

Sussex County Council Public/Media Packet

MEETING: SEPTEMBER 25, 2012

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



SUSSEX COUNTY COUNCIL

SEPTEMBER 25, 2012

<u>10:00 A.M.</u>

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Wings & Wheels 2012 - A Georgetown Fall Festival – Karen Duffield

Todd Lawson, County Administrator

- 1. 2012 Election Year Scholarship Contest
- 2. Letter of Credit Osprey Landing
- 3. Administrator's Report

Hal Godwin, Deputy County Administrator

1. Wastewater Agreement – Americana Bayside, Phase 6

Mike Izzo, County Engineer

- 1. Angola Neck Sanitary Sewer District
 - A. Regional Force Main Contract 09-20 Balancing Change Order

Julie Cooper, Project Manager

1. Greenwood Library, Project 07-05

A. Bid Award

- 2. Rudder Lane Pole Building, Project 11-12
 - A. Change Order No. 1

Old Business

"AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY"

Grant Requests

1. Faith U.M. Women for Walking for the Homeless Walk-A-Thon.

Introduction of Proposed Zoning Ordinances

<u>Any Additional Business Brought Before Council</u> <u>Executive Session – Job Applicants' Qualifications, Personnel, Pending/Potential</u> <u>Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)</u>

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

<u>Change of Zone No. 1719 filed on behalf of Castaways Bethany, LLC</u> "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS, ON TWO (2) PARCELS" (Part of Tax Map I.D. # 1-34-9.00-21.00/24.00) (land lying east of Road 357 (Cedar Neck Road) across from Road 358 (Sandy Cove Road)

Change of Zone No. 1720 filed on behalf of Castaways Bethany, LLC

"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.02 ACRES, MORE OR LESS" (Part of Tax Map I.D. # 1-34-9.00-21.00) (land lying east of Road 357 (Cedar Neck Road) across from Road 358 (Sandy Cove Road)

Conditional Use No. 1944 filed on behalf of Castaways Bethany, LLC

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL RESIDENTIAL DISTRICT, A CR-1 COMMERCIAL RESIDENTIAL DISTRICT, A MR MEDIUM DENSITY RESIDENTIAL DISTRICT, AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES, A CAMPGROUND, AND AN OUTDOOR AMUSEMENT PLACE, WHERE PERMITTED AS CONDITIONAL USES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 38.53 ACRES, MORE OR LESS" (Tax Map I.D. # 1-34-9.00-21.00 and 24.00) (land lying at the east of Road 357 (Cedar Neck Road) and across from Road 358 (Sandy Cove Road)

Sussex County Council meetings can be monitored on the internet at <u>www.sussexcountyde.gov</u>.

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on September 18, 2012, at 5:15 p.m., at the time it was prepared by the County Administrator and at least seven (7) days in advance of the meeting. This Agenda 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.



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



June 28, 2012

Dear Mr. Lawson and Honorable Members of Council;

On behalf of the Greater Georgetown Chamber of Commerce and its 2012 Wings & Wheels-A Georgetown Fall Festival Committee, I respectfully submit a request to the Sussex County Council for its support to help us execute the 5th Annual Wings & Wheels-A Georgetown Fall Festiva. We estimate that this unique "Fly-In" & Classic Car exhibition event attracted nearly 8,000 people to your Sussex County Airport last year.

As Wings & Wheels continues in its development, we are confident that it will become widely recognized as a signature event for Sussex County and become a Georgetown tradition. We expanded the event last year to include a USO-styled, "Stage Door Canteen" show on Friday evening, which was a huge success, and we plan to continue this program in 2012. The dinner was catered by the Lighthouse Landing Restaurant and held in a private hangar on site at the Airport, last year. We look to this being a similar scenario for the 2012 event, as well as an some new and exciting programs added to the schedule of events.

Location: Sussex County Airport and Surrounding Area

Date/Time: Friday, October 5, 2012 -6:00 PM; and Saturday, October 6, 2012- 10:00 AM to 4:00 PM (Raindate: October 7, 2012)

Our preliminary list of Events & Activities includes:

- Stage Door Canteen Dinner & Show Entertainment Program
- Vintage Plane "Fly In"
 - Planes on Display for Viewing
 - Pilot Competitions
- Antique & Classic Car Show
- WWII Special Event
 - Panel of Local WWII Veteran Heroes
 - Living Testemonies-First Hand Accounts
 - Historic WWII Newsreel footage
 - > Fort Miles Exhibit
 - WWII Ground Re-enactments
 - Parachute Jumpers
- **DE Aviation Museum Tours**
- Food & Craft Vendors

- Kids' Games & Amusements
- All Day Entertainment
 - > On-Site/On Air Radio Personality
 - Live Bands

The Greater Georgetown Chamber of Commerce assumes the lion's share of the financial responsibility for **Wings & Wheels- A Georgetown Fall Festival**, and to date, any financial return from the event has been redirected back into supplementing the attending aircraft's fuel costs and development of the next year's event. Unfortunately this year we lost a major sponsor in Northrop Grumman due to budget cuts; so more than ever, we need strong corporate, business and local sponsorships in the event.

We are asking the County to allocate \$2,500 (payable to the Greater Georgetown Chamber of Commerce) to support *Wings & Wheels 2012-* the event (NOT in any relation to, and entirely separate from, the ongoing support/partnership the County has with the Delaware Aviation Museum/Foundation.) Council's contribution would help meet event marketing, advertising, rental, entertainment, transportation, and insurance costs, etc.—actual costs associated with hosting this large scale event; and it will insure that the event is a memorable and thrilling occasion for all who attend this fall festival weekend in Sussex County.

With the County's support, *Wings & Wheels 2012* can be a great success, and the annual festival will continue to grow and be recognized as an event singularly unique to Sussex County. Thank you in advance for your consideration of our request, and your generous support of *2012 Wings & Wheels- a Georgetown Fall Festival*

Most Sincerely,

aren S. Duffield, Executive Director

Greater Georgetown Chamber of Commerce

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

> Georgetown Chamber of Commerce ~ P.O. Box 1, Georgetown, DE 19947 (tele) 302-856-1544; (fax) 302-856-1577 www.georgetowncoc.com www.wings-wheels.com

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CHIP GUY COMMUNICATIONS DIRECTOR (302) 854-5000 T (302) 855-7749 F pio@sussexcountyde.gov





Memorandum

TO:	Sussex County Council The Honorable Michael H. Vincent, President The Honorable Samuel R. Wilson, Jr., Vice President The Honorable George B. Cole The Honorable Joan R. Deaver The Honorable Vance C. Phillips Todd F. Lawson, County Administrator
	Todd F. Lawson, County Administrator
FROM:	Chip Guy

Communications Director

RE: <u>2012 ELECTION YEAR SCHOLARSHIP CONTEST</u>

DATE: September 24, 2012

With the 2012 general election now just six weeks away and the ballot set, it is time for Sussex County to launch its biennial Election Year Scholarship Contest for local students. The contest is scheduled to be announced at the County Council meeting Tuesday, Sept. 25.

