



Sussex County Council Public/Media Packet

**MEETING:
September 24, 2013**

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

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEEVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

SEPTEMBER 24, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Sally Beaumont, Chairperson, Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County – Update on The Live Conference

Todd Lawson, County Administrator

1. Administrator's Report

10:30 a.m. Public Hearing

Blades Sanitary Sewer District – Concord Road Annexation

Michael Izzo, County Engineer

1. South Coastal Regional Wastewater Facilities – PS #30 Regional Forcemain

A. Final Change Order

John Ashman, Director of Utility Planning

1. Marina at Pepper Creek

A. Oversizing Agreement



Steve Hudson, Director of Technical Engineering

1. Sussex County Emergency Operations Center Supplemental Cooling System
 - A. Geothermal Presentation
 - B. Substantial Completion and Balancing Change Order

Old Business

1. Change of Zone No. 1732 filed on behalf of Herola Family LLC & Artisan's Bank

Grant Requests

1. Delaware Police Chiefs' Council for conference expenses.
2. Epworth United Methodist Church Rehoboth Beach for skate park project.
3. Delmarva Clergy United in Social Action Foundation for project expenses.
4. Northeast Rally Club 2014 Great Race expenses.
5. Coastal Concerts for program expenses.
6. Delaware Celebration of Jazz for Rehoboth Beach Jazz Festival expenses.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 1968 filed on behalf of Ray Baker

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MICRO-DISTILLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.06 ACRES, MORE OR LESS” (land lying at the intersection northwest of Road 506 (Shockley Road) and northeast of Road 505 (Rider Road) and 730 feet south of Route 24 (Sharptown Road); (Tax Map I.D. 5-32-1.00-6.00)

Change of Zone No. 1733 filed on behalf of Rehoboth Appraisal Group, LLC d/b/a First State Appraisal, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.29 ACRE, MORE OR LESS” (land lying at the northwest intersection of Hebron Street (Road 273) and Burton Avenue in West Rehoboth and being lots 2 and 3; (Tax Map I.D. 3-34-13.19-2.00)

Change of Zone No. 1734 filed on behalf of American Legion #28

“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 9.33 ACRES, MORE OR LESS” (land lying southwest corner of the intersection of Route 24 (John J. Williams Highway) and Road 298 (Legion Road); (Tax Map I.D. 2-34-29.00-263.00)

Change of Zone No. 1735 filed on behalf of Holt’s Dispensary, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.47 ACRES, MORE OR LESS” (land lying north of Route 26 (Atlantic Avenue) 200 feet west of Route 17 (Roxanna Road); (Tax Map I.D. 1-34-11.00-178.00)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 17, 2013 at 4:45 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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***Announcement from the Sussex County Council's
Advisory Committee on Aging and Adults with
Physical Disabilities and the
Division of Service for Aging and Adults with
Physical Disabilities***

Presenting the First Annual

THE *Live* CONFERENCE

AIMED TO HELP SUSSEX COUNTY SENIOR CITIZENS

***Live* HEALTHY, *Live* ACTIVE,
Live at HOME**

Being held
Wednesday, October 9, 2013
9:00 AM to 4:00 PM at the
CHEER Community Center
20520 Sand Hill Road
Georgetown, DE 19947

Cost: Only \$5.00

Includes Continental Breakfast & Lunch,
Speakers, Panel Discussions and Exhibitors

For further details and to register online with
credit card, please visit:

<https://sussexcountyliveconference.eventbrite.com/>

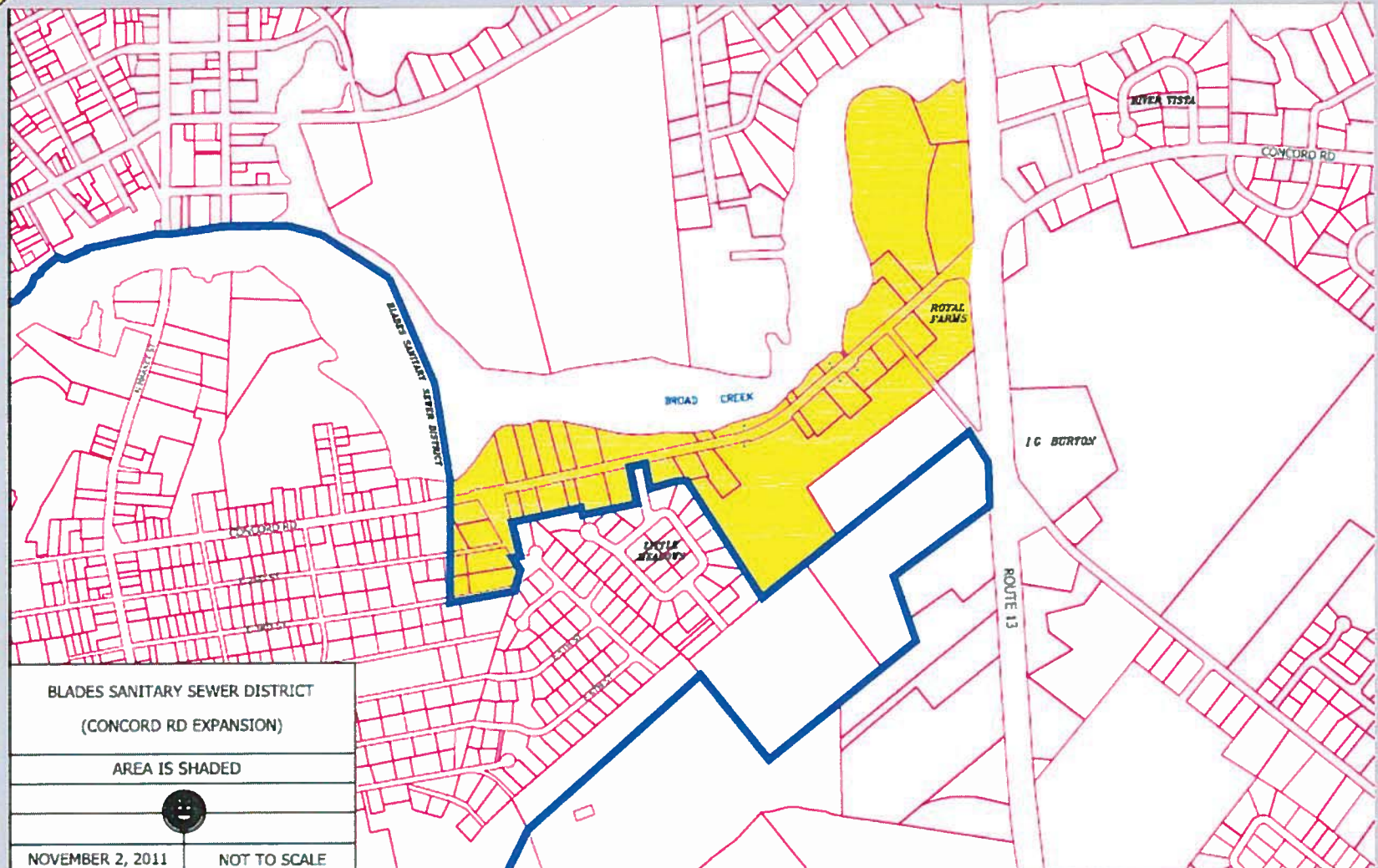
To register by mail & pay by check, please use
the attached registration form

***Health care professionals will discuss a broad range of issues
including the Affordable Care Act, Delaware's new health insurance
exchanges, hospital readmission policies, the Medicare doctor
shortage, healthy and active lifestyles, and the choices available to
seniors so they may remain safe and independent in their own homes.***

Questions? Contact Advisory Committee Chairperson, Sally Beaumont, at
sbeaumont@cavtel.net or (302) 381-5491



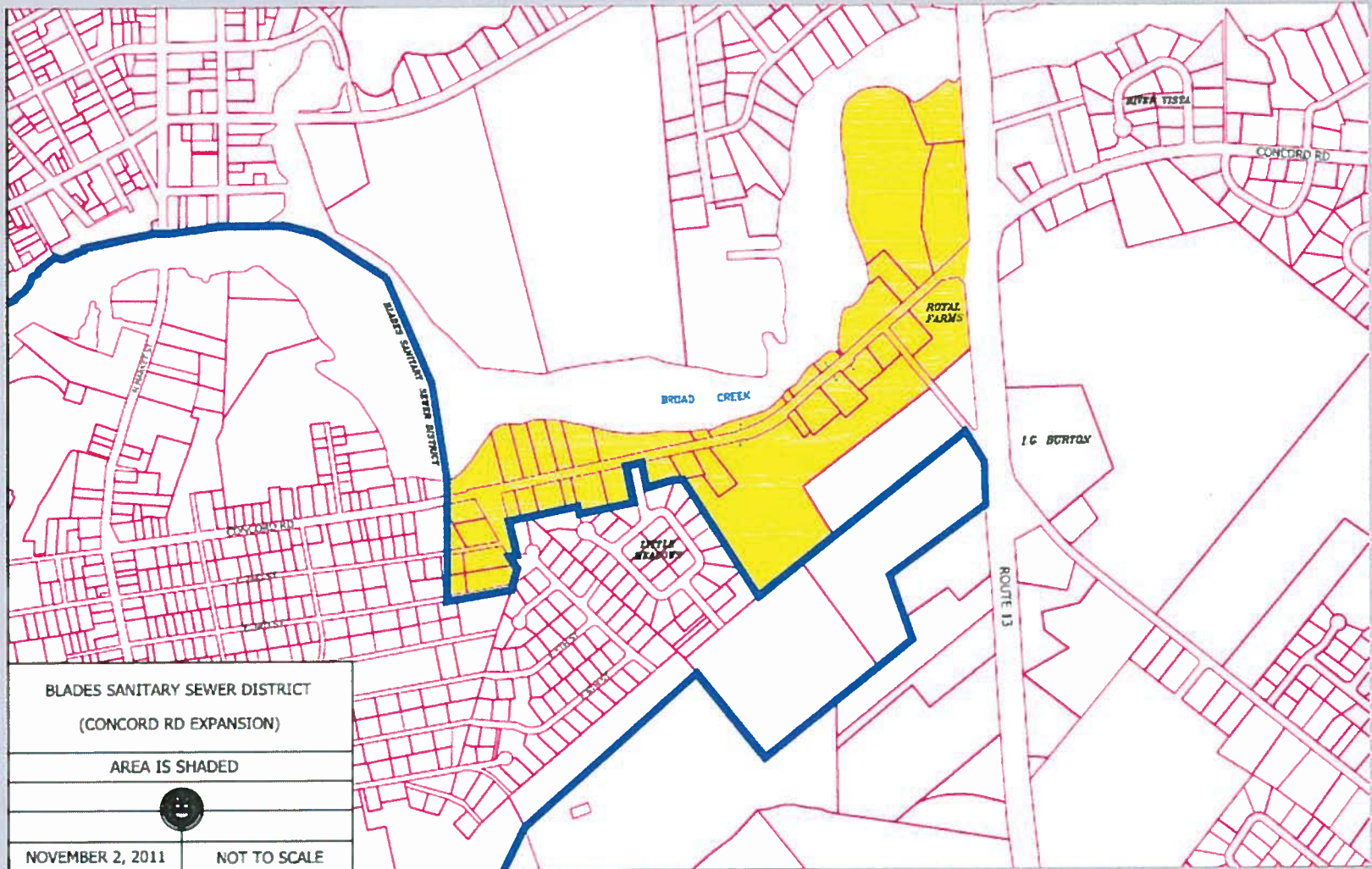
Concord Road Expansion of the Blades Sanitary Sewer District



Public Hearing September 24, 2013 @ 10:30 a.m.



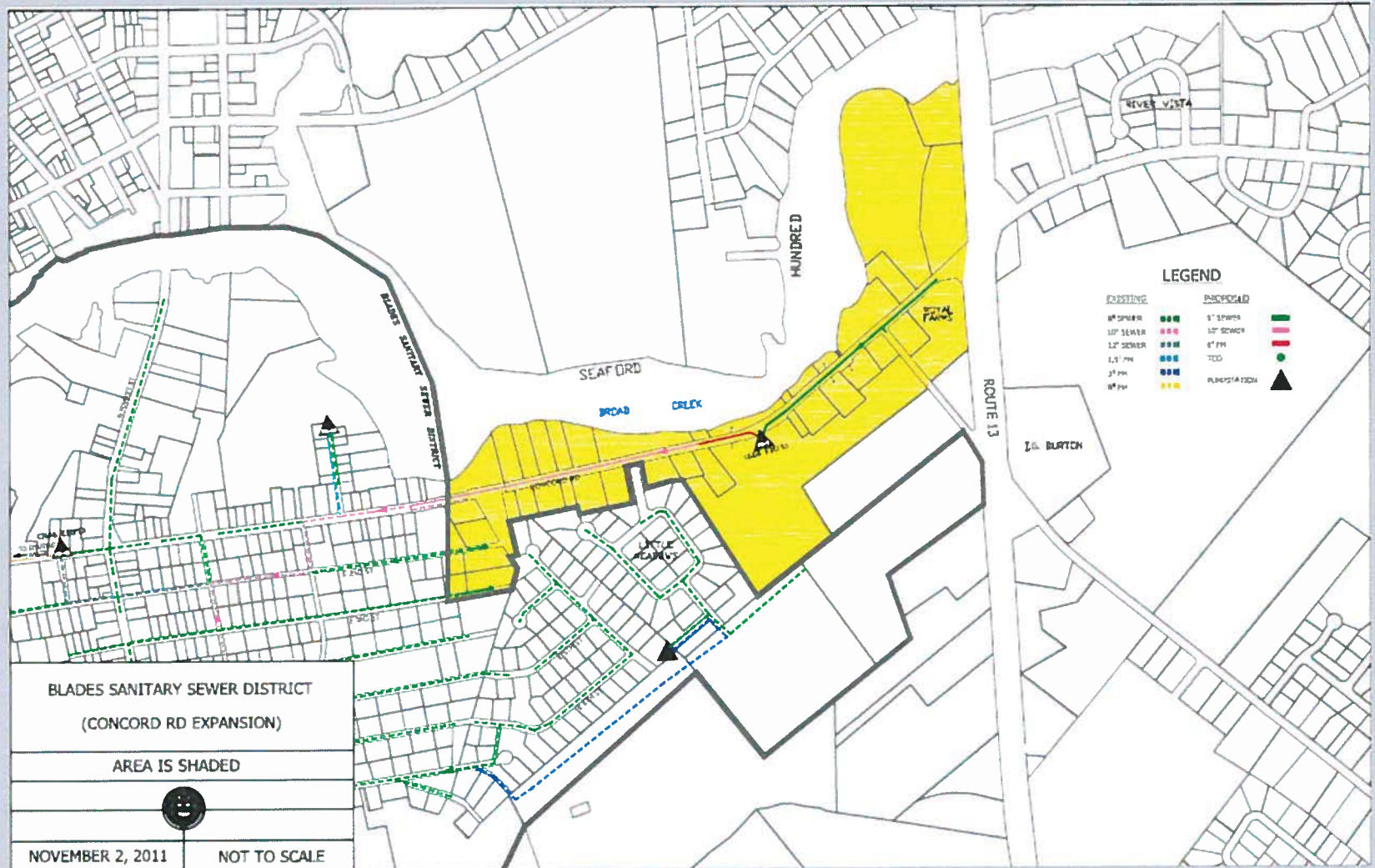
Concord Road Expansion of the Blades Sanitary Sewer District



Boundary



Concord Road Expansion of the Blades Sanitary Sewer District



Proposed Infrastructure



Concord Road Expansion of the Blades Sanitary Sewer District

Estimated User Charges

Estimated Annual service charge
Front Foot Assessment

\$289.82 /EDU
\$4.24 / FF

Estimated typical annual costs are shown below using these charges:

50 FF with home	\$502
75 FF with home	\$608
100 FF with home	\$714
Permit Fee (one-time)	\$100
System Connection Charge	\$0.00 or \$3,322*

*** System Connection Charges (SCC) for existing homes are included in project financing. New homes constructed after August 8, 2013 will pay \$3,322.00.**



Concord Road Expansion of the Blades Sanitary Sewer District

Cost Comparison

	Angola Neck	Johnson's Corner	Oak Orchard Exp. #1	<i>Concord Road Exp.</i>
System Connection Charge	\$3,724.00	\$5,107.00	\$3,727.00	<i>\$0* or \$3,322.00</i>
Front Foot Assessment	\$6.58 / FF	\$4.55 / FF	\$4.19 / FF	<i>\$4.24/ FF</i>
Annual Service Charge	\$270.00	\$270.00	\$270.00	<i>\$289.82</i>

*** System Connection Charge (SCC) in financing for existing homes only.**



Concord Road Expansion of the Blades Sanitary Sewer District

Cultural and Historical Resources





Concord Road Expansion of the Blades Sanitary Sewer District

Proposed Project Schedule

Time Frame	Phase
Complete	Facilities Plan / Environmental Assessment
Complete	Public Meeting
September 24, 2013	Public Hearing, Sussex County Council Chambers
November 2013	Design Phase Begins
May 2014	Advertise/Bidding Phase
July 2014	Begin Construction
April 2015	Project Start-up



Concord Road Expansion of the Blades Sanitary Sewer District

QUESTIONS / COMMENTS

Public Hearing September 24, 2013

10:30 a.m.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BLADES SANITARY SEWER DISTRICT (BLSSD) TO INCLUDE PARCELS OF LAND WEST OF SUSSEX HIGHWAY, EAST OF THE TOWN OF BLADES, CONTIGUOUS TO THE BLSSD, LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the Blades 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 east of the BLSSD, which is contiguous to the BLSSD, the inclusion of these parcels would 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 Anthony DiGiuseppe, Jr., 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 thirty 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 Blades Sanitary Sewer District to encompass 55.5± acres, east of the BLSSD, as follows:

BEGINNING at a point situate on the westerly right of way (ROW) of Sussex Highway, said point being the northeasternmost corner of lands now or formally (N/F) of Antonio R Alcantara and a point on the mean low water line of the Nanticoke River; thence proceeding by and with said mean low water line in a southwesterly direction ±4500 feet to a point, said point being along the northerly boundary of lands N/F of Roberta R Wells and a point on the BLSSD boundary; thence by and with said boundary in the following directions and distances: southerly ±640 feet, easterly ±330 feet, northeasterly ±100 feet, northwesterly ±100 feet, easterly 50 feet, northwesterly ±200 feet, northeasterly 385 feet, southeasterly 40 feet, northeasterly ±300 feet, northwesterly ±200 feet, northeasterly ±90 feet, southeasterly ±150 feet, easterly ±200 feet, southeasterly ±750 feet, and northeasterly ±520 feet to a point, said point being the southwesternmost corner of lands N/F of JBT Enterprises LLC; thence proceeding by and with said lands of JBT Enterprises LLC in the following two(2) distances and directions: northwesterly ±320 feet and northeasterly ±870 to a point, said point being along the westerly right of way (ROW) of Brickyard Road; thence crossing said ROW (±50') in a northeasterly direction to a point, said point being the southernmost corner of lands N/F of Two Farms INC; thence by and with said lands in a northeasterly direction ±265 feet to a point, said point being the southeastermost corner of lands N/F of Two Farms LLC and a point along the westerly ROW of Sussex Highway; thence proceeding by and with said ROW in a northerly direction ±1460 feet to a point, said point being that of the BEGINNING.

BE IT FURTHER RESOLVED that the County Engineer and the County Attorney are directed to procure the necessary land and rights-of-way by purchase, agreement or condemnation, in accordance with existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, elect 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.

BLADES SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED that the subscriber, ANTHONY DIGIUSEPPE, JR., 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 September 9, 2013 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On September 9, 2013 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a driven stake located near the entranceway of the Little Meadows community and along the southerly right of way (ROW) of County Road 20 (Concord Rd).
 - 2. Inside Blades Town Hall on bulletin board near entranceway.
 - 3. On Delmarva Power & Light pole #46608 located near the northerly boundary line of parcel 132-1.15-90.00.
 - 4. On the area of land being considered for the proposed extension of Blades Sanitary Sewer District in four locations as follows:
 - a. On Delmarva Power & Light pole #47049 located near the southeasterly corner of parcel 132-1.00-22.01;
 - b. On Delmarva Power & Light pole #47056 located near the southwesterly corner of parcel 132-1.00-21.00;
 - c. On Delmarva Power & Light pole #46937 located near the northerly boundary line of parcel 132-1.12-31.00 and along the southerly ROW of (Concord Rd);
 - d. On Delmarva Power & Light pole #46810 located near the southerly boundary line of parcel 132-1.12-1.00 and along the northerly ROW of Concord Rd.
 - 5. On Delmarva Power & Light Pole #46720 located near the northeasterly corner of parcel 132-1.15-157.00.


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 16th day of Sept A.D., 2013.


NOTARY PUBLIC

My Commission Expires Jayne E. Dickerson
Notary Public
Commission Expires 5/31/2015

**NOTICE
PROPOSED EXPANSION TO THE
BLADES SANITARY SEWER DISTRICT
TO INCLUDE THE LANDS OF 37 PARCELS LOCATED WEST OF STATE ROUTE 13
(SUSSEX HIGHWAY)**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 25, 2011 to consider extending the boundary of the Blades Sanitary Sewer District (BLSSD) to include parcels of land west of Sussex Highway, east of the town of Blades, being in Broad Creek Hundred, Sussex County, Delaware. File number OM 5.12.07

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

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

BEGINNING at a point situate on the westerly right of way (ROW) of Sussex Highway, said point being the northeasternmost corner of lands now or formally (N/F) of Antonio R Alcantara and a point on the mean low water line of the Nanticoke River; thence proceeding by and with said mean low water line in a southwesterly direction ± 4500 feet to a point, said point being along the northerly boundary of lands N/F of Roberta R Wells and a point on the BLSSD boundary; thence by and with said boundary in the following directions and distances: southerly ± 640 feet, easterly ± 330 feet, northeasterly ± 100 feet, northwesterly ± 100 feet, easterly 50 feet, northwesterly ± 200 feet, northeasterly 385 feet, southeasterly 40 feet, northeasterly ± 300 feet, northwesterly ± 200 feet, northeasterly ± 90 feet, southeasterly ± 150 feet, easterly ± 200 feet, southeasterly ± 750 feet, and northeasterly ± 520 feet to a point, said point being the southwesternmost corner of lands N/F of JBT Enterprises LLC; thence proceeding by and with said lands of JBT Enterprises LLC in the following two(2) distances and directions: northwesterly ± 320 feet and northeasterly ± 870 to a point, said point being along the westerly right of way (ROW) of Brickyard Road; thence crossing said ROW ($\pm 50'$) in a northeasterly direction to a point, said point being the southernmost corner of lands N/F of Two Farms INC; thence by and with said lands in a northeasterly direction ± 265 feet to a point, said point being the southeastermost corner of lands N/F of Two Farms LLC and a point along the westerly ROW of Sussex Highway; thence proceeding by and with said ROW in a northerly direction ± 1460 feet to a point, said point being that of the **BEGINNING**.

