



Sussex County Council Public/Media Packet

**MEETING:
September 25, 2018**

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**Sussex County Council
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GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

SEPTEMBER 25, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation

Peggy Geisler, Sussex County Health Coalition - 'Sussex Goes Purple' Campaign

Todd Lawson, County Administrator

- 1. Wastewater Agreement No. 558-15
Sussex County Project No. 81-04
Peninsula Lakes – Phase 17 (Construction Record)
Long Neck Sanitary Sewer District**
- 2. Administrator's Report**

Janelle Cornwell, Planning and Zoning Director

- 1. Receipt of PLUS comments from the Office of State Planning Coordination regarding the 2018 Comprehensive Plan**

Old Business

- 1. Conditional Use No. 2127 filed on behalf of Wine Worx, LLC**



Hans Medlarz, County Engineer

- 1. Milton Public Library Bulkhead Replacement, Project #18-09**
 - A. Balancing Change Order and Substantial Completion**
- 2. Route 54 Expansion of the Fenwick Area of the Unified Sanitary Sewer District, Project #14-10**
 - A. Balancing Change Order and Substantial Completion**

John Ashman, Director of Utility Planning

- 1. Presentation and recommendation for the Robinsonville Road Infrastructure Use Agreements**
 - A. IUA-1085 Acadia**
 - B. IUA-1088 BeachTree Preserve**
 - C. IUA-1078 Headwater Cove**
- 2. Assumption of Professional Engineering Services for Solutions IPEM for Robinsonville Road Core Infrastructure**

Grant Requests

- 1. Woodbridge High School Marine Corps JROTC Booster Club for 5K event fundraiser**
- 2. Greater Lewes Foundation for the Cape Community Fund (Neighbors Helping Neighbors Project)**
- 3. Woodland School House Association for the Woodland Heritage Festival**
- 4. City of Seaford for the Police Department's Annual Night Out Against Crime & Drugs**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2139 filed on behalf of Arctec Properties, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE WAREHOUSE FOR SMALL CONTRACTORS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS” (lying on the west side of Sussex Highway (Route 13), approximately 0.75 mile north of East Newton Road) (Tax I.D. No. 530-17.00-10.00) (911 Address: 14906 and 14910 Sussex Highway, Bridgeville)

Conditional Use No. 2140 filed on behalf of Santay Trucking c/o Samuel Connors

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS, LANDSCAPE AND MATERIAL STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (lying on the west side of DuPont Blvd. (Route 113) approximately 0.5 mile south of VFW Road (Tax I.D. No. 230-31.00-27.00, 27.01 and 27.02) (911 Address: 14292 DuPont Blvd., Ellendale)

Change of Zone No. 1855 filed on behalf of Kirk Salvo, KH Sussex, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS” (located on the south side of John J. Williams Highway (Route 24) approximately 954 feet west of Angola Road, also being the southwest corner of John J. Williams Highway (Route 24) and Angola Road, and being on the west side of Angola Road, approximately 250 feet south of John J. Williams Highway (Route 24) (Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 18, 2018 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 18, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 18, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 501 18
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 11, 2018 were approved by consent.

**M 502 18
Approve
Consent
Agenda
Items**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:

- 1. Wastewater Agreement No. 1042-3
Sussex County Project No. 81-04
Truitt Homestead – Phase 2 (Construction Record)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- 2. Wastewater Agreement No. 1011-3
Sussex County Project No. 81-04
Saddle Ridge – Phase 2
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

**M 502 18
(continued)**

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

**Response to
Delaware
Coalition
for Open
Government**

Mr. Lawson referenced the letter from the Delaware Coalition for Open Government regarding the many issues raised in their correspondence focused on the Board of Adjustment. Mr. Lawson reviewed the draft response letter that was written in coordination with the County's legal staff which addresses the following topics raised by the Coalition: accessibility to the Board's key documents in a usable format, lack of public input to the Board's operation during a meeting, no administrative mechanism for opponents of cases brought to the Board to challenge Board decisions, and the Board not properly administering oaths and affirmations in obtaining testimony in cases. Specifically discussed were issues relating to Findings of Fact, general/public comments, appeal period, oaths and affirmations, and rules.