Initiated in 2000, the online contest is an educational and fun way to involve children in the American electoral process. It is open every election year to children 18 and younger who are residents of Sussex County and attend school (either locally or elsewhere) in grades K through 12. Students make their predictions through the County website, at <u>www.sussexcountyde.gov/election</u>. For the 2010 election, the contest received nearly 500 entries from Sussex County students.

This year, students will try to select the winners of 24 national, statewide, and county races, including for president, U.S. senator, congressman, governor, lieutenant governor, insurance commissioner, various General Assembly seats, and the County Council and Clerk of the Peace races. The student(s) with the most correct predictions will win a \$200 prize scholarship, to be paid upon enrollment into a college or other qualified post-high school program. Five runners-up will earn \$100 scholarships each.

Winners will be determined and ranked based on the accuracy of their predictions. In the event of a tie, students will be asked to guess how many votes the winning gubernatorial candidate collects in Sussex County.

Debbie Morris in the County's IT department will manage the contest through the County's website. Once the election results are certified a few days after the election, we will contact winners and schedule them to appear at a future Council meeting for the awards presentation.

Funding for this program has historically come through councilmanic grants. Additionally, County Attorney J. Everett Moore's firm, Moore & Rutt, has generously donated \$200 to the contest. With \$100 from each councilmanic fund, we will have \$700 to cover the cost of awarding six prizes – one winner and five runners-up.

Those funds will be set aside in an escrow account, maintained by the County Finance Director, and paid out as winners enroll in college or other post-high school programs.

If you have any questions, please contact me.

Thank you.

CG

pc: Ms. Susan M. Webb Ms. Debbie Morris

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A M&T Bank

Irrevocable Standby Letter of Credit SB9505690001 Amount: \$ 115093.75 $~^{\vee}$

BENEFICIARY:

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

APPLICANT:

REHOBOTH SIGNATURE HOMES LLC 5169 W WOODMILL DR WILMINGTON, DE 19808 STE 10

We amend our Standby Letter of Credit subject to the following terms and conditions. This Amendment forms an integral part of the original instrument. All other terms and conditions remain unchanged. Amended Terms:

- 1. LETTER OF CREDIT NUMBER 1-1776 ISSUED BY WILMINGTON TRUST BANK HAS BEEN CHANGED TO SB9505690001
- DRAFT(S), IF ANY, ARE TO BE DRAWN ON M&T BANK AND TO BE PRESENTED AT OUR OFFICE AT INTERNATIONAL TRADE OPERATIONS 1800 WASHINGTON BLVD, 8TH FLOOR, BALTIMORE, MD 21230

Unless otherwise instructed herein, all correspondence and inquiries regarding this transaction should be directed to our Customer Service Center at the above address, telephone. Please indicate our letter of credit number(s) in all your correspondence or telephone inquiries.

osprey handing

Regards,

This document is computer generated and does not require a signature.

Cc: REHOBOTH SIGNATURE HOMES LLC 5169 W WOODMILL DR STE 10 WILMINGTON, DE 19808 🖾 M&T Bank

1100 North Market Street Rodney Square North Wilmington, DE 19890

Writer's direct dial: 302-651-8559 Writer's direct fax: 302-651-1255 Email: DCaterino@WilmingtonTrust.com

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Reissuance of Letter Extension

August 9, 2011

VIA REGISTERED E-MAIL AND FEDEX PRIORITY A.M. DELIVERY (ORIGINAL) AND REGULAR MAIL WITH PROOF OF MAILING

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

Re: Wilmington Trust Company n/k/a M&T Bank Letter of Credit # 1-1776 (as amended) For the Account of Rehoboth Signature Homes, LLC (Osprey Landing Subdivision)

Dear Ms. Warren:

After your acceptance and approval, the above-referenced Letter of Credit in the amount of \$115,093.75 is amended by extending the expiry date from August 19, 2011 to September 30, 2012. All other terms and conditions are to remain the same.

After your acceptance indicated by signing and returning to me the enclosed copy of this amendment letter to the Letter of Credit, this amendment letter should be attached to and shall become a part of the original above-referenced Letter of Credit.

I am enclosing for your ease of convenience a self-addressed postage paid FedEx envelope so you can return your original signature to me, and please scan a copy of your signature page to me as well.

PHI 316,759,431v1

Ms. Michelle Warren August 9, 2011 Page 2

Reissuance of Letter Extension

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

Sincerely yours, Manufacturers and Traders Trust Company as successor-in-interest to Wilmington Trust Company

atemo Alaur Darren J. Caterino, CFA (du)

Vice President

THIS AMENDMENT TO LETTER OF CREDIT ACCEPTED THIS _____ DAY OF _____, 2011

Sussex County Council (hereinafter "Beneficiary")

By:______(SEAL)
Print Name: ______
Title:

Authorized signer for Sussex County Council (hereinafter "Beneficiary")

PHI 316,759,431v1





August 20, 2010

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

RE: Wilmington Trust Company Letter of Credit No. 1-1776 (as amended) for the account of Rehoboth Signature Homes LLC

After your acceptance and approval, the above-referenced Letter of Credit (the "Credit") is amended by: (1) deleting the following sentence from paragraph 7 of the Credit: Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 19, 2010" and replacing it with: "Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 18, 2011"; and (2) reducing the aggregate amount of the Credit from \$679,069.00 to \$115,093.75.

All other terms and conditions remain the same.

After your acceptance, indicated by signing and returning the enclosed copy of this amendment letter, this amendment letter should be attached to and shall become a part of the original above-referenced letter of credit. If you have any questions, please call me.

Sincerely, Wilmington Trust Company SEAL) ____ Jeremy J. Abelson Vice President

THIS AMENDMENT LETTER ACCEPTED THIS 14 DAY OF September, 2010

Sussex County Council ("Beneficiary") B١ Authorized Signer



July 16, 2009

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

RE: Wilmington Trust Company Letter of Credit No. 1-1776 (as amended) for the account of Rehoboth Signature Homes LLC

After your acceptance and approval, the above-referenced Letter of Credit is amended by deleting the following sentence from paragraph 7 of the Letter of Credit: Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 19, 2009" and replacing it with: "Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 19, 2009" and replacing it with: "Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 19, 2009" and replacing it with: "Notwithstanding the foregoing, in no event will the

All other terms and conditions remain the same.

After your acceptance, indicated by signing and returning the enclosed copy of this amendment letter, this amendment letter should be attached to and shall become a part of the original above-referenced letter of credit. If you have any questions, please call me.