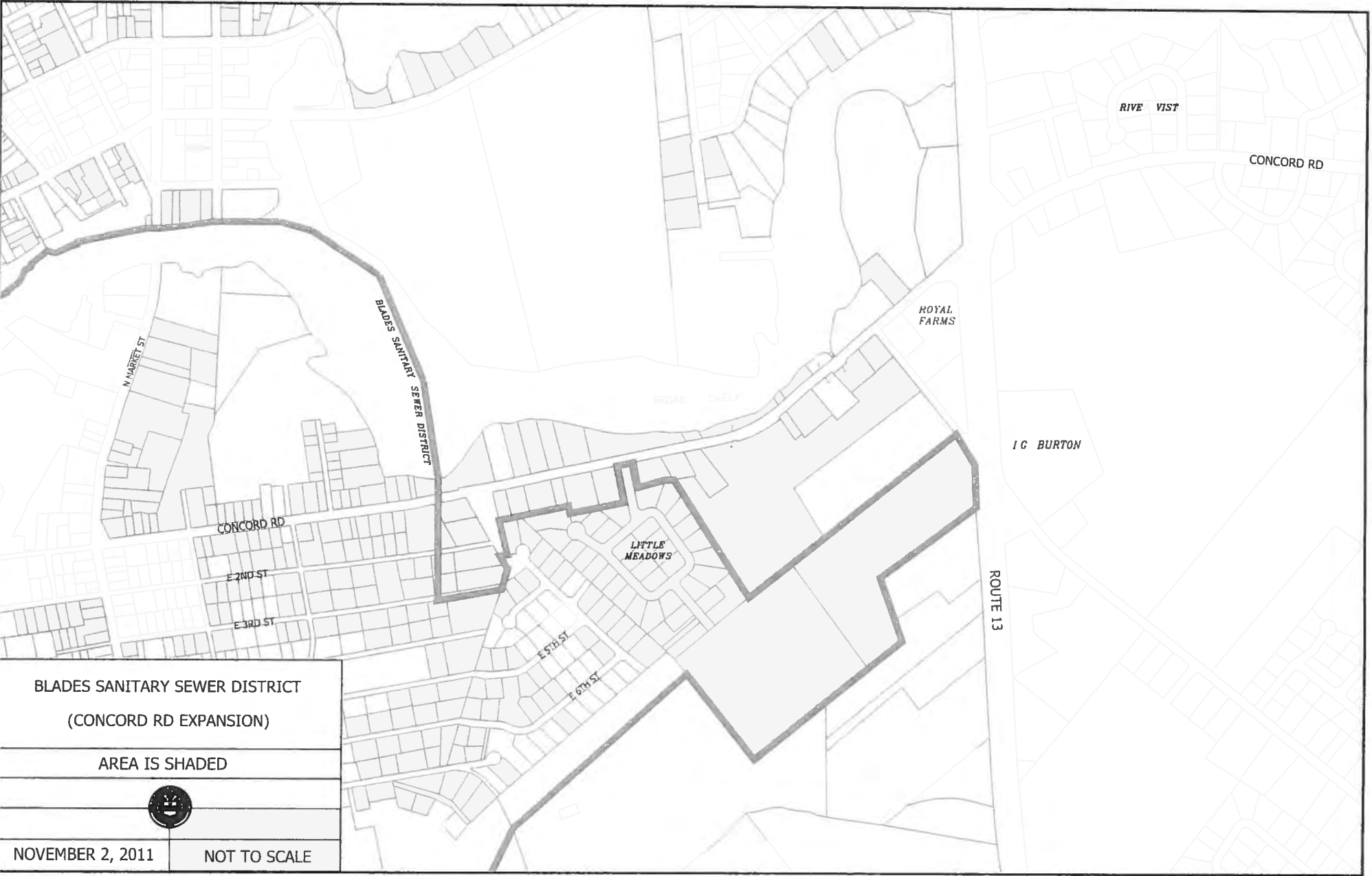
The proposed expansion of the BLSSD is within these boundaries and said to contain 55.5 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Numbers 132-1.00, 132-1.11, 132-1.12, 132-1.15, 132-1.16 and 132-2.00.

A map outlining and describing the extension to the BLSSD is attached. The area involved is shaded.

The public hearing will be held on this issue at 10:30 A.M on September 24, 2013 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7718.

Michael A. Izzo, P. E.
County Engineer



BLADES SANITARY SEWER DISTRICT
(CONCORD RD EXPANSION)

AREA IS SHADED



NOVEMBER 2, 2011

NOT TO SCALE

Change Order

No. 2 - Final

Date of Issuance: September 10th, 2013 Effective Date: September 10th, 2013

Project: P.S. #30 Force Main	Owner: Sussex County	Owner's Contract No.: 10-03
Contract: South Coastal Regional Wastewater Facilities (SCRWF)		Date of Contract: September 28 th , 2011
Contractor: Bunting & Murray Construction Corporation		Engineer's Project No.: 14207-000

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide/install trees, perform additional milling and M.O.T. on Dirickson Creek Bridge, install 98' of 6" force main, added pavement markings, balancing of Used/Unused Contract bid quantities and 14 day, "zero" dollar time extension.

Attachments (list documents supporting change): Line Item 1 - (Trees), Line Item 2 - (Milling/M.O.T.), Line Item 3 - (6" F.M.), Line Item 4 - (Pavement Markings), Line Item 5 - (Balance Bid Quantities) and Line Item 6 - (Time Extension)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>3,296,100.00</u>	Original Contract Times: <u>270</u> Calendar days Substantial completion (days or date): <u>270 days</u> Ready for final payment (days or date): _____
[Increase] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>299,551.00</u>	[Increase] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial completion (days): <u>30 days</u> Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>3,595,651.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>300 days</u> Ready for final payment (days or date): _____
Decrease of this Change Order: \$ <u>-50,311.68</u>	Increase of this Change Order: <u>14</u> calendar days Substantial completion (days or date): <u>14 days</u> Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>3,545,339.32</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>314 days</u> Ready for final payment (days or date): _____

RECOMMENDED: By: <u>Michael J. Gilbert</u> Engineer (Whitman, Requardt & Assoc.) Date: <u>9/12/13</u> Approved by Funding Agency (if applicable): _____	ACCEPTED: By: _____ Owner (Sussex County) Date: _____	ACCEPTED: By: <u>Renda J. Wise</u> Contractor (Bunting & Murray Const.) Date: <u>9/10/13</u> Date: _____
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Contract 10-03

**South Coastal Regional Wastewater Facilities (SCRWF)
P.S. #30 Regional Force Main**

**Change Order No. 2 (Final): Balancing Change Order Cost Summary Sheet with WR&A Verified Quantities
(Line Item No. 5)**

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - (SCRWF) P.S. #30 Regional Force Main							
A-1	Mobilization	1	LS	\$ 65,402.00	1	\$ -	\$ -
A-2	Furnish & Install PVC Force Main - 20"	16,900	LF	\$ 86.30	16,841.00	\$ -	\$ (5,091.70)
A-3	Furnish & Install PVC Force Main - 24"	5,000	LF	\$ 119.82	4,852.00	\$ -	\$ (17,733.36)
A-4	Direction Drill Crossing: Dirickson Creek	1	LS	\$133,874.00	1	\$ -	\$ -
A-5	Direction Drill Crossing: Old Mill Bridge Road Culverts	1	LS	\$ 85,955.00	1	\$ -	\$ -
A-6	Direction Drill Crossing: Bayard Road Culverts	1	LS	\$ 80,467.00	1	\$ -	\$ -
A-7	Direction Drill Crossing: Miller Creek	1	LS	\$139,997.00	1	\$ -	\$ -
A-8	Furnish & Install 2" Combo Air/Vac. Valve and Manhole	11	EA	\$ 6,586.00	12	\$ 6,586.00	\$ -
A-9	Type "C" Hot Mix Overlay - 1.5"	26,000	SY	\$ 7.28	29,250.00	\$ 23,660.00	\$ -
A-10	Furnish and Install Isolation Valves - 20"	2	EA	\$ 11,424.00	2	\$ -	\$ -
A-11	Furnish and Install Isolation Valves - 18"	1	EA	\$ 11,389.00	1	\$ -	\$ -
A-12	Furnish and Install DNREC Chain Link Fence	1	LS	\$ 20,432.00	1	\$ -	\$ -

Subtotals for Part A: \$ 30,246.00 \$ (22,825.06)

Part B - Stipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
B-1	Contingent Unclassified Excavation	1,000	CY	\$ 11.00	0.00	\$ -	\$ (11,000.00)
B-2	Contingent Borrow - Type "C" (Backfill)	6,000	CY	\$ 16.00	8697.65	\$ 43,162.40	\$ -
B-3	Contingent Aggregate - Graded Type "B" Crusher Run	100	Ton	\$ 21.00	22.00	\$ -	\$ (1,638.00)
B-4	Contingent Poursous Fill - No. 57 Stone	1,000	Ton	\$ 23.00	0.00	\$ -	\$ (23,000.00)
B-5	Contractor Down Time (Force Main Crew)	25	HR	\$ 400.00	11.00	\$ -	\$ (5,600.00)
B-6	Furnishing & Placing 4000 PSI Concrete	25	CY	\$ 150.00	12.00	\$ -	\$ (1,950.00)
B-7	Replacement of Existing Storm Drain Pipes	200	LF	\$ 30.00	126	\$ -	\$ (2,220.00)
B-8	Asphalt Adjustment: (LS Unused + Actual Quan. Credit)	1	LS	\$ 25,000.00	-1.3075380	\$ -	\$ (32,688.45)

Subtotals for Part B: \$ 43,162.40 \$ (78,096.45)

Part C - Unstipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
C-1	Hotmix Surface Damage Restoration	2,000	SY	\$ 21.07	50	\$ -	\$ (41,086.50)
C-2	Relocation of Force Main from Unpaved Roaf Shoulder	3,000	VF	\$ 19.31	2589	\$ -	\$ (7,936.41)
C-3	Temporary Hotmix restoration	7,500	SY	\$ 18.08	8,807.56	\$ 23,640.68	\$ -
C-4	Removal of Sewage from Ex. Miller Creek Force Main	1	LS	\$ 3,920.00	1.00	\$ -	\$ -

Subtotals for Part C: \$ 23,640.68 \$ (49,022.91)

Part D - Old Mill Bridge Road Gravity Sewer							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
D-1	Mobilization	1	LS	\$ 11,930.00	1	\$ -	\$ -
D-2	Furnish & Install 4'-0" PCC Manhole - V.F.	60	VF	\$ 323.30	47.49	\$ -	\$ (4,044.48)
D-3	Furnish & Install 8" Terminal Clean-Outs	3	EA	\$ 825.00	2.00	\$ -	\$ (825.00)
D-4	Furnish & Install 6" House Lateral Cleanouts	13	EA	\$ 398.00	14	\$ 398.00	\$ -
D-5	Furnish & Install Manhole Frames and Covers	6	EA	\$ 815.50	5	\$ -	\$ (815.50)
D-6	Furnish & Install 6" PVC House Lateral	390	LF	\$ 46.20	386.50	\$ -	\$ (161.70)
D-7	Furnish & Install PVC Sewer - 8" (All Depths)	290	LF	\$ 54.10	50.00	\$ -	\$ (12,984.00)
D-8	Furnish & Install PVC Sewer - 10" (All Depths)	1,930	LF	\$ 90.10	1,949.00	\$ 1,711.90	\$ -
D-9	Furnish & Install 10"x 6" PVC Wye Branches	13	EA	\$ 107.00	14.00	\$ 107.00	\$ -

Subtotals for Part D: \$ 2,216.90 \$ (18,830.68)

Contract 10-03

**South Coastal Regional Wastewater Facilities (SCRWF)
P.S. #30 Regional Force Main
Change Order No. 2 (Final): Balancing Change Order Cost Summary Sheet with WR&A Verified Quantities
(Continued from Page 1 of 2)**

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part E - Stip. Cont. Bid Items Old Mill Bridge Rd. Grav. Sewer							
E-1	Contingent Unclassified Excavation	100	CY	\$ 11.00	0.00	\$ -	\$ (1,100.00)
E-2	Contingent Borrow - Type "C" (Backfill)	800	CY	\$ 16.00	1519.68	\$ 11,514.88	\$ -
E-3	Contingent Aggregate - Graded Type "B" Crusher Run	10	Ton	\$ 21.00	0.00	\$ -	\$ (210.00)
E-4	Contingent Pourous Fill - No. 57 Stone	50	Ton	\$ 23.00	0.00	\$ -	\$ (1,150.00)
E-5	Contractor Down Time (Main Line sewer Crew)	5	HR	\$ 400.00	2.00	\$ -	\$ (1,200.00)
E-6	Furnishing & Placing 4000 PSI Concrete	5	CY	\$ 150.00	0.50	\$ -	\$ (675.00)
E-7	Replacement of Existing Storm Drain Pipes	50	LF	\$ 30.00	0	\$ -	\$ (1,500.00)

Subtotals for Part E: \$ 11,514.88 \$ (5,835.00)

Part F - Unstipulated Contingent Bid Items - Alternate Bid							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
F-1	Temporary Hotmix Restoration	1,500	SY	\$ 18.12	1,119.41	\$ -	\$ (6,896.29)

Subtotals for Part F: \$ - \$ (6,896.29)

Grand Total = Parts (A + B + C + D + E + F): \$ 110,780.86 \$ (181,506.39)

Balancing of Used/Unused Quantities Change Order No. 2 - Final	Decrease	\$ (70,725.53)
(Line Item No. 5)		

Summary of Contract Change Orders - Contract 10-03

Original Contract Amount	\$ 3,296,100.00
Amount of Previous Change Orders (No. 1)	\$ 299,551.00
Contract Total Including Previous Change Orders	\$ 3,595,651.00

Change Order No. 2 - Final Summary

Line Item No. 1: Planting of Trees at (SCRWF)	(C.O. No. 2 - Final)	\$ 2,429.70
Line Item No. 2: Milling/M.O.T. Dirickson Creek Bridge	(C.O. No. 2 - Final)	\$ 5,163.16
Line Item No. 3: 98 L.F. of 6" Diameter PVC Force Main at (SCRWF)	(C.O. No. 2 - Final)	\$ 6,193.60
Line Item No. 4: White Edge Lines - Old Mill Bridge Road	(C.O. No. 2 - Final)	\$ 6,627.39
Line Item No. 5: Balancing of Used/Unused Quantities	(C.O. No. 2 - Final)	\$ (70,725.53)
Line Item No. 6: 14 Calendar Day Contract Time Extension	(C.O. No. 2 - Final)	\$ -

Amount of Change Order No. 2 - Final	(Credit)	\$ (50,311.68)
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Revised Final Contract No. 10-03 Total	\$3,545,339.32
--	-----------------------

MOTION

BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE CONSULTING ENGINEERS AND THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THAT THE SUSSEX COUNTY COUNCIL APPROVE THE FINAL BALANCING CHANGE ORDER FOR SUSSEX COUNTY PROJECT NO. 10-03 ENTITLED "SOUTH COASTAL REGIONAL WASTEWATER FACILITIES(SCRWF) P.S. #30 REGIONAL FORCEMAIN" WITH BUNTING & MURRAY CONSTRUCTION CORPORATION, IN THE CREDIT AMOUNT OF \$50,311.68, THERE BY DECREASING THE CONTRACT AMOUNT FROM \$3,595,651.00 TO \$3,545,339.32, AND EXTENDING THE CONTRACT TERM BY 14 DAYS.

MICHAEL A. IZZO

SEPTEMBER 24, 2013

AGREEMENT

THIS AGREEMENT, made this _____ day of _____ A. D. 2013,

BY AND BETWEEN, Sussex County, a political subdivision of the State of Delaware, hereinafter called the "County", and HKSIV LLC, hereinafter called "Developer".

WITNESSETH:

WHEREAS, the "Developer" is developing a tract of land identified as The Marina at Pepper Creek and proposing to purchase the adjacent project currently known as Sea Cliff;

WHEREAS, the project lies within the Dagsboro Frankford Sanitary Sewer District (DFSSD) and;

WHEREAS, The County has determined by a planning study that the existing sanitary sewer infrastructure needs to be upgraded and expanded in a specific way to serve the needs of this project and other surrounding projects/properties and;

NOW THEREFORE, the parties hereby agree as follows:

1. Regional Inspection Fees - Sussex County is willing to waive the review and inspection fees for the pumping station and offsite forcemain.
2. Onsite Inspection Fees - Fees relative to on-site sewer work will be applied toward the oversizing credit generated by the pump station and offsite forcemain, the value of said fees are estimated at \$43,000 for the remaining phases of the subdivision.
3. Final Pumps – The pumps, wet well and forcemain shall be constructed to accept the ultimate build-out of the drainage basin at 882 EDUs per our approved Dagsboro/Frankford Planning Study.
4. Easements - Sussex County is willing to assist in the necessary easement for access across County property from Piney Neck Road to the treatment plant.
5. Generator - Sussex County is willing to delay the installation of the permanent generator until the final phase of construction, but the transfer switch shall be installed as part of the initial pump station construction. However, if another developer or the proposed Sea Cliff makes use of the pump station prior to the

start of the final phase of the project known as the Marina at Pepper Creek, the cost responsibility to install the generator will be placed upon that particular development.

6. The construction schedule for the pump station and force main improvements shall be completed by or before December 31, 2013.
7. In consideration of Developer incurring additional construction costs for over-sizing infrastructure, the Developer shall receive credit against transmission connection charges as allowed by the County Code, i.e. the value of the credit shall be determined using the County's standard practice of using costs for the following work items: oversizing of regional infrastructure including but not limited to the pump station, forcemain and offsite gravity sewers. Fair value for such credits shall be determined by comparing actual contract costs based upon paid receipts for work performed by the Developer's contractor as well as paid receipts for materials utilized in the construction and cost estimates supplied by the Developer's Engineer, all of which are subject to the review and approval of the County Engineer. Any and all credits shall be limited to the amount of transmission portion due for System Connection Charges (SCC) at the Marina at Pepper Creek and/or the proposed Sea Cliff development once purchased by HKSIV. This credit shall be applied at both the time when the SCC's are scheduled to be paid to obtain a building permit for each lot, and also at the time sewer inspection fees are due to be paid at the beginning of a construction phase. There will be no interest accrued on the amount of credit agreed to by the Developer and County.
8. There may be the opportunity for additional over-sizing credits for the Sea Cliff project as that project will be required to install some regional sewer as well. This will be handled in a separate agreement.
9. All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware. This agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
10. The parties acknowledge that this is a complete statement of their agreement and that all prior representations, negotiations and understandings are deemed merged herein.
11. This agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.

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

FOR THE COUNTY:

President, Sussex County Council

(DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

SEAL

FOR HKSIV LLC:

Robert E. Hargis

8/13/13 (DATE)

WITNESS:

Patricia L. [Signature]

Marina at Pepper Creek Oversizing Credits

Estimated total Oversizing Credits Available for Pumpstation & forcemain for the Marina at Pepper Creek		\$441,430.00
Marina at Pepper Creek		
System Connection Charges (SCC)	131 remaining lots @ \$2,119.00 SCC per lot	\$277,589.00
Sewer Inspection Fees		\$43,000.00
Balance available for Sea Cliff		\$120,841.00
Sea Cliff		
Balance of oversizing available for Sea Cliff		\$120,841.00

Be advised that the estimated Oversizing Credits are first come first serve and will not exceed \$441,430.00
The \$2,119 is the 2014 transmission rate for Dagsboro/Frankford

Also be advised that the \$2119.00 System Connection Fee may be adjusted with the County budget which could result in the oversizing balance for the Sea Cliff project increasing or decreasing according to any adjustments made by the County Budget.

Future Oversizing Credits may be available for the Sea Cliff project and will be dealt with as plans are being approved.



Geothermal HVAC
Upgrades Report to
Sussex County Council

Presented by: Jay Egg



Geothermal Problems at Sussex EOC

Geothermal Problems Could Shut Down Cooling System at Mission Critical Green Building

[Stephen Del Percio](#) | Jun 20, 2011 | [1 comment](#)



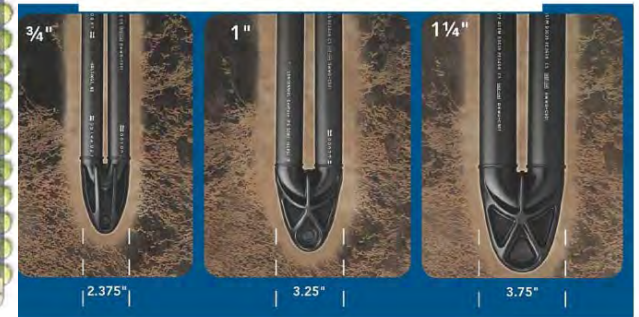
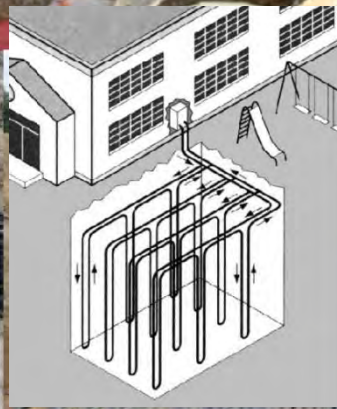
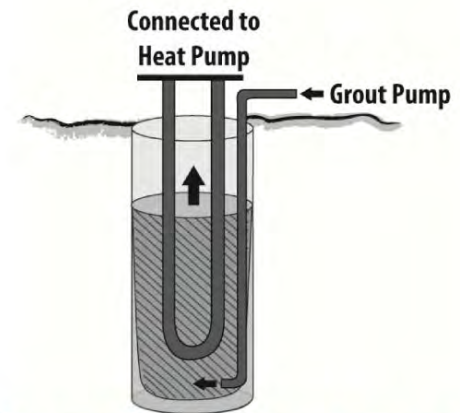
A malfunctioning geothermal heating and cooling system at the Sussex County Emergency Operations Center in Georgetown, Delaware [has officials scrambling for a temporary solution](#) before the summer heat begins in earnest.

The \$13 million, 18,000-square-foot facility opened in 2008 and was heralded as energy-efficient green building that could respond to large emergency events even during dangerous weather. The structure was designed to withstand wind loads of up to 120 miles per hour. But the facility is now in danger of its air conditioning shutting down and the oppressive Delaware summer damaging its millions of dollars of state-of-the-art electronics equipment.

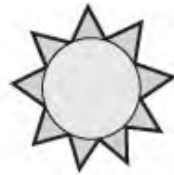
Emergency Measures: Cooling Tower



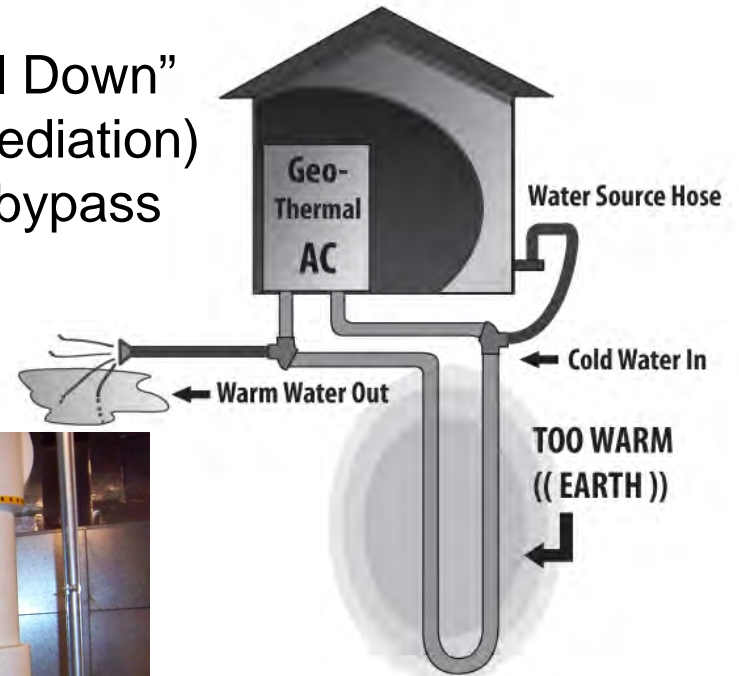
Closed Loop; (24) 600' Wells



Thermal Glide (Too Warm-105°F)



Requires "Cool Down"
Measures(remediation)
Cooling tower bypass



Thermal Creep/Heat Retention

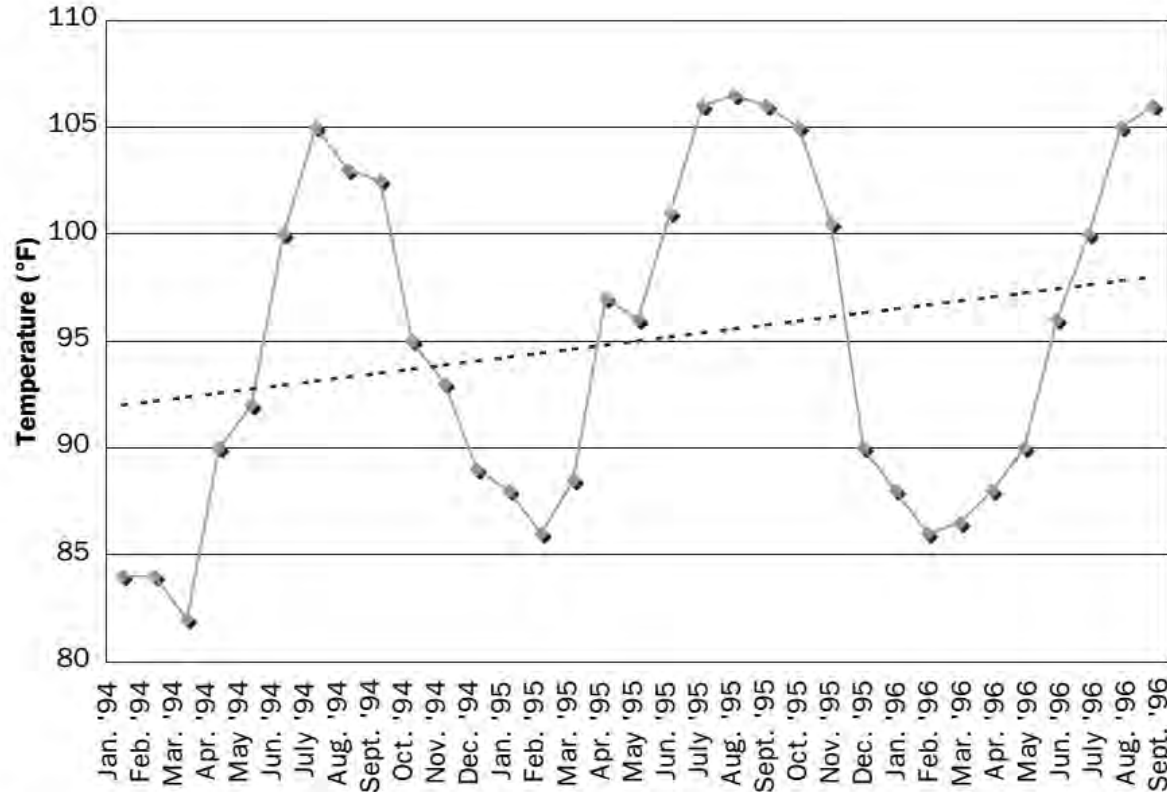


FIGURE 6-4 Borehole field return temperatures. Thermal retention or extraction can be an issue. Certain regions have soil and seasonal characteristics that require departure from commonly accepted practices for loop design. Always consult a professional with plenty of experience. (John Fontana/Egg Systems, based on a figure by ASHRAE)

New Castle: The Same Issue

Poor air conditioning jeopardizes 911 calls

NCCo police headquarters needs \$500,000 fix

1:04 AM, May 5, 2012 | Comments

FILED UNDER
Local

The geothermal system at New Castle County Police Headquarters is too small to cool the building -- and the deficiency could put people calling 911 during emergencies at risk, officials said.