Questions were raised about the appeal process. Jamie Sharp, Assistant County Attorney, discussed appeals (to a Board of Adjustment decision) that go to Superior Court and appeals that go to the County. Appeals that go the Court must meet a 30-day time period and do not stay the applicant from acting on the Board's decision; however, applicants can proceed at their own risk. Appeals (for re-hearing or re-argument) that go to the Board of Adjustment must be made within a 10-day time period following the posting of Findings of Fact; appeals must meet certain criteria. Mr. Cole recommended that full disclosure be provided regarding the appeal process.

**Adminis-
trator's
Report**

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

1. "Stockings for Soldiers"

Sussex County government is again joining Sussex County Volunteer Delaware 50+ and the State Office of Volunteerism in collecting donated items for deployed servicemen and women who are serving during the holidays. A donation box for "Stockings for Soldiers" has been placed in the County Administrative Offices building and includes a shopping list for deployed men and women, as well as our K9 soldiers. Donations to the County's box will be accepted up to October 31st. The public along with County employees are encouraged to join in and give back to the men and women (and K9s) who serve our country.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Truitt Homestead - FM & PS - Phase 1B (Construction Record), Oak Creek - Phase 2 (a/k/a Sawgrass North), and Oak Creek - Phase 3 (a/k/a Sawgrass North), effective September 10th; and The Overlook (aka Bayville Pointe), Phase

**Adminis-
trator's
Report
(continued)**

4, effective September 12th.

3. **Richard "Norris" Derrickson**

It is with sadness that we note the passing of County pensioner Richard "Norris" Derrickson on Sunday, September 9th. Mr. Derrickson began his career with Sussex County in April 1978 and retired from the South Coastal Regional Wastewater Facility as a Communication Supervisor in January 2009 with over 30 years of service. We would like to extend our condolences to the Derrickson family.

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

**Sussex
Fire &
Ambulance
Companies
Radio
Issue**

Joe Thomas, Director of Emergency Operations, reported on a potential radio issue involving the emergency 800 MHz radio system used by emergency responders in Sussex County and Maryland. Sussex County Emergency Operations Center was notified of an issue that has surfaced as a result of Wicomico and Worcester counties switching to new public safety radio systems with Phase 2 programming. Mr. Thomas reported that several Sussex Fire Departments that border these Maryland counties need access to these radio systems for daily mutual aid responses. Delaware radio systems have Phase 1 programming instead of Phase 2 programming; the solution to this issue is for the Delaware radios to be upgraded with a flash kit to the Phase 2 programming at a cost of approximately \$76,000. Mr. Thomas reported that Delaware Emergency Management Agency is proposing to fund this project in the approximate amount of \$75,000. No action was required on this date due to DEMA's funding offer.

**Online
Map
Presenta-
tion**

Megan Nehrbas, GIS Manager, and Joel Marshall, GIS Programmer, presented the new version of the online mapping viewer which includes enhancements and updated functionality. Highlights include the following:

- compatibility across all platforms on mobile devices (both tablet and handheld friendly)
- new search capabilities including searching parcels by subdivision and searching addresses by Tax ID, and searching addresses by Tax ID including with an assessment unit number
- new printing layouts and formats
 - only get the information in the legend that is relevant to the mapping selections and the layers that are turned on versus the blanket template
 - the attribute information displayed on the map shows up on the layout as well

Ms. Nehrbas also reviewed updates to the sewer maps; the updated functionality is a result of the full conversion from CAD to GIS.

**Herring
Creek Area
Expansion
Phase III/
General
Obligation
Bond
Funding
and USDA
Funding**

Hans Medlarz, County Engineer, reported that on July 9, 2016, the voters of the proposed Herring Creek Sewer Area approved the sewer district expansion. On August 2, 2016, the Council issued a determination and officially created the Herring Creek Area Expansion of the Sussex County Unified Sanitary Sewer District. On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Due to the size of the project, USDA approached the County with a phasing plan (three phases). On June 21, 2017, the County accepted the letter of conditions and the obligating document associated with Phase 1 in the amount of \$4,287,000 of loan and \$990,000 of grant funding. On January 30, 2018, Council approved the USDA Loan Resolution for Phase 1 and introduced the associated ordinance which was heard and approved by Council on March 13, 2018. On June 8, 2018, the County accepted the letter of conditions and the obligating document associated with Phase 2 in the amount of \$5,600,000 of loan and \$1,899,000 of grant funding. On June 19, 2018, Council approved the USDA Loan Resolution for Phase 2 and introduced the associate ordinance which was heard and approved by Council on July 17, 2018. On August 2, 2018, the County accepted the letter of conditions and the obligating document associated with Phase 3 in the amount of \$5,601,000 of loan and \$1,900,000 of grant funding. The Finance and Engineering Departments recommend approval of the USDA Loan Resolution for Phase 3 and introduction of the associated ordinance authorizing the issuance of up to \$5,601,000 of general obligation bonds of Sussex County in connection with the construction and equipping of Phase 3 of the Herring Creek Area Expansion of the Unified Sanitary Sewer District.