Sincerely, Jeremy J. Abelson

Vice President

THIS AMENDMENT LETTER ACCEPTED THIS ZI DAY OF JULY, 2009

Sussex County Council (hereinafter "Beneficiary") By: (SEAL) Authorized Signer

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Commercial Banking Division

Personal Direct Dial

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302-651-8081

Letter of Credit No. 1-1776

August 19, 2005

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

RE: IRREVOCABLE COMMERCIAL LETTER OF CREDIT NO. 1-1776 OSPREY LANDING

Sir or Madam:

We hereby open our Irrevocable Documentary Standby Letter of Credit (hereinafter "Credit") in favor of Sussex County Council, Sussex County, Delaware at the request of and for the account of Rehoboth Signature Homes LLC (the "Developer") for the aggregate total sum of SIX HUNDRED SEVENTY NINE THOUSAND SIXTY NINE AND 00/100 U.S. DOLLARS (\$679,069.00) available by your sight draft(s) drawn on Wilmington Trust Company (hereinafter "Bank"), Wilmington, Delaware.

This Credit is subject to the following terms and conditions:

- 1. Effective Date: August 19, 2005.
- 2. Expiry Date: August 19, 2006.
- Sight draft(s) drawn hereunder will be presented to Wilmington Trust Company at its main office located at 1100 N. Market Street, Rodney Square North, Wilmington, DE 19890 and must bear the clause "Drawn under Wilmington Trust Company Letter of Credit No. 1-1776 dated August 19, 2005".
- 4. Sight draft(s) drawn hereunder must be accompanied with the following statements ("Document(s)") signed by an authorized representative of Sussex County Council:

Wilmington Trust Company Letter of Credit No. 1-1776 August 19, 2005 Page 2

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"Rehoboth Signature Homes LLC has failed to perform the work in accordance with Agreement No. _______ covering the construction administration and construction inspection and the irrevocable letter of credit in favor of Sussex County pertaining thereto. Demand is hereby made in the amount of the enclosed draft."

Subdivision Name: Osprey Landing

- 5. Performance must be completed by the Developer by the Expiration Date of this Letter of Credit. If satisfactory performance has not occurred by the Expiration Date of this Letter of Credit, Sussex County Council shall be entitled to draw funds from this Letter of Credit, as reasonable as necessary to complete construction or to procure others to perform the work in accordance with the approved construction plans on file with the Sussex County Engineer.
- 6. This Credit must accompany any drawing hereunder for endorsement of the drawing amount and shall be returned to the beneficiary unless it is fully utilized.
- 7. The expiry of this Credit shall be extended without amendment for an additional period of one year from the expiry date set forth above and for additional one year periods from each anniversary of such expiry date, unless at least thirty (30) calendar days prior to such expiry date or any anniversary of such date. Bank notifies you in writing by registered or certified mail that Bank elects not to so renew this Credit. Each extension shall be measured from the then relevant expiry date even though such date be not a business day in Wilmington, Delaware, for Bank. In the event Bank elects not to renew this Credit and upon receipt of such notice, you may draw under this Credit in accordance with the terms hereof. Notwithstanding the foregoing, in no event will the expiry date of this Credit be extended beyond August 19, 2008. This Letter of Credit will automatically terminate on the date Sussex County Council accepts documented evidence that the project has been constructed in compliance with design standards of Chapter 99 of the Code of Sussex County.
- 8. Partial drawings are permitted. Drafts drawn in favor of the Sussex County Council shall not relieve the Developer of completing construction of the project.
- 9. This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended or amplified by reference to any document, instrument or agreement referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement, without the express written approval of the Sussex County Council.
- 10. Credit is to be: Irrevocable and not transferable.

Wilmington Trust Company Letter of Credit No. 1-1776 August 19, 2005 Page 3

- 11. We hereby engage with you that the sight draft(s) drawn in compliance with this Credit shall be duly honored upon presentation to us at Wilmington Trust Center, Rodney Square North, 1100 North Market Street. Wilmington. Delaware, 19890, on or before the above stated expiry date or any extension thereof as above provided.
- This Credit shall be governed by and construed in accordance with the Laws of the State of Delaware and shall also, to the extent not inconsistent with such code, be subject to the International Standby Practices 1998, International Chamber of Commerce Publication No. 590.

Very truly yours.

WILMINGTON TRUSP COMPANY Jeremy J. Abelson Vice President

Sussex County Engineering Department

MICHAEL A. IZZO, P.E. County Engineer



2 THE CIRCLE P.O. BOX 589 GEORGETOWN, DELAWARE 19947 nistration 302-855

Administration	302-855-7718
Airport & Industrial Park	302-855-7774
Environmental Services	302-855-7730
Public Works	302-855-7703
Records Management	302-854-5033
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

Fax: 302-855-7799

September 11, 2012

FACT SHEET

SUSSEX COUNTY PROJECT 81-04 AMERICANA BAYSIDE PHASE 6 AGREEMENT NO. 991

DEVELOPER:

Mr. Doug Brown Carl M. Freeman Communities 36097 Sand Cove Road Selbyville, DE 19975

LOCATION:

Azalea Avenue & Honeysuckle Terrace

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Phase 6-A and 6-B Revised Lots

SYSTEM CONNECTION CHARGES:

\$231,795.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval 08/10/12

Department Of Natural Resources Plan Approval 08/23/12

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30 Construction Admin And Construction Inspection Cost – \$18,755.25 Proposed Construction Cost – \$125,035.00

//west-fs1/Engineering/99110/agr_num991/UCD_Construction_Fact_Sheet_1.rtf 09/11/2012



MICHAEL A. IZZO, P.E. County Engineer



2 THE CIRCLE P.O. BOX 589 **GEORGETOWN, DELAWARE 19947** Administration 302-855-7718 Airport & Industrial Park 302-855-7774 302-855-7730 Environmental Services Public Works 302-855-7703 Records Management 302-854-5033 Utility Engineering 302-855-7717 Utility Permits 302-855-7719 Utility Planning 302-855-1299

Fax: 302-855-7799

September 25, 2012

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 991, THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CARL M. FREEMAN COMMUNITIES", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE, PHASE 6 ", LOCATED IN THE FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38 AGREEMENT NO. 991

TODD LAWSON COUNTY ADMINISTRATOR

UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT	AND OR	STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL	CHANGE ORDER NO: 1 - Final PAGE 1 OF 2
		CONTROL DIVISION OF WATER RESOURCES FINANCIAL ASSISTANCE BRANCH	DATE: <u>2/20/12</u>
STATE: <u>Delaware</u>			

COUNTY: Sussex

SEPARATELY OR JOINTLY FUNDED PROJECT

CONTRACT CHANGE ORDER

CONTRACT FOR: Angola Neck San. Sewer Dist. - Regional Force Main (Contract 09-20)

OWNER: <u>Sussex County Engineering Department</u>

To: Daisy Construction Company, Inc.