The geothermal system at New Castle County Police Headquarters is too small to cool the building -- and the deficiency could put people calling 911 during emergencies at risk, officials said.

A



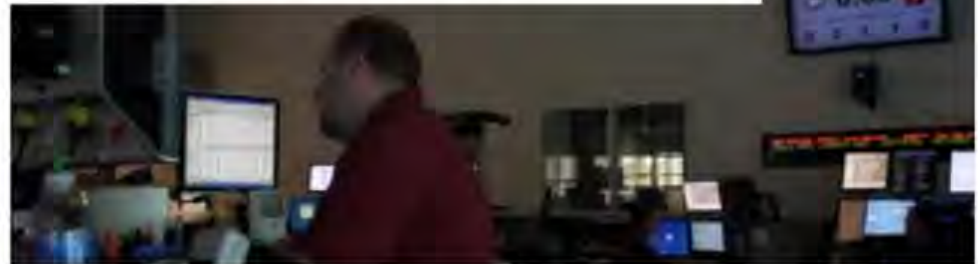
Dispatcher Greg Brown of the State Police works Thursday in the 911 communications center in the Paul J. Sweeney Public Safety Building in New Castle County. / THE NEWS-JOURNAL/WILLIAM BRETZGER

The new tower should be installed around Oct. 1, Svaby said.

In the meantime, the county will keep using four mobile air-conditioning units at the 911 call center in the building on U.S. 19 to keep the machinery cool.

The machinery would be in jeopardy if the outside air temperature hits at least 95 degrees for three consecutive days, Svaby said. The air conditioners, in use for about a

SC1



"This is no joke," said Michael Svaby, a county senior manager. "If somebody calls 911 and the heat disables the system during an emergency call, it's all over. That's a mistake we can't take back."

dose to happening.

911 center in need of upgrade: 911 center in need of upgrade

"We've seen it come close to failure," Svaby said.

Written by
ADAM TAYLOR
The News-Journal



Dispatchers work Thursday in the emergency communications center in New Castle County. If the building's cooling system fails, 911 calls could be dropped. / THE NEWS-JOURNAL/WILLIAM BRETZGER

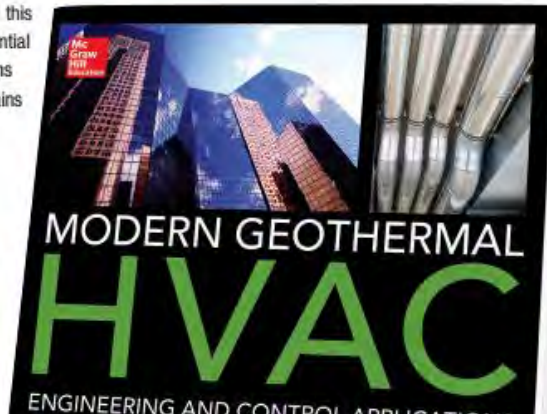
Sussex County and Egg Geothermal Collaboration

Best practices for the design and engineering of geothermal HVAC systems

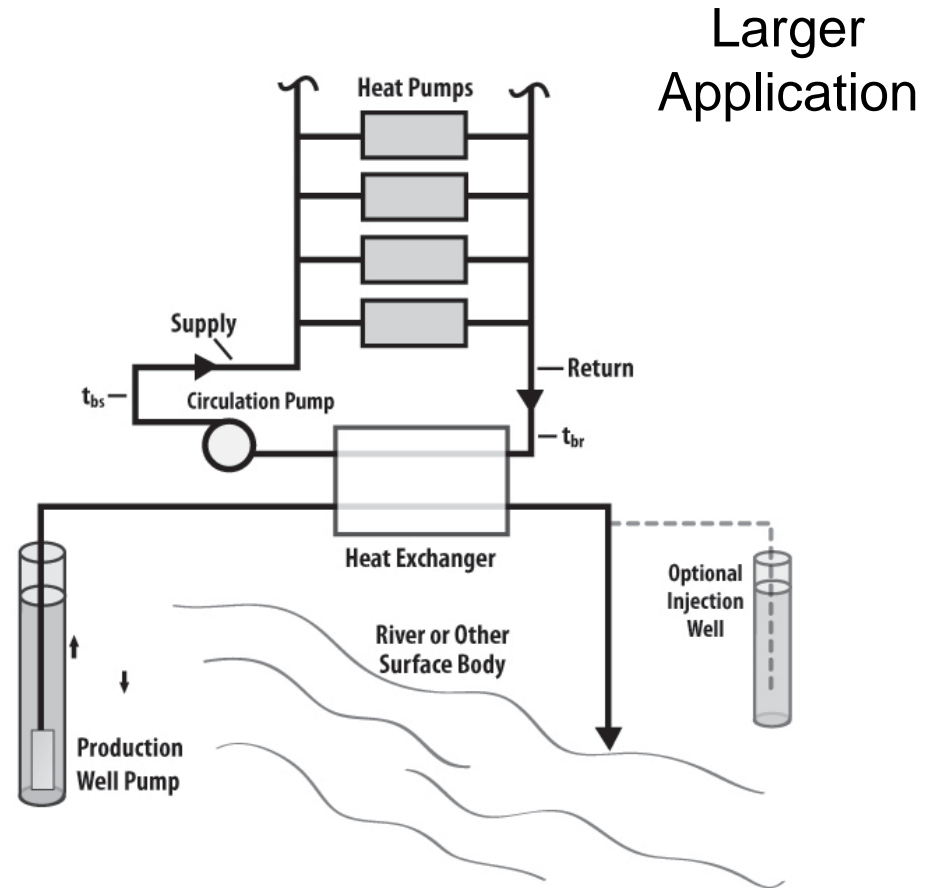
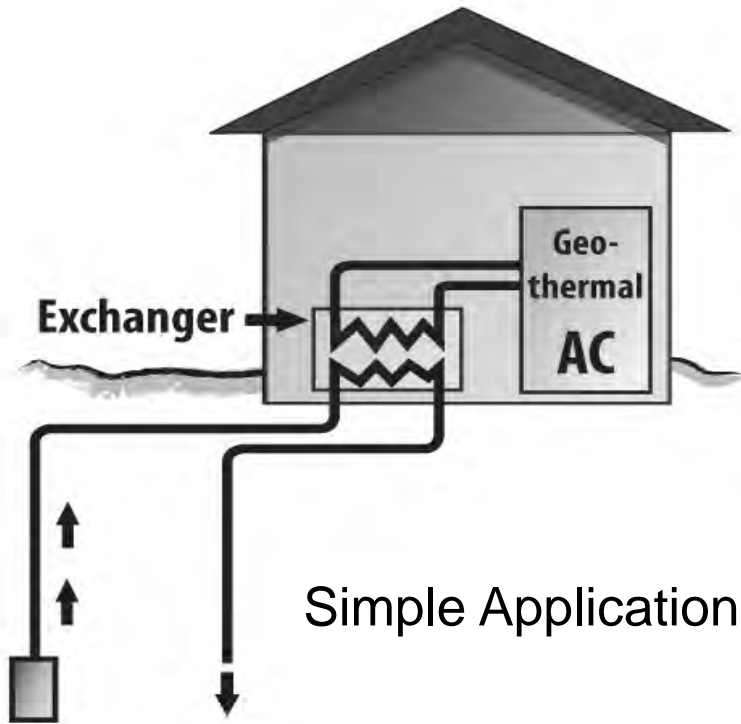
SAVE 20%

With a focus on market needs and customer goals, this practical guide explains how to realize the full potential of geothermal HVAC by integrating hydronic systems and controls at maximum capacity. The book explains how to engineer and specify geothermal HVAC for building projects in varying geographic regions. Typical details on control parameters are provided. By using the proven methods in this innovative resource, you will be able to develop highly efficient, long-lasting, and aesthetically pleasing geothermal HVAC systems.

Jay Egg is a certified geothermal designer and founder of EggGeothermal, an HVAC services company focused on geothermal technology.



Another Way: Pump to Re-injection



Supplemental Geothermal Approved

Sussex emergency facility may get backup geothermal cooling system

Problems with the cooling system at the 3-year-old, \$13 million Sussex County Emergency Operations Center will require an additional \$350,000 to fix.

County officials recently agreed to move forward with installing a new geothermal open-loop system to supplement the failing closed-loop system, which isn't keeping the building cool enough, said Steve Hudson, the county's director of technical engineering.

He said the current system is undersized and doing an inadequate job of servicing the complex, which contains \$4 million in critical 911 electronics equipment.

term solution, he said.

"It was a very long summer," he said. "It's a very high-maintenance, high-dollar-to-operate piece of equipment."

Additionally, the cooling tower required a 24/7 service contract because no county staffers were qualified to keep it running.

Staffers researched two solutions, an open-loop well system and a traditional mechanical cooler system.

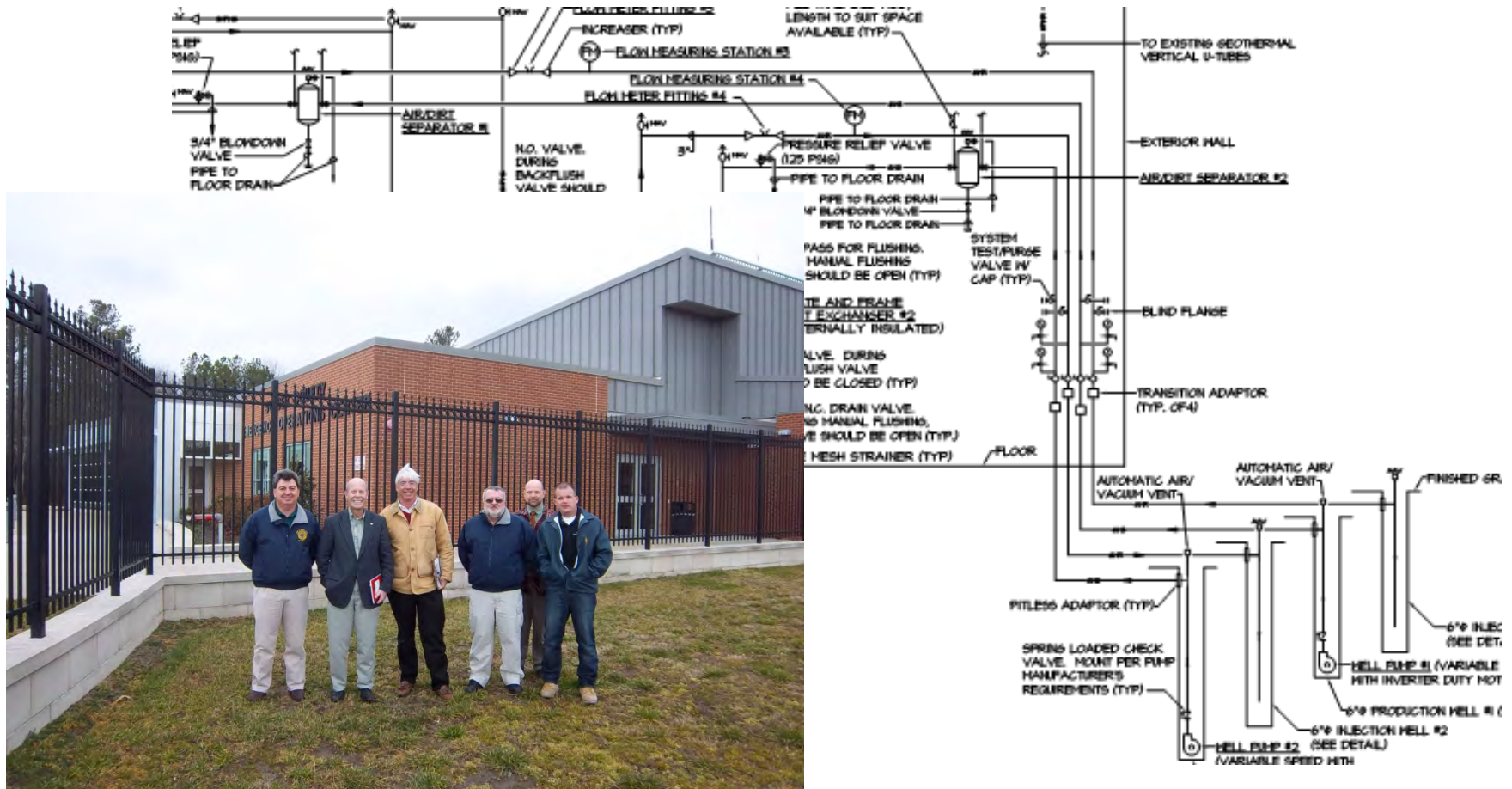
The mechanical cooler, though more widely used, was the more expensive option, costing \$283,419 to run for 10 years. The supplemental geothermal system would cost more to install but have a 10-year cost of \$29,754, Hudson said.

The open-loop system and their discharge it back into the ground, Hudson said.

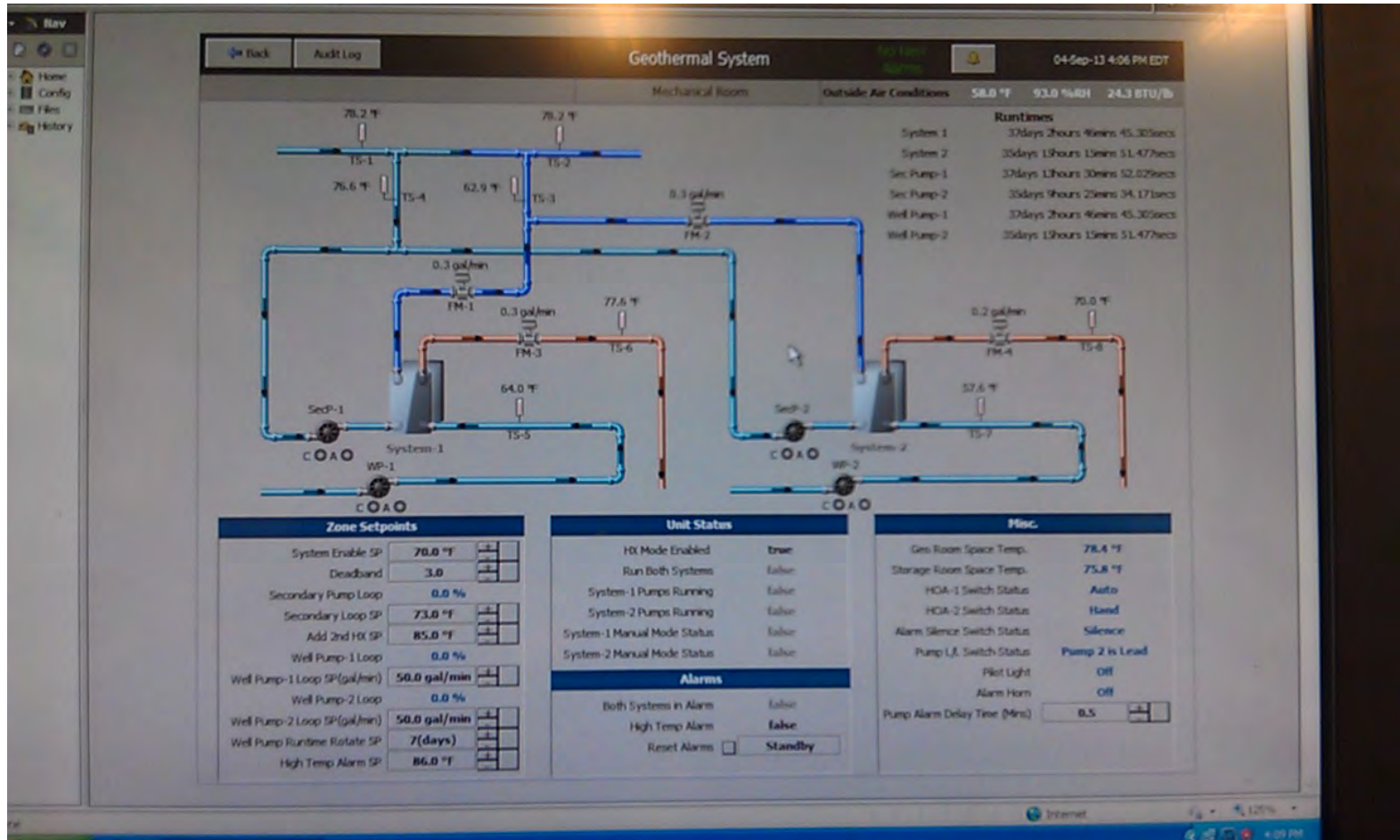
"I'd call this an innovative approach versus a

The mechanical cooler, though more widely used, was the more expensive option, costing \$283,419 to run for 10 years. The supplemental geothermal system would cost more to install but have a 10-year cost of \$29,754, Hudson said.

Gipe Engineers: Application of Class V Thermal Transfer/Injection



Sussex EOC is In Operation!



Survivability/Storm Proof Needs+1(+1+1...)

Sussex now operates in any one, or a combination of the following modes:

1. Pump to Re-Injection well system
2. Close Loop well system
3. Cooling tower (emergency backup)
4. Any combination of the above



Storm Proof Technology, Done Right!

Sussex EOC : All Geothermal
All Inside

Sussex County is in Good Company



Pinellas County, FL Emergency Operations Center- 2600 tons
Class V Thermal Exchange (Pump to Re-Injection) Needs +1

Pinellas County EOC



Storm Proof Technology Done Right!
All Geothermal
All Inside



Geothermal HVAC
Upgrades Report to
Sussex County Council



**SC PROJECT 12-03
SUSSEX COUNTY ENG. DEPT.
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: EOC SUPPLEMENTAL COOLING SYSTEM
2. Sussex County Contract No. 12-03
3. Change Order No. 2
4. Date Change Order Initiated - 9/24/13
5. a. Original Contract Sum \$476,685.00
b. Net Change by Previous Change Orders +\$ 2,503.84
c. Contract Sum Prior to Change Order \$479,188.84
d. Requested Change +\$ 717.71
e. Net Change (No. of days) 2
f. New Contract Amount \$479,906.55
5. Contact Person STEVEN L. HUDSON
Telephone No. 302-855-7372

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

- 5. Overrun/Under-run in Quantity
- 6. Factors Affecting Time of Completion
- 7. Other (explain below)

SEE ATTACHMENT "A"

C. BRIEF DESCRIPTION OF CHANGE ORDER:

SEE ATTACHMENT

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:

Yes No

E. APPROVALS

- 1. _____ Date
GILLIS GILKERSON, Inc.
- 2. _____ Date
County Engineer

ATTACHMENT A

**EMERGENCY OPERATIONS CENTER SC 12-03
CHANGE ORDER #2, BALANCING CO**

COR #	DATE	DESCRIPTION	DAYS	COST
3109-10	10	04/29/13		
		Paint Pre-Cast Concrete Ceiling		\$600.00
3109-11	11	04/23/13		
		CREDIT FOR 5" VALVES		-\$608.00
3109-12	12	05/16/13		
		FIRE LINE REQUEST	1	\$2,953.46
13		05/06/13		
		CREDIT 1 DAY FOR 911 DAY CONST. SHUT DOWN	1	
3109-14	13	05/20/13		
		RAMP FOR 911 DAY		\$243.69
3109-15	14	05/24/13		
		REDUCED SIDEWALK		-\$480.65
3109-16	15	06/25/13		
		CREDIT FOR SUPPLYING 2 WELL PUMP VFD'S		\$1,990.79
BALANCING CHANGE ORDER				
TOTAL:				2 \$717.71

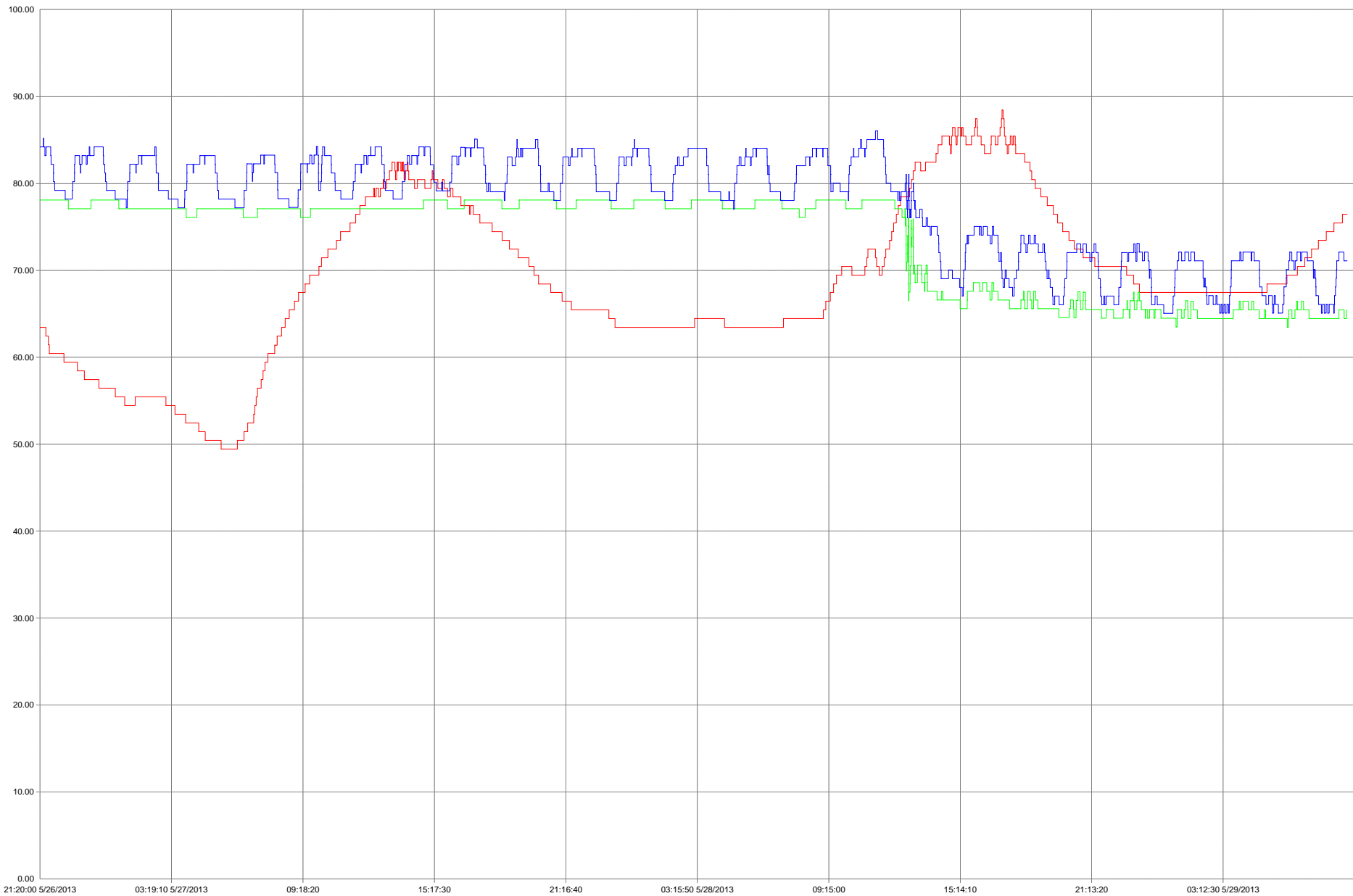
EOC HVAC SYSTEM COMPARISON COST'S

	INSTALLATION COSTS	Gipe/Egg Open Loop Geo-Thermal Wells	Johnson Controls Mechanical Chiller System
	SYSTEM RATING N	<i>80 TONS OF COOLING</i>	<i>80 TONS OF COOLING</i>
1	Cost Estimate:	\$198,750.00	\$110,777.39
	Electrical Cost:	included	\$40,000.00
	Siemens Digital Control Cost:	\$47,500.00	\$47,500.00
	TOTAL COST ESTIMATE: N only	\$479,906.00	\$198,277.39
	COST WITH BLDG. ADDITION	\$479,906.00	\$326,277.39
	SYSTEM RATING .5 N	40 TONS ADDITIONAL	40 TONS ADDITIONAL
	Cost		\$74,665.26
2	TOTAL COST ESTIMATE: N+1 <i>Existing Closed Loop =.5N</i>	\$479,906.00	\$400,942.65
	OPERATION COSTS: Annual <i>Based on 40 Ton Cont. Load</i>		
	Power Consumption KWH	3.43 KW x 4380 hrs. 15,023	54.5 KW x 4380 hrs. 238,710
3	Cost of KWH consumed	\$1,502.30	\$23,871.00