**M 503 18
Authorize
USDA
Loan
Resolution**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Herring Creek Area Expansion Project, Phase III, be approved.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,601,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

The Proposed Ordinance will be advertised for Public Hearing.

James Farm Master Plan Implementation/ Bid Results Mr. Medlarz presented the bid results for the James Farm Master Plan Implementation, Phase I, Cedar Neck Road Entrance, Contract C19-02A. Three bids were received and the low bidder was Gateway Construction Inc. in the bid amount of \$97,597.50. The Engineering Department recommends awarding the project to Gateway Construction, Inc. If approved, the Engineering Department will be providing construction management services. Mr. Medlarz reported that one-half of the funding is State funding and the other half of the funding was included in the FY 2018 Budget.

M 504 18 Award Bid/ James Farm Master Plan Implementation A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Contract C19-02A, James Farm Master Plan Implementation, Cedar Neck Road Entrance work, be awarded to Gateway Construction for the low bid price of \$97,597.50.

Motion Adopted: 4 Yeas, 1 Nay.

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

Plantation Road Expansion/ Request to Post Notices John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The expansion was requested by Davis Bowen & Friedel on behalf of their clients, LMHT, LLC for Parcel 334-12.00-37.01. Mr. Ashman reported that the Engineering Department would like to include Parcel 57.02 (EMS Station) as part of the expansion.

M 505 18 Post Notices/ Plantation Road Expansion A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Engineering Department is authorized to prepare and post notices for the Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area), as presented.

Motion Adopted: 5 Yeas.

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

Old Business/ CU 2127 Under Old Business, the Council discussed Conditional Use No. 2127 filed on behalf of Wine Worx, LLC, a request for an event venue at a farm winery. The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval with the following conditions:

**Old
Business/
CU 2127
(continued)**

- A. All events shall end no later than 10:30 p.m. and clean up may occur after 10:30 p.m.**
- B. Food and beverage service and music or similar entertainment is permitted.**
- C. As stated by the Applicant, there shall be no more than 200 people at any event.**
- D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- E. All entrance locations shall be subject to the review and approval of DelDOT.**
- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

The Council held a Public Hearing on this application on June 5, 2018 at which time action was deferred.

**M 506 18
Amend
Conditions/
CU 2127**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to delete Conditions A through F (recommended by the Planning and Zoning Commission) in their entirety and the following instituted in their place:

- A. Events shall be strictly limited to the front portion of the parcel commencing at Blackwater Road (County Road 384) and running approximately 1228.94 feet. No events shall be permitted in the back portion of the parcel.**
- B. Events shall be limited to Fridays and Saturdays only. All events shall end no later than 10:00 p.m.**
- C. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.**
- D. Certain agritourism activities such as “barn parties and farm festivals” as set forth in 9 Del. C. §306(a) are permitted. Concerts shall be prohibited.**
- E. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.**
- F. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshal’s determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.**
- G. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- H. All entrance locations shall be subject to the review and approval of DelDOT.**
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Request to
Defer**

Mr. Arlett stated that he would like to defer action on this matter for one week so that he can review the record of the public hearing.

**Motions
Withdrawn**

Mr. Cole and Mr. Burton withdrew their Motions.

**M 507 18
Defer
Action on
CU 2127**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action for one week on Conditional Use No. 2127 filed on behalf of Wine Worx, LLC.

Motion Adopted: 5 Yeas.

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

**Old
Business/
Special
Events
Ordinance**

Under Old Business, the Proposed Ordinance relating to Special Events was discussed.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 26, 2017. The Commission recommended withdraw of the Proposed Ordinance.

The County Council held a Public Hearing on this application on January 16, 2018 after which the record remained open for 30 days.

County Council discussed the Proposed Ordinance on September 11, 2018 and amendments were proposed on that date.

Mr. Lawson, along with Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance, with amendments, for Council's consideration. It was noted that at the September 11, 2018 meeting, the following was presented: proposed amendments to the Special Events Ordinance, a new Special Event & Public Safety Services Policies and Procedures, and a new Special Events Application.