(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE In Contract Price	
Balancing of Used/Unused Bid Item Quantities for final quantity adjustments needed to close-out the 09-20 Contract.	\$ (\$200,271.05)		
TOTALS	\$ (\$200,271.05)	\$	
NET CHANGE IN CONTRACT PRICE	\$ (\$200,271.05)	\$	

JUSTIFICATION: Explain (Differing Site Conditions) (Errors or Omissions in Drawings or Specifications) (Changes in Regulatory Requirements) (Design Changes) (Over run or Under run in Quantities) (Factors Affecting Time of Completion) (Other: Describe below)

(1) Accounting of the actual under-run/over-run quantities in relation to the estimated quantities regarding the Alternate Contract Bid Items, as well as, balancing quantities for all unused Alternate Bid Items - Part B, Stipulated Contingent Bid Items, Part C, Regional Force Main with Partial 24" Upgrade and Part D, Non-Stipulated Contingent Bid Items.

The amount of the Contract as adjusted by all previously approved Change Orders: <u>Three Million, One Hundred Eleven Thousand</u>, Seven Hundred Forty-Five Dollars and Zero Cents: ______Dollars (\$3,111,745.00)

The amount of the Contract will be (Decreased) through this Change Order by the sum of: <u>Two Hundred Thousand, Two Hundred</u> Seventy-One Dollars and Five Cents ______Dollars (\$ 200,271.05)

 The Contract Total including this and all previous Change Orders will be: <u>Two Million, Nine Hundred Eleven Thousand, Four</u>

 Hundred Seventy-Three Dollars and Ninety-Five Cents

 Dollars (\$2,911,473.95)

The Contract Period provided for completion will be (Unchanged) by: ______ (0) Calendar Days

2 THE CIRCLE P.O. BOX 589 GEORGETOWN, DE 19947

Sussex County Engineering Department

MICHAEL A. IZZO, P.E. County Engineer



 Administration
 302-855-7718

 Environmental Services
 302-855-7730

 Public Works
 302-855-7703

 Utility Engineering
 302-855-7717

 Utility Permits
 302-855-7719

 Utility Planning
 302-855-1299

 FAX:
 302-855-7799

GREENWOOD LIBRARY - SUSSEX COUNTY PROJECT 07-05 File ADM 2.11-I.5

BID RESULTS

BIDDER	BASE BID	ALTERNATE BID ITEM #2 (BUILDING DEMO)	ALTERNATE BID ITEM #3 (ENTRANCE CANOPY)	BID WITH ALTERNATES
* RICHARD Y. JOHNSON & SON LINCOLN, DELAWARE	\$2,724,500.00	\$9,975.00	\$34,097.00	\$2,768,572.00 Recommended Bid Award
JOHN L. BRIGGS & CO. GEORGETOWN, DELAWARE	\$2,805,000.00	\$16,600.00	\$50,500.00	\$2,872,100.00
NASON CONSTRUCTION WILMINGTON, DELAWARE	\$2,863,200.00	\$15,232.00	\$22,502.00	\$2,900,934.00
CONVENTIONAL BUILDERS, INC. HOUSTON, DELAWARE	\$2,898,300.00	\$5,456.00	\$79,408.00	\$2,983,164.00
GGI BUILDERS, INC. SALISBURY, MARYLAND	\$2,998,000.00	\$28,288.00	\$48,110.00	\$3,074,398.00
KENT CONSTRUCTION CO., INC. SMYRNA, DELAWARE	\$3,289,000.00	\$23,049.00	\$39,665.00	\$3,351,714.00
ENGINEER'S ESTIMATE	\$2,689,196.00	\$25,000.00	\$30,000.00	\$2,744,196.00

* APPARENT LOW BIDDER

RUDDER LANE POLE BUILDING

Sussex County Project 11-12; File AR 3.45-I

SUMMARY FOR CHANGE ORDER #1

September 25, 2012

BID SCHDULE ITEM NUMBER	BID SCHEDULE ITEM	CHANGE TO BID SCHEDULE ITEM	BID PRICE	ADD/DEDUCT	TOTAL
A-6	ELECTRICAL COMPLETE	ADD FIVE RECEPTACLE CIRCUITS	\$ 24,084.00	\$ 656.25	\$ 24,740.25
A-3	SITE WORK	INSTALL SEEDING & MULCH IN LIEU OF SOD	\$ 28,404.00	\$ (3,175.00)	\$ 25,229.00
A-3	SITE WORK	ADD 60 LF 6" PVC DRAIN FROM DOWNSPOUTS	\$ 28,404.00	\$ 1,260.00	\$ 29,664.00
			\$ 234 609 59	\$ (1 258 75)	\$ 233 350 84

CONTRACT TOTAL \$234,609.59 \$ (1,258.75) \$ 233,350.84

OLD BUSINESS September 25, 2012

This is to certify that on March 10, 2011 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance Amendment. At the conclusion of the public hearing, the Commission moved and passed that the Ordinance Amendment 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

ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, § 115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY.

Mr. Lank read the proposed Ordinance Amendment relating to yards and open spaces; and stated that the Amendment provides for an Administrative Variance procedure; that the Ordinance is not intended to relate to setbacks and separation distances within Manufactured Home Parks; that the Amendment relates to single family lots, business/commercial parcels, and multi-family building separations; that the Department sees a lot of surveys, and that some of those surveys show changes in setbacks and separations established by the more modern technology in the equipment now used by Surveyors compared to the equipment used in the past, i.e. chains and tape measuring to laser equipment.

The Commission found that there were no parties present in support of the Ordinance Amendment.

The Commission found that Dorothy Boucher, Roberta Hemmerick, and John Walsh were present in opposition to this Ordinance Amendment as circulated and expressed concerns that the Amendment does not specifically reference that it does not relate to manufactured home communities; that they oppose administrative variances in manufactured home communities; that the Amendment is vague; that a knowledgeable attorney could find a loop-hole in the Amendment; that the administrative variance procedure, as written, has no opportunity for public hearing; that erroneous or inaccurate information has been given out by Planning and Zoning staff; that the Amendment should specify that it does not apply to manufactured home communities; that there is no reference to establishment of a recording method showing the number of administrative variances that are approved, denied or forwarded to the Board of Adjustment and the reasons for such action; that notice should also be sent to neighbors of the action taken by the Director; and that an independent hearing officer or committee is needed.

At the conclusion of the public hearings, the Commission discussed this Ordinance Amendment.

On March 10, 2011 the Commission deferred action. Motion carried 5 - 0.

On March 24, 2011 the Commission again discussed this Ordinance Amendment.

Mr. Burton expressed some concern about the lack of a public hearing if a neighbor objected to a proposal.

Mr. Johnson stated that he would support this type of Ordinance.

Mr. Ross stated that he agreed and supports this type of Ordinance.

Mr. Wheatley expressed some concern about controlling repeat offenders.

Mr. Smith stated that he has some concern about the responsibility being put on the Director, rather than the Board of Adjustment.

