directs the Engineering Department to submit application to the Water Infrastructure Advisory Council for their Asset Management Incentive Program for up to \$100,000.00 to assist in financing the development and implementation of an Asset Management Plan.

September 15, 2015
Files: OM 10.33



**SCOPE OF WORK FOR HYDROGEOLOGIC SERVICES
FOR RAPID INFILTRATION BASINS (RIB) AND SPRAY IRRIGATION
AT THE INLAND BAYS REGIONAL WASTEWATER FACILITIES
IN SUSSEX COUNTY, DELAWARE**

WRA will perform the hydrogeologic services and review treatment process requirements as described below, for Rapid Infiltration Basins (RIB) and Spray Irrigation at the Inland Bays Regional Wastewater Facilities in Sussex County, Delaware. The cost for this scope of services shall not exceed **five hundred thirty thousand and eighty one dollars (\$530,081.00)**.

1. Work Plan

WRA will prepare a hydrogeologic work plan for the hydrogeologic study and discuss it with Sussex County and DNREC staff. We will develop the work plan based on current State requirements, and based on the monitoring well and water level data obtained from the nine existing monitoring wells. The work plan will recommend sites for RIB and spray irrigation, for further investigation.

2. Contractor Procurement

WRA will obtain price proposals from a well driller contractor, a soil scientist, and a laboratory.

3. RIB Investigation

WRA will coordinate and observe the following:

- forty-eight, 40-ft deep borings
- construction of a 6-inch diameter well, including 100 feet of cuttings sampling
- a 72-hour aquifer pumping test
- a Basin Test to assess infiltration
- collection of twenty soil samples for phosphorus analysis

4. Spray Irrigation Investigation

WRA will coordinate and observe the following:

- Twenty-six, 20-ft deep borings
- Slug tests in monitoring wells

5. Surveys

WRA's Surveying subconsultant will provide the following:

- Location and elevation of wells located within 1,000 feet of RIB and spray irrigation fields
- Pre-drilling stake-out of borings and wells for this investigation
- Post-drilling location and elevation of wells drilled in this investigation

6. Hydrogeologic Reports

WRA will prepare a Hydrogeologic Suitability Report, and a Surface Water Assessment Report. The reports will include the data produced by the hydrogeologic investigation, an assessment of groundwater mounding, water table maps, and interpretation of the data.

Assumptions:

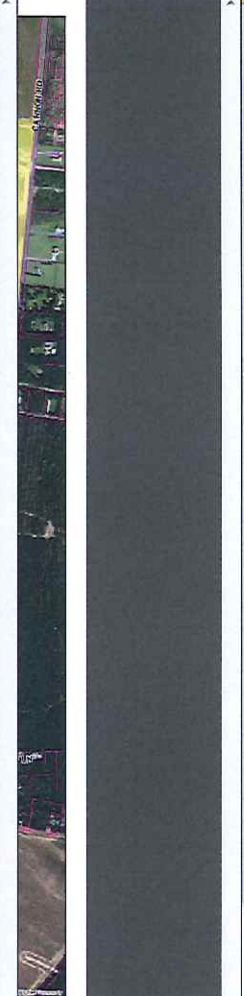
WRA assumes the following:

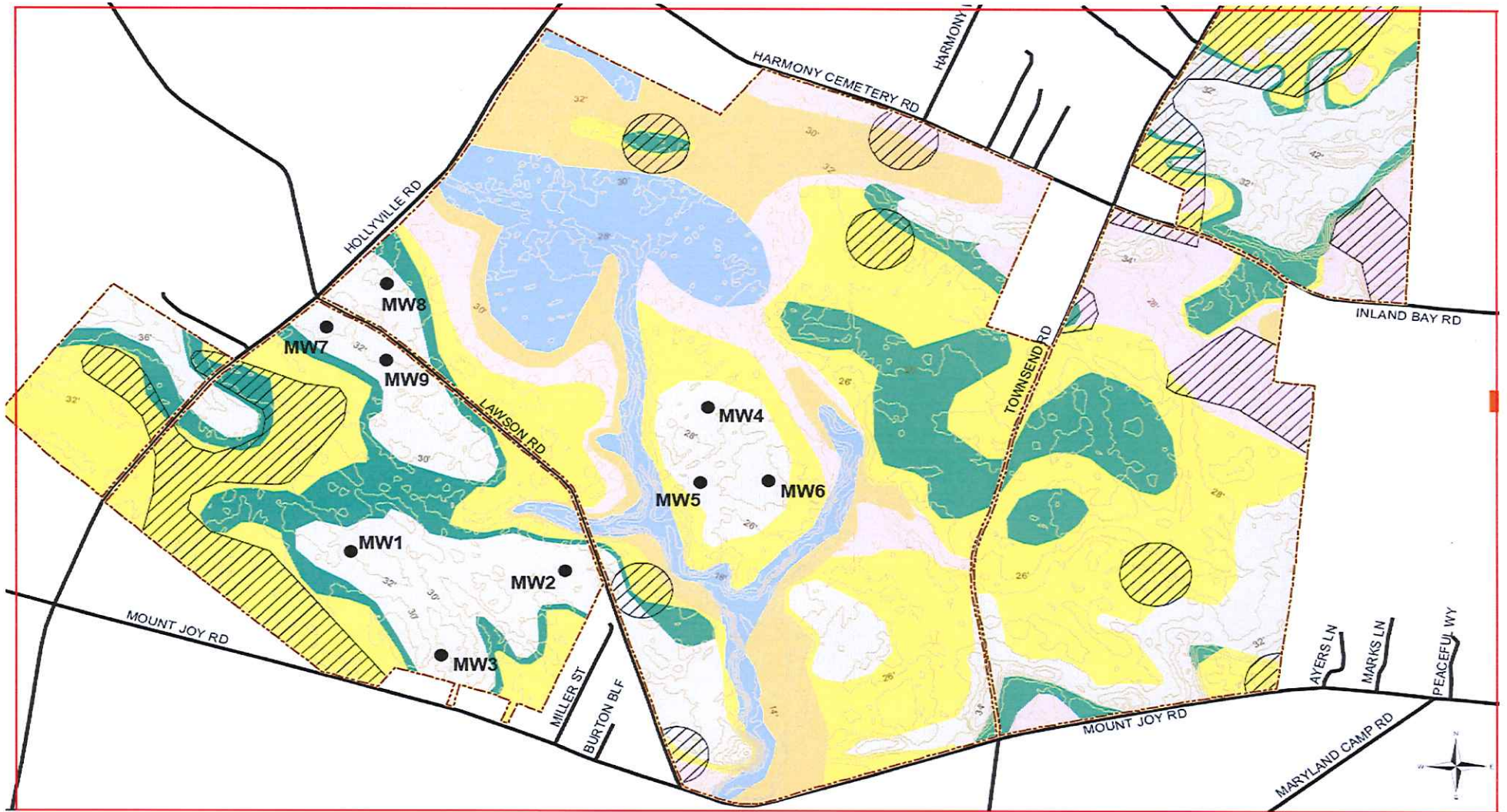
- A 2-mgd RIB system is assumed.
- RIB borings are based on 3 borings per acre of disposal area, and four, 1-acre basins per 0.5 mgd of disposal.
- Spray irrigation borings are based on one 20-ft boring per 10 acres of spray fields.
- A 2-mgd spray irrigation system is assumed, based on 260 acres of spray fields and an application rate of 2 inches per week.
- Services for a spare RIB system are excluded.
- Services related to the existing spray irrigation fields are excluded.
- Sussex County will provide right of entry to domestic well sites.
- Sussex County will authorize a driller to obtain well construction permits.
- Sampling of domestic wells is excluded.
- Sussex County will measure water levels on a weekly basis in monitoring wells.
- Sussex County will collect groundwater quality samples from monitoring wells (in 3 events, 30 days apart) for required State chemical parameters, and Sussex County will provide the lab data to WRA.

7. Review of Treatment Impacts

Determine the treatment, pumping and conveyance improvements that would be necessary to utilize the RIBs for effluent disposal. The tasks will include:

- Evaluate the performance of the existing Inland Bays RWF, and assess impacts on performance of future plant improvements including increased influent flow from diversion from Wolfe Neck, sludge dewatering system, sludge drying, and septage receiving and treatment.
- Establish treatment requirements for discharge to the RIBs, based on DNREC requirements and the hydrogeologic study.
- Determine the necessary treatment improvements to allow for discharge to the RIBs. The minimum treatment requirements for the RIBs are expected to be 30 mg/L for BOD5 and TSS and 200 CFU/100 mL for fecal coliforms.
- Determine the necessary improvements to convey the treated effluent to the recommended RIB locations, including modifications to the irrigation pump stations and associated forcemains.
- Develop a draft technical memorandum summarizing the findings.
- Conduct a meeting with the County to review the findings.
- Develop a final technical memorandum incorporating comments from the County.