Mr. Robertson reviewed revisions to the Proposed Ordinance which included the following: confirms the County is not going to govern events that are consistent with the permitted use of a property (i.e. fire halls, VFWs, American Legions, etc.); confirms that the County is not going to govern events that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities, and schools; places in list form the examples of items to be considered by the Director rather than including them in the body of the paragraph; confirms that any event, regardless of size, location, use, or duration, will need to coordinate with Sussex County over public safety coverage; and incorporates by reference the Sussex County Special Event & Public Safety Services Policies and Procedures, which gives details on the implementation of the ordinance.

M 508 18

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council amend the "Special Events" Ordinance to

**M 508 18
Amend
Special
Events
Ordinance
(continued)**

address many of the comments that were received at the public hearings on the Ordinance; and

during the public hearings, the public expressed concern about how special events would be treated on certain locations; and

these proposed amendments confirm that events are permitted on properties where the type of event is typical for that type of property; examples include events and gatherings at fire halls, VFWs and American Legions, fraternal organizations, churches and similar organizations; and

the proposed amendments also clarify that no review by one Planning and Zoning staff is required for lands owned by the United States, the State of Delaware, municipalities, or educational institutions; those types of events would still be subject to the County Policy regarding County EMS coverage; and

the public also said that the Ordinance could have been more clearly drafted; the proposed amendments reorganize some of the Ordinance wording, and place the criteria that the Planning and Zoning Director can consider into a list form; and

Council has had concerns about what should happen if an event coordinator does not comply with the County's Special Event & Public Safety Services Policies and Procedures; the proposed amendments add a sentence to confirm that the County has the ability to terminate an administrative approval if the policies are not followed;

for these reasons and others stated in the record, the "Special Events" Ordinance shall be amended by replacing the introduced wording in lines 40-69 Section 1 regarding §115-20A(13), lines 112-141 of Section 4 regarding §115-69A(27); lines 169-198 of Section 6 regarding §115-77A; lines 231-260 in Section 8 regarding §115-83.2A; and lines 297-326 in Section 10 regarding §115-85A with the following inserted language:

Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the zoning ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, Municipalities and Educational Institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.

**M 508 18
Amend
Special
Events
Ordinance
(continued)**

No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one (1) calendar day, not including reasonable set up and removal time when the event is not otherwise underway.

In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:

- a) the estimated number of attendees;*
- b) the size of the parcel where the special event is to be located;*
- c) the parking requirements of the special event;*
- d) roads and traffic patterns providing access to the special event;*
- e) prior events conducted by the applicant;*
- f) noise, light, odor and dust generated by the special event;*
- g) proposed hours of operation and number of consecutive days; and*
- h) such other considerations that may be applicable to the requested event.*

The Director or his or her designee may impose conditions upon an administrative approval.

All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event & Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event & Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.

Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

Motion Adopted: 5 Yeas.

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

**M 509 18
Defer
Action
/
Motion
Denied**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action for two weeks on the Proposed Ordinance relating to Special Events.

Motion Denied: 4 Nays, 1 Yea.

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

**M 510 18
Adopt
Ordinance
No. 2599**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2599 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA,

**M 510 18
Adopt
Ordinance
No. 2599
(continued)**

AND XII BY AMENDING SECTIONS §§115-20, 115-22,115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 AND 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 AND M DISTRICTS”, as amended.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Con-
tinuation
of Public
Hearing/
Forested
and/or
Land-
scaped
Buffers
Ordinance**

The Public Hearing was continued on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE I AND III, SECTIONS 99-5 AND 99-16 OF THE CODE OF SUSSEX COUNTY RELATING TO FORESTED AND/OR LANDSCAPED BUFFERS”.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on August 9, 2018 at which time action was deferred. On August 23, 2018, the Commission deferred action again. On September 13, 2018, the Commission recommended denial.

The County Council held a Public Hearing on this application on September 11, 2018 at which time the Public Hearing was continued until September 18, 2018 (for written comments and for anyone to speak that did not speak on September 11, 2018).

Janelle Cornwell, Planning and Zoning Director, reported that 12 additional letters/emails have been received in support of the Proposed Ordinance and 1 letter/email has been received expressing concern about the Proposed Ordinance.

Public comments were heard.

David Johnson raised questions regarding this Public Hearing on one form of buffers and the buffer workshop scheduled on this date for another form of buffers.