On March 24, 2011 the Commission deferred action. Motion carried 5 - 0.

On April 14, 2011 the Commission again discussed this Ordinance Amendment.

Mr. Robertson referenced that the Commission heard testimony expressing concerns that this Ordinance could relate to manufactured home parks; that the staff explained that it is not intended to relate to manufactured home parks; that he can see where someone might try to get creative with the Code; and that if the Commission decides to recommend approval of the Ordinance Amendment, he would suggest that there be a recommendation for an additional line that confirms that it does not apply to manufactured home parks.

Mr. Burton stated that the Ordinance Amendment should also include an automatic referral to the Board of Adjustment if a neighbor should object to an Administrative Variance request.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved as circulated and with the following additional recommendations: that a new sentence be added at the end of Section E (5) to state "If any objection is received, the Director shall refer the application to the Board of Adjustment."; and that a new Section E (6) be added that states "This Administrative Variance process shall not be applicable to Manufactured Home Parks." Motion carried 5 - 0.

Tamia Bonville & Daeveon Deshields 35681 Wolfeneck Road Rehoboth, Delaware 19971 (H) 302 - 645 - 7544

August 24, 2012

Dear Friends,

It's that time of the year for the Walking for the Homeless Walk-A-Thon. Every year in Sussex County, the number of homeless people continues to rise, especially children.

Hi! My name is Tamia Bonville. I am now a twelve year old, 7th grade student at Beacon Middle School in Lewes, Delaware. I am the daughter of Dilinda Bonville - Deshields and the granddaughter of Diaz and Linda Bonville. This is my sixth year doing the Walk-A-Thon. Many girls my age would say that this is lame, but to me the Walk-A-Thon is very special to me.

I have been the youngest and top fundraiser participant for the last six years raising \$11,367.00 together. All of this couldn't have happened without your support.

This year, my brother, Daeyeon Deshields, is accompanying me in raising money for the second year. He is seven years old, and is going to the second grade at Rehoboth Elementary School in Rehoboth Beach, Delaware. The reason he decided to do the Walk-A-Thon four years ago, was to help people who aren't blessed like we are.

We are writing to ask you if you could open your hearts and let others be blessed like we are by sponsoring or supporting us to help raise all the money we can for the Homeless. We hope and pray that you will. All proceeds from this fundraiser will benefit Crisis House in Georgetown, Delaware and Casa San Francisco in Milton, Delaware. This year we are adding a new shelter, Home of the Brave in Milford, Delaware for our veterans.

We would love it if you had time to see us walk or meet us if you can. Please help us to make a bigger difference in life to assist different families and youth. If you have any questions or additional information, feel free to contact Diaz J. Bonville at 645 - 7544; (cell) 302 - 528 -2265. Please make donations payable to Faith U.M. Women and mail to P.O. Box 691 Rehoboth, Delaware.

Thank you for your support. From children who cares about others in need.

Prayerfully yours,

I amix Monville

Tamia Bonville Youth Participant

Daeveon Deshields PEShieby

Youth Participant

FAITH UNITED METHODIST CHURCH "METHODIST WOMEN" 19940 CHURCH STREET ~ REHOBOTH BEACH, DE 19971 Pastor Joromo E. Tilghman Sr.

WALKING FOR THE HOMELESS WALK-A-THON

SATURDAY, SEPTEMBER 29, 2012







STARTING POINT: DELAWARE AVENUE ON THE BOARDWALK AT 9:00 AM

Check in for the Walk-A-Thon at Delaware Avenue on the Boardwalk from 8:00 a.m. until 8:45 a.m.

CONTACT PERSON: CHRISTINA MILLER ~ 302-227-3118 OR TENESHA DUFFY ~ 644-1159

ALL PROCEEDS WILL BENEFIT HOMELESS SHELTERS IN SUSSEX COUNTY

PUBLIC HEARINGS September 25, 2012

This is to certify that on September 6, 2012 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change of Zoning and Conditional Use. 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.

There was a consensus of the Commission that the three applications be considered during one public hearing, acknowledging that each application will have an individual decision.

PUBLIC HEARINGS

Mr. Lank introduced the following applications for consideration:

C/Z #1719 – application of **CASTAWAYS BETHANY, LLC** to amend the Comprehensive Zoning Map from MR Medium Density Residential District to a AR-1 Agricultural Residential District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.00 acres, more or less, on two (2) parcels, lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358)(part of Tax Map I.D. 1-34-9.00-21.00/24.00).

C/Z #1720 – application of **CASTAWAYS BETHANY, LLC** to amend the Comprehensive Zoning Map from MR Medium Density Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.02 acres, more or less, lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358)(part of Tax Map I.D. 1-34-9.00-21.00). C/U #1944 – application of **CASTAWAYS BETHANY, LLC** to consider the Conditional Use of land in a C-1 General Commercial District, CR-1 Commercial Residential District, a MR Medium Density Residential District, and an AR-1 Agricultural Residential District for multi-family dwelling structures, a campground, and an outdoor amusement place, where permitted as conditional uses, to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 38.53 acres, more or less, lying east of Cedar Neck Road (Road 357) and across from Sandy Cove Road (Road 358)(Tax Map I.D. 1-34-9.00-21.00 and 24.00).

The Commission found that on July 12, 2012 the Applicants submitted an Environmental Assessment and Public Facilities Evaluation Report and Plan for Castaways Bethany as prepared by Land Tech Land Planning, LLC and that the Commission was provided with copies of said Report previous to this Public Hearing for review.

Mr. Lank advised the Commission that the Report contains: a listing of the Consulting Team; an Introduction; references to the proposed land use; the conceptual storm drainage design; potable and fire protection water service; wastewater collection; transmission and treatment; an analysis of traffic; rare, threatened and endangered species; tidal and non-tidal wetlands; open space; public/private infrastructure provisions; economic and recreational impacts; historic or cultural resources; and conformance with the Comprehensive Plan, including references to the Future Land Use Element. The supporting documents attached to the Report include a compilation plat survey, a copy of the approved "Seasons at Bethany" site plan, a Castaways Bethany Master Land Use Plan, a Sussex Shores Water Company letter in reference to water service, a bath house floor plan and elevations, a Service Level Evaluation Request form, a May 21, 2012 letter from DelDOT to the County, a June 11, 2012 Becker Morgan Letter to DelDOT, a June 18, 2012 DelDOT letter to the County, a Becker Morgan Entrance Location Study Plan, an Envirotech Wetland Delineation, and a U.S. Army Corps. of Engineers Preliminary Jurisdictional Determination letter.

Mr. Lank advised the Commission that Preliminary Land Use Service (PLUS) comments, dated May 17, 2012, were received on May 24, 2012 containing 17 pages of comments; that Land Tech Land Planning, LLC responded to the PLUS comments on September 6, 2012 with 23 pages of comments; and that copies would be made available for the Commission.