LAWRENCE LANK
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
llank@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

REF: C/U #2014
Application of Jay Beach
Landscaping and Site Work Business
Record Closure Report

DATE: September 8, 2015

Be reminded that on May 19, 2015 the Sussex County Council held a public hearing on the above application for Jay Beach for a landscaping and site work business.

A motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2014 and to leave the record open for the purpose of obtaining information from the State DNREC, Sussex Conservation District, and any other appropriate agencies concerning the soils brought to the property; following receipt of the information by the Planning and Zoning Office, a report will be made to Council during public session, after which time the record will remain open for 15 days for written public comments on the information received.

Be advised that the County Council record shows that the Planning and Zoning Commission, after public hearings on April 9, 2015 and April 23, 2015, did forward a recommendation to the County Council that the application be approved with reasons and suggested Conditions of Approval on Conditional Use No. 2014.

The record also shows that we did receive a response from DNREC Site Investigation and Restoration Section, through an email from Todd A. Keyser, Hydrologist. The email included some attachments relating to soil samplings conducted on the site which were copied with their memorandum.

We had also received comments from Jessica L. Watson, Program Manager for the Sussex Conservation District in the form of a letter referencing that Mr. Beach is working with the District and is currently in compliance with the Standard Plan Application for Sediment and Erosion Control.



Todd Lawson

September 8, 2015

Page 2

I had also attached my letters sent to Ms. Durant of the Site Investigation and Restoration Section of DNREC and Ms. Jessica L. Watson, Program Manager for the Sussex Conservation District on behalf of the County Council requesting comments. Those letters were both sent on June 8, 2015.

Attached please find copies of correspondence from Thomas and Laura Kuchariik, and Matthew T. Cottrell in response to the project. Both comments were received prior to August 26, 2015, the cut-off date for responding.

I am now sending this memorandum and attachments so that the County Council can place this application on a future agenda to report the receipt of public comments on the agency comments received. Once the receipt of the information is reported to the County Council the record can then be closed. The County Council can then place this application on a future agenda to render a decision.

Should you have any questions, please do not hesitate to contact me.

Cc: Everett Moore, County Attorney

Robin Griffith, Clerk of the Council

Jay Beach

Lawrence Lank

From: Laura Kucharik
Sent: Sunday, August 23, 2015 3:37 PM
To: Joan R. Deaver
Cc: Michael H. Vincent; George Cole; Samuel R Wilson Jr; Lawrence Lank; Todd F. Lawson; emoore@sussexcountyde.gov; rarlett@sussexcountyde.gov
Subject: CU 2014

Thomas & Laura Kucharik
19884 Beaver Dam Road
Lewes, DE 19958

August 23, 2015

Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Director Lank and Council Members:

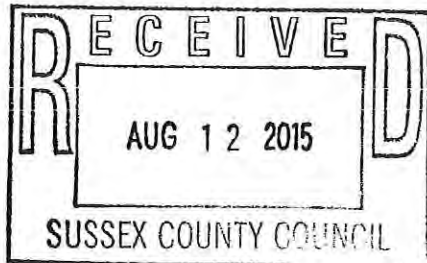
First of all, thank you for taking the time and using your authority to have DNREC and Soil Conservation officially address the soil dumped on our neighbor's (Mr. Beach) property. We feel this was an issue, considering the source of the soil, to trust but verify.

Our consultant from Ten Bears Environmental pointed out that as long as the quantity was limited and it was not encroaching on our property there shouldn't be a problem. We are comfortable in this but would only point out that deliveries were stopped when we complained. What if they were not stopped? Will there be more dumping in the future to the point where quantities of potentially hazardous materials will be a problem? Mr. Beach said there was no arsenic in the soil. There was. There were elevated levels. This is a fact. Harmful? Not this time. We do not oppose the business being next door, but we oppose dumping and stockpiling and the appearance of an industrial use in the middle of a residential and agricultural area.

Respectfully,

Thomas & Laura Kucharik
302-945-2938

Laura Kucharik
302-249-8830
www.GardenShackFarm.com



Matthew T. Cottrell
19747 Beaver Dam Road
Lewes, DE 19958

August 11, 2015

Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RE: DNREC soil report
Conditional Use No. 2014
Application of Jay Beach
Tax Map I.D. 234-5.00 Parcel 44.06
West of Beaver Dam Road (Road 285) 700 feet South of Hopkins Road (Road 286)

Dear Council Members:

I write to comment on the DNREC report addressing contamination of soil that was moved from the Thompson Property Brownfield site (DE-1527) where the new Lewes Library is under construction to the property of Mr. Jay Beach who submitted the conditional use application referenced above for a landscaping and site work business. I own a home across the street from Mr. Beach on Beaver Dam Road at Hopkins Road.

I greatly appreciate the prompt response from DNREC. In its report the agency concluded that the dumped soil poses no risk to residents in my neighborhood. However, this conclusion appears to be incomplete because it is based on incomplete information.

My main concern is that the DNREC report did not utilize all of the available information that was gathered during their investigation. DNREC assayed the soil dumped on Mr. Beach's property for chemical contamination, but much of the analytical data are missing. The DNREC report included the Chain of Custody (COC) for soil samples that were collected in April 2015. The COC reveals that DNREC ordered sample collection for four types of chemical contaminants including, volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), pesticides/PCBs and heavy metals. The DNREC report included a data table of the heavy metal concentrations that were measured, but the VOC, SVOC and pesticide/PCB results were not reported and apparently did not factor into the risk assessment. In addition, the missing data cannot be found on the publically accessible DNREC Environmental Navigator web site for the Thompson Property Brownfield site (DE-1527).

According to County records the Thompson Property was granted Brownfield status (DE-1527) because it was contaminated with heavy metals and organic compounds. BrightFields Inc. sampled the Lewes Library construction site in January 2015, only two months before soil was transferred to Mr. Beach's property on Beaver Dam Rd. Analysis of SVOCs revealed concentrations of five compounds that were 5-fold to 35-fold above the DNREC screening level in 50% to 60% of the 10 samples (BrightFields file

3137.01.52). Based on the extent of organic contamination at the Thompson Property it is clear why DNREC ordered the test for SVOCs in the dumped soil on Mr. Beach's property, but it is a mystery why those data were not used in the risk assessment.

My other concern is that much of the justification given to support DNREC's conclusion relies on the dumped soil originating from non-contaminated areas within the Thompson Property. This is a tenuous argument because there were three types of soil at the Lewes library construction site including, contaminated soil, non-contaminated soil and mixtures of contaminated and non-contaminated soil. The Lewes Library was issued a Sediment and Stormwater violation (E-Y2015-001) by DNREC in February 2015 for failing to comply with the approved Sediment and Stormwater Plan's sequence of construction. The violation was triggered when the contractor preemptively moved contaminated soils in and around the construction site. One month later in March 2015 soil was moved from the library construction site to Mr. Beach's property. The DNREC report did not consider these mixed soils as a potential source of the dumped soil, which is yet another example of the incompleteness of the DNREC assessment.

Recognizing the proximity of the dumped soil on Mr. Beach's property to neighboring homes, it was prudent for DNREC to order SVOC testing. The SVOCs contaminating the Thompson Property are polycyclic aromatic hydrocarbons (PAHs) that have all been identified as carcinogens at some level and should not be in anybody's neighborhood. On the Thompson Property the most prevalent PAH contaminant was benzo(a)pyrene, which causes skin cancer and is a prime carcinogen in cigarette smoke. It is unclear why the data on such a hazardous contaminant was not used in the risk assessment or mentioned in the report, despite samples for their analysis having been requested on the COC by DNREC.

Thank you for hearing my concerns about the deficiencies in the DNREC report. It is troubling that DNREC would produce a report that is based on such incomplete information. Without including potential impacts of organic contaminants such as SVOCs the current DNREC risk assessment and report should be considered unfinished.

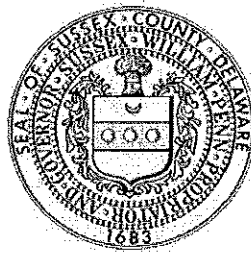
Sincerely,



Matthew T. Cottrell

Cc: Lawrence Lank, Director of Planning and Zoning
C. Everett Moore, County Attorney

LAWRENCE LANK
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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llank@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

RE: C/Z #1770
Application of TD Rehoboth, LLC

DATE: September 8, 2015

Be reminded that on June 2, 2015 the County Council held a public hearing on the above referenced application for TD Rehoboth, LLC for a rezoning from AR-1 Agricultural Residential to CR-1 Commercial Residential.

After the public hearing, a motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Change of Zone No. 1770, filed on behalf of TD Rehoboth, LLC, and to leave the record open for a period of 30 days for written comments or questions from Council and/or responses from agencies; thereafter, once comments received have been introduced to the Council and into the public record, the record will remain open for a period of 15 days for anyone to respond to the comments submitted. The motion carried 5 – 0.