Terry August, Gail Van Gelder, Jeanette Akhter, Keith Steck, and Maryanne Ennis spoke in support of the Proposed Ordinance. They stated that increasing the buffer between subdivisions will maintain and enhance the rural character of the County; that there are benefits to protecting and preserving buffers with established trees; that trees provide protection during weather events; that buffers provide more privacy and security between subdivisions; that buffers add value to land and home ownership; that more trees are needed to offset impervious surfaces; that buffers are good for watershed protection and habitat protection; that greenspace is needed; and that the expansion of buffers will benefit farmers.

**Public
Hearing
(continued)**

Mr. Johnson submitted photos of the Red Fox Run area into the record.

Charlie Timmons (representing the Associated Builders and Contractors Delaware Chapter), requested that the County do due diligence on ordinances relating to buffers or density calculations and stated that the organization is willing to offer members to advise and provide expertise on these topics.

There were no additional public comments.

**Public
Hearing
Closed**

The Public Hearing and public record were closed.

No action was taken.

**Introduction
of Proposed
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE OR LESS” (Conditional Use No. 2153) filed on behalf of Cassandra Toroian (Tax I.D. No. 334-13.00-181.00) (911 Address: 35568 Airport Road, Rehoboth Beach).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 158.75 ACRES, MORE OR LESS” (Conditional Use No. 2155) filed on behalf of Stockley Materials, LLC (Tax I.D. No. 231-6.00-21.00 and 22.01) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS” (Change of Zone No. 1869) filed on behalf of WMF Watercraft and Marine (Tax I.D. No. 234-34.08-45.00) (911 Address: 32676 Oak Orchard Road, Millsboro).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.001 ACRES, MORE OR LESS” (Change of Zone No. 1870) filed on behalf of

(continued) **Coroc/Rehoboth III, LLC (Tax I.D. No. 334-13.00-325.36) (911 Address: None Available).**

Council Members' Comments **Council Members' Comments**

Council Members' Comments **Mr. Arlett acknowledged Delaware's First Responders that have travelled to North Carolina to assist with hurricane relief efforts.**

M 511 18 Recess/Go Into Executive Session **At 12:26 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess and go into Executive Session to discuss matters relating to pending/potential litigation and land acquisition.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:28 p.m., an Executive Session of the Sussex County Council was held to discuss matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 1:26 p.m.**

M 512 18 Reconvene Regular Session **At 1:28 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

Action **There was no action on Executive Session matters.**

M 513 18 Recess **At 1:29 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess (to travel to the West Complex where the Buffer Workshop will be held).**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 514 18 Reconvene **At 1:45 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

**M 514 18
(continued)**

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

**Buffer
Workshop**

A Buffer Workshop was held with the Planning and Zoning Commission.

The following were in attendance:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Janelle Cornwell	Planning and Zoning Director
Hans Medlarz	County Engineer
J. Everett Moore Jr.	County Attorney
Vince Robertson	Assistant County Attorney
Robert Wheatley	Planning and Zoning Commission
Kim Hoey Stevenson	Planning and Zoning Commission
Holly Wingate	Planning and Zoning Commission
Chris Bason	Center for the Inland Bays

Mr. Lawson stated that the purpose of the workshop was to discuss tidal and non-tidal wetlands buffers. The discussion included current buffer requirements, buffer regulations, and wetlands examples.

At the conclusion of the workshop, it was noted that action points will be developed to provide a summary of the discussions held during the workshop. Those action points include the following:

- **The Code should clearly state that the buffers are outside of any lot lines.**
- **Clarify the “ditch” issue- i.e. that buffer zones are not required by Code from any tax ditch or other manmade body of water.**
- **Reference the CIB’s benefits of buffers:**
 - **Pollution control**
 - **They keep sediments out of the water**
 - **Wildlife**
 - **Sea level rise (“a buffer is a future wetland”)**
- **Correct the current definition of “Buffer Zone” in 115-193 to eliminate the choice (as currently worded) between maintaining “a naturally vegetated area” or creating a new “area established in vegetation”. (Basically require maintaining the current natural buffer.)**
- **Add a requirement that streams and tidal wetlands are non-disturbance areas.**
- **A better buffer plan while still maintaining the economic value of the land.**

**Buffer
Workshop
(continued)**

- **Fix the cluster ordinance and the ESDDOZ subdivision design to emphasize buffers in the design of them.**
- **Revisit the open space design requirements of cluster and ESDDOZ subdivisions.**
- **Recognize that there may be a difference between standard (3/4 acre lot) subdivisions and smaller-lot subdivisions.**
- **Incentivize better/bigger buffers and/or better use of open space.**

**M 515 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 3:54 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

(Mr. Wilson was present during the Workshop but arrived late and left early, as reflected in the votes.)