Mr. Lank advised the Commission that the County Engineering Department Utility Planning Division provided comments on September 5, 2012 relating to the three applications stating that: the project is located in a County operated and maintained sanitary sewer district, the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity will have to be verified; that capacity may be limited to 205.55 EDU total; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,825.00 per EDU; that the parcels have been served with two 8-inch laterals located along the parcel's frontage on Cedar Neck Road and a sewer connection point is available at the southern property line of the County's pump station site located on the north side of Parcel 21; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that the parcels are located within the previously referenced Sewer District and that connection to the sewer system is mandatory; that it must be verified that the proposed project is within system design assumptions; that the County requires design and construction of an on-site collection system to meet County Engineering Department's requirements and procedures; that drains from the water park facilities, pools, and pool decks and filter backwashes shall not be connected to the sewer system and the means of providing an alternative disposal method must be documented on the sewer concept plan; that system connection charges will apply; and that a concept plan is required.

Mr. Lank advised the Commission that the Sussex Conservation District provided comments, received on September 6, 2012, in reference to the three applications stating that: there are four soil types mapped for the property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there is a potential impact on flood hazard areas, depending on the limit of construction; that it is not likely that off-site drainage improvements will be necessary; that minimal on-site drainage improvements will be necessary; and that no tax ditches are affected.

Mr. Lank advised the Commission that petitions voicing opposition to this application have been received containing approximately 216 signatures, and that approximately 255 letters and emails have been received voicing opposition; that the petitions, letters, and emails received have come from residents of North Beach, Bayside Hamlet, Quillens Point, Salt Pond, Cedar Landing, Bethany Preserve, Bethany Grand, Pine Crest, The Reservation, Murray's Estates, Bethany Lakes, Bayside at Bethany Lakes, Sandy Cove, Collins Park, and other communities in the Cedar Neck area, along with other individuals; that in summary the concerns expressed include, but are not limited to, increased traffic, traffic safety, pedestrian safety, noise and air pollution, that the use is not compatible, the environmental impacts, lighting, the impact on the James Farm Ecological Preserve, the impact on the Fresh Pond Seashore State Park, road conditions of Cedar Neck Road, bike paths, depreciation of property values, crime, the hours of operation, the density, stormwater issues, sewer capacity, cyclist safety, and emergency response impacts; that there may be some duplication of letters since some parties sent letters, emails and faxes of the same documents; and that he had intended to provide the Commission with copies of the petitions, letters and emails, but had printer problems and could not make copies available at this time.

The Commission found that Todd Burbage, a member of Castaways Bethany, LLC was present with James Fuqua, Jr., Attorney with Fuqua, Yori, and Willard, P.A., Jeff Clark and Paul West of Land Tech Land Planning, LLC, and Garth Jones, Professional Engineer, of the Becker Morgan Group, and that they stated in their presentations and in response to questions raised by the Commission that they have made application for two (2) rezoning requests and a Conditional Use for a campground, multi-family dwelling structures, and a water park amusement facility; that the three (3) applications are of an intervoven design; that they propose to present the applications as one presentation; that they have read a majority of the letters in opposition and will try to address the concerns; that the majority of the site is vacant; that they understand that some impacts will occur; that Cedar Neck Road has a mixture of uses, i.e. single family dwellings, manufactured homes, multi-family dwelling structures, camper parks, business and commercial uses; that the site has wetlands to the east, a single family subdivision to the north, residential uses, RV sales, and a restaurant to the south, and commercial zoning and uses to the west across Cedar Neck Road with a commercial grocery, hardware, sandwich shop, etc.; that the wetlands on the site have been delineated; that the site has been approved for a 143 unit multifamily project (The Seasons At Bethany) which includes multi-family units and townhomes, and a commercial storage facility; that they are proposing three (3) components to the project: 139 campsites with two (2) bathhouses, 60 multi-family duplex rental units, and a water park with slides, pools, a wave pool, a float pool and retail sales of sundries, snacks, and gifts; that the water park will be open to the public; that entry to the park will be gated; that the MR Medium Density Residential to CR-1 Commercial Residential parcel contains 1.02 acres and is adjacent to the existing C-1 General Commercial portion of the site, and is intended to enhance the water park; that the MR Medium Density Residential to AR-1 Agricultural Residential parcel contains 5.0 acres, and is intended as a part of the campground; that the Conditional Use application site includes the entire parcel, with multi-family dwelling structures to the north next to The Reservation, the water park along Cedar Neck Road, and the campground to the rear of the water park; that the County Engineering Department has established a design assumption for the site of 205.55 EDUs; that they have calculated the projects proposed usage at 139 EDU; that the Applicants will pay all applicable charges and fees for sewer services; that the Sussex Shores Water Company has provided an ability to serve letter for the project; that according to the Sussex County Comprehensive Land Use Plan Future Land Use Map the site is located in an Environmentally Sensitive Developing Area, a growth area; that the project is close to other developments and business uses, has access to major roadways, and sewer and water services are available to serve the project; that the use promotes tourism and creates economic benefits; that the project could generate up to 94 full time jobs; that the project will have a positive economic benefit to the area since visitors will also be using local business uses; that the project was submitted to the Preliminary Land Use Service (PLUS) for review and that they participated in the public meeting with State agencies; that they have responded to the PLUS comments received; that the State and Federal wetlands boundaries have been delineated, and that the U.S. Army Corps. of Engineers have verified the boundaries; that there will be no encroachments into the Federal wetlands, and that there will be a minimum of 60-feet setback from State wetlands; that the site slopes 10-feet from the road to the wetlands; that the entrance location is across from the entrance to the G and E grocery per DelDOT comments; that DelDOT is currently reviewing an entrance design for the project; that a pedestrian crossing is proposed from the entrance area across to the G and E grocery store site; that the 60 multi-family duplex units surround court