Be advised that the Council record shows that the Planning and Zoning Commission held a public hearing on this application on April 23, 2015 and on June 11, 2015 did forward a recommendation to the Council that the application be approved with reasons. The motion for approval carried 3 – 2.

Also be reminded that Council was advised by my Memorandum to you on August 14, 2015 that we had received comments from DelDOT, dated July 2, 2015; the Department of Agriculture, dated June 17, 2015; Vincent Robertson, Esquire, dated July 17, 2015; and Janelle Cornwell, AICP, dated August 11, 2015; and that those comments were provided to the Council on August 18, 2015 for the purpose of opening the record for anyone to respond to those comments submitted.

I am now sending this memorandum so that the Council can place this application on a future agenda to report the receipt of public comments on those four comments previously referenced. Once the receipt of the information is reported to the Council the record can then be closed. The Council can then place this application on a future agenda to render a decision.

Attached please find a copy of all of the letters and emails received during the 15 day period when the record was open for anyone to respond to those comments submitted.



Todd Lawson
September 8, 2015
Page 2

I do not intend to provide copies of all of the letters and emails for the packet for the public meeting agenda. However, I will provide copies for distribution to the Council members on the day of the public meeting when the comments are to be announced. As you can see, the comments are massive in content, and should not be a part of an email packet.

The Council will have to decide which comments address specifically those comments addressed by DelDOT, the Department of Agriculture, Vincent Robertson, Esquire, and Janelle Cornwell, AICP. Some of the comments address specifically the comments, some comments only partially address the comments, and some comments only voice continued opposition to the application.

Should you have any questions, please do not hesitate to contact me.

Cc: Everett Moore, County Attorney
Robin Griffith, Clerk of the Council
Vincent Robertson, Esquire
James A. Fuqua, Jr., Esquire

OLD BUSINESS

September 15, 2015

This is to certify that on August 13, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance. At the conclusion of the public hearings, the Commission moved and passed that the Ordinance be forwarded to the Sussex County Council with the recommendation as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS

Mr. Robertson summarized the proposed Ordinance which would establish a six-month moratorium upon the acceptance of applications for a Special Use Exception for off-premises signs. This moratorium may be extended, modified, or terminated at any time by a majority vote by the Sussex County Council.

The Commission discussed the Ordinance proposal.

Mr. Ross asked that the Board of Adjustment letter to the Sussex County Council be attached to the Minutes of this meeting to be a part of the record for reference purposes.

Mr. Robertson stated that the entire sign ordinance section of the code may need to be reviewed and addressed.

The Commission found that no parties appeared in support of or in opposition to the proposed Ordinance to establish a moratorium on off-premises signs.

On August 13, 2015 there was a motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration by the full Commission. Motion carried 3 – 0. Mr. Johnson and Mr. Smith were both absent during the public hearing.

On August 27, 2015 the Commission discussed this Ordinance.

Mr. Johnson stated that he would not be participating in the discussion since he was not present during the public hearing.

The Commission discussed the Ordinance which has been deferred since August 13, 2015.

Mr. Burton stated that a moratorium is not needed; that the ordinance may need to be amended; that the Board of Adjustment letter expressed the feelings of the Board; and that there appears to be a need to amend the ordinances.

Mr. Smith stated that a moratorium is not needed; and that he would not object to a moratorium if it could be guaranteed that the ordinance amendments could be prepared, heard, and decided upon within a specified time.

Mr. Ross stated that the Board of Adjustment letter was very thorough and thoughtful; that moratoriums only put something on hold; that he does not see the need for a moratorium; and that the Board has not received a volume of applications since the announcement of a possible moratorium.

Mr. Wheatley stated that a moratorium puts on undo pressures to get things done.

Motion by Mr. Ross, seconded by Mr. Smith, and carried with four (4) votes to forward this Ordinance to the Sussex County Council with the recommendation that the Ordinance to establish a moratorium upon the acceptance of Special Use Exception applications for off-premises signs be rejected. Motion carried 4 – 0. Mr. Johnson did not participate in the discussion or vote since he was not present during the public hearing.

Introduced 07/28/15

ORDINANCE NO. __

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS

WHEREAS, Sussex County Code (“County Code”) currently allows off-premises signs to be approved for a special use exception by the Sussex County Board of Adjustment in certain zoning districts; and

WHEREAS, an off-premises sign is defined in the County Code, Chapter 115 as a “sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained;” and

WHEREAS, Sussex County Council views the placement of off-premises signs as an important public safety issue in Sussex County and believes that the recent proliferation of off-premises signs has a detrimental effect on the safety and welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address the safety issues and its other concerns with off-premises signs and that the continued approval of off-premises signs under the current County Code provisions will exacerbate the issues associated with these signs; and

WHEREAS, Sussex County is in the process of engaging a consultant to study land use planning issues, including off-premises signs; and

WHEREAS, in order to avoid exacerbating the issues with the off-premises signs and to allow Sussex County a reasonable time period for the review and study of off-premises signs, the preparation of proposed legislation to address resultant issues, and

the consideration of said legislation, Sussex County Council desires to establish a moratorium upon the acceptance of any special use exception application for an off-premises sign for a period of six (6) months from the date of adoption of this Ordinance, unless otherwise extended, modified or terminated by a majority vote of County Council.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That a moratorium upon the acceptance of any special use exception application for off-premises signs be hereby imposed for a period of six (6) months after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the office of the Sussex County Planning and Zoning Director is hereby directed to decline to accept all special use exception applications for an off-premises sign. The meaning of “off-premises sign” shall be as defined in Sussex County Code, Section 115-157(B).

Section 2. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the County Council of Sussex County.

Section 3. This Ordinance shall become effective upon its adoption.

Synopsis

This Ordinance establishes a six-month moratorium upon the acceptance of applications for a special use exception for off-premises signs. This moratorium may be extended, modified, or terminated at any time by a majority vote by the Sussex County Council.



Trap Pond Partners

August 20, 2015

Mike Vincent - Sussex County Council

Dear Mike,

Thank you for taking the time to review this request from me for Trap Pond Partners (TPP). TPP is a group of 30 or more people who work to support Trap Pond State Park. One of the main support areas of TPP is to purchase and maintain bicycles that are loaned to park visitors for no charge.

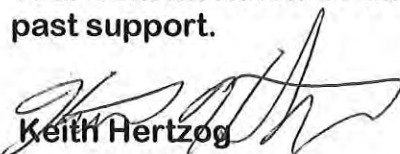
Due to the lack of proper storage our bikes are suffering damage. The bikes get tangled together easily which creates wear and tear on them. We currently have 60+ bicycles we supply to the park and during the summer hours most all of them are signed out.

We have outgrown our storage area at the park office and the boat house area. We have been accumulating funds for the last year to build a new storage area at the park office through serving food at free concerts in the park and other park events. Our plan is to move the storage building at the park entrance to the boat house area for bike storage on that side of the pond and to build a new storage building for the park entrance area.

The shed that we will build will include racks to keep the bikes in an upright position to help avoid damage. It is estimated that it will cost \$4000.00 for this project. TPP has raised funds of \$2,200.00 . Dale Dukes and Dukes Lumber has committed to about \$800.00 in materials and discounts. Plans have been submitted and approved by the park director so we are ready to move forward as soon as we have the funds to complete the shed.

Trap Pond Partners is requesting \$1,000.00 from you so we can complete this project. We feel that this is a great community service that is enjoyed by many visitors to Trap Pond State Park in Sussex County.

Your consideration of this gift is greatly appreciated and we thank you for your past support.


Keith Hertzog

Project Coordinator

8/24/2015

Betty Grossman

Trap Pond Partners President



**BOYS & GIRLS CLUBS
OF DELAWARE**

July 16, 2015

Honorable Samuel R. Wilson, Jr.
Council Vice President
Sussex County Council
2 The Circle
Georgetown, DE 19947

Dear Councilman Wilson:

It's that time of the year...lots of sunshine, nice warm weather and perfect blue skies and that can only mean one thing, Tee Time! We're hosting our 3rd annual Golf Tournament and Auction to benefit the Georgetown Boys & Girls Club on Friday, September 18, 2015 at The Sussex Pines Country Club & Golf Course.

I am hopeful that you will consider golfing with us this year and perhaps become a sponsor.

Your contribution provides the Georgetown Boys & Girls Club the opportunity to offer services to children who need us the most. Your financial support of this event helps us develop young people's capacity to engage in positive programs that nurture their wellbeing, helps them set and attain personal goals, and enables them to succeed in living as self-sufficient adults.

The Boys & Girls Clubs of Delaware offers core programs that engage youth in activities with adults, peers, and family members, enabling them to enhance their self-esteem and develop to their full potential. Based on the physical, emotional, cultural, and social needs and interests of our children, programs and activities are offered in the following five (5) areas:

- 1) Character & Leadership Development
- 2) Education & Career Development
- 3) Health & Life Skills
- 4) The Arts
- 5) Sports, Fitness & Recreation

We are extremely grateful to the businesses and individuals who support the Georgetown Boys & Girls Club and we hope you will join us at this event.