Respectfully submitted,

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

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

September 17, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
PENINSULA LAKES - PHASE 17 (CONSTRUCTION RECORD)
AGREEMENT NO. 558 - 15

DEVELOPER:

Mr. Dennis Stattman
Peninsula Lakes, LLC
902 Carnegie Center, Suite 300
Princeton, NJ 08540

LOCATION:

Bay Farm Road and Legion Road

SANITARY SEWER DISTRICT:

Long Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

24 Single family lots.

SYSTEM CONNECTION CHARGES:

\$152,640.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
7/20/15

Department of Natural Resources Plan Approval
04/1/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90
Construction Admin and Construction Inspection Cost – \$13,104.68
Proposed Construction Cost – \$87,364.50



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

ENGINEERING DEPARTMENT

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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

September 25, 2018

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. 558-15 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "PENINSULA LAKES, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "PENINSULA LAKES – PHASE 17 (CONSTRUCTION RECORD)", LOCATED IN LONG NECK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 558-15

TODD LAWSON
COUNTY ADMINISTRATOR



JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator
Everett Moore, County Attorney
Vince Robertson, Assistant County Attorney

Date: September 20, 2018

RE: County Council memo regarding PLUS comments for the 2018 Comprehensive Plan

On Tuesday, I will discuss the Preliminary Land Use Service (PLUS) comments with Council. The Planning and Zoning Department submitted the 2018 Comprehensive Plan to the State for the as part of the PLUS certification process. The PLUS meeting was held on August 22, 2018. The Planning and Zoning Department has received the PLUS comments regarding the 2018 Comprehensive Plan. The comments are enclosed for your review.

Please let me know if you have any questions.



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



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 20, 2018

Janelle M. Cornwell, AICP
Sussex County
Planning and Zoning Director
2 The Circle
Georgetown, DE 19947

RE: PLUS review 2018-08-11; Sussex County Comprehensive Plan

Dear Janelle:

Thank you for meeting with State agency planners on August 22, 2018 to discuss the Sussex County comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Congratulation to the county on completing your draft plan. After reading the plan it is clear the amount of time and effort that went into the plan. The County's outreach efforts, from the focus groups, the numerous public workshops, and monthly public comments at Planning and Zoning meetings kept the public engaged through the entire process. As the county has many seasonal residents, it was important the people could comment both on-line or in person.

The certification comments in this letter are based on a review by OSPC and agency staff which was guided by the county comprehensive plan requirements as embodied in the "Quality of Life Act" (9 Del. C § 6956). Comprehensive plans are complex documents that are developed to meet the unique needs and vision of each local jurisdiction. When responding to these comments, it is acceptable to point out applicable plan sections that the reviewer may have missed, or plan text or maps from multiple chapters that can address the Del. C. requirements.

General Comments:

- From the Office of State Planning Coordination: The plan lays out a growth scenario to 2045 which include both permanent and seasonal population growth and plans for over 20,000 new homes (permanent and seasonal). With that in mind Sussex County is home

to many important environmental features such as the beaches, the wetlands, vast forested areas, and habitats for a vast array of plant and animal species. Talking with residents of the county it is these exact features coupled with the rural farming areas west of the beach areas that brought them here for vacation or retirement living. It is these features that will continue to bring new residents to this area; therefore, it is important that the County balance the need for additional house with the protection of our most valued resources.

Looking at the Objectives, Goals, and Strategies it appears that the County is willing to make the effort to find these balances. It is imperative that the county follow through with the goals, objectives, and strategies set forth in the plan to help preserve the environmentally sensitive features in the county and to protect the towns from the burden of growth they have not planned for at this time.

It is only by the follow through of these goals, objectives, and strategies that the county will give the citizens the quality of life they have been promised during the drafting and approval of this plan.

- From the Department of Transportation: DelDOT appreciates the opportunity to work with the County on this Plan and looks forward to working with the County on implementing it.
- From the State Historic Preservation Office: The updated Comprehensive Plan includes a greatly expanded section on Historic Preservation (Chapter 10), which highlights the role of the Historic Preservation Planner and recent accomplishments. The chapter gives a summary of the county's history, includes a list of over one hundred-forty-five National Register listings and discusses preservation partners in greater detail. This chapter underscores the importance of successfully collaborating with others to achieve common goals. The plan also includes a list of organizations and programs that may offer assistance in preserving historic properties.