	GEO-THERMAL SYSTEM 10 YEARS	MECHANICAL SYSTEM 10 YEARS	
COST TO OPERATE, YEARS ACCUMULATIVE			
YEAR	KWH COST	MAINT. COST	TOTAL
1	\$1,502.30	\$1,000.00	\$2,502.30
2	\$3,004.60	\$2,000.00	\$5,004.60
3	\$4,506.90	\$3,000.00	\$7,506.90
4	\$6,009.20	\$4,000.00	\$10,009.20
5	\$7,511.50	\$5,000.00	\$12,511.50
6	\$9,013.80	\$6,000.00	\$15,013.80
7	\$10,516.10	\$7,000.00	\$17,516.10
8	\$12,018.40	\$8,000.00	\$20,018.40
9	\$13,520.70	\$9,000.00	\$22,520.70
10	\$15,023.00	\$10,000.00	\$25,023.00

GEO-THERMAL	MECHANICAL
INSTALLATION COST	\$479,906.00
10 YEAR OPERATIONAL TOTAL COST	\$25,023.00
10 YEAR COST	\$504,929.00
INSTALLATION COST	\$400,942.65
10 YEAR OPERATIONAL TOTAL COST	\$283,419.13
10 YEAR COST	\$684,361.78

GEO-THERMAL COST SAVINGS \$179,432.78



■ SOAT deg F ■ SGWST DEG F ■ SGWRT DEG F ■ SGWTWR.SPL DEG F ■ SGWTWR.RTN DEG F ■ ROOM.127.HP:ROOM TEMP DEG F — SVHDAT DEG F

OLD BUSINESS
September 24, 2013

This is to certify that on August 8, 2013 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change of Zone. At the conclusion of the public hearing, the Commission moved and passed that this application 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 on a summary of comments read into the record, and comments stated by interested parties during the public hearing.

CHANGE OF ZONE #1732 – HEROLA FAMILY, LLC AND ARTISAN’S BANK

Application of **HEROLA FAMILY, LLC AND ARTISAN’S BANK** to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a CR-1 Commercial Residential District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 25.4219 acres, more or less, lying south of Route 24 (John J. Williams Highway) 2,025 feet west of Route One (Tax Map I.D. 3-34-12.00-127.01 and 127.07 – 127.10).

The Commission found that the Applicants submitted an Exhibit Booklet on July 26, 2013 for consideration, and that the Booklet contains an Environmental Assessment and Public Facilities Evaluation Report; Preliminary Land Use Service (PLUS) comments; a PLUS response from Davis, Bowen & Friedel, Inc.; a Service Level Evaluation Request; a DelDOT zoning application response; a DNREC response regarding threatened and endangered species; and a zoning map/aerial view of the rezoning parcels and surrounding area.

The Commission found that James Fuqua, Jr., Esquire with Fuqua, Yori and Willard, P.A., provided some documents on July 29, 2013 on behalf of the Applicants, and that those comments included copies of the Planning and Zoning Commission Minutes for December 7, 2006 for Conditional Use No. 1716 for Andrew Lubin recommending approval; copies of the Planning and Zoning Commission Minutes for June 10, 2010 for Change of Zone No. 1683 for J.G. Townsend, Jr. & Co. recommending approval; copies of the Planning and Zoning Commission

Minutes for October 14, 2009 for Change of Zone No. 1690 for L. T. Associates, L.L.C. recommending denial; PLUS comments, dated September 19, 2012 for this site; copies of portions of the Sussex County Comprehensive Land Use Plan Future Land Use Map and certain pages; copies of portions of the Zoning Ordinance; and a copy of portions of the Subdivision Ordinance relating to definition of Major Arterial Roadways.

The Commission found that the County Engineering Department Utility Planning Division, dated August 6, 2013, referencing that the site is located in a County operated and maintained sanitary sewer district; that the parcels fronting Route 24 and Parcel 127.10 fronting the internal roadway have been annexed into the West Rehoboth Expansion Area; that Parcel 127.01 is in the Southern Planning Area for sewer service; that the current System Connection Charge Rate is \$4,822.00 Per EDU; that sewer service is available to all parcels; that Parcels 127.06, 127.07 and 127.08 each require installation of a sewer lateral at the Developer's expense; that Parcel 127.09 has been provided with a lateral; that a connection point has been provided for Parcel 127.01; that the parcel is capable of being annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that conformity to the West Rehoboth Expansion Area Capacity Evaluation and the North Coastal Area Planning Study will be required; that an area of approximately 17.41 acres adjoins, but is not within the West Rehoboth Expansion Area; that the area not in the sewer district is located within a sewer planning area, so the remainder of the project can be annexed into the sewer district by performing certain administrative procedures, although a commitment to an extension of mainline sewers and necessary system upgrades may be a condition for said annexation taking place; that based on a cursory review, it does appear that sewer capacity is available; that the total maximum EDU available for development use is 305.04 EDU; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures; and that the County Engineering Department must approve the connection point, and requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation. A listing of steps to be completed for extending district boundaries and a checklist for preparing concept plans was attached.

The Commission found that two letters were received in support of the application from Rehoboth Mall Limited Partnership and the Delaware Eye Institute.

The Commission found that James Fuqua, Jr., Esquire with Fuqua, Yori and Willard, P.A. was present on behalf of the application with Zac Crouch, Professional Engineer, and D. J. Hughes, Professional Engineer, with Davis, Bowen & Friedel, Inc., Robert Hood of Herola Family, L.L.C. and Andy Taylor of Artisan's Bank to answer any questions from the Commission; and stated that they are proposing to rezone 25.4 acres of land currently zoned AR-1 Agricultural Residential to CR-1 Commercial Residential; that Artisan's Bank owns Lot 1 and Herola Family, L.L.C. owns the remainder; that the site is west of and to the rear of the Rehoboth Mall; that the Beebe Medical Center is west of the site; that Route 24 and the Delaware Eye Institute are north

of the site; and that Sterling Crossing development and the J.G. Townsend Jr. and Company are to the south of the site; that the Beebe Medical Center property was purchased from Herola Family, L.L.C.; that this site was originally approved for an intended office complex (Conditional Use No. 1716) and has not been successfully developed; that a decision was made to apply for a change of zone to CR-1 Commercial Residential to allow for retail use; that the only difference from C-1 and CR-1 is that multi-family use is permitted in C-1 and requires a Conditional Use in CR-1; that retail business use is intended; that the actual use has not yet been determined; that any use of the property is subject to rezoning of the property; that the Zoning Ordinance will dictate the use based on site plan review; that the only thing the Commission needs to consider is if the 25.4 acres of land is suitable for CR-1 zoning; that the site is just west of Route One and adjacent to a major retail use, the Rehoboth Mall; that there are no records of any endangered species, wetlands, historical, or cultural resources on the site; that the site is located in a Tidewater Utilities service area; that the site is partially within the West Rehoboth Expansion Area; that DelDOT did not require a Traffic Impact Study since the area has already been studied; that a road interconnection and road network will be required to be improved by the developer providing interconnection from Route 24 to Old Landing Road at Airport Road; that any development of the property will only occur with the new road in the design; that the concept of the new road was discussed previously when the applications of Andrew Lubin and J.G. Townsend, Jr. & Co. were discussed; that this land is appropriate for CR-1 zoning since: 1) the property is located, according to the Strategies for State Policies and Spending documents, in an Investment Level 2; that Investment Level 2 reflects areas where growth is anticipated by local, County, and State plans in the near term future; that State investments will support growth in these areas; that the Office of State Planning and Coordination has no objections to the proposed rezoning of this project in accordance with the relevant County Codes and Ordinances; 2) since the site conforms to the Comprehensive Land Use Plan Future Land Use Map by being located in the Environmentally Sensitive Developing Area; since it is located close to the Highway Corridor of Route One; since it has access to Route One and Route 24 and is adjacent to highway commercial areas along Route One, and is located in close proximity to other commercial uses and zonings; that the use conforms to the purpose of the CR-1 zoning classification which references that the district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain major thoroughfares where a general mixture of commercial and service activities now exist; that the requested rezoning is an infill between those previously referenced zonings and uses; that the rezoning will promote the orderly growth, convenience, order, prosperity and welfare of the County and it will encourage commercial activities where substantial commercial activity exists and continues to grow; that the rezoning is in character with the surrounding area and is consistent with the trends of development in this area off of the Route One corridor; that the rezoning is a logical transition to connect these areas; and that the J.G. Townsend, Jr. and Co. has already agreed to dedication of lands for the connector road.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact for consideration which include; 1) The site is located in the Environmentally Sensitive Development District, a growth area as designated by the Sussex County Comprehensive Plan and the CR-1 zoning is in accordance with the Land Use Plan and Future Land Use Map; 2) The site is located near two major thoroughfares, Route One and Route 24. Route One is designated as a major arterial roadway under the Sussex County Subdivision Ordinance; 3) The site is located in an area where a general mixture of commercial and service activities currently exist including the Rehoboth Mall, Beebe Medical Center, Delaware Eye Institute and numerous other commercial and service businesses on Route 24, Route One and Old Landing Road; 4) The site adjoins other lands zoned commercial on the south, east and north and the Beebe Medical Center, a conditional use, on the west; that other commercially zoned land is located in the immediate area; 5) The site will be served water for domestic use and fire protection by Tidewater Utilities, a public water supplier; 6) The site will be served by County sewer as part of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; 7) The CR-1 zoning classification is consistent with the purposes of the County Zoning Ordinance and Comprehensive Land Use Plan by promoting the orderly growth, convenience, order, prosperity and welfare of the County and will encourage commercial activity at an appropriate location where substantial commercial activity exists and continues to grow; that the CR-1 zoning classification is in character with the surrounding area and is consistent with the trends of development in this area of the Route One corridor; 9) As a result of the surrounding uses and zoning classifications, this change of zoning represents an “infill rezoning” and CR-1 zoning is the appropriate zoning classification; 10) DelDOT indicates that the applicant and adjacent property owner worked with DelDOT on a study of the impact of the development of their properties referred to as the Old Landing Road Traffic Study and that considering the commercial use of the properties, the Route 24 DelDOT widening project and the proposed new local road serving the sites and providing a connector road from Route 24 to Old Landing Road and Airport Road at the Airport Road intersection, DelDOT is satisfied that the affected intersections will operate at an acceptable level; and 11) Any proposed use on the site will be subject to site plan review by the Sussex County Planning and Zoning Commission.

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

The Commission found that David Racine, a resident of Truitt’s Midway Development, was present and expressed concerns that no one was notified in his development of this application; that he is concerned that a smoke-screen is being present about the real intended use of the site; that rumors are that the site is to be improved by a Super Wal-Mart store; questioning if the property will be sold or leased; and expressing concerns about traffic, run-off, flooding, and drainage.

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

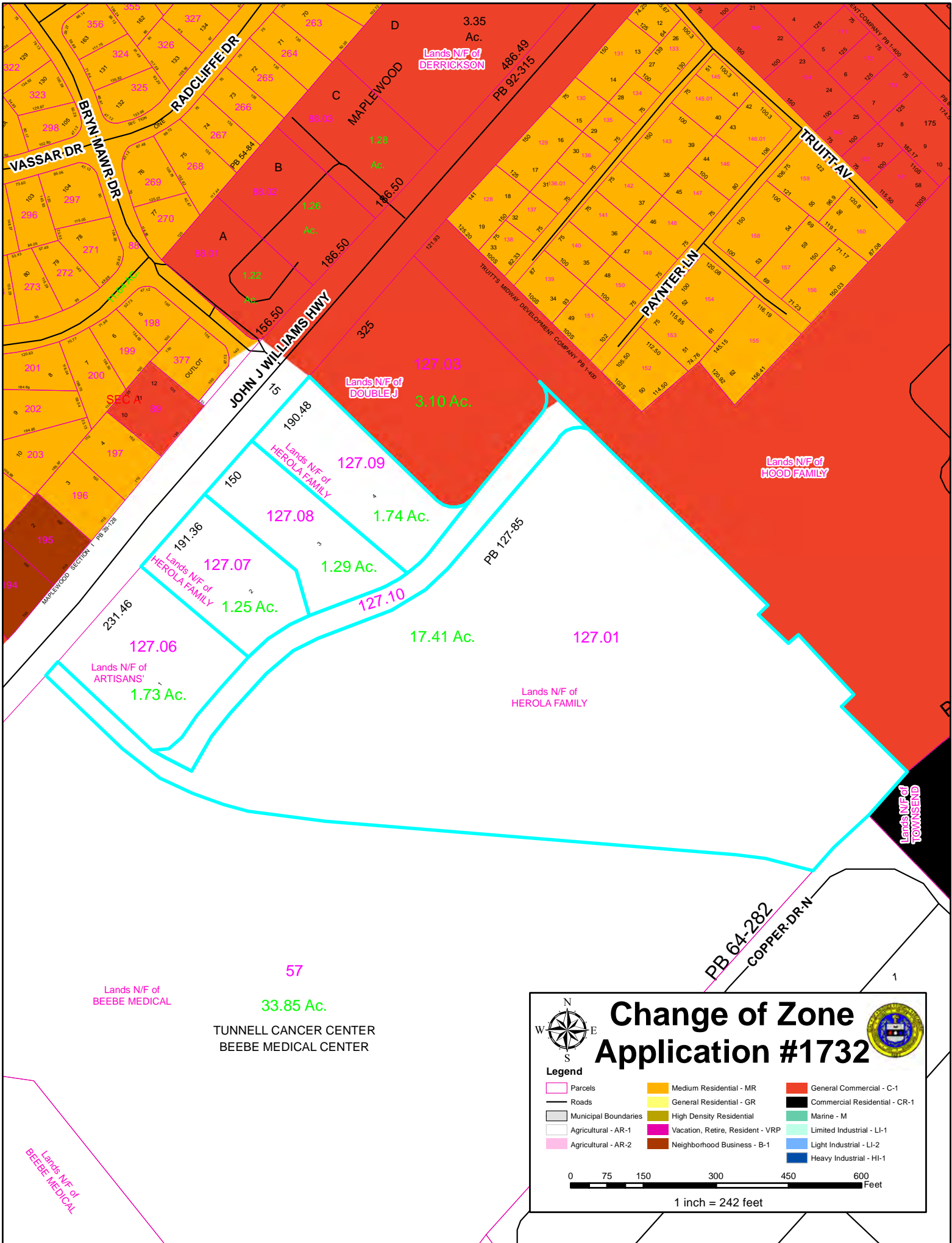
Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 22, 2013 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone #1732 for Herola Family, LLC and Artisan's Bank from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Developing District according to the Sussex County Comprehensive Plan.
2. The property adjoins Rehoboth Mall and Beebe Medical Center and is across Route 24 from professional office space and several small commercial properties.
3. The site is surrounded by a variety of zoning classifications, including B-1, C-1 and AR-1. This rezoning will be consistent with the surrounding zoning.
4. As part of DelDOT's ongoing plans to create a relief route from Route 24 to Airport Road, the Applicant has agreed to provide lands for the construction of the route, and the development of this site will incorporate this new road.
5. As a result of the surrounding uses and zoning classifications, this Change of Zone application is an infill rezoning and CR-1 is the appropriate zoning classification.
6. This property will be served by central water and a Sussex County Sanitary Sewer District.
7. The proposed CR-1 zoning classification is consistent with the purposes of the Sussex County Zoning Ordinance and the Comprehensive Land Use Plan by promoting the orderly growth, convenience, order, prosperity and welfare of the County and it will encourage commercial activity where substantial commercial activity exists and continues to grow.
8. The site is located near the intersection of Route One and Route 24. Route One is designated as a major arterial roadway under the County Code where zoning such as this is appropriate.
9. Any proposed use on the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.

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



Lands N/F of DERRICKSON

Lands N/F of DOUBLE J

57
33.85 Ac.

TUNNELL CANCER CENTER
BEEBE MEDICAL CENTER

Lands N/F of BEEBE MEDICAL

Lands N/F of ARTISANS'
1.73 Ac.

Lands N/F of HEROLA FAMILY
1.25 Ac.

Lands N/F of HEROLA FAMILY
1.29 Ac.

Lands N/F of HEROLA FAMILY
1.74 Ac.

Lands N/F of HEROLA FAMILY
3.10 Ac.

17.41 Ac.

3.35 Ac.

Lands N/F of HOOD FAMILY

Lands N/F of HEROLA FAMILY

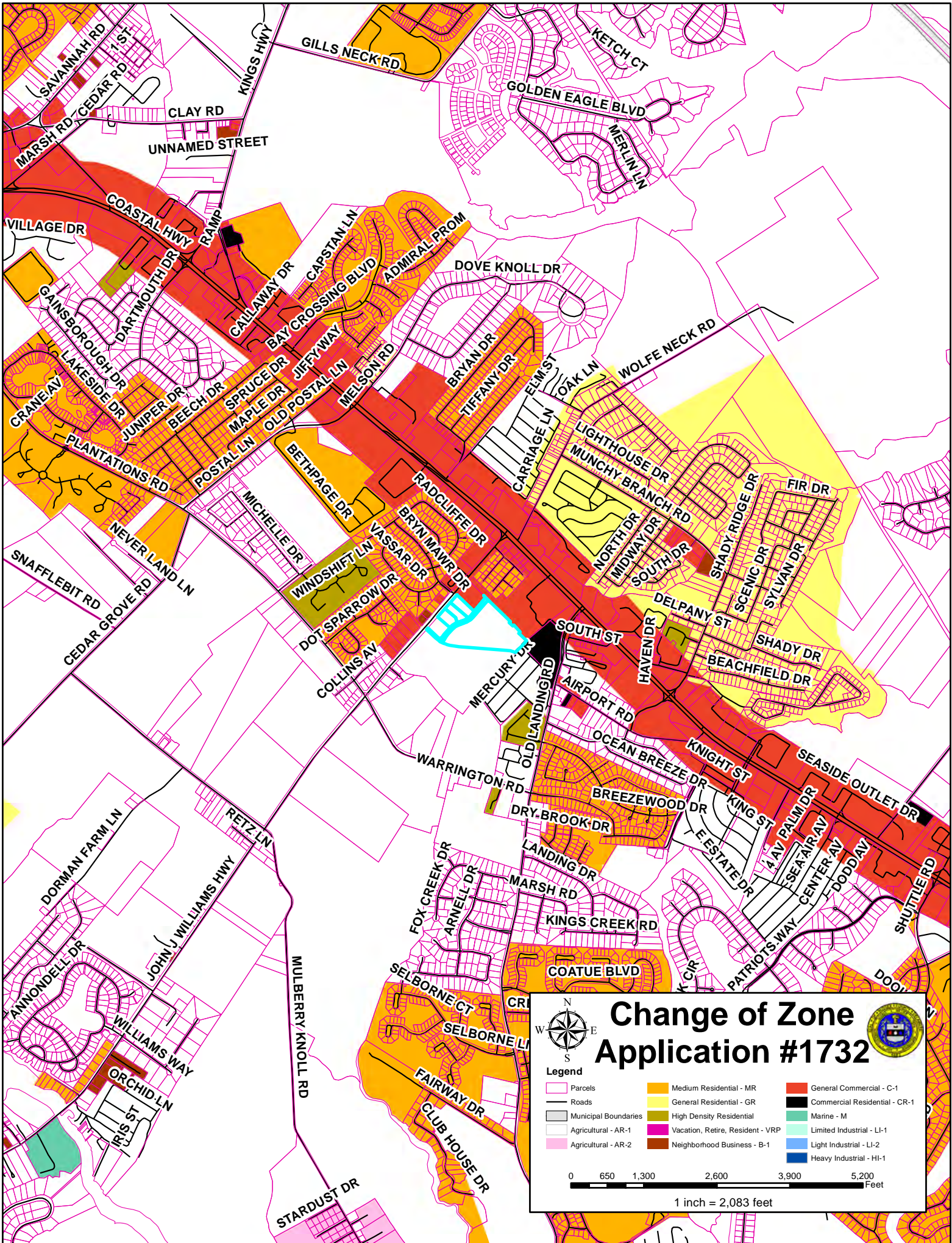
Lands N/F of TOMSEND

Change of Zone Application #1732

Legend

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

1 inch = 242 feet



SAVANNAH RD
MARSH RD CEDAR RD
CLAY RD
UNNAMED STREET
KINGS HWY

GILLS NECK RD
KETCH CT
GOLDEN EAGLE BLVD
MERLIN LN

VILLAGE DR
COASTAL HWY
GAINSBOROUGH DR
LAKESIDE DR
CRANE AV
JUNIPER DR
BEECH DR
MAPLE DR
POSTAL LN
MICHILLE DR
NEVER LAND LN
SNAFFLEBIT RD
CEDAR GROVE RD

DOVE KNOLL DR
WOLFE NECK RD
Lighthouse Dr
MUNCHY BRANCH RD
NORTH DR
MIDWAY DR
SOUTH DR
SHADY RIDGE DR
SCENIC DR
SYLVAN DR
FIR DR