Should you have any questions, please feel free to contact me at 302.858.4479. Thank you for your time and consideration.

Sincerely,

Ira Hitchens
Chairman
Georgetown Golf Tournament



Todd F. Lawson, County Administrator
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

May 12, 2015

Dear Mr. Lawson and Honorable Members of Council;

On behalf of the Greater Georgetown Chamber of Commerce and its **2015 Wings & Wheels-A Georgetown Fall Festival** Committee, I respectfully submit a request to the Sussex County Council for its support in the amount of \$10,000 to help us sustain and grow our annual **Wings & Wheels-A Georgetown Fall Festival**.

As you know, this Georgetown festival has developed into one of Sussex County's premier events, and more than any other, showcases one of the county's greatest assets-- our Sussex County Airport. This unique Vintage Plane "Fly-In" & Classic Car exhibition has attracted tens of thousands of people to the airport grounds over the past seven years, and we anticipate that the 8th annual event could be our strongest ever!

In 2010 we expanded the (then) one-day **Wings & Wheels** event to include a USO-styled, "Dinner & Camp Show" on the Friday evening before the Saturday festival, and it has been a sold-out success every year since. We plan to continue this programming in 2015, and hope to maintain-if not exceed- the high quality entertainment we provided in 2014. The *Abbott & Costello Tribute Show* will return again this year, and we have contracted with the *Smooth Sound Dance Band* to headline the Show.

2014 marked another expansion in the event's programming to include an *Aviation Education Expo*, so we are very excited to invite you to the second annual Aviation Education Expo, which will also take place at the Sussex County Airport on Friday morning.

This event targets high school Juniors and Seniors throughout the State, and focuses on introducing young people to the vast array of career opportunities within the aviation industry. The day is packed with industry leaders, vendors, aircraft displays, guest speakers, amazing prizes, demonstrations, growing scholarship opportunities, and most of all...information that could literally change these students' destinies!

827 East Market Street

Georgetown, DE 19947

T) 302-856-1544; (F) 856-1577

www.georgetowncoc.com

www.wings-wheels.com

info@georgetowncoc.com

Another highlight of this year's event will be the return of a very special Guest of Honor, Lt. Col. Richard "Dick" Cole, one of the last of only 2 remaining WWII navy aviators known as the Doolittle Raiders. The **Wings & Wheels** Committee will provide air transportation and local accommodation for Lt. Col. Cole (who will be 100 years old) and his manager/aide. Along with Dick, this year's **Wings & Wheels** will host another historic aviator, Joe F. Edwards. Mr. Edwards is a world-renown astronaut and aerospace engineering consultant, and the only living recipient of the Navy's Distinguished Flying Cross awarded during peacetime for successfully landing a damaged F14 (with no canopy) on the deck of an aircraft carrier while having an injured left eye, broken ribs and arm. The presence of these veterans at our **Wings & Wheels** event makes history for Sussex County!

Location: Sussex County Airport and its Surrounding Areas

Dates/Times: Friday, October 2, 2015; 8:00 AM-9:00 PM; and Saturday, October 3, 2015- 10:00 AM to 4:00 PM (Raindate: October 4, 2015)

A preliminary list of Events & Activities includes:

Friday, Oct. 2, 2015

- *Wings & Wheels* Aviation Education Day-
 - Lt. Col. Richard "Dick" Cole-"Doolittle Raider"
 - Retired Astronaut and Top Gun graduate, Joe F. Edwards
- *Wings & Wheels Camp Show* (Dinner & Show Entertainment Program)

Saturday, Oct. 3, 2015

- Vintage Plane "Fly In"
 - Planes on Display for Viewing
 - Pilot Competitions
- Antique & Classic Car Show (over 380+ cars registered in 2014)
- WWII Special Events
 - Panel of Local WWII Veteran Heroes
 - Living Testamonies-First Hand Accounts
 - Lt. Col. Richard "Dick" Cole-"Doolittle Raider"
 - Retired Astronaut and Top Gun graduate, Joe F. Edwards
 - Historic WWII Newsreel footage
 - Fort Miles Exhibits
 - WWII Ground Re-enactments
 - US Naval Academy Parachute Team (Have declared *Wings & Wheels* to be its " home training event".)
- DE Aviation Museum Tours
- Food & Craft Vendors
- All Day Entertainment
 - On-Site/On Air Radio Personality
 - Live Band

The Greater Georgetown Chamber of Commerce assumes the lion's share of the financial responsibility for **Wings & Wheels- A Georgetown Fall Festival**, and with its growth, our expenses have grown, as well. Transportation expenses for our honored guests will be significant this year, as well as, the entertainment fees for the *Dinner & Big Band Show*. We also undertook an initiative to redesign and upgrade our dedicated event website, which was a significant investment made in the ongoing marketing and promotion of this event. To date, any net revenue realized from the event has been redirected back into supplementing the attending aircraft's fuel costs, and development of the next year's event. Our challenge remains solidifying major sponsors and creating strong corporate, business and local partnerships in the event.

We are asking the County to support **Wings & Wheels 2015-** in a major way. Council's contribution of \$10,000 will help us meet event marketing, advertising, rentals, entertainment, transportation, and insurance costs, etc.—actual expenses associated with hosting this large scale, 2-day festival; and it will insure that it is a memorable and thrilling occasion for all who attend. Your investment in this event is an investment in your airport and your county.

With Council's support, **Wings & Wheels 2015** can be another great success, and the annual festival will continue to grow and be recognized as an event singularly unique to Sussex County. Thank you in advance for your consideration of our request, and for your generous support of **2015 Wings & Wheels- a Georgetown Fall Festival**.

Most Sincerely,


Karen S. Duffield, Executive Director
Greater Georgetown Chamber of Commerce

cc: The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice-President
The Honorable Joan R. Deaver
The Honorable George B. Cole
The Honorable Robert B. Arlett
Jim Hickin, Airport Manager

To Be Introduced 9/15/15

**Council District No. 2 – Wilson
Tax I.D. No. 330-14.16-5.03 and 5.00
911 Address: 18578 Sherman Avenue, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE, EQUIPMENT PARKING AND SHOP/YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.125 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2015, a conditional use application, denominated Conditional Use No. 2032 was filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 2032 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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. 2032 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 north of Sherman Avenue (Road 213B) 135 feet east of North Old State Road (Road 213) and being more particularly described as Lot 3 and Residual Area in Plot Book 81, Page 123, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.125 acres, more or less.

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

To Be Introduced 9/15/15

**Council District No. 3 – Deaver
Tax I.D. No. 334-5.00-222.01
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.52 ACRES, MORE OR LESS

WHEREAS, on the 10th day of July 2015, a conditional use application, denominated Conditional Use No. 2033 was filed on behalf of BDRP, LLC.; and

WHEREAS, on the ____ day of _____ 2015, 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. 2033 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2033 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 south of Beaver Dam Road (Road 285) 2,500 feet west of Plantations Road (Road 275) and being more particularly described in Deed Book 4326, Page 226, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 19.52 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 09/15/15

**Council District No. 3 - Deaver
Tax Map I.D. No. 334-5.00-222.01
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.52 ACRES, MORE OR LESS

WHEREAS, on the 13th day of August 2015, a zoning application, denominated Change of Zone No. 1787 was filed on behalf of BDRP, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1787 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Beaver Dam Road (Road 285) 2,500 feet west of Plantations Road (Road 275) and being more particularly described in Deed Book 4326, Page 226, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 19.52 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 09/15/15

**Council District No. 3 - Deaver
Tax Map I.D. No. 234-23.00-269.08
911 Address: 24858 John J. Williams Highway, Millsboro**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,596 SQUARE FEET, MORE OR LESS

WHEREAS, on the 13th day of July 2015, a zoning application, denominated Change of Zone No. 1788 was filed on behalf of Upesh Vyas; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1788 be _____; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the northwest corner of the intersection of John J. Williams Highway (Route 24) and Indian Mission Road (Route 5) and being more particularly described as follows:

BEGINNING at an iron pipe on the northerly right-of-way of Indian Mission Road (Route 5), a corner for these lands and lands of Nanticoke Crossing Limited Partnership; thence North 29°27'29" East 159.86 feet to a steel T-Bar, and South 77°15'48" East 139.64

feet along lands of Nanticoke Crossing Limited Partnership to an iron pipe on the westerly right-of-way of John J. Williams Highway (Route 24); thence South 22°11'22" West 172.15 feet along the westerly right-of-way of John J. Williams Highway to a point; thence South 75°23'28" West 49.64 feet along the corner cut of the intersection of John J. Williams Highway and Indian Mission Road to a point; and thence North 60°25'15" West 89.30 feet along the northerly right-of-way of Indian Mission Road to the point and place of beginning and containing 26,596 square feet, 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

PUBLIC HEARINGS

September 15, 2015

This is to certify that on July 30, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed applications for Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

C/U #2022- Home of the Brave Foundation, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a nonprofit boarding home for female veterans to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 5.0 acres, more or less. The property is located northwest of Sharps Road (Road 200) 0.6 mile northeast of Coastal Highway (Route One) (911 Address: 6632 Sharps Road, Milford) Tax Map I.D. 330-12.00-11.01.