The updated Comprehensive Plan also mentions ways they can protect historic properties (restoration through historic preservation tax credits, adaptive reuse and preservation ordinances) and identifies municipalities in Sussex that established Historic Districts, some of which have local protection ordinances.

- Per DART, the County discusses a reduction in ridership as being a major challenge, but this is a symptom of a problem, not the problem itself. The challenges should be revised to a lack of transit infrastructure, including appropriate roadway widths, low density land uses and distances between town centers, and transit unfriendly designs.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of 9 Del. C § 6956 and 29 Del Code §9103

Certification Issues by chapter

Chapter 3 – The Planning Process

- 3.4.1 Plan Review, Approval and Adoption - Text should be changed to reflect that the Cabinet Committee on State Planning Issues has the final review and recommendation to the Governor for County plans. Code language regarding adoption is at the end of this letter.

Chapter 4 – Future Land Use

- In accordance with 9 Delaware Code §69, DSHA reviewed the draft 2018 Sussex County Comprehensive Plan to determine how the County incorporated the State’s goals, policies and strategies as they relate to affordable housing. DSHA has the following certification concern.

9 Del Code §6956 (g) (1) and §6956 (g) (6) (d): ***The Future Land Use Map does not adequately show the distribution, location and extent of the various categories of land use. As written, the proposed Future Land Use Plan Chapter is prohibitive to medium to high density residential development in areas where the acute need for affordable housing is well documented and the County’s stated intent is to encourage most concentrated new development, including higher density residential development.***

The Plan narrative encourages the most concentrated forms of new development to Growth Areas – which include Town Centers, Developing Areas, and Coastal Areas. The goal to “expand affordable housing opportunities, particularly in areas near job centers and DSHA-defined Areas of Opportunity” is included in both the Future Land Use and Housing Chapters. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed. *It is important to note that the Areas of Opportunity closely align with Coastal Areas.*

Affordable housing development is contingent on a land use framework where medium and higher density is permitted *by right*. Otherwise, considerable public opposition to new development, particularly multi-family, will stop the development from proceeding. Below shows the proposed treatment of medium to high density (4 to 12 dwelling units per acre) residential development for the following land use classifications for Growth Areas.

Town Centers: Medium to high density is encouraged via a mix of housing types including medium to high density. The proposed Future Land Use Map locates Town Centers near Milford, Milton, Selbyville, and Delmar.

Developing Areas: Medium to high density is appropriate, but not for all locations. The proposed Future Land Use Map locates Developing Areas mostly on the County's western side and down central 113 corridor and none in Areas of Opportunity. There are additional conditions for medium to high density – central sewer, sufficient commercial uses, similar surrounding density, similar to the surrounding uses, adequate LOS or not negative impact to the LOS, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers.

Coastal Areas: Medium to high density residential is not appropriate for all locations. According to the proposed Future Land Use Map, Coastal Areas are on the eastern side of the County and align with DSHA's Areas of Opportunity – an area that the County states they want to expand affordable housing opportunities and where the need for affordable housing is most critical. In addition to the above statement, there are several additional conditions – central sewer, sufficient commercial uses, within Level 1 or Level 2 *Strategy for State Policies and Spending*, similar surrounding density, similar to the surrounding uses, and along the main road and or near a major intersection.

The only criteria for medium and high density should be its location on central water/sewer, and proximity to job centers. Applying additional criteria to medium and high density development to be similar to the surrounding density and surrounding uses in a resort area of mostly single-family detached units will almost certainly prohibit proposals that enable affordable housing. Including these criteria in an adopted Comprehensive Plan will provide legal justification to deny the development.

Facilitating affordable housing for current and future residents is a federal, state *and local issue*. At a time when Federal resources for housing are diminishing, this is especially critical given the tremendous need for affordable housing within Sussex County's Coastal Area - particularly for the many employees commuting in from western Sussex County. Strong market forces and limited land do present challenges to affordable housing. However, the County has a powerful mechanism in an adopted land use framework that can and should reasonably permit, if not proactively encourage, medium and high density development (defined by the County as 4 to 12 dwelling units per acre) which will then increase the likelihood that affordable housing can realistically occur. DSHA requests the County to revise the Future Land Use Plan and corresponding maps to ensure adequate sites for future housing, including affordable housing can be provided in accordance with 9 Del. Code §6956 (g)(1) and §6956 (g)(6)(d).