BETHPAGE DR
RADCLIFFE DR
WINDSHIFT LN
VASSAR DR
DOT SPARROW DR
COLLINS AV
MERCURY DR
OLD LANDING RD

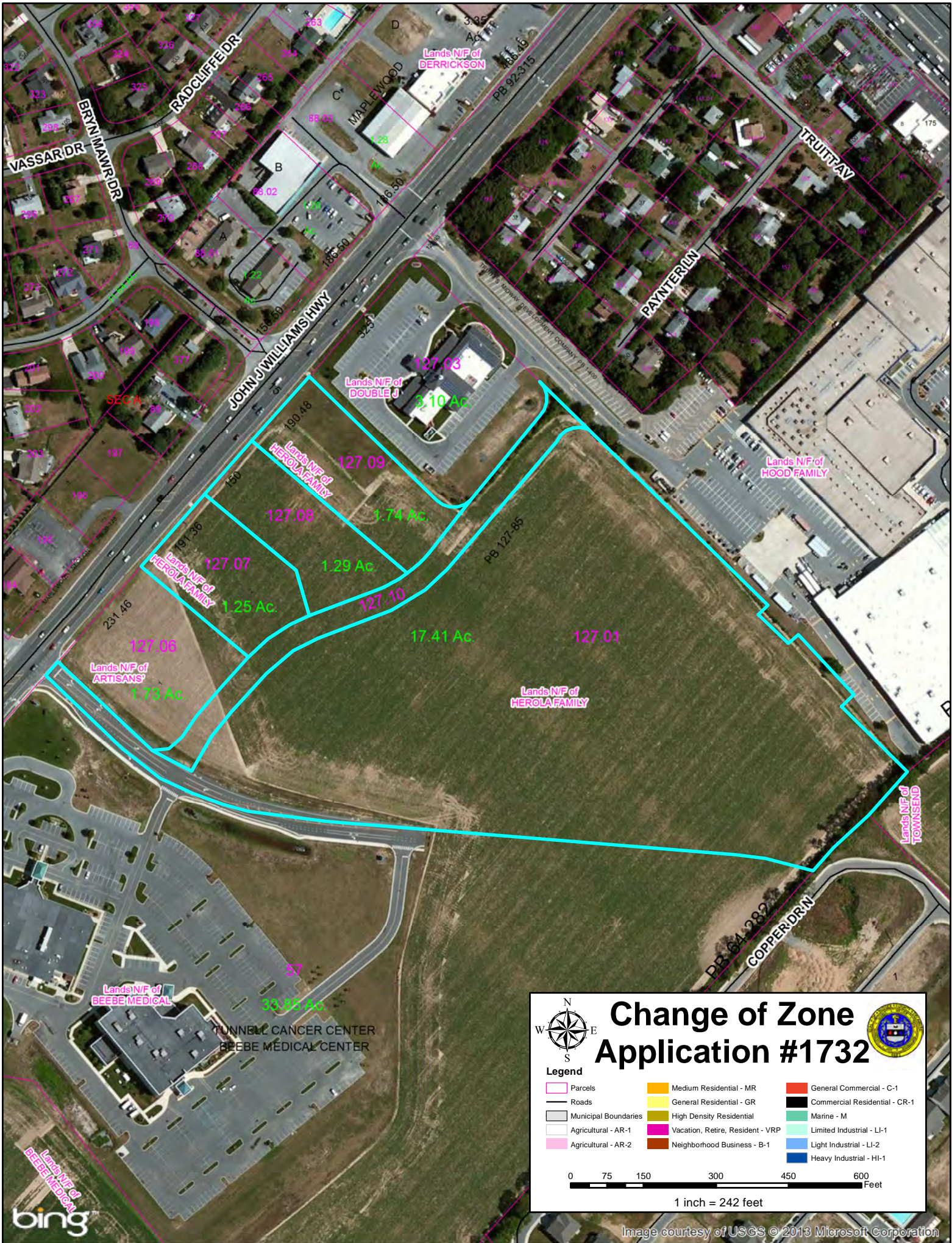
AVENUE DR
DEL PANY ST
SHADY DR
BEACHFIELD DR
AIRPORT RD
OCEAN BREEZE DR
KNIGHT ST
SEASIDE OUTLET DR

DORMAN FARM LN
ANNONDELL DR
JOHN J WILLIAMS HWY
REIZ LN
MULBERRY KNOLL RD

WARRINGTON RD
BREEZEWOOD DR
DRY BROOK DR
LANDING DR
MARSH RD
KINGS CREEK RD
COATUE BLVD
PATRIOTS WAY
CENTER AV
DODD AV

FAIRWAY DR
CLUB HOUSE DR
STARDUST DR

SELBORNE CT
SELBORNE LN
GR...
K CIR
4 AV PALM DR
ESEA AIR AV
SHUTTLE RD



Change of Zone Application #1732

Legend

<ul style="list-style-type: none"> Parcels Roads Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> 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 75 150 300 450 600
Feet

1 inch = 242 feet



DELAWARE POLICE CHIEFS' COUNCIL, INC.
400 SOUTH QUEEN STREET, DOVER, DELAWARE 19904



Telephone: (302) 739-5411 Fax: (302) 736-7146

September 9, 2013

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Lewes

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Georgetown

2nd Vice Chairman

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Chief Michael Szczerba
Wilmington

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Martin W. Johnson, III
Coordinator

Donna M. Mills
Executive Assistant

John F. Brady, Esq.
Legal Advisor

Mr. Michael Vincent, President
Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

This is a request for your assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson our Local Police Coordinator, for attending a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Philadelphia, Pennsylvania, from October 18 through October 22, 2013. The directors' meeting is held in conjunction with the State Association of Chiefs of Police (SACOP).

The Delaware Police Chiefs' Council is assisting local departments in meeting professional policing standards to qualify them for state accreditation. Accreditation, in addition to a wealth of other workshops on innovations in policing and management of state associations, will be discussed and promoted at this meeting. A key to attending is being able to first hand identify those issues and trainers we should bring to Delaware.

SACOP has a very exciting, informative, and enjoyable meeting planned. They will be holding training sessions on grant funding, police consolidation, "Generation Y in Law Enforcement", and holding a special Sunday afternoon session on addressing the unique challenges facing smaller departments and building a policy platform that will allow SACOP and the IACP to meet their needs.

Sussex County Council
Assistance request for SACOP
September 9, 2013
Page 2

The General Assembly appropriation for local police coordination falls short of providing full funding for our operations which in part, provides technical and management assistance of Sussex County police departments. 25 of the 43 departments consist of less than 15 officers; and 18 of these departments are within Sussex County. The bulk of Martin's time is spent on behalf of small departments.

Attendance at out-of-state training programs is difficult without supplemental funding. Your assistance in helping by providing \$500.00 of the anticipated costs would be extremely helpful in meeting our objectives of maximizing the effectiveness of local departments.

Thank you for your consideration in this matter.

Sincerely,



Chief Jeffrey Horvath
Chairman



Martin W. Johnson, III
Executive Director/Coordinator

JH: dmm

Cc: Mr. Todd Lawson
County Administrator



EPWORTH
REHOBOTH BEACH
a United Methodist Church
Open Hearts + Open Minds + Open Doors
19285 Holland Glade Road Rehoboth Beach, DE 19971
www.eumcrb.org 302.227.7743

September 7, 2013

Dear Mr. Cole,

Thank you for taking the time to speak with me on Friday regarding the Epworth United Methodist Church Skate Project.

As I noted during our conversation, Epworth UMC in Rehoboth Beach has graciously donated a portion of their property to create a small concrete skateboard park for community use.

Local "skate parents", the numerous skate and surf shops, and Epworth Church began organizing "Skate Days" on the property several years ago to offer locals kids and adults a chance to skateboard legally and safely in the resort area. As there is not a town, county or state skatepark within many miles of our community, the events have grown in frequency to accommodate the increased number of participants in this growing sport.

Our organization is hoping that the Sussex County Council will assist in funding this much-needed community recreational facility. The cost of the concrete park is \$50,000, and we are in the process of accepting donations and grants from individuals, private companies, and government agencies.

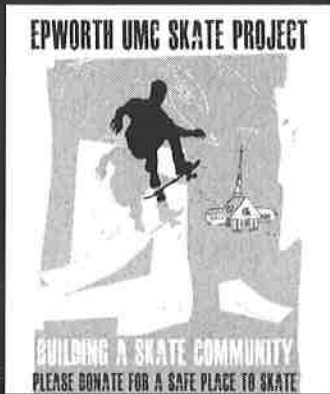
For future reference, Epworth UMC tax id # is **36-2167731**. Please note that 100% of the funds donated to the Epworth UMC Skate Project will be used to construct the skatepark. The church is generously providing the land, insurance and bookkeeping services for the Project free of charge; none of the collected funds will be used for Church programs or expenses.

Attached you will find information on the project, but please do not hesitate to call me with any questions.

Best regards,

Kenny Mahan for
Tricia Ratner
Committee Member, Epworth UMC Skate Project
302-745-4131 c
302-644-9191 h

PS The News Journal did a story on the project and it should appear in the upcoming week, probably on Monday, September 9th.



EPWORTH UMC SKATE PROJECT

Epworth UMC Church, 19285 Holland Glade, Road, Rehoboth Beach, DE

Skateboarding statistics

*There are approximately 12 million skateboarders in the US.

*On average there are 2- 3 skate parks built in the US each week.

*Nationally skateboarding is growing while team sports participation is on the decline.

*Statistics show that skateboarding injuries occur less frequently than in organized sports such as basketball, baseball, football, and bicycling.

Skate Parks allow the broader community to see the skateboarding youth for what they truly are: passionate, dedicated athletes who voluntarily seek out physical recreation. --

The Tony Hawk Foundation

Epworth Provides Home For Skateboarders



The skate ramps at Epworth

Epworth hosted its first Skate Day in June of 2008. It has been a home to skateboarders ever since with equipment in the parking lot and bi-annual skating events. In the spring of 2012 there was a groundswell of support from local adult skaters who wanted to expand opportunities for local skateboarders. With Epworth's consent, they formed Epworth UMC Skate Project.

On July 22 of this year Epworth's Board of Trustees gave the group approval to begin raising money to replace the existing wooden ramps with a concrete skate area; representing an improvement in safety, aesthetics, and parking for church goers. Funding for the improvements will total \$50,000 and will be raised by donations from local businesses and individuals in the community.

There hasn't been a public skate area in Sussex County since 1978. The nearest skate parks are in Maryland. Epworth's proximity to The Breakwater and Junction Trail makes it an ideal location for a park. Epworth recognizes Sussex County's need for more recreational opportunities and has embraced the project and the skate community. They are committed to giving skateboarders a safe place to skate.

Benefits Of Skateboarding

Encourages outdoor, physical activity

Develops strength, balance, and endurance

Develops discipline, persistence and self-esteem.

Promotes creative physical expression

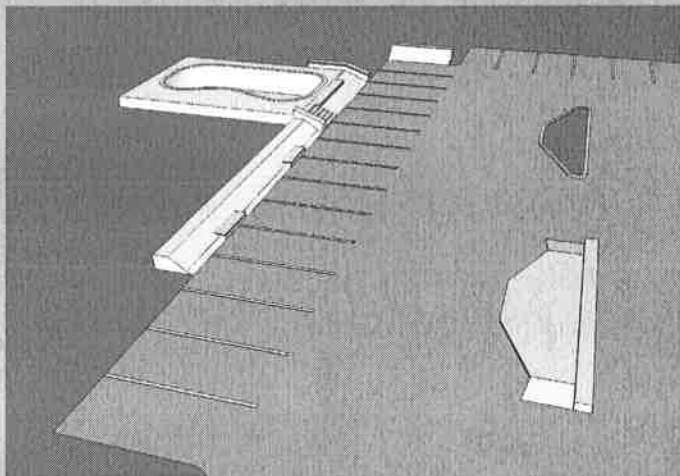


Skateboarding, by it's very nature, is an anti-drug. --

The Tony Hawk Foundation

Community Benefits of Skate Parks:

- **Serve an often neglected age group**
- **Act as a point of connection for people of different ages, abilities and backgrounds**
- **Provide positive youth development in a safe, secure environment**
- **Contribute to the health and well-being of the community**
- **Promote physical activity in a non-competitive atmosphere**
- **Allow individuals to participate alone or in a group, much like music or art**
- **Eliminate the need for teams, coaches or referees**
- **Allow individuals to practice when it's convenient for them**



Preliminary Drawing for Epworth

Jesse Clayton, 5th Pocket Design

Jesse Clayton got his start in skate park design as a community organizer in Philadelphia in 2008. He was the mastermind behind the creation of Pop's Skatepark, a small playground transformed by volunteers from a run-down area into a magnet for youth and parents. The change had an immediate positive impact on juvenile crime rates and the local economy. Seeing what a positive difference a small skate park could make, compelled Jesse to make designing and building skate parks a career. "Our unique designs will encourage progression in all styles and skill levels of skateboarding without creating a dangerous environment for beginners." - Jesse Clayton

Skate parks to his credit include:

Gray's Ferry, Ambler Skate Park, Whitehall Skate Park, Pop's Skate Park in Pennsylvania; Improvements to 7th Street Skate Park, Delaware



EPWORTH UMC SKATE PROJECT

Sponsorship Opportunities

Sponsorship Deadline: October 15, 2013

Funding Goal: \$50,000

Skate Park Bowl Sponsor *	\$15,000
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Prominent placement on skate park web page• Acknowledgement at Opening Ceremony• Inclusion in all media publicity	
China Bank Sponsor *	\$10,000
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Prominent placement on skate park web page• Acknowledgement at Opening Ceremony• Inclusion in all media publicity	
Manual Pad Obstacle Sponsor *	\$7,500
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Prominent placement on skate park web page• Acknowledgement at Opening Ceremony• Inclusion in all media publicity	
Quarter Pipe Sponsor *	\$5,000
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Placement on skate park web page• Acknowledgement at Opening Ceremony• Inclusion in all media publicity	
Bench Sponsor	\$2,500
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Placement on skate park web page• Acknowledgement at Opening Ceremony• Inclusion in all media publicity	
Large Donor Plaque Sponsor	\$1,000
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Placement on skate park web page• Acknowledgement at Opening Ceremony	
Small Donor Plaque Sponsor	\$500
<ul style="list-style-type: none">• Acknowledged with permanent plaque• Placement on skate park web page	
Donor Brick Sponsor	\$150
<ul style="list-style-type: none">• Acknowledged with permanent brick	

** These donor levels are available on a first-come, first-served basis.*

EPWORTH UMC SKATE PROJECT

Vendor Material Donations

The following materials are needed for construction of our new Skate Park:

Steel

At least 150ft of 1/2" rebar. We also need some 1/4" thick, 4"x3" angle iron and 1/4" thick 2" pipe, all steel. Design needs to be finished to get more detailed numbers on quantities.

Clean Fill

At least 100 tons of clean fill dirt depending on the way the park is built. All fill needs to be free of organic material that could decompose over time. Dirt sand stone mixtures are what is preferred.

Excavation

A backhoe or a skid steer for initial earth work and excavating. This can be donated by a local contractor, farmer, rental business or excavating company. We can operate the machinery but an operator coming along with the machine is preferred if at all possible.

Concrete

A concrete supplier that can produce a shotcrete mix that will be pumped through a 2-inch hose. We will be using at least 40 yards of concrete.

Meet Skate Park Designer *Jesse Clayton*

HAZZARD'S SKATING ANGEL

JESSE CLAYTON: CREATING NEW PLAY SPACE IN A ROUGH PATCH OF PHILADELPHIA.

NORTHEAST OF PHILADELPHIA'S CITY CENTER, where the neighborhood of Kensington folds into Fishtown, there's Hazzard Street. For years, the name seemed appropriate. After the city and then the kids abandoned a local park—known as Pop's Playground, for a local who picked up the trash—the drug dealers moved in.

Two years ago, the New Kensington Community Development Corporation (NKCDC) offered local skateboarders the opportunity to turn Pop's into a skate park—if they did it on their own. Jesse Clayton, a local skateboarder, mason and carpenter, heard about the project and jumped at the chance to

design his own park. Using Google SketchUp, he laid out a 60 x 110-foot space with a variety of ramps and rails. "I pulled inspiration from average urban architecture," Clayton, 28, says. "All the things skaters normally skate on but then get kicked out of because it's public property." He organized a group of tradesmen who raised money by throwing beef-and-beer fundraisers and auctioning off hand-painted skateboards. Donations also poured in from the Tony Hawk Foundation and Franklin's Paine Skatepark Fund, a local skating advocacy group. After raising a little over \$23,000 on materials, volunteers spent 2500 hours building the park over nine months. They poured 65 yards of concrete and hauled nearly 4000 blocks. "It's tough to ask people to work for free," Clayton says. "But a half-dozen showed up every day." Pop's Skate Space opened last July.

A year later, it's turned into more than a skate park. "Summer camps use the space, and in the evenings it hosts summer movie nights," Tom Potts, an NKCDC organizer, says. "It's a community center." Clayton, meanwhile, is helping rebuild a nearby park in Whitehall. "The impact of these parks is so far-reaching," he says. "When a project can bring the community together, it feels like a real success story."



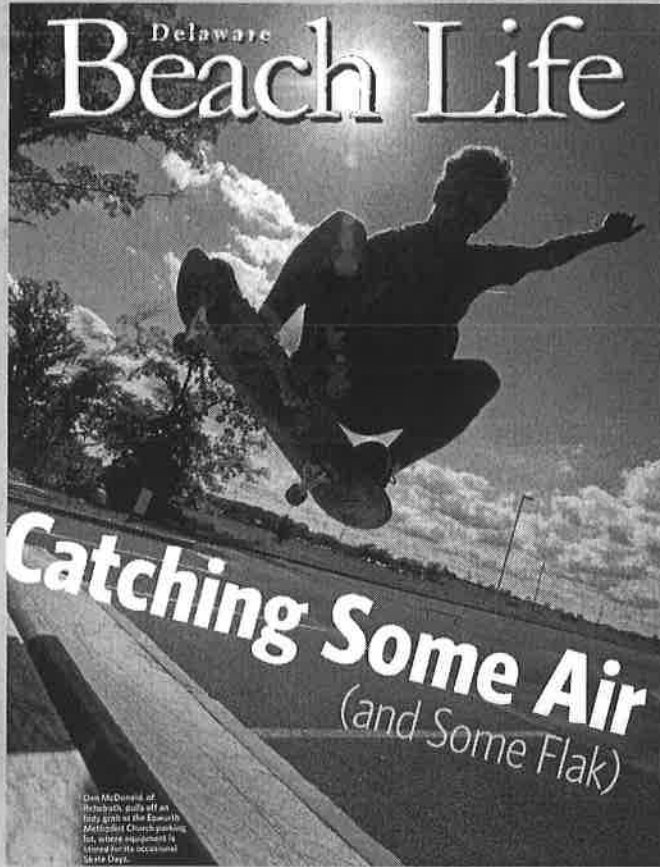
Jesse Clayton rides the rails at Pop's, a Philadelphia skate park he designed and built with the help of volunteers.

EPWORTH UMC SKATE PROJECT

Community Support



At right, Logen Hood, 5, skates the half pipe.



Don McDonald of Rehoboth leads off an early grab at the Epworth Methodist Church parking lot, where equipment is stored for its occasional Skate Days.

EPWORTH CHURCH PLANS TO CONSTRUCT SKATE PARK



DENY HOWETH PHOTOS

PRELIMINARY APPROVAL HAS BEEN GIVEN to start raising funds for the construction of a concrete skate area at Epworth United Methodist Church on Holland Glade Road in Rehoboth. The announcement was made at Skate Day July 28. Jesse Clayton, 5th Pocket Design, will oversee and design the construction.

Pat Loughlin, assistant pastor at Epworth UMC Church, unveils the plans for the Epworth UMC Skate Project on the south edge of the parking lot. For more information on donating, email ploughlin@epworth-rehoboth.org or call 227-7743, ext.106, or go to <http://www.eumcrb.org/sk8/>



The skate park is now mostly plywood; the new concept is a concrete park designed by Jesse Clayton of Philadelphia, Pa.

ANNUAL SK8 DAY HELD AT EPWORTH



THE ANNUAL SK8 DAY was held at Epworth United Methodist Church in Rehoboth Beach June 24. The event was free and open to skateboarders of all ages. Skaters enjoyed live music while free skating and competing in organized events. Above, Josh Ennis performs a trick on the quarter pipe.



Paul Briddell ollies off a small ramp.



Jake Bamforth performs a flip trick on the quarter pipe.

EPWORTH UMC SKATE PROJECT

4 • Thursday, June 23 - Wednesday, June 29, 2011

Skateboarding »

Epworth, local skateboarders share special relationship

Church plans Skate Day June 26

By Angelica Clemmer
Special to the Beach Paper

Epworth United Methodist Church's first skate day was in June 2008. After seeing the huge local response and a half-pipe donation from Liquid Surf Shop, today a small portion of the parking lot is regularly used as a skate area.

This year the church is hosting skate day on Sunday, June 26 from 2 to 6 p.m. The event will feature food, a DJ, and plenty of obstacles to skate on.

The Rev. Pat Loughlin took time to give some insight on the church's plans and the reason why they like to support the skate community. I also talked to Nathaniel Diehl to get a skaters perspective on Skateboarding in the Rehoboth/Lewes area.

What was the reason for setting up an area to skate?

Loughlin: Once we ran the first skate day and saw the response we knew we wanted to continue offering the opportunity to skate to our area. Many of us have kids and grandkids who skate and we know that this is one amazing sport. Liquid donated their half pipe to Epworth and we maintained it in our parking lot until last year when it was so desperately in need of repair that it had to be taken down. We have seen all of the skate parks in our immediate area close and getting to Ocean City is not often a possibility for

kids. Having skating equipment in a safe, public area gives the kids a place to enjoy their sport that is close to home. I've spoken to several parents in our area who are transplants from urban centers, Philadelphia, New York and New Jersey, where they are used to having extensive skating opportunities nearby. They are stunned when they come to our area and realize that skating is no longer an option for their children.

Are there any specific rules or age restrictions?

Let me quote the sign for you: "Welcome to Epworth's Skate Park. These ramps are here for you to use free of charge. We only ask that you obey a few simple rules. Please respect our property and members. We want you to have fun while you are here. Please do not litter, use vulgar language. No smoking or alcohol is permitted in this area."

Any future plans for the skate area?

All of us involved in skating would like to see something more permanent established in the Rehoboth Beach-Lewes area. Knowing that our dream of a versatile cement park may be a long way off, we continue to pray for ways to make skating available, fun and safe for our kids. Skating is, by one estimate, the fastest growing sport in the United States, so we will continue to support and encourage skaters in our area. And we'll keep our eyes and ears open for ways to fund something more permanent.

Is the feedback from the skate community important to you guys?

Absolutely. We want the skaters to tell us what they want and how we can help to make that happen. We often ask the older skaters to help create and run the contest for the younger skaters and are happy to have any input they would like to share. Having skaters part of the creative process up front on a skate day is wonderful, and our past two dates have been advertised by posters created by a skater.

What has been the most rewarding aspect about the skate area?

Watching the parking lot filled with kids having fun.

Anybody you would like to thank?

Special thanks to the local skate/surf shops for all their continued support and especially to Derek Shockro for all of his donations and encouragement.

Continued on page 5

Continued from page 5

notion about a person, simply because they choose to ride a skateboard would most likely prove untrue.

Some people might be surprised to know that this skateboarder is a homeowner and entrepreneur with an excellent credit score. A lot of times people see some teenage kid with a skateboard acting like an idiot and they falsely attribute it to the fact that they're a skateboarder, rather than the fact that teenagers can be hyperactive and then somehow we all seem to take the blame.

It seems like some people think that the goal is to be a nuisance. Maybe that's why we sometimes get kicked out of places for no good reasons and the police often power trip on us and treat us like second-class citizens, but that's not what we're about at all. We're not looking for trouble, just a place to skateboard. It's our pursuit of happiness, which is supposed to be one of the sovereign rights of skateboarders. In this area are intelligent, creative, passionate and humble individuals, despite constant discrimination.

How many spots are available to

There are no spots here that have any real longevity in their appeal to skateboarders because most of them have sub-par conditions, and even then we're likely to be given the boot. There are very few spots that have smooth ground and/or more than one or two less than ideal obstacles. The infrastructure in this area does not provide a lot of interesting architecture for skateboarding.

So has Epworth brought the skate community together?

Epworth has brought us together during the events it holds a few times a year and those days are always awesome for the skateboarders. Guaranteed there will be a lot of nice obstacles, product for the kids, contests and good skateboarding for everyone's viewing pleasure. It's always a blast. People skate everyday. I go out and skate the few obstacles they have in the back of the parking lot when there isn't an event and most of the time I'm alone or there are just a couple kids who walk there or get dropped off. Rehoboth Beach Surf Shop just donated a nice box and a flatbar, so it is getting better. Us skaters appreciate what Epworth is trying to do and we all look forward to the skate events.

SKATERS RAISE FUNDS FOR SKATEBOARD PARK



STEVEN BILLUPS PHOTOS

LOCAL SKATEBOARDERS had a busy weekend in Rehoboth Beach with a skateboard park fundraiser at Big Chill Surf Cantina, then a Sk8 Day at Epworth United Methodist Church.