The Commission found that the application was filed on May 22, 2015; and that the applicants provided an Exhibit Packet on July 20, 2015, which contains background information on the Home of the Brave Foundation, Inc.; a site plan; aerial photographs; a copy of the Rules Statement for clients; a copy of the Resident Rules for a Home of the Brave Foundation facility; and suggested proposed Findings of Fact and Conditions of Approval for consideration.

The Commission found that DelDOT had provided comments in the form of an email from Derek Sapp, Subdivision Manager, advising that the intended expansion is considered to have no impact on traffic generation; that there is no accident history at this location; that the site distance for the existing entrance is beyond the maximum required; and that DelDOT requires no further review or analysis of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated July 22, 2015, referencing that there are two soil types at this location; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that only minor on-site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated July 27, 2015, referencing that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently plans to provide sewer service; and that a concept plan is not required.

Mr. Lank advised the Commission that letters of support were received from David Moore, Commander of the Walter L. Fox Post No. 2 of the American Legion; Larence W. Kirby, Executive Director of the Delaware Commission of Veterans Affairs; Olin B. Davis, Jr. of Davis – Smith Accounting Associates, P.A.; and Debra L. Smith voicing support of the proposed female facility and the need for such a facility in Delaware and on the Delmarva Peninsula, in the hope of helping eliminate veteran homelessness.

The Commission found that James A. Fuqua, Jr., Esquire with Fuqua, Yori and Willard, P.A. was present on behalf of the Home of the Brave Foundation, Inc. with several of the Foundation Board members, and Michael Cotton of Cotton Engineering, LLC, and stated in their presentation and in response to questions raised by the Commission that they are proposing a traditional housing facility to provide housing, food, transportation, and employment and counseling assistance; summarizing Exhibit “A” and Exhibit “D” in the Exhibit Packet; and continuing that the current Sharps Road facility currently serves 16 residents; that a few years ago the Foundation filed a Special Use Exception application for a facility near Milford and received some opposition; that another site was found within the City of Milford and opened as a temporary facility; that the temporary facility is only adequate for such a temporary use; that the application site contains 5.0 acres with adequate frontage; that the existing men’s facility is located to the rear of the acres and has 5 residential units to provide housing for 15 veterans; that the facility has an on-site septic and on-site well; that this application proposes two (2) two (2) story dwellings to house 8 female veterans in each dwelling with a 24 hour care giver; that the dwellings will be built in two (2) phases; that the County Comprehensive Land Use Plan places this site in a Low Density Area where single family residential use is permitted; that the site could be developed with a similar density; that the use meets the purpose of the AR-1 Agricultural Residential District and the purpose of a Conditional Use; that the use is of a public character; that the site is surrounded by agricultural lands; that there should be no negative impact on the neighborhood; that the site has been utilized for 19 years for the housing for male veterans; that the maximum number of residents will be 31 veterans with care givers/staff; that buses are used for transportation, since the residents do not drive; and that an individual will not stay at the facility for more than 6 to 9 months.

Mr. Lank advised the Commission that this site was originally established as “People’s Place”.

Mr. Robertson questioned if there were any prior conditions of approval.

The Commission found that Al Wier, a Commissioner for Veterans Affairs, was present and stated that the Commission for Veterans Affairs is in support of this application.

The Commission found, by a show of hands, that there were 31 parties present in support of this application.

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

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

On July 30, 2015 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 13, 2015 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2022 for the Home of the Brave Foundation, Inc. for a non-profit boarding home for female veterans based on the record made during the public hearing and for the following reasons:

- 1) The Applicant is proposing a traditional housing facility to provide housing, food, transportation, employment and counseling assistance to female veterans of the United States Armed Forces. The housing will be on a temporary or a transitional basis until the veterans can find more permanent housing.
- 2) The use is of a public or semi-public character in that it provides a service to veterans of the United States Armed Forces residing in Kent and Sussex Counties. This is an important service to these veterans.
- 3) The application is for a site that has been utilized for approximately 19 years for similar housing purposes. The female veteran housing will be an expansion on the same site, but in two separate housing structures.
- 4) The site is surrounded by agricultural uses. The use will not adversely affect neighboring properties or the uses that occur on nearby properties.
- 5) The site will have little or no impact upon traffic or area roadways.
- 6) The application received support from the Walter L. Fox Post No. 2 of the American Legion and the Executive Director of the Delaware Commission of Veterans Affairs.
- 7) There was unanimous support in the County Council Chambers for the application and no parties appeared in opposition to it.
- 8) This recommendation is subject to the following conditions:

- A. The female housing shall be in two separate buildings as identified on the Preliminary Site Plan.
- B. As proposed by the applicants, the housing will be on a temporary or transitional basis. There shall not be any permanent residency on the site, except as may be necessary for support staff.
- C. As a result of this approval, the maximum number of residents at the facility shall be 31 veterans including both male and female veterans.
- D. The use shall comply with all Sussex County parking requirements.
- E. The site shall comply with all requirements of the Sussex Conservation District.
- F. The site shall comply with all requirements of the Delaware Department of Transportation (DelDOT).
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/U #2023 – Frank Miranda

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a veterinarian office to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.52 acres, more or less. The property is located northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection (911 Address: 33053 Lighthouse Road, Selbyville) Tax Map I.D. 533-18.00-12.00.

The Commission found that this application was filed on June 4, 2015 with a survey/site plan.

The Commission found that DelDOT provided comments on June 2, 2015 in the form of a Support Facilities Report referencing that a Traffic Impact Study was not recommended, and that the current Level of Service “C” of Route 54 will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on July 22, 2015 in the form of a memorandum referencing that there are three soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that off-site drainage improvements will not be necessary; that any new construction may require additional on-site drainage improvements; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments on July 27, 2015 in the form of a memorandum referencing that the site is located in the Roxana Planning Area; that use of an on-site septic system is proposed; that

conformity to the South Coastal Area Planning Study, 2005 Update will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

The Commission found that Frank Miranda was present with Joseph Baker, the property owner, and that they stated in their presentation and in response to questions raised by the Commission that Mr. Baker has had a commercial dog kennel business on this site for approximately 25 years; that Mr. Miranda wants to purchase the property and extend the use to provide veterinary services by creating a veterinary clinic in the dwelling and to provide retail sales of accessory products normally sold in a veterinary clinic; that the area is predominately agricultural; that DelDOT has voiced no objections; that there are no veterinary clinics in the area; that the closest veterinary clinics are in West Ocean City, Selbyville and Ocean View; that the use will provide a service for the residents of the area; that they would be providing health care for small animals; that medications are controlled by State laws and will be kept secure; that the building will be alarmed; that the existing gun safe should be adequate for medication storage; that the maximum number of employees will not exceed ten; that appointments will be staggered by at least 45 minutes; that the existing signage on the premises will be altered to include references to the veterinary clinic; that the County owns the adjacent property; and that part of the driveway is on County property.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #2023 for Frank Miranda for a veterinarian's office based on the record made during the public hearing and for the following reasons:

- 1) The property is currently used as a home with a commercial kennel. The proposed use as a veterinarian office is an expansion of the existing use, and similar to the existing use. The kennel is a Special Use Exception that has been in existence for approximately 25 years.
- 2) This is an appropriate location for this use. The property is surrounded by other lands used for farming. The use will not have any impact on these nearby and adjacent properties.
- 3) The use as a veterinarian's office is consistent with the underlying AR-1 Agricultural Residential zoning of the property.
- 4) DelDOT has no objection to this use, and it will not adversely affect nearby roadways.
- 5) The use will provide a service to residents/guests and their pets in this area of Sussex County. It is a public use which satisfies the purpose of a conditional use under the Zoning Code.

- 6) No parties appeared in opposition to this application.
- 7) This recommendation is subject to the following conditions:
 - A. The use shall be a veterinarian's office, in addition to the existing kennel operations. Retail sales ancillary to a veterinarian's office shall be permitted.
 - B. The applicant shall comply with any DelDOT entrance requirements associated with the veterinarian's office.
 - C. The applicant shall utilize the existing sign for this use. No additional signage shall be permitted.
 - D. The parking shall comply with the Sussex County parking requirements for the uses as a kennel and a veterinarian's office. The parking spaces shall be clearly marked on the site.
 - E. Any security lights shall be downward screened so that they do not shine on neighboring or adjacent roadways or properties.
 - F. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways.
 - G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #2024 – Stockley Materials, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for commercial landscaping materials, storage and sales to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.68 acres, more or less. The property is located southeast of Lewes-Georgetown Highway (Route 9) 0.3 mile southwest of Coastal Highway (Route One) (911 Address: None Available) Tax Map I.D. 334-5.000-192.00, 193.00, 194.00.