vards, and that each unit will be provided with two (2) parking spaces; that the units will be two story cottage/bungalow styled units; that the 139 RV campsites will contain a minimum of 2,000 square feet per site, and will be served by a 20-foot wide paved drive, sewer, water, utilities, parking, two bathhouses and laundry services; that there will be a central pedestrian path to the water park and tot lots from the campground area; that four (4) dumpster locations are proposed; that the campsites will be a minimum of 400-feet from any residential unit off of the site, and 100-feet from Cedar Neck Road; that a minimum of a 50-foot wide buffer shall be provided around the site with a mixing of plantings per the Code; that a nature center will be established within the campground; that no lighting is intended in the campground area; that a seven (7) foot tall solid fence is proposed between the site and The Reservation community; that the water park design includes water features, flow rider lagoon, tube slide, wave pool, tot lots, changing facilities, and a lodge for sundry sales, snack sales, etc.; that 180 parking spaces plus 11 handicap spaces are proposed; that they intend to close the water park by 8:00 p.m.; that they intend to develop the site in four (4) phases: (1) the water park and landscaping the buffers; (2) the campground and removal of the existing storage facility, and 18 duplex units; (3) 16 duplex units; and (4) the remaining 26 duplex units; that no rare or endangered species were found on the site; that the original "The Seasons at Bethany Beach" project for the site would have generated 1,000 vehicle trips per day; that the Castaways Bethany project could generate 1,300 vehicle trips per day; that the existing commercial zoning could allow for a convenience store with gas pumps that could generate 4,000 vehicle trips per day; that they have met with DelDOT and that a Traffic Impact Study will not be required; that the Applicants have agreed with DelDOT to install the original agreed upon improvements for "The Seasons at Bethany Beach" project, i.e. right turn lanes, bike paths, multi-modal path, and pedestrian crossing, and to participate in the traffic signal agreement previously established; that the site has a tidal discharge; that they will be using green technologies for stormwater management and best management practices for maintenance, by using bio-swales, filter strips, and bio-retention; that there is an excellent recharge area along the front of the site; that they will comply with the Source Water Protection Ordinance; that they will meet the Total Maximum Daily Loads required for the Inland Bays; that they have met with the Sussex Conservation District; that Mr. Burbage and his family are business owners in Bethany Beach and Ocean View; that the use will enhance the community; that the Applicants own a similar project in Ocean City which has won numerous rewards for excellence; that crime has not been a problem; that there will be 24 hour security; that the duplex cottages will have a similar style to the old beach cottages in Bethany Beach with approximately 720 square foot of living space per cottage; that the cottages will be site constructed; that they will be providing a bus service to the beaches and elsewhere; that the campground is intended to be family oriented; that the property is privately owned; that, as existing, the site is zoned MR and C-1 and could be developed with permitted uses; that they are certain that the site will be developed in some form; that the intended use will have no more impact that the uses already permitted; that this is not a popularity contest, it is a land use decision process; and that they are requesting approval of the applications.

The Commission found that Mr. Fuqua submitted proposed Findings of Fact which were presented as testimony on behalf of the application, and submitted and read suggested proposed Conditions for consideration, which included the following:

- 1) The maximum number of campground/RV sites shall be one hundred and thirty-nine (139).
- 2) All entrance and other DelDOT requirements shall be completed as required by DelDOT.
- 3) The Development shall be served by the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.
- 4) The Development shall be served water for domestic use and fire protection by the Sussex Shores Water Company.
- 5) Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices.
- 6) The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.
- 7) The Development shall be surrounded by a 50-foot landscaped buffer as shown on the Landscape Buffer Planting Plan and a seven (7) foot fence along the northern boundary of the site.
- 8) The campground/RV park may open no earlier than March 15 each year and shall close no later than the first Sunday of November of each year.
- 9) The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed.
- 10) There shall be no accessory buildings located on individual campsites.
- 11) Campground restrictions shall be submitted as part of the site plan review.
- 12) All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes.
- 13) The water park component shall be constructed and open for use by the park tenants when the campground opens for use.
- 14) The water park may open no earlier than May 15th each year and shall close no later than October 15th each year.
- 15) The maximum number of multi-family units shall be sixty (60).
- 16) The daily hours of operation of the water park shall be from 10:00 a.m. to 8:00 p.m. for the general public and from 8:00 a.m. to 8:00 p.m. for residents of the campground and multi-family units.
- 17) The water park shall operate in accordance with all applicable laws and regulations of the State and County, including but not limited to laws and regulations related to pool water quality, pool safety, storage of pool chemicals and handicapped accessibility.
- 18) A shuttle bus service shall be provided for residents of the campground and multi-family units from at least the Friday before July 4th to Labor Day of each year.
- 19) One sign not exceeding thirty-two (32) square feet per side with lighting shall be permitted.
- 20) Development and management of the Site shall comply with all State and Sussex County regulations and ordinances applicable to water resource protection.

21) Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Commission recessed for 10 Minutes.

The Commission found that Mr. Fuqua, Mr. Clark, Mr. Jones, and Mr. Burbage, in response to questions raised by the Commission, stated that the original developers of The Seasons at Bethany Beach had a traffic signal agreement with DelDOT; that the Applicant has agreed to participate in future improvements to the Cedar Neck Road and Fred Hudson Road intersection relating to said agreement; that Area Wide Studies look at other intersections in a larger area; that green technologies are non-structural improvements, i.e. bio-swales, bio-retention areas, filter strips; that the RV sites would have stone parking and grass; that roadways will be paved; that the parking facility has 181 parking spaces planned; that a sewer district pump station exist adjacent to the project in The Reservation Subdivision; that they have not confirmed what DelDOT will require for the proposed pedestrian crossing; that the County Engineering Department does the calculations for the number of EDUs for the water park; that three (3) RV sites equal one (1) EDU; that each multi-family units counts as one (1) EDU; that the Applicants have no objection to a timing to start on each phase of the project; that no permanent structures on RV sites will be permitted; that the RV sites will be vacant when the park is closed; that there will be no seasonal rentals of RV sites; that they intend weekly and/or daily rentals of the RV sites; that signage will be provided to mark sensitive areas near wetlands; that the RV sites will measure at least 40' by 50'; that they are willing to install split rail fencing along the wetland boundaries; that the open space calculation includes the RV sites since they are intended for recreational purposes; that the duplex cottages will also be weekly rentals, some daily; that they will have to comply with DelDOT regulations for bike paths and the multi-modal path along the frontage of the site; and that the buffers will be completed in the first Phase of the project.

The Commission found that Mary Shriver-Fox, Attorney with Steen, Waehler & Fox, P.A., was present in opposition on behalf of Home Owners Associations in Bethany Lakes, Bayside at Bethany Lakes, Salt Pond, The Reservation, Cedar Landing, Quillens Point, and hundreds of residents in the area, and stated that some of the residents made a DVD of the area along Cedar Neck Road on Sunday morning; that the DVD has been made a part of the record for these applications; that this project may be a wonderful project in Ocean City, but may not be appropriate in Cedar Neck; that over 200 letters and emails have been submitted in opposition; that Cedar Neck Road has no shoulders; that the project will impact pedestrians, bikers, and motor vehicle drivers; that the commercial uses that already exist compliment the residential character of the area; that there are safety issues to consider; that the proposed project will negatively impact the residential character of the area; that the residents acknowledge that the site is in a growth area; that the area around the site must be given some consideration; that the Comprehensive Plan does not reference campsites as a residential use; that the use creates an inconvenience to existing residents; that noise and traffic increases will impact the area making this application an inappropriate use in this location; that a lot of fulltime residents live in the Cedar Neck area and this use will impact their quality of life; that protected lands need to be protected; that this application will impact the James Farm and the State Park lands in the area; that there will be a negative impact on wildlife; questioning if the land has been evaluated by

State specialist in reference to rare and endangered species; that the Comprehensive Plan makes reference to mostly passive open space, not a campground and water park; that the water park will create noise and more traffic; that the Comprehensive Plan does not reference rental cottages that cater to transient guests; that DNREC representatives have recommended a 100-foot buffer from wetlands; that the use is only appealing to the seasonal tourism industry and not full time jobs; and requested that the Commission recommend denial of these applications to the benefit of the residents of the area.