Epworth UMC Skate Project fundraiser, featuring a skateboard silent auction with the creations of local artists, a poster contest and live music, was held May 4 to raise funds for a permanent skate park. The park is the ultimate goal, but the resurfacing of the ramps at Epworth is the immediate goal. Dozens of skateboarders attended the May 5 Sk8 Day at Epworth church featuring music and skaters honing their skills on several ramps at the church on Holland Glade Road.

Shown prepping the skateboard silent auction is Carey Mahoney, owner of Alles Oop Skam and a huge supporter of the skate park.

For more information on the Epworth UMC Sk8 Project go to www.skateepworth.org, Sk8 or follow us on Facebook at Skate Epworth.

More Support

50¢

Cape Gazette

From Our Community!



Delmarva Clergy United in Social Action Foundation

September 16, 2013

Bishop M. Foster
President/CEO

Jeffrey T. Benson Jr.
Chief Operating Officer

Dr. Aaron Green
Board Member

Harold Truxon
Board Member

Elder William Downing
Board Member

Bessie Andrews
Board Member

Diaz Bonville
Board Member

Sam Brooks
Board Member

Juanita Gill
Board Member

Sandra Green
Board Member

Anthony Taylor
Board Member

Carl Godwin
Board Member

Sussex County Council
Attention: Michael Vincent
2 The Circle
Georgetown, DE 19947

Dear Sussex County Council:



On behalf of the Board of Directors and staff I respectfully request your assistants with funds to pay for the Sussex County Plan Review and Building Permits required for the Philadelphia Arms Town Homes, Inc. project. Philadelphia Arms Town Homes, Inc. is a 12 unit project designed to provide low-income families with housing options. This project will offer the opportunity for home ownership at an affordable price and on terms which these families can afford. The funds that are required per the Building Permit office is approximately **\$5,200.00**

Founded in 1986, Delmarva Clergy United in Social Action, Foundation, (DCUSA), is a group of people from all ages and religious affiliations that strive to develop and cultivate the human potential of self-esteem and dignity for all people. We practice the principles of love, caring, inclusiveness, justice and peace to enhance the emotional, physical and social well being of individuals and families in our communities.

If additional information is required regarding any questions about the organization please do not hesitate to contact Dr. Bishop Major Foster, President/CEO or his assistant Helena Gibbs, at 1.302.422.2350.

Sincerely,

Helena Gibbs
Executive Director

Dr. Bishop Major Foster
President/CEO



September 11, 2013

Mr. Vance Phillips

Sussex County Council

P. O. Box 589

Georgetown, DE 19947

Dear Mr. Phillips,

I am writing to ask for your help covering expenses for a luncheon to be held in Millsboro for the 2014 Great Race. This is a road rally with 100 antique and classic cars that will be traveling from Maine to Florida during a nine day event. Owners are just starting to register their vehicles, but currently the oldest vehicle to enter is a 1916 Hudson Hill Climber, just think a 1916 vehicle making this 2,000 mile journey! This event will be held next June, but I have to make the commitment to provide the lunch for 250 people this month. Each car has a driver and a navigator and come from all over the country and Canada. I think this will give us a great chance to show off our County and my special town, Millsboro. The members of the Millsboro Fire Company have agreed to prepare the food and to assist the Millsboro Police with traffic control. I have joined this event for the past three years and plan to be one of the 100 vehicles again in June. This past June we traveled from St. Paul, MN to Mobile, AL and the smallest crowd that greeted us at a lunch stop was over 500 people. The Great Race staff sends news updates to all of the local newspapers, radio and television stations telling the public when the cars will arrive, where they will be parked for viewing, etc.

I am President of the Northeast Rally Club and we are a 501 © (4) non-profit group. We have prepared a "no frills" budget of \$2,500.00 and I am asking for your help in securing a donation from the County for \$300.00.

Again, this will give us the chance to show off Sussex County and Millsboro to 250 people from all over the USA and Canada. The cars travel back roads and always under the speed limit.

Your help is greatly appreciated and if you have any questions, please contact me.

Sincerely,

Robert H. Bryan

P. O. Box 547

Millsboro, DE 19966

302-934-1246 or 302-249-6669



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

Dear Members of the County Council:

Coastal Concerts, Inc. greatly appreciates your support during the past concert season. Now beginning our 15th season, Coastal Concerts remains true to its mission: to bring world-class musicians to the Central Delmarva region. Coastal Concerts presents a five-concert series at Bethel United Methodist Church in Lewes, DE. Attendance has grown steadily over with years, with 4 sold-out concerts and an average of 281 tickets sold for each performance last season. . We are also deeply committed to an extensive outreach program targeted to school age youth in Sussex County that includes:

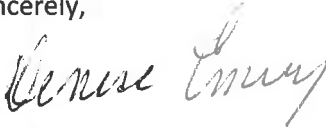
- Offering free admission to all concerts to youth ages 10 through 18 and for one accompanying adult with each youth. To date, we have hosted 149 young people and 130 accompanying adults;
- Sponsoring an annual scholarship competition for musically talented Sussex County high school students wishing to pursue further music education or training. This year, awards will be increased to two \$1,500 scholarships. Since 2006, we have made 17 awards totaling \$13,500;
- Presenting free in-school educational outreach concerts. During the 2012-13 season, the Ritz Chamber Players performed at the Sussex Academy of the Arts and Selbyville Middle School and the REBEL Baroque Ensemble performed (complete with harpsichord) at Cape Henlopen High School with students from Beacon Middle School, Mariner Middle School and Lighthouse Christian School in attendance as well. Since this program began, more than 4,300 students have attended in-school performances. During the 2013-14 season, we will take 3 performing artists to schools in the area for concerts. **It is very important to us to take these outreach concerts to schools all over Sussex County.**
- Collecting donations of gently used musical instruments for use in the Cape Henlopen School District and Indian River School District as part of our "Toot Your Own Horn" program. More than 80 instruments have been distributed since this program was established in 2004.

Coastal Concerts provides residents of Lewes, Sussex County, and the surrounding area with the opportunity to experience outstanding classical chamber music locally, rather than traveling to venues in distant metropolitan areas. The mix of world-class concerts and strong community outreach has positioned Coastal Concerts as an integral component of a rich and growing cultural landscape in Central Delmarva. Last year we collaborated with the Prudential Gallo – Touch of Italy Foundation to provide assistance for the extremely successful "Opera at the Beach". We expect to work with them on this event next year as well. We have also partnered with the Rehoboth Art League, Rehoboth Film Society, and Clear Space Theatre Company to produce an arts calendar that was distributed through the Cape Gazette newspaper. We anticipate that these four groups will work together on arts activities in the future .

The sale of concert tickets and program advertising does not cover the costs for Coastal Concerts' activities, particular the critically important outreach programs that we would like to expand to include a free public concert, a lecture on an upcoming musical performance, or perhaps a free program at a local library. The balance of the revenues needed must come from individual and corporate donations and grants. Coastal Concerts has been fortunate to obtain support from the Delaware Division of the Arts, the Mid Atlantic Arts Foundation, the Paul M. Angell Family Foundation, and the Gannett Foundation. We are asking **each member** of the County Council to contribute **\$250** to help defray the costs for programs described above.

We are grateful for your past support of Coastal Concerts and for your consideration of this request. If you need further information, or have any questions, please do not hesitate to contact me (president@coastalconcerts.org) or our Executive Director, Edna Ellett (executivedirector@coastalconcerts.org).

Sincerely,

A handwritten signature in cursive script that reads "Denise Emery".

Denise Emery
President

Enclosures: Board List, 501 (c) (3) letter, 2012-13 financial report, Arts calendar, outreach chart, fast facts (5 copies of each)

Coastal Concerts, Inc.

Cash Budget (No In-Kind \$) 04/30/2013	05/2012-04/2013		05/2013-04/2014	
	Budget	Actual	Budget	Actual
INCOME				
Contributions				
Corporate Sponsorships	15,000	10,085	15,000	
Grants	20,000	22,690	20,000	
Individual	15,000	14,312	15,000	
Sub-total Contributions	50,000	47,087	50,000	-
Ticket Sales				
Shipping & Handling	100	120	110	
Subscriptions	14,000	16,330	16,000	
Tickets	11,000	17,150	15,600	
Sub-total Ticket Sales	25,100	33,600	31,710	-
Interest	200	273	220	
Program Advertising	15,000	12,575	15,000	
CD Commissions	235	444	290	
Income from Reserves				-
Total Income	90,535	93,979	97,220	-
EXPENSE				
Administrative				
Accounting Fees	2,000	2,043	2,500	
Annual Incorporation Fees	25	25	25	
Insurance	1,375	1,375	1,375	
Legal Fees	125	125	125	
Meetings/Conferences	500	450	500	
Memberships	750	1,043	800	
Office Supplies	500	1,017	1,000	
Postal Box	65	76	80	
Telephone	50	50	25	
Website Expense	1,000	505	1,000	
Total Administrative	6,390	6,709	7,430	-
Advertising	3,000	7,690	5,500	
Artist Housing	2,000	7,546	2,000	
Bank Service Charges	55	7	60	
Concert Services	100	1,091	1,200	
Credit Card Fees	1,200	2,393	2,000	
Fundraising Expense	1,000	788	1,000	
Outreach Programs	2,500	2,438	3,500	
Payroll Expense				
Taxes	1,340	1,339	1,530	
Wages - Executive Director	17,500	17,500	20,000	
Postage and Delivery	2,000	1,963	2,000	
Printing and Reproduction	7,000	7,153	7,000	
Program Committee	44,000	31,700	41,600	-
Equipment Rentals	7,000	700	4,600	
Musicians' Fees	37,000	31,000	37,000	
Reception	350	1,982	300	
Venue Expense				
Church Liaison	500	500	500	
Venue Rental	1,600	1,600	1,600	
Total Expense	90,535	92,399	97,220	-
NET INCOME	-	1,580	-	-

DELAWARE CELEBRATION OF JAZZ, INC.
AKA : REHOBOTH BEACH JAZZ FESTIVAL
P.O. BOX 647
REHOBOTH BEACH, DE. 19971
ATT : LEON GALITZIN, V.P.-BOARD
CELL : 302-265-6774

FAX TO :
GEORGE COLE - DISTRICT 4
JOAN DEEVER - DISTRICT 3

GOOD MORNING GEORGE, AND JOAN

THIS NOTE SERVES AS THE FOLLOW-UP TO OUR EARLIER PHONE CONVERSATIONS ADDRESSING THE "COUNCILMANIC GRANTS" FOR THE REHOBOTH BEACH JAZZ FESTIVAL, AFTER JULY 1, 2013, FOR THIS YEARS OCTOBER 17 - 20, JAZZ FESTIVAL EVENT .

AS WE PROVIDED EARLIER, ONCE AGAIN, THIS YEARS EVENT WILL INCLUDE MAIN STAGE EVENTS AT THE PERFORMING ARTS THEATER, LOCATED AT THE CAPE HENLOPEN HIGH SCHOOL, AND THE CONVENTION CENTER, IN REHOBOTH BEACH . FOR COMPEHENSIVE INFORMATION . MAY I INVITE YOU TO GO TO <rebothjazz.com> FOR COMPLETE VENUE, AND PERFORMANCE DETAILS .

YOUR GENEROUS THOUGHTS PROVIDED \$2,500 EACH FROM DISTRICT 3, AND DISTRICT 4, FOR A TOTAL OF \$5,000 TO HELP AGGRESSIVELY PROMOTE JAZZ VISITORS [HIGH INCOME DEMOGRAPHIC POPULATION SEGMENT] TO OUR BEAUTIFUL SUSSEX COUNTY AREA .

IT IS OUR HOPE THAT THIS NOTE SERVES AS THE TRIGGER TO PROCESS THIS "COUNCILMANIC GRANT". ALL SUPPORT PAYMENTS GO TO OUR 501[C][3] REGISTERED CORPORATE NAME : "DELAWARE CELEBRATION OF JAZZ, INC", AND MAILED TO : 30732 SASSAFRAS DR. / LEWES, DE. 19958 .

WE INVITE YOU BOTH TO OUR OPENING EVENING EVENT ON THURSDAY, OCTOBER 17th . PLEASE LET US KNOW OF YOUR AVAILABILITY, AND WE WILL PROVIDE THE SUPPORTIVE DETAILS .

THANK YOU .

LEON GALITZIN, VP-BOARD / REHOBOTH BEACH JAZZ FESTIVAL

PUBLIC HEARINGS
September 24, 2013

This is to certify that on September 12, 2013 the Sussex County Planning and Zoning Commission conducted public hearings on below listed applications for Conditional Use of land and for Change of Zones. At the conclusion of the public hearings, the Commission moved and passed that these 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 on a summary of comments read into the record, and comments stated by interested parties during the public hearings.

Conditional Use #1968 Ray Baker

Application of **RAY BAKER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a micro-distillery, to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 4.06 acres, more or less, lying at the intersection northwest of Road 506 (Shockley Road) and northeast of Road 505 (Rider Road) and 730 feet south of Route 24 (Sharptown Road) (Tax Map I.D. 5-32-1.00-6.00).

The Commission found that the Applicant provided surveys/site plans with his application when it was submitted on June 28, 2013.

The Commission found that DelDOT provided comments in the form of a memorandum on June 12, 2013 which state that a Traffic Impact Study is not recommended, and that the existing Level of Service "A" for Rider Road (Road 505) and Shockley Road (Road 506) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on September 11, 2013 which state that the site is located in the Western Sussex Planning Area #4; that an individual on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Ray Baker was present and stated in his presentation and in response to questions raised by the Commission that his mission is to capitalize on newly enacted Delaware Laws aimed at the micro-distillery business; that he will be using select grains and fruits from Delaware growers; that the County has every ingredient required to produce the product; that he wants to create a responsible and respectable product line that is crafted for the mature connoisseur of hand crafted spirits; that Plant #1 will house all aspects of the five year business model, i.e. manufacturing, finishing, barrel aging, packaging, and shipping; that while the new laws allow for the public to visit the facility for tastings, the manufacturing facility does not accommodate taking advantage of this option for public tastings; that Plant #1 will concentrate only on creating a flagship brand and is expected to take two (2) years; that no new road construction is required for entrances; that increased UPS deliveries are expected to increase by about two (2) per week; that ingredient deliveries will be by standard passenger trucks; that start-up materials will be purchased from local suppliers in 50 pound sacks where possible; that grains will be purchased directly from farmers when possible; that season permitting, fruits will be purchased directly from local orchards; that for waste management, waste streams of grains will be sold as livestock supplements directly to local livestock farmers; that there is no intent to press fruits in Plant #1, which will reduce the waste generation and disposal costs; that processed cooling water will be collected in dedicated closed systems and recirculated; that processed waste water will be collected and treated off-site by a third party; that the third party has not yet been identified; that in order for a third party to access the waste stream, a representative sample must be supplied for testing; that until all licenses are obtained and permission to operate has been granted representative samples cannot be generated; that the distilling process at Plant #1 will use an immersion heater to heat the product up to vaporization temperatures; that distillation columns have 3/8" atmospheric vents which will vent vapors from the room; that current projections are that the distillery will generate \$203,196.00 in new revenue from assumed taxes for the State of Delaware; that his proposal will utilize four (4) 26-gallon stills; that he has no intent to allow public access for tasting; that he has no intent to mash fruits on site, so he will be utilizing locally produced fruit juices; that he will be residing on the premises; that each building will have double locked doors; that he does not object to fencing the buildings utilized for the distilling and storage; that he has no plans for any employees in Plant #1; that delivery and pickup hours will be limited to Monday through Friday from 8:00 a.m. to 4:30 p.m.; that he has on-site water available; that he does not feel that signage is needed; that there will be no on-site sales; that there will be no tavern or public tasting on the site; that once he receives approval from the County he may make application to the State ABC; that once the State ABC approves the use he can apply for Federal permits; that the site is approximately eight (8) minutes from the closest fire station; that once approval is granted, all entrances and access to buildings will be camera monitored; that Federal and State laws require that the buildings be secured; that he will be bottling on the premises; that bottles will be prepared to orders, and it is not his intent to be storing bottled products; that barrels will be stored for two (2) years for the processing of Bourbon; that he has the potential of processing 150,000 gallons per year; that the product is market driven; that the bonded area of the facility will be 1,859 square feet of the manufacturing floor; that the un-bonded area of the facility will be the 2,400 ground floor level; and that he hopes that the Commission will support his application.

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.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Change of Zone #1733 Rehoboth Appraisal Group, LLC d/b/a First State Appraisal, Inc.

Application of **REHOBOTH APPRAISAL GROUP, LLC D/B/A FIRST STATE APPRAISAL, INC.** to amend the Comprehensive Zoning Map from GR General Residential District to B-1 Neighborhood Business District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 0.29 acres, more or less, lying northwest intersection of Hebron Street (Road 273) and Burton Avenue in West Rehoboth and being lots 2 and 3 (Tax Map I.D. 3-34-13.19-2.00).

The Commission found that the Applicants provided surveys/site plans with their application when it was submitted on July 15, 2013. The Exhibit Booklet contains a location map/aerial depicting the zoning and business/commercial uses in the area; a copy of the survey/site plan; an aerial of the lot and immediate vicinity; a map of the zoning for the lot and the immediate vicinity; a map of the general area; a copy of the application form; a copy of the deed to the property; a copy of the Service Level Evaluation Request form and DelDOT Support Facilities Report; a copy of a letter from DelDOT, dated August 17, 2005; a copy of a Sussex Conservation District letter, dated August 25, 2005; a portion of the State Strategies and Investment Levels map depicting that the site is located in an Investment Level 1; a copy of the portions of the Comprehensive Land Use Plan, i.e Investment Level 1, Developing Area; Environmentally Sensitive Developing Area; six (6) letters of support; and suggested Proposed Findings of Fact.

The Commission found that DelDOT provided comments in the form of a memorandum on March 13, 2013 which state that a Traffic Impact Study is not recommended, and that the existing Level of Service “B” for Hebron Road (Road 273) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on September 11, 2013 which state that the site is located in a County operated and maintained sanitary sewer district, the West Rehoboth Expansion Area; that the sewer design assumption is 1.0 EDU per lot in a residential subdivision; that 2.0 EDU were allocated to this parcel; that the parcel has been provided with two (2) sanitary sewer laterals along the parcel’s frontage on Hebron Road; that conformity to the North Coastal Area Planning Study will be required; that the proposed B-1 zoning is not located on residential lands previously identified for commercial use by Planning and Zoning; that the Engineering Department has concerns that the rezoning will result in a potential increase of wastewater flow from the parcel in the future; that a capacity evaluation, at the developer’s expense, may be required to determine what upgrades would be required to serve a future use; that required upgrades would be completed by the developer, at the developer’s expense; and that a concept plan is not required.

The Commission found that a letter in opposition was received from Elizabeth Doty, President of West Rehoboth Community Land Trust, Inc. expressing concerns that more diverse uses could be detrimental to recent strides that have been made in revitalizing the neighborhood; that the structure and business there now is consistent with the neighborhood, but there are far too many uses under B-1 that would not be consistent with the character of the neighborhood; that the location of the business is right at the entrance to the community, so it is critical that it fit in with the residential nature of the community; that in 2008 the West Rehoboth Community Land Trust completed a very comprehensive revitalization plan for West Rehoboth which we have tried to adhere to; that Hebron Road has both residential and commercial uses, so it is extremely important that those two uses blend together well; that they oppose the change in use that is not in keeping with the neighborhood character, and ask the Commission to turn down the request; that the Board has its annual meeting this same evening and will not be able to attend the meeting; and that they just learned about the application yesterday.

The Commission found that R. C. Whiting was present on behalf of the Rehoboth Appraisal Group, LLC with Heidi Gilmore, Esquire, of Tunnell and Raysor, P.A. and that they stated in their presentation and in response to questions raised by the Commission that they are requesting rezoning from GR General Residential to B-1 Neighborhood Business; that the building on the site was approved for offices as a conditional use in 2004; that conditional uses are difficult to finance; that a change of zoning is preferred; that they have no intent to change the use; that the site plan will remain the same; that the use is in harmony with the neighborhood; that the predominant use of properties along Hebron Road and Route One is commercial and/or business use; that the site is located at the entrance to the West Rehoboth community; that the building was designed and built to appear as a residential use; that all infrastructure exist; that the site is a desirable location for professional uses; that the use is consistent with the trend of development taking place in the area; that the site is too small to impact the area; that retail, business, and commercial uses exists throughout the area; that the site is located in an Investment Level 1 according to the State Strategies for Policies and Spending; that the site is located in the Environmentally Sensitive Developing District Overlay Zone according to the County Comprehensive Land Use Plan; that C-1 General Commercial or CR-1 Commercial Residential zoning would be out of character with the existing use and community; that the proposed rezoning will be consistent with the Comprehensive Land Use Plan and the Zoning Ordinance; that First State Appraisal, Inc. utilizes the first floor of the building, and an Architect rents the second floor; that they have no intent to change the uses or expand the business on site; and that the primary reason for applying is financial purposes.

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. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1733 for Rehoboth Appraisal Group, LLC, d/b/a First State Appraisal, Inc. from GR General Residential to B-1 Neighborhood Business based upon the record made at the public hearing and for the following reasons:

- 1) The site is currently approved as a conditional use for an office building under Conditional Use No. 1596. This existing use is consistent with the permitted uses in the B-1 Neighborhood Business zone.
- 2) The Applicant has stated that the current use will not change if the property is rezoned to B-1 Neighborhood Business.
- 3) Given the size of the property, many of the more intensive B-1 Neighborhood Business uses will not fit on the parcel.
- 4) The limited B-1 Neighborhood Business uses that will fit on the property will not adversely affect neighboring properties or roadways.
- 5) The rezoning is consistent with neighboring uses and zonings. It is across the street from C-1 General Commercial zoning, and it is very near the Route One and Rehoboth Avenue commercial corridors.
- 6) The proposed use is consistent with the Sussex County Comprehensive Land Use Plan, and it is located in a Developing District according to the Comprehensive Plan.
- 7) The Applicants have stated that they have pursued B-1 Neighborhood Business zoning instead of C-1 General Commercial zoning, since B-1 Neighborhood Business zoning with its limited uses is more appropriate for the neighborhood.

Motion by Mr. Johnson, 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 stated. Motion carried 5 – 0.

Change of Zone #1734 American Legion Post #28

Application of **AMERICAN LEGION POST #28** to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to CR-1 Commercial Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 9.33 acres, more or less, lying southwest corner of the intersection of Route 24 (John J. Williams Highway) and Road 298 (Legion Road) (Tax Map I.D. 2-34-29.00-263.00).

The Commission found that the Applicants submitted a survey of the property with the application received on July 25, 2013.

The Commission found that DelDOT provided comments on July 23, 2013 in the form of a letter with related Support Facilities Report which references that no use has been specified for the land to be rezoned, and while it seems that the criteria could be met, the Department cannot predict the site's trip generation with enough accuracy to make a traffic impact study useful; that the Department recommends that this rezoning application be considered without a traffic impact study, and that the need for a traffic impact study be evaluated when a subdivision or land development plan is proposed. The Support Facilities Report indicates that the current Level of Service for Route 24 (John J. Williams Highway) at this location is at Level of Service "E".

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 11, 2013 which reference that the site is located in the Oak Orchard Sanitary Sewer District; that sewer system design assumptions for the parcel is 4.0 EDU per acre for AR-1 zoned land for a total of 37.32 EDU; that the parcel was served with a 6-inch

lateral during original sewer district construction; that a 6-inch lateral is not adequate for most potential commercial uses of the parcel; that conformity to the Oak Orchard Sanitary Sewer District Expansion Area #1 Facilities Plan and Environmental Assessment will be required; that the parcel was not previously identified for rezoning to commercial; that sewer capacity downstream of potential connection points is limited and the developer may be required to undertake or participate in upgrades at their expense; that the cost of upgrades could be prohibitive; that prior to issuance of a building permit for construction exceeding 37.32 EDU, the developer is required to undertake a capacity evaluation to determine necessary sewer upgrades; that the capacity evaluation would be at the developers expense; that the development of the parcel may require a developer installed collection system in accordance with County standard requirements and procedures; that the County Engineer must approve the connection point; that the Engineering Department requires that a sewer concept plan be submitted for review and approval prior to development; and that a checklist was attached for preparing conceptual plans.