- The Future Land Use section must include a future land use plan element designating proposed future general distribution, location and extent of uses of land for such activities as residential, commercial, industry, agriculture, recreation, conservation, EDUCATION, PUBLIC BUILDINGS and grounds, other public facilities and other categories of public and private uses of land. Please identify where and how the land use

plan addresses “schools” and “public buildings and grounds, and public facilities,” including anticipated requirements for future public facilities.

- Future Land Use Map - There are three shades of green on the FLU map - Protected lands, AG Districts, and Ag Easements. According to table 4.5.2 protected lands include agricultural preservation easements. This should be clarified on the map or in the table to be consistent.

Chapter 5 – Conservation

- The Delaware code section, page 3 of our checklist asks for the identification of a long list of resources. Please indicate where and how the plan identifies these resources, specifically habitat areas, geological areas, ocean beaches, soils and slopes.

Chapter 6 – Recreation and Open Space –

- Map 6.2-1. Beaches should be identified on the map

Chapter 7 - Utilities

- 7.3 - The plan must contain a water and sewer element correlated to the principles and guidelines for future land use, indicating ways to provide for future wastewater disposal for the area. This plan has referenced the need for 18,458 new dwelling units for permanent residents and 2,200 new for seasonal residents. Please clarify that the county will have adequate sewer capacity for the planned future growth of the county. The State would like to verify that you have planned for the accommodation of future growth through existing or planned utilities keeping in mind the consideration of expected environmental changes. **As part of this discussion the county should include their Sewer Service Area map.**

EXAMPLE: It is expected that the county will lose capacity at Wolf Neck plant in the future due to Sea Level Rise – is there a plan in place to move that capacity?

Recommendations: Our office strongly recommends that the County consider these recommendations from the various State agencies as you review your plan for final approval.

Recommendations by chapter

Chapter 4 - Future Land Use

- The County has defined their growth areas around towns which included most, if not all of the towns identified annexation areas. The state supports growth around town; however it is important to note that many of our towns set both short and long term annexation areas to ensure services are available as the town grows. The towns hope to

grow to that areas someday but set the annexation areas as a way to control the future development of the town. The County growth areas around the towns, with proposed densities of 2-12 unit to the acre will be higher density than many towns are not prepared for at this time and any new homes, whether in the town limits or just outside, will use the infrastructure of the town (police, fire, roads, etc.). It is important for the County to develop these areas with respect to the town plans for the future and with compatibility to the existing town which will neighbor the new development. This can be done in many ways including MOAs with the towns or with master planning of the areas before development is approved. The state encourages the county to begin working with the towns immediately upon adoption, and before development applications are received, to determine future growth scenarios that will complement the town's future growth areas.

- The maps can be difficult to read at scale in plan or on-line. The county should consider an interactive map once the final plan is certified.
- 4.4.2 Strategies for State Policies and Spending - - It is recommended that the County add the following at the end of the discussion on the Strategies document;

It is important to note that the maps contained within the Strategies for State Policies and Spending document are not "parcel-based," so it is still necessary to thoroughly investigate the constraints of particular land parcels, even though they may be contained in one of the growth-oriented investment levels of the *Strategies for State Policies and Spending*. For example, if a parcel is in Level 1 but contains extensive wetlands it may not be suitable for dense development or state infrastructure investment. It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land-development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.

- Page 4-14, 4-15, and 4-17 Infrastructure bullet: It is recommended that the words 'provided a septic permit can be approved' be added to the end of the sentence if central utilities are not possible, permitted densities should be limited to two units per acre
- Goal 4.2 - Many towns are already focusing on resiliency. The County should add an objective or strategy for an ordinance to ensure that County development in the growth areas around towns should match the current town standards on resiliency.
- Map on pg. 4-23: Please note that the future land use designation for Industrial Areas around Millsboro include portions of the state Coastal Zone. The state Coastal Zone Act prohibits new heavy industrial development in this area. There is grandfathered industrial activity there today, any future development must be consistent with the Act.

- Strategy 4.1.4: DNREC supports redevelopment efforts and can provide information about the various state brownfield programs to assist with this goal.
- Goal 4.3: DNREC supports this goal, and can provide assistance in