The Commission found that the application was filed on June 6, 2015 and that the applicant provided surveys/site plans with the application. The applicants also provided an Exhibit Booklet on July 20, 2015 for inclusion into the record. The Exhibit Booklet contains references to the project team and their qualifications; a series of maps, aerials, and photographs; references to the 2008 Sussex County Comprehensive Plan; references to the application with deeds, tax maps, adjacent property owners, the DelDOT Service Level Evaluation Request, sales agreements, surveys and site plans; Google photographs and site photographs; suggested proposed Findings of Fact and Conditions of Approval for consideration; and support letters.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated June 2, 2015, referencing that a Traffic Impact Study was not recommended, and that the current Level of Service “E” of U.S. Route 9 Lewes Georgetown Highway will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated July 22, 2015, referencing that there is one soil type on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that it will not be necessary for any off-site drainage improvements; that it may be possible that on site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated July 27, 2015, referencing that the property is located in the West Rehoboth Expansion Area; that wastewater capacity is available if the proposed use does not exceed 1.0 Equivalent Dwelling Unit (EDU) of sewer assessment per parcel; that the planning study and design assumption for the parcels is 1.0 EDU each based on a residential use on a residentially zoned parcel of less than 1.0 acre; that if the proposed use is expected to exceed 1.0 EDU per parcel, additional information should be provided and a capacity review completed prior to approval; that the current System Connection Charge Rate is \$5,775.00 per EDU; that each parcel has been provided with a 6-inch sanitary sewer lateral located along each parcels road frontage; that conformity to the West Rehoboth Expansion Area Planning Study will be required; that prior to moving or demolishing an existing home or commencement of site work on Parcel 192 and 193, a proper disconnection of sewer service must be completed by a Sussex County licensed plumber; that proper disconnection includes issuance of a disconnection permit and inspection by County personnel; and that a concept plan is not required.

The Commission found that Kenneth Adams, Manager for Stockley Materials, LLC was present with Dennis Schrader, Esquire of Morris James Wilson Halbrook & Bayard, LLP, Mark Davidson of Pennoni Associates, Inc., and Robert Stickels, Administrative Assistant for Stockley Materials, LLC, and that they stated in their presentations and in response to questions raised by the Commission that the site includes three properties containing 1.68 acres, more or less; that the zoning is AR-1 Agricultural Residential; that the area across Route 9 to the north is zoned C-1 General Commercial; that a Delmarva Power substation exists to the west of the property; that the current location of the use exist to the west in the Vinyards project and it is their intent to relocate to this site; that public sewer is available through the County; that private water exist on the site; that various commercial uses exist across Route 9; that a 10-foot wide dirt lane separates the substation from this property; that they are proposing an entrance on the westerly side of the frontage; that storage bins for mulch, stones, etc. will be placed along the perimeter; that the existing home on the premises may be used for a temporary office for the business; that two employees are normally on the site during business hours; that they anticipate a maximum of three employees when busy; that they will be providing sales and display of pavers, patio displays, etc. on the site; that stormwater management facilities are proposed along the rear of

the property; that the property will be fenced and gated; that a 32 square foot sign is intended; that they have been in business for 9 years near Stockley on U.S. Route 113 and at their current location on Route 9 for 3 years; that their customer base is landscapers and landowners; that they are proposing to move from their current location since they currently lease, and since the business is expanding and needs additional space; that a minimum amount of security lighting is needed since the site will be fenced; that the County pump station next to their current site is being expanded and has impacted the business on the current site; that normal business hours are from 7:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays; that the business has been successful; that the Exhibit Booklet contains several support letters; that the Exhibit Booklet contains suggested proposed Findings of Fact and Conditions of Approval for consideration; that the owner of the 10-foot lane is unknown; that their proposed fencing will not impede the lane; that the speed limit along Route 9 is reduced at this location; that this location should be safer than the existing location; that no grinding will be performed at this facility; that they may sell Christmas trees and firewood in the off-season; and that the gate will be off-set allowing vehicles to get off of Route 9 to open the gate.

The Commission found that Reverend Braven Duffie, one of the property owners, was present in support of this application and stated that the use is a benefit for the area. Mr. Duffie did ask a question if ownership was required to file an application.

The Commission found that Gene Williams was present with Mr. Duffie and stated that the 10-foot lane, called Stingy Lane by the area residents, was built by his Grandfather.

The Commission found that Anthony Morgan III was present in opposition to this application and expressed concerns about the 7:00 a.m. morning hours; the height of the fencing; mulch dyes getting into the water table; run-off; the location of the stormwater management facilities; and that the supporters are only present for profit.

In response to questions, Mr. Adams responded that the mulch will not be dyed on the premises; that mulch is normally dyed at the production site or plant; that once the dye is applied it normally has been absorbed into the mulch within 24 hours; that there will be minimal run-off from this site; and that hot-mix asphalt will be laid under the storage bins.

In response to questions, Mr. Davidson responded that the stormwater management will include infiltration and will be self-contained and is not intended to hold water; and that by regulations they cannot discharge any more run-off than that which is currently running off from the site.

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

On July 30, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 13, 2015 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2024 for Stockley Material, LLC for a commercial landscaping material storage and

sales facility based upon the record made during the public hearing and for the following reasons:

- 1) The property is located along U.S. Route 9, which is classified by the Delaware Department of Transportation as a major collector road. The site is opposite an existing C-1 General Commercial District and is next to a Delmarva Power Substation. The area is general is a mixed use area that includes existing residential and commercial uses.
- 2) This application represents the relocation of an existing business from across U.S. Route 9 to the proposed location. As a result, it will not generate any increase in traffic on U.S. Route 9.
- 3) The property is zoned AR-1 Agricultural Residential. The use of the property as a landscape material storage and sales facility is consistent with the underlying agricultural zoning.
- 4) Public sewer is available to the site from Sussex County.
- 5) The use will not adversely affect the nature of the area or neighboring properties.
- 6) The intended use of the property as a material storage and landscaping sales facility is of a public or semi-public character that will benefit the residents and visitors of Sussex County.
- 7) This recommendation is, however, subject to the following conditions:
 - A. The use shall be limited to commercial landscaping material storage and sales.
 - 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. One lighted sign not to exceed 32 square feet per side shall be permitted.
 - D. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. until 4:00 p.m. on Saturdays.
 - E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. The applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.
 - G. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.
 - H. All materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.

- I. The site shall be fenced and gated. The gate at the entrance shall be off-set from U.S. Route 9 to allow vehicles to still pull off of the U.S. Route 9 right-of-way if the gate is closed.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

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Lands N/F of
HOME OF THE

5.00
Ac.

11.01

193.32

SHARPS RD
652.36

Lands N/F of
BENNETT

Lands N/F of
TATINENI
Lands N/F of
OWENS
Lands N/F of
RIVERA

Lands N/F of
HALL

150
223.08
61
150
223.08
60

315.96
584.45

534.81
200.01

24.06


25.17

24.06

25.17

25.17

Conditional Use Application #2022



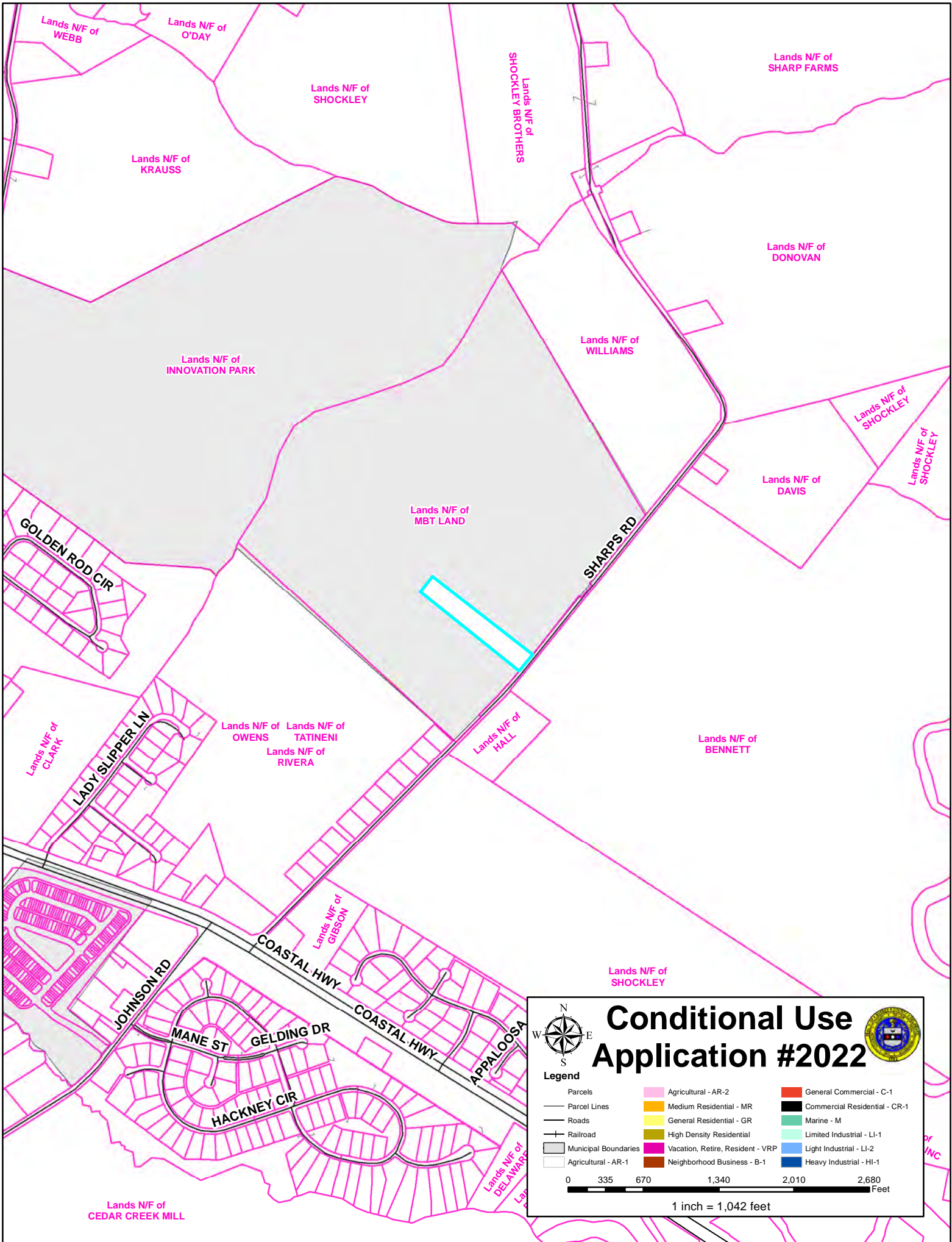
Legend

Parcel Lines	Agricultural - AR-2	General Commercial - C-1
Roads	Medium Residential - MR	Commercial Residential - CR-1
Railroad	General Residential - GR	Marine - M
Municipal Boundaries	High Density Residential	Limited Industrial - LI-1
Agricultural - AR-1	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
	Neighborhood Business - B-1	Heavy Industrial - HI-1


0 60 120 240 360 480 Feet

1 inch = 188 feet


Source: USDA, USGS, AEA, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community



Conditional Use Application #2022

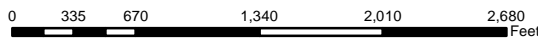


W
N
E
S



Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 335 670 1,340 2,010 2,680
Feet

1 inch = 1,042 feet

Lands N/F of
MBT LAND

Lands N/F of
HOME OF THE

5.00
Ac.

11.01

193.32

652.36

SHARPS RD

Lands N/F of
BENNETT

534.81
200.01

Lands N/F of
TATINENI
Lands N/F of
OWENS
Lands N/F of
RIVERA

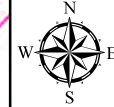
Lands N/F of
HALL

150 223.08
61 4

150 223.08
60 150 25.71

315.96

584.45



Conditional Use Application #2022



Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 60 120 240 360 480 Feet

1 inch = 188 feet

To Be Introduced 06/30/15

**Council District No. 3 - Deaver
Tax Map I.D. 330-12.00-11.01
911 Address – 6632 Sharps Road, Milford**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of May 2015, a conditional use application, denominated Conditional Use No. 2022 was filed on behalf of Home of the Brave Foundation, Inc.; and

WHEREAS, on the _____ day of _____ 2015, 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. 2022 be _____; and

WHEREAS, on the _____ day of _____ 2015, 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. 2022 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 northwest of Sharps Road (Road 200), 0.6 mile northeast of Coastal Highway (Route One), and being more particularly described as follows:

BEGINNING at a point on the northwesterly right-of-way of Sharps Road (Road 200), a corner for these subject lands and lands, now or formerly, of MBT Land Holdings, LLC; thence north 49°01'34" west 1,119.79 feet to a point; thence north 40°19'58" east

196.62 feet to a point; thence south 48°51'03" east 1,114.99 feet to a point on the northwesterly right-of-way of Sharps Road; and thence by and along the northwesterly right-of-way of Sharps Road 193.33 feet to the point and place of beginning, said parcel containing 5.0 acres, more or less.

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

PROPOSED

28.59 A

Lands N/F of
SUSSEX COUNTY

Lands N/F of
DICKERSON

Lands N/F of
BAKER

2.53
Ac.

846.1

326

LIGHTHOUSE RD

Lands N/F of
SUSSEX COUNTY



Conditional Use Application #2023



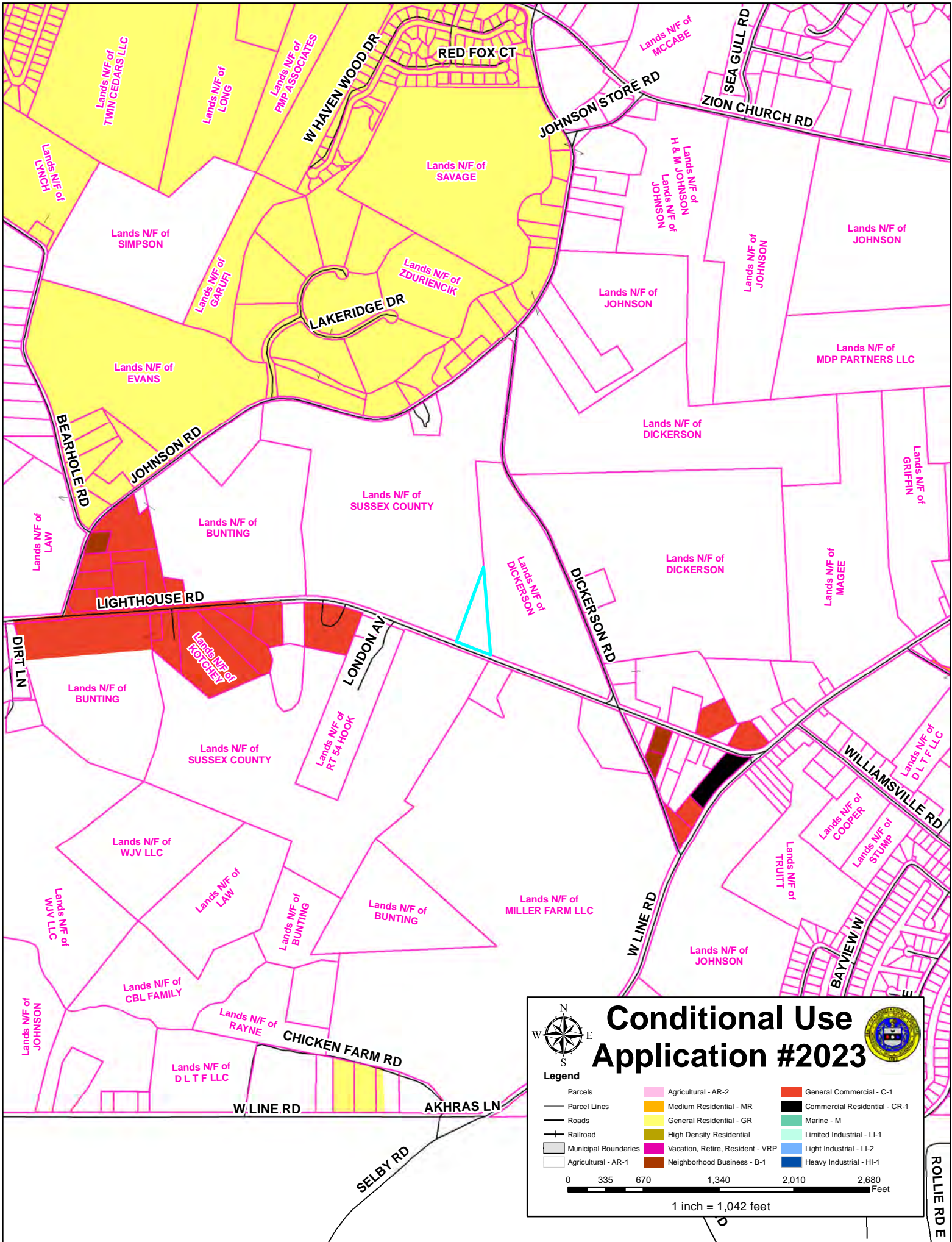
Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 30 60 120 180 240 Feet

1 inch = 104 feet

Source: USDA, USGS, AEA, Geotapping, Aerotrig, IGN, IGN, Swisstopo, and the US User Community



Lands N/F of TWIN CEDARS LLC

Lands N/F of LONG

Lands N/F of RMP & ASSOCIATES

RED FOX CT

Lands N/F of MCCABE

W HAVEN WOOD DR

JOHNSON STORE RD

SEA GULL RD

ZION CHURCH RD

Lands N/F of SAVAGE

Lands N/F of H & M JOHNSON
Lands N/F of JOHNSON

Lands N/F of SIMPSON

Lands N/F of JOHNSON

LAKERIDGE DR

Lands N/F of ZDURIENCIK

Lands N/F of JOHNSON

Lands N/F of JOHNSON

Lands N/F of EVANS

Lands N/F of MDP PARTNERS LLC

BEARHOLE RD

JOHNSON RD

Lands N/F of DICKERSON

Lands N/F of SUSSEX COUNTY

Lands N/F of BUNTING

Lands N/F of DICKERSON

Lands N/F of GRIFFIN

LIGHTHOUSE RD

Lands N/F of DICKERSON

Lands N/F of MAGEE

DIRT LN

LONDON AV

DICKERSON RD

Lands N/F of BUNTING

Lands N/F of SUSSEX COUNTY

Lands N/F of RT 54 HOOK

Lands N/F of DICKERSON

Lands N/F of D L T F LLC
Lands N/F of COOPER
Lands N/F of STUMPF

Lands N/F of WJV LLC

Lands N/F of LAW

Lands N/F of BUNTING

Lands N/F of MILLER FARM LLC

Lands N/F of TRUITT

Lands N/F of WJV LLC

Lands N/F of CBL FAMILY

Lands N/F of RAYNE

CHICKEN FARM RD

W LINE RD

Lands N/F of JOHNSON

BAYVIEW W

Lands N/F of JOHNSON

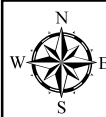
Lands N/F of D L T F LLC

W LINE RD

AKHRAS LN

SELBY RD

ROLLIE RD E



Conditional Use Application #2023

28.59 A

Lands N/F of
SUSSEX COUNTY

Lands N/F of
DICKERSON

12

Lands N/F of
BAKER

2.53
Ac.


846.1

326

LIGHTHOUSE RD

Lands N/F of
SUSSEX COUNTY

Conditional Use Application #2023



Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 30 60 120 180 240
Feet

1 inch = 104 feet

To Be Introduced 6/30/15

**Council District No. 5 – Arlett
Tax I.D. No. 533-18.00-12.00
911 Address: 33053 Lighthouse Road, Selbyville**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2015, a conditional use application, denominated Conditional Use No. 2023 was filed on behalf of Frank Miranda; and

WHEREAS, on the ____ day of _____ 2015, 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. 2023 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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. 2023 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 northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection and being more particularly described as follows:

BEGINNING at a point on the northeast right-of-way of Lighthouse Road (Route 54), a corner for these subject lands and lands of Taylor and Peggy Dickerson; thence North 61°24'00" West 326.00 feet along the northeasterly right-of-way of Lighthouse Road to a point; thence North 28°36'00" East 675.00 feet along lands of Sussex County to a point; and thence South 02°49'16" West 744.05 feet along the aforementioned Dickerson lands to the point and place of beginning, said parcel containing 2.52 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.



177.01
2.64 Ac.

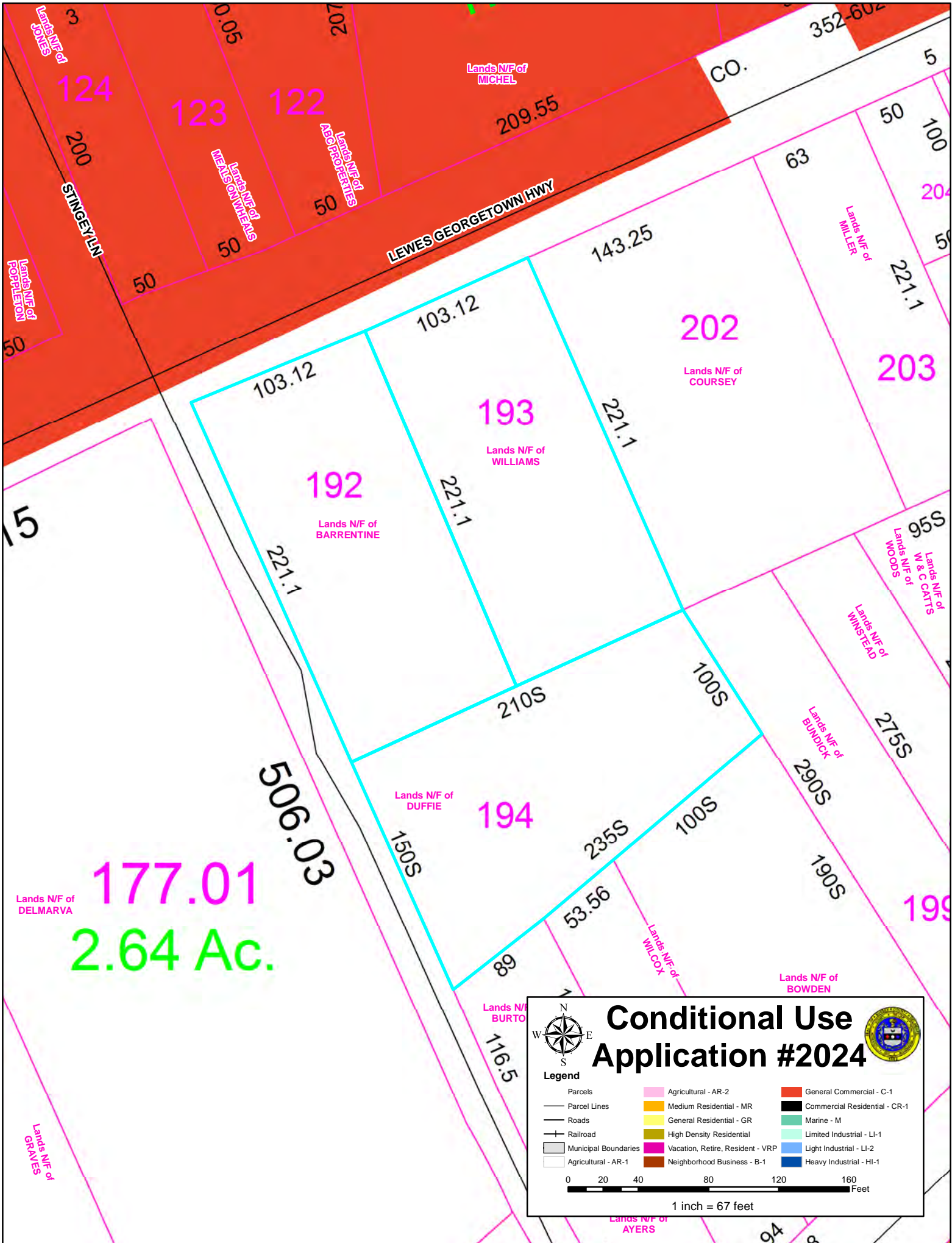
Conditional Use Application #2024

Legend

Agricultural - AR-2	General Commercial - C-1
Medium Residential - MR	Commercial Residential - CR-1
General Residential - GR	Marine - M
High Density Residential	Limited Industrial - LI-1
Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Neighborhood Business - B-1	Heavy Industrial - HI-1

1 inch = 67 feet

Source: USDA, USGS, AEA, Geotabbing, Aerigma, IGN, IOR, Swisstopo, and the City of Lewes User Community



177.01
2.64 Ac.

Conditional Use Application #2024

Legend

<ul style="list-style-type: none"> Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 20 40 80 120 160 Feet

1 inch = 67 feet

To Be Introduced 6/30/15

**Council District No. 3 – Deaver
Tax I.D. No. 334-5.00-192.00, 193.00, 194.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS

WHEREAS, on the 5th day of June 2015, a conditional use application, denominated Conditional Use No. 2024 was filed on behalf of Stockley Materials, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 2024 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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. 2024 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 southeast of Lewes – Georgetown Highway (Route 9) 0.3 miles southwest of Coastal Highway (Route One) and being more particularly described as follows:

BEGINNING at a point on the southeasterly right-of-way of Lewes – Georgetown Highway (Route 9), a corner for these lands and lands, now or formerly, of Renate Helena Coursey; thence South 24°28'47" East 221.10 feet to a point; thence North 65°31'13.25" East 3.75 feet to a point; thence South 35°33'10" East 100.00 feet to a point; thence South 52°46'15" West 235.00 feet to a point; thence North 24°28'47" West 371.00 feet to a point on the southeasterly right-of-way of Lewes – Georgetown Highway; and thence North

65°31'13" East 206.25 feet along the southeasterly right-of-way of Lewes – Georgetown Highway to the point and place of beginning, said parcel containing 1.68 acres, more or less.

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

PROPOSED