The Commission found that Walter Curran, of the Bear Trap Dunes Homeowners Association, Randy Martin, a resident of The Reservation, Loeda Stango, President of the Salt Pond Association, Harry Kreger, a resident of The Reservation, Steve Callanan, a resident of Quillens Point, John Voit, a resident of Quillens Point, Virginia Johnston, a resident of the Cedar Neck Road area, Steve Evans, a resident of The Reservation, David Green, President of Quillens Point Home Owners Association, Steve Swadley, a resident of the Cedar Neck Road area, Elaine Manlove, President of the Cedar Landing Homeowners Association, Bob Bathy, a resident of Quillens Point, Cynthia Funbor, a resident of the Cedar Neck Road area, Steve Gibson, a resident of North Beach, and Rick Sandifer, a resident of Cedar Landing, of the approximately 170 people present in opposition to these applications expressed concerns about vehicle trips; that Cedar Neck Road needs a proper traffic study; that the applications are premature without a traffic impact study; that the campground and multi-family uses create approximately 756 people per day per unit, not counting the people generated by the water park; that the water park and campground are outdoor uses that create noise; that development of the site with housing will also create jobs in construction, maintenance, retail, food services, etc. and will be more compatible with the area; questioning if DelDOT gave any consideration to large trucks pulling large trailers in the area; that the Bethany Lakes community conducted a two hour traffic count at Cedar Neck Road and Fred Hudson Road and counted 2714 vehicles, 74 bicycles, 34 mopeds, and 3 ambulances on calls, not counting the number of pedestrians; that, on occasion, traffic on Fred Hudson Road backs up from Route One to the Harris Teeter Store; that the Millville Volunteer Fire Company uses Cedar Neck Road and Fred Hudson Road to access the Beebe Medical Centers; that Fred Hudson Road occasionally floods; that evacuation in emergency situations is a concern; that roads in the area are not adequate for this type of activity; that safety concerns for pedestrians, cyclists, and drivers must be given some consideration; that noise and lights impact the residential character of the area; that most of the residents chose this area since it was off the beaten path with multiple access choices; that the uses impact the James Farm, which is owned by the County and operated by the Center for the Inland Bays; that the Commission needs to review the 20 minute video of the area along Cedar Neck Road provided in opposition; that Cedar Neck Road is a dead end road that is very difficult to get in and out due to the narrowness of the road and existing traffic; that approval of these projects will increase the traffic making the traffic situation worse; that the commercial zoning that already exists on the site should be rescinded; that the Commission should go to the Jungle Jim's amusement park near Rehoboth Beach or the water slide park in Fenwick Island to hear the noise generated by a water park; that emergency evacuation is a concern; that emergency response time is a problem during the tourist season; that during the summer season it takes 45 to 55 minutes to go to church, 3.5 miles away, due to the traffic, and only 8 minutes during the off season; that noise pollution, i.e. noise from vehicles, equipment, animals, music, is a concern; that buffers will not

reduce the noise; that property values will be negatively impacted; that residents have a fear of additional crimes, due to the lack of regular police protection in the area; that the uses are not compatible to the surrounding area; that the density proposed is not compatible to the surrounding area; that the use will adversely impact the existing infrastructure; that the use will harm the environmental areas contiguous to the east; that there is no water body access to the site, therefore, residents and guests will be traveling offsite to reach the beach, boat ramps, and other attractions; that there is not economic benefit to the community by creating the project due to the transient nature of the project; that the development plans of the project are deficient in many levels, i.e. traffic and special traffic considerations, ecological preservation, storm water management, lighting, landscaping, and other design issues; questioning what Ms. Mary Lighthipe would think about placing a campground and water park at this location across from the James Farm, which she had dedicated to the County for open space; the negative impact anticipated on the James Farm and the Fresh Pond State Park; that this type of application not only impacts Cedar Neck Road, it also impacts Fred Hudson Road; that Fred Hudson Road has become the alternative to the overcrowded Route 26; that drivers currently have to sit through several traffic lights to get to Route One; that ecological sites need to be evaluated on and around this site; that wildlife habitat will be lost by the approval of this project; that campers and boat trailers bring invasive species from other locations; that police, ambulance, and fire services are not readily available; that the only police protection comes from the State Police Barracks in Georgetown; that the typical weight, widths and size of travel trailers and RV vehicles need to be considered because of the weight impact on the roadways and the narrowness of Cedar Neck Road; that Cedar Neck Road is not adequate for pedestrians and cyclists mixing with passing RVs; and that crossing Fred Hudson Road or Cedar Neck Road is not only difficult due to traffic, it is dangerous.

The Commission found that Mr. Burbage, in response to a question, stated that the duplex cottages will be constructed on the site, and that the units are not park model camping units.

The Commission found that Mr. Clark, in response to a question, advised the Commission that the entrance location is not across from Sandy Cove Road, due to the angle of Sandy Cove Road at the intersection with Cedar Neck Road, and that DelDOT made the recommendation that the entrance be across from the entrance into the G and E grocery store site.

At the conclusion of the public hearings, the Commission discussed these applications.

Mr. Johnson stated that he would like to review the PLUS comments prior to acting on these applications, and would have preferred to have the comments prior to the public hearings. In reference to C/Z #1719:

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action with the record left open for the PLUS comments, the Applicants responses to the PLUS comments, and the State's response to the Applicants comments and to leave the record open for 14 days for public review and comment, and additionally the record is to be left open for a LONO (Letter of No Objection) from DelDOT and for the Commission to review the letters and DVD. The 14 day period begins from the time the receipt is announced on a future agenda at a public meeting.

Motion carried 5 - 0.

In reference to C/Z #1720:

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action with the record left open for the PLUS comments, the Applicants responses to the PLUS comments, and the State's response to the Applicants comments and to leave the record open for 14 days for public review and comment, and additionally the record is to be left open for a LONO (Letter of No Objection) from DelDOT and for the Commission to review the letters and DVD. The 14 day period begins from the time the receipt is announced on a future agenda at a public meeting. Motion carried 5 - 0.

In reference to C/U #1944:

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action with the record left open for the PLUS comments, the Applicants responses to the PLUS comments, and the State's response to the Applicants comments and to leave the record open for 14 days for public review and comment, and additionally the record is to be left open for a LONO (Letter of No Objection) from DelDOT and for the Commission to review the letters and DVD. The 14 day period begins from the time the receipt is announced on a future agenda at a public meeting. Motion carried 5 - 0.

