The Commission found that Michael Cotton, Professional Engineer with Cotton Engineering, LLC was present on behalf of the American Legion Post #28 and stated in his presentation and in response to questions raised by the Commission that the Legion owns three (3) properties; that one property is improved with the Legion Post buildings; that one property is improved with the parking lot; and this site is improved with a pavilion building and storage buildings; that this Legion Post is the fourth largest in the World; that this Legion Post has generated 25,000 hours of volunteer service work to date; that the property is grassed and has been used for carnivals, car shows, circuses, picnics, and other functions for fund raising for veteran charities; that they are requesting rezoning to CR-1 Commercial Residential for future use of the site; that this rezoning will put them one step ahead in the financial process; that an easement exists on the westerly property line for utilities; that central water is provided by Tidewater Utilities; that the site is adjacent to other commercial and business uses; that within two (2) miles of the site there are many commercial and business uses, i.e. retail, offices, a museum, churches, storage facilities, restaurants, etc.; that there should be no impact on residential properties in the area or roadways; that DelDOT is doing a design study for the area and may limit access to the site from Legion Road; and that this property has approximately 286 feet of frontage along Legion Road.

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. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1734 for the American Legion Post #28 for a change of zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The site has been used by the American Legion for many years. This includes the buildings and the fields which have been used for gatherings, circuses, carnivals, and similar types of uses.
- 2) The rezoning will be consistent with the historical use of the property.
- 3) The site is served by Sussex County sewer and central water.
- 4) The rezoning will not adversely affect neighboring properties or roadways.

- 5) The rezoning will be consistent with nearby uses and zonings.
- 6) This rezoning will allow the American Legion to continue to effectively serve its members, residents of Sussex County, and veterans who have served our Country.

Motion by Mr. Johnson, 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 stated. Motion carried 5 – 0.

Change of Zone #1735 Holt's Dispensary, Inc.

Application of **HOLT'S DISPENSARY, INC.** to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District and a C-1 General Commercial District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.47 acres, more or less, lying north of Route 26 (Atlantic Avenue) 200 feet west of Route 17 (Roxana Road) (Tax Map 1-34-11.00-178.00).

The Commission found that the Applicants submitted surveys with their application showing the entire parcel.

Mr. Lank advised the Commission that when the Zoning Map was established and effective in January 1971 there were no parcel maps showing all parcels in the County; that a line was drawn to the west of the business on this site as the westerly boundary of a C-1 General Commercial District north of Route 26, and that it was realized more recently that the entire parcel was not included in that C-1 District boundary.

The Commission found that DelDOT provided comments on July 23, 2013 in the form of a letter with related Support Facilities Report which references that no use has been specified for the land to be rezoned, and while it seems that the criteria could be met, the Department cannot predict the site's trip generation with enough accuracy to make a traffic impact study useful; that the Department recommends that this rezoning application be considered without a traffic impact study, and that the need for a traffic impact study be evaluated when a subdivision or land development plan is proposed. The Support Facilities Report indicates that the current Level of Service for Route 26 (Atlantic Avenue) at this location is at Level of Service "E".

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 11, 2013 which reference that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available so long as the project does not exceed 19.8 total EDU; that sewer service has not been extended to the parcel at this time; that the County will solicit bids for construction soon and sewer service could be available as early as the spring of 2015; that an 8-inch sanitary sewer lateral is proposed to be installed to the parcels property line along Route 26 near the parcel's southeasterly property corner; that conformity to the South Coastal Area Planning Study – 2005 Update and Route 26 West Technical Memorandum will be required; that connection to the sewer system will be mandatory; that improvements on parcels are required to connect within one year of sewer service becoming available; and that a concept plan is required.

The Commission found that Kimberly Billings, Vice President, Secretary, and Treasurer for Holt's Dispensary, Inc., was present and stated in her presentation and in response to questions raised by the Commission that the property contains 2.47 acres; that the use has been a family owned business for many years; that the business is for sale; that they are trying to get conforming zoning for the entire parcel for the existing use on the property; that approximately half of the property is residentially zoned and half of the property is commercially zoned; that the business is still in operation; that DelDOT will be taking a small strip of right-of-way from the front of the property for the on-going expansion of Route 26; and that there are many commercial/business uses in the area, i.e. retail, lumber, funeral home, boat sales and repairs, grocery, carwash, etc.

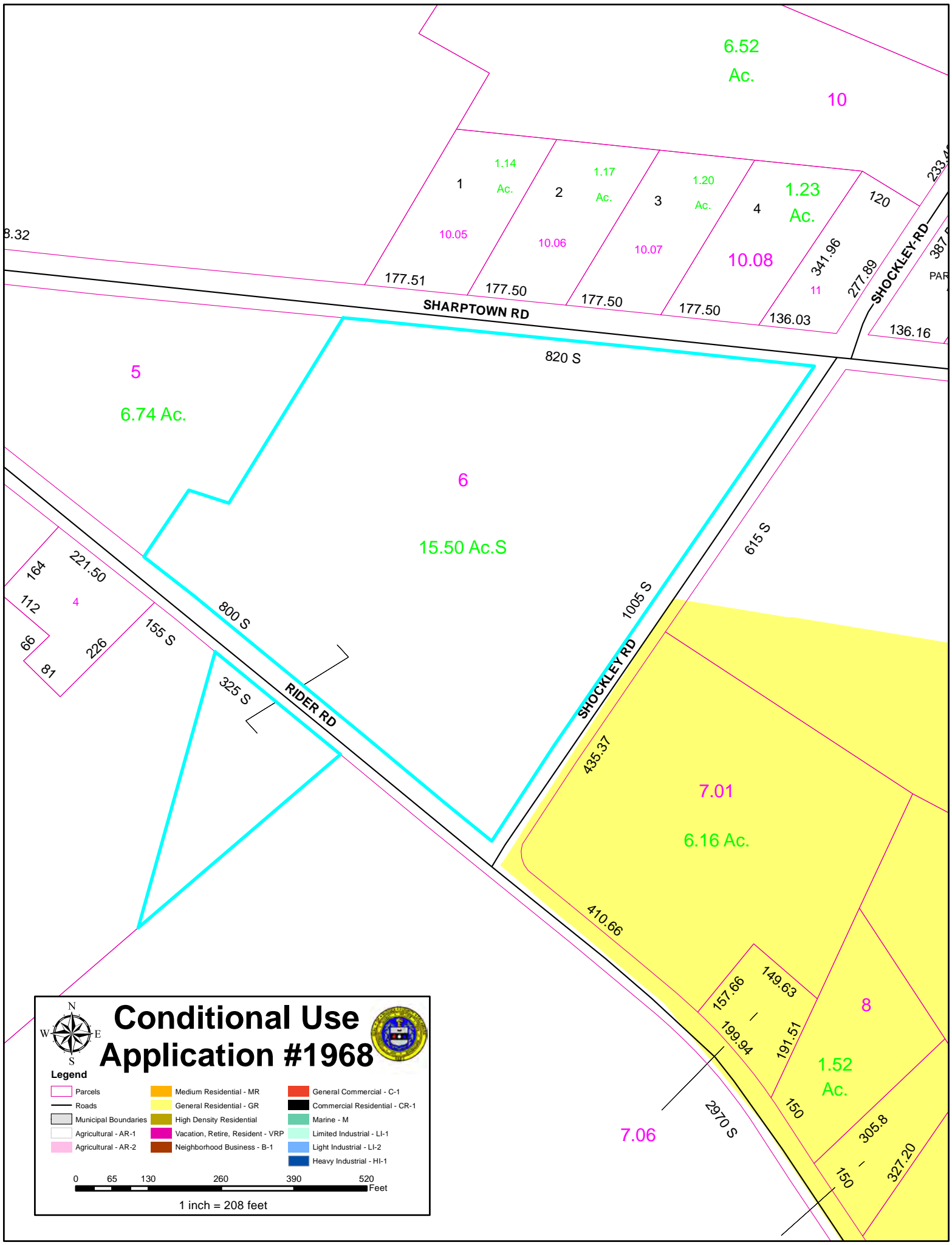
The Commission found that there were no parties present in support of or in opposition to this application.

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 Change of Zone No. 1735 for Holt's Dispensary, Inc. from AR-1 Agricultural Residential and C-1 General Commercial to CR-1 Commercial Residential based on the record made during the public hearing and for the following reasons:

- 1) This property has a split zoning going back to the establishment of County zoning in 1971.
- 2) This rezoning will bring the entire property under one consistent zoning district.
- 3) The site is in a Development District according to the Sussex County Comprehensive Development Plan.
- 4) The rezoning is consistent with other existing commercial uses and zoning in the vicinity.
- 5) No parties appeared in opposition to the application.
- 6) Any proposed uses could require site plan approval from the Sussex County Planning and Zoning Commission and all other agencies.

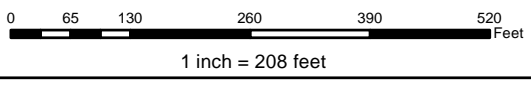
Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

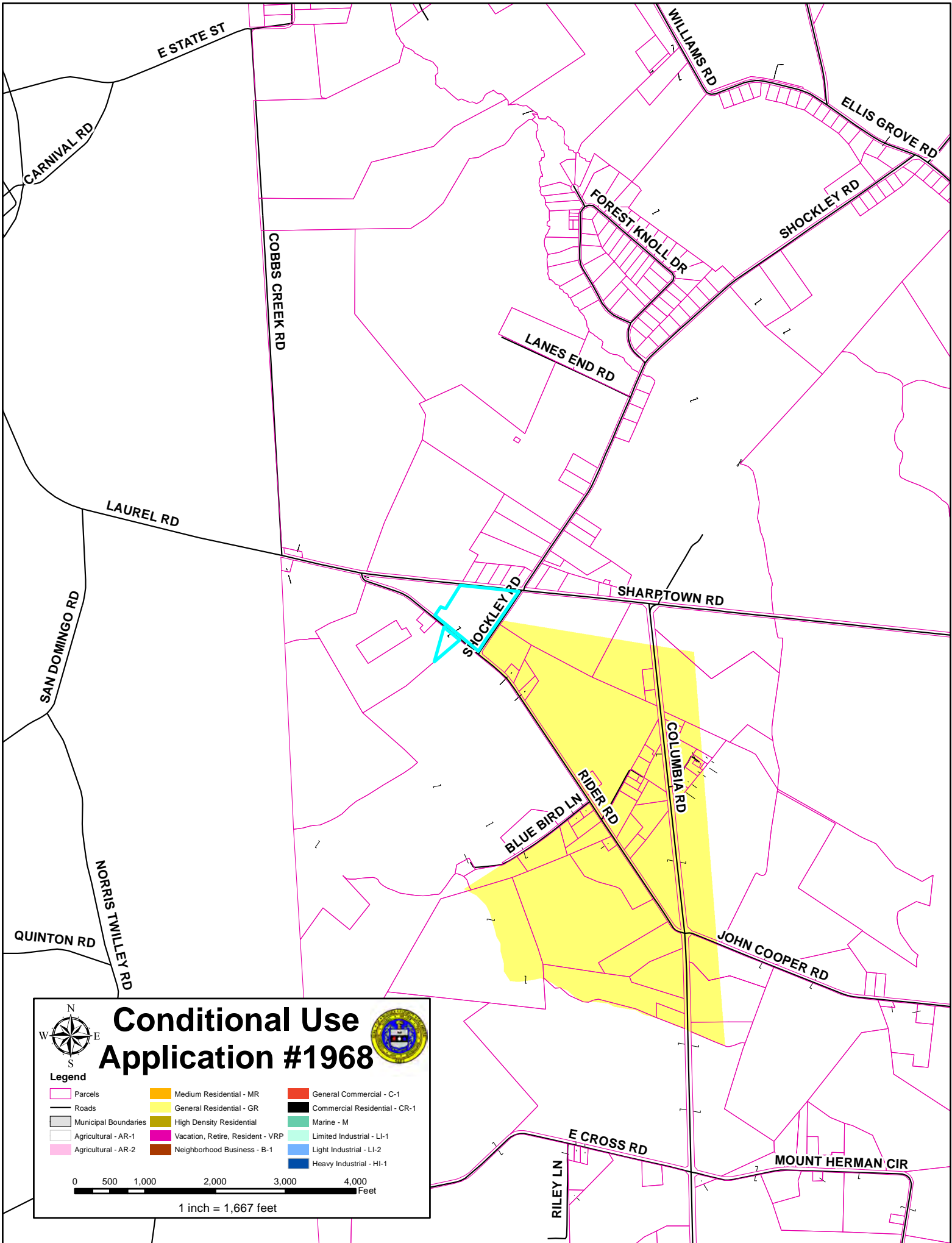


Conditional Use Application #1968



- Legend**
- Parcels
 - Roads
 - 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

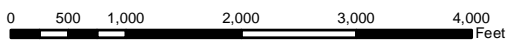


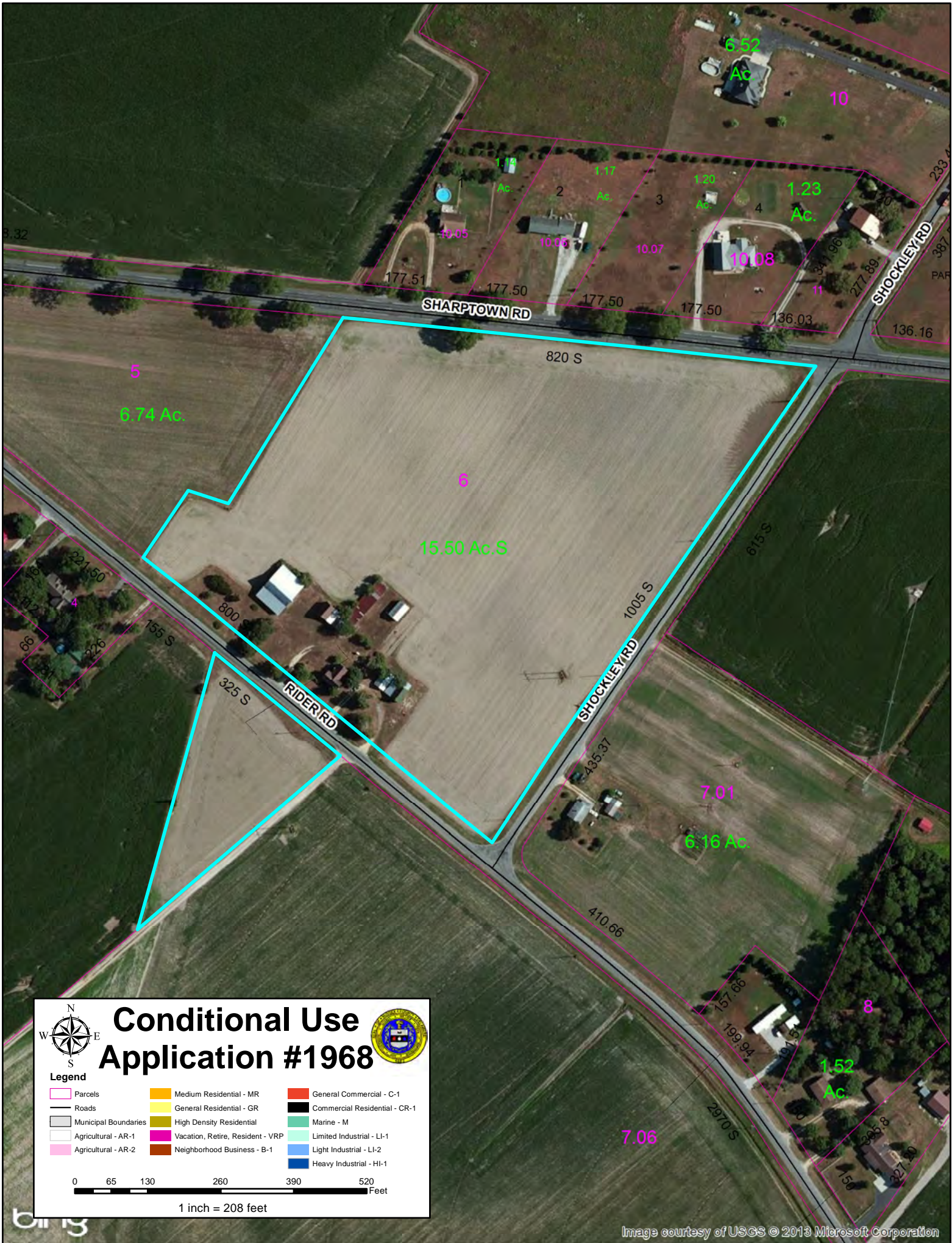


Conditional Use Application #1968



- Legend**
- Parcels
 - Roads
 - Municipal Boundaries
 - General Residential - GR
 - Medium Residential - MR
 - 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
 - Agricultural - AR-1
 - Agricultural - AR-2



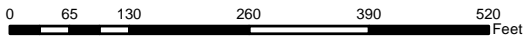


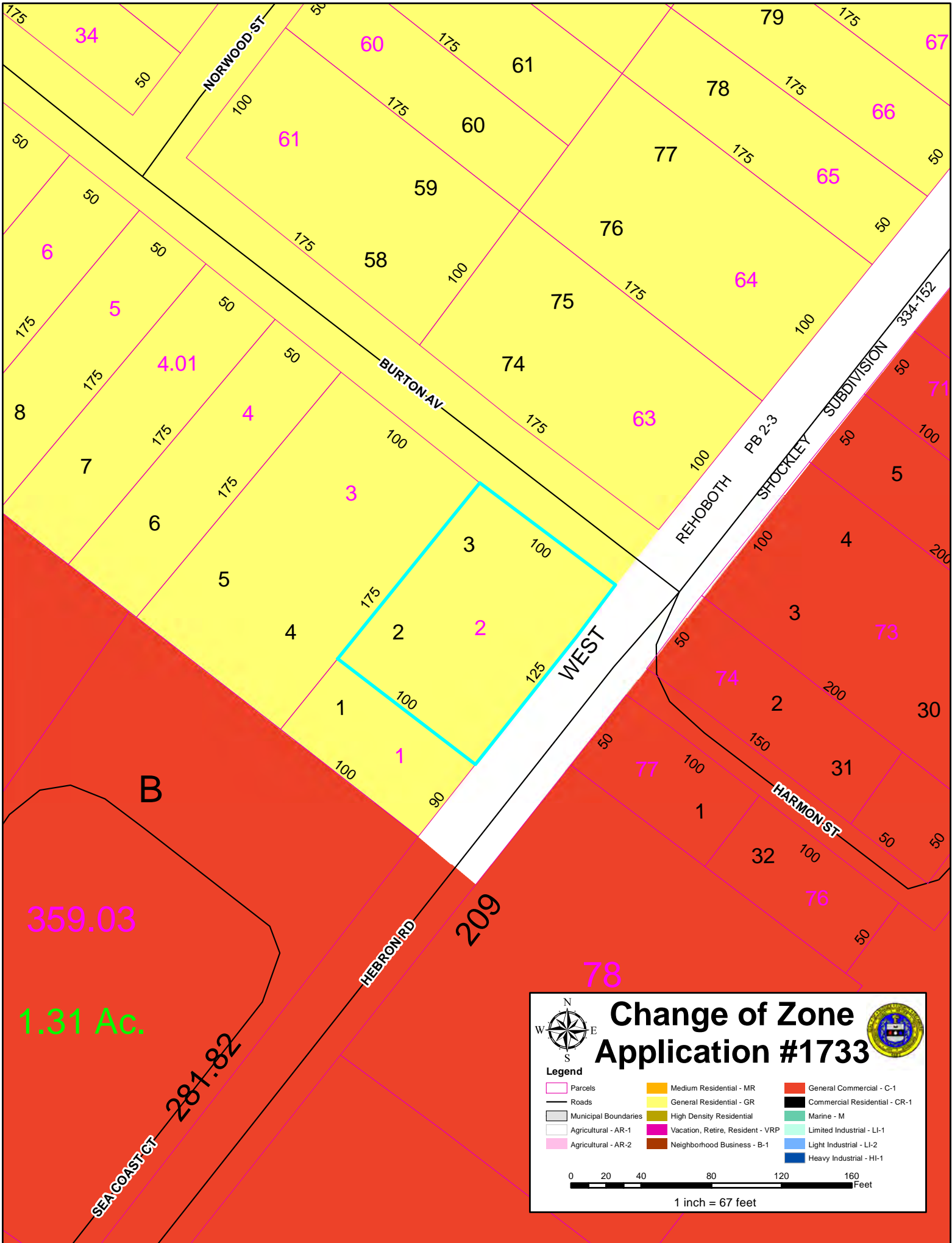
Conditional Use Application #1968



Legend

- Parcels
- Roads
- Municipal Boundaries
- 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
- Agricultural - AR-1
- Agricultural - AR-2






359.03

1.31 Ac.


B

281.82

209

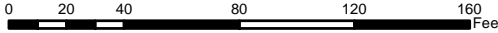


Change of Zone Application #1733



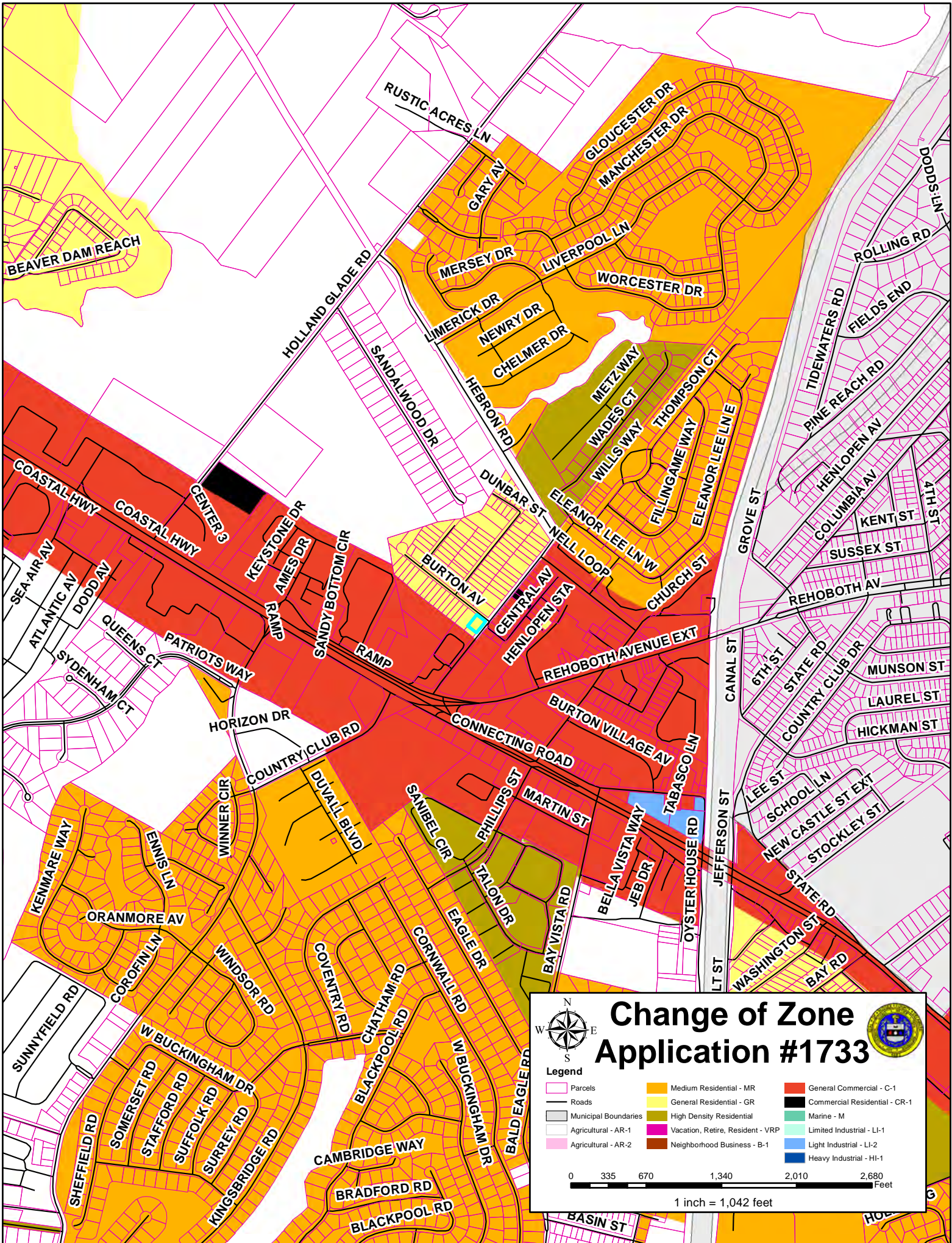
Legend

<ul style="list-style-type: none"> Parcels Roads Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> 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

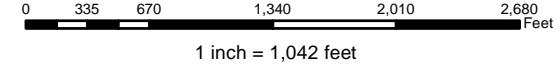
1 inch = 67 feet

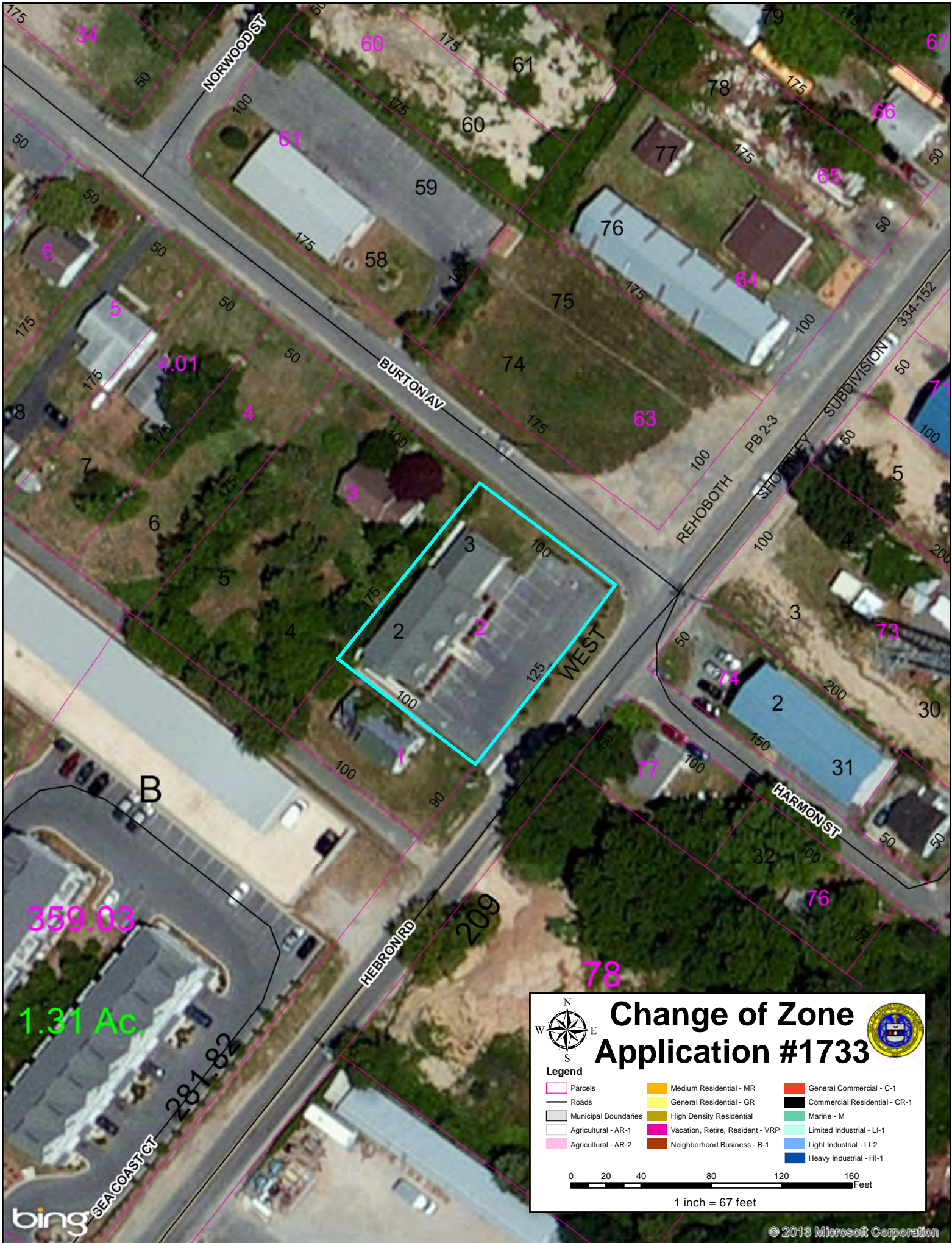


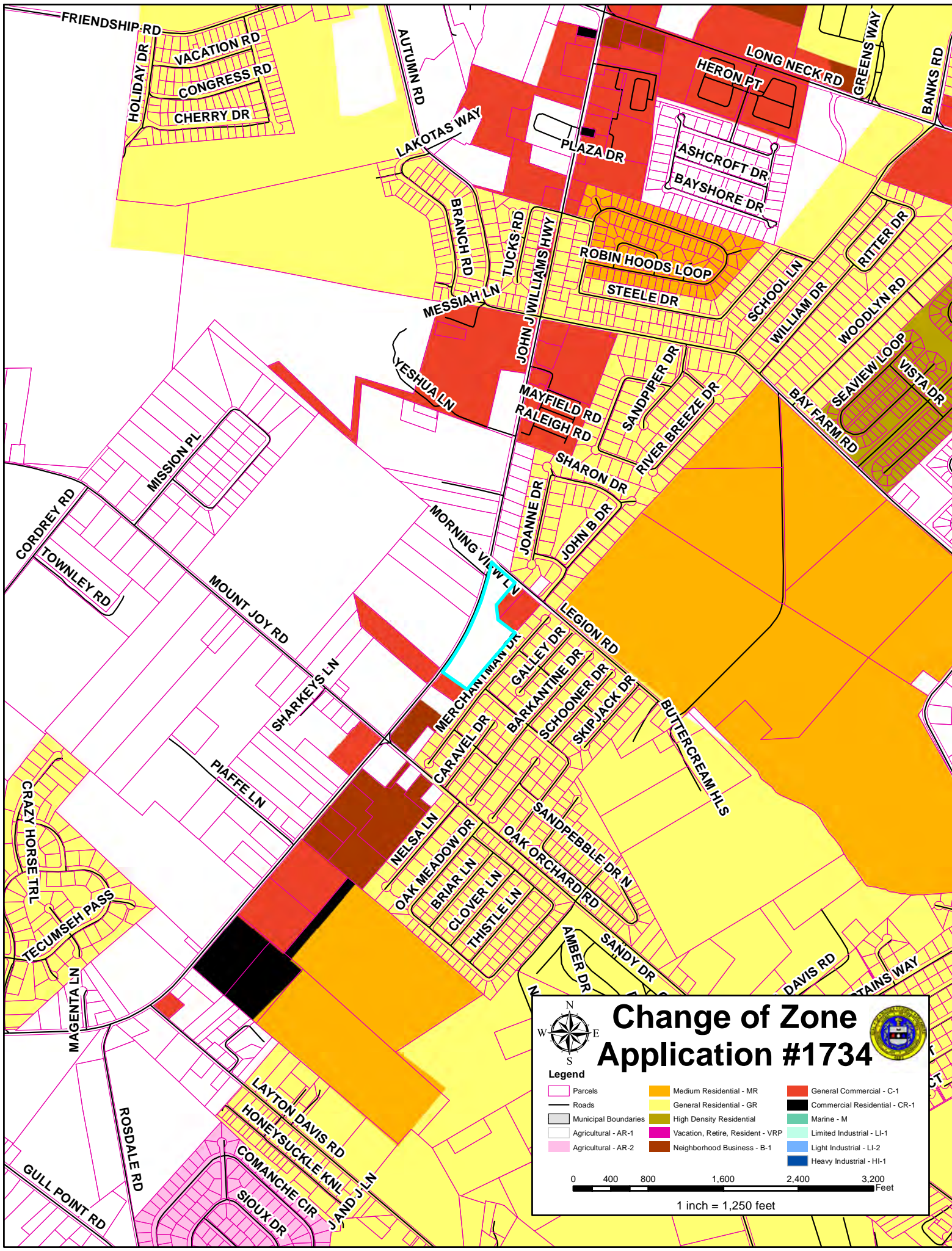
Change of Zone Application #1733




- Legend**
- Parcels
 - Roads
 - 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








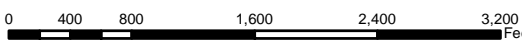
Change of Zone Application #1734



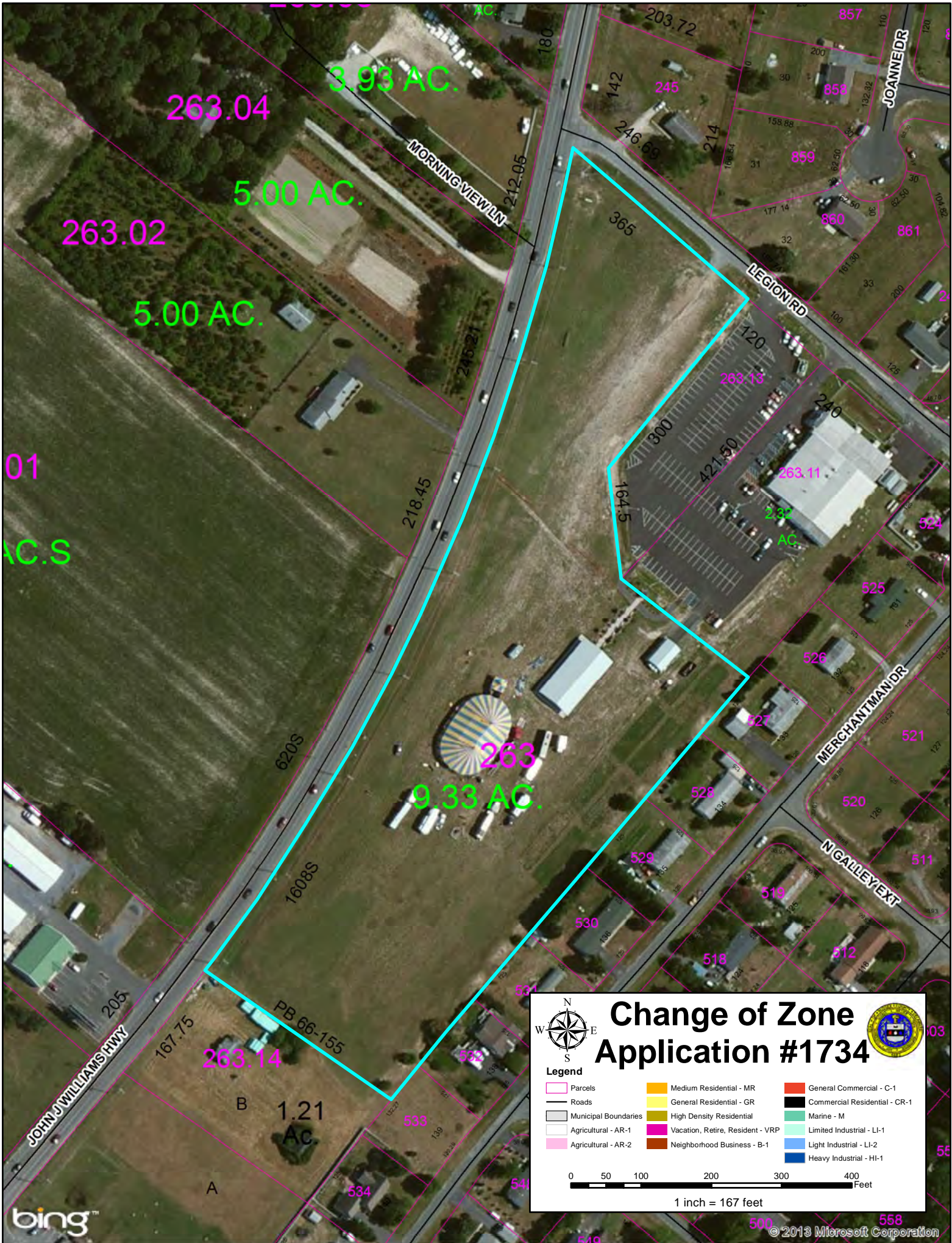
Legend

- Parcels
- Roads
- 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





1 inch = 1,250 feet



263.04

3.93 AC.

5.00 AC.

263.02

5.00 AC.

01
AC.S

218.45

620S

1608S

263.14

PB 66-155

1.21
AC

263
9.33 AC.

MORNING VIEW LN

LEGION RD

MERCHANTMAN DR

NGALLEY EXT

JOANNE DR

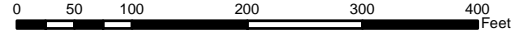


Change of Zone Application #1734

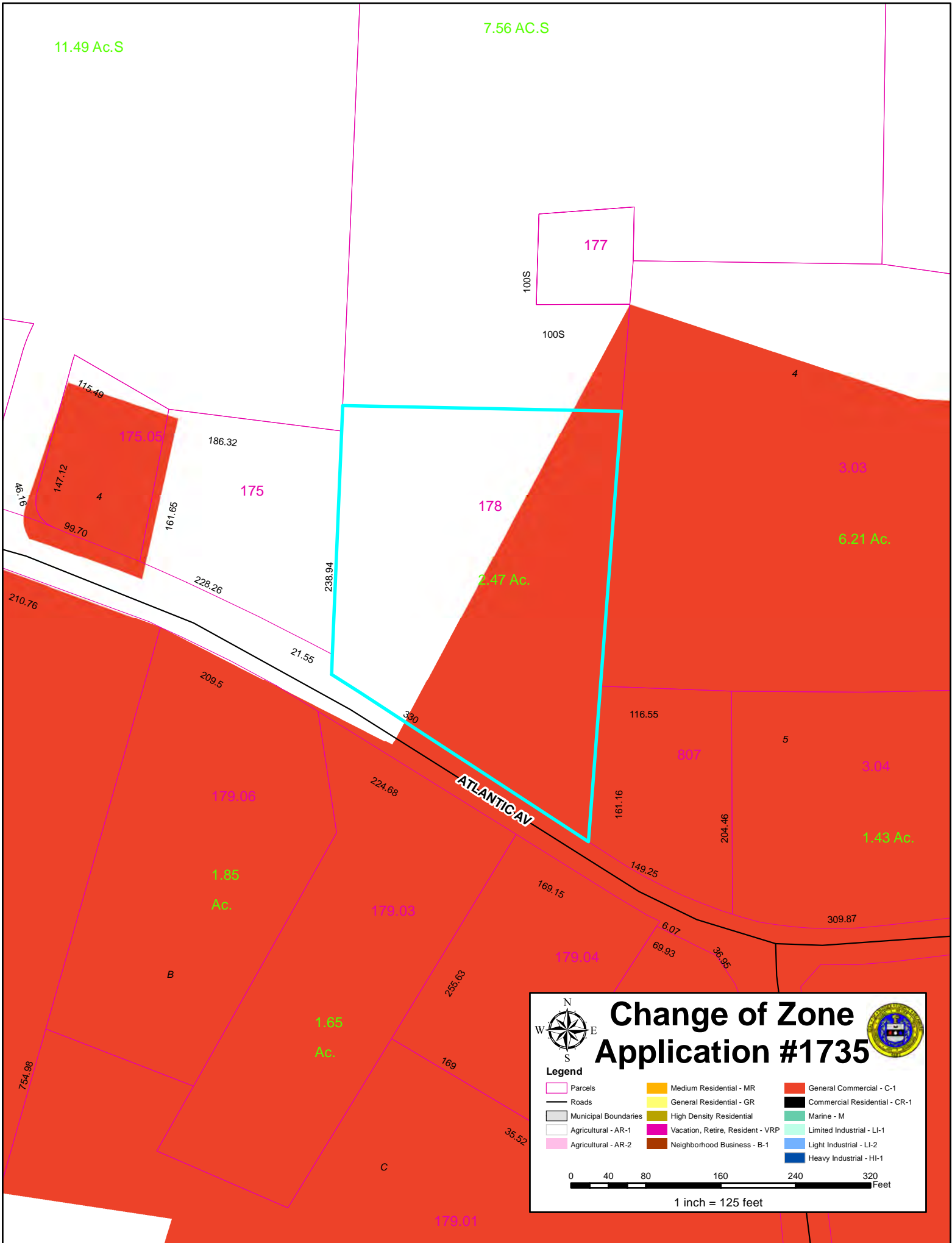


Legend

- Parcels
- Roads
- 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



1 inch = 167 feet



11.49 Ac.S

7.56 AC.S

177

100S

100S

4

175.05

186.32

175

178

3.03

6.21 Ac.

2.47 Ac.

115.49
147.12
99.70
461.98
4

161.65

228.26

238.94

21.55

330

209.5

179.08

1.85

Ac.

224.68

ATLANTIC AV

116.55

807

5

3.04

1.43 Ac.

161.16

204.46

149.25

309.87

169.15

179.04

6.07

69.93

36.95

754.98

B

179.03


169

C

179.01

35.52

Change of Zone Application #1735

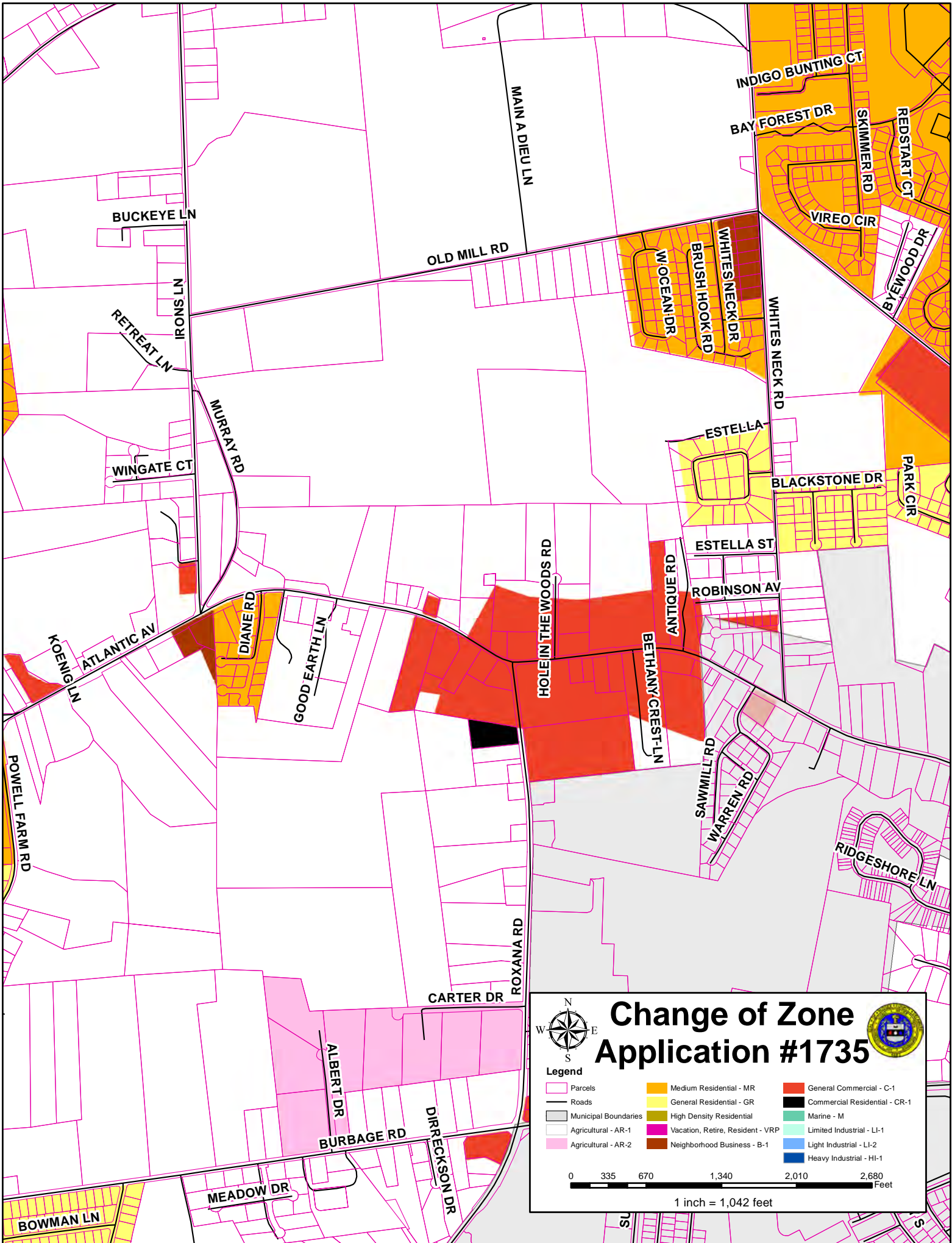


Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet



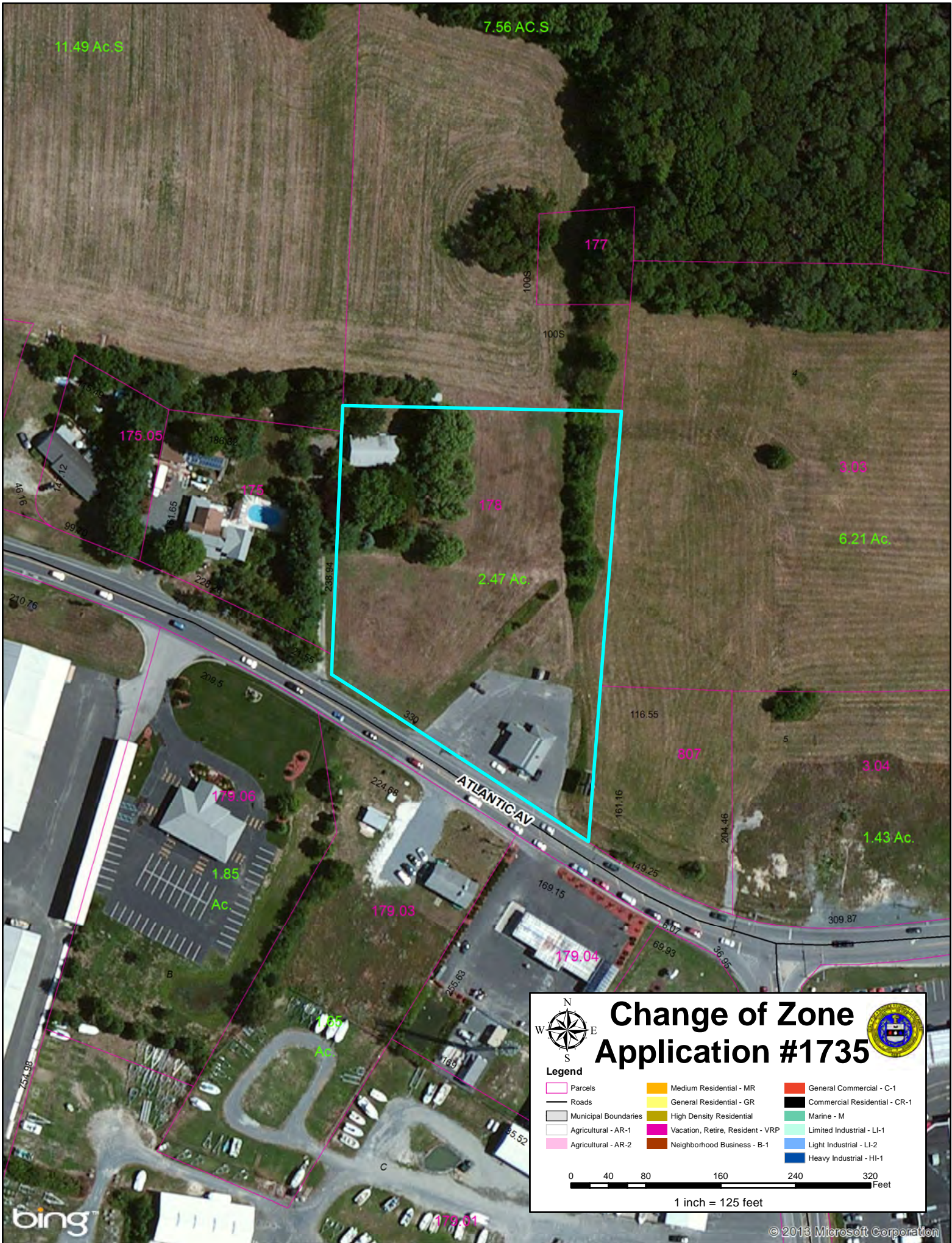
Change of Zone Application #1735



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

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



Change of Zone Application #1735

Legend

<ul style="list-style-type: none"> Parcels Roads Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> 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 40 80 160 240 320
Feet

1 inch = 125 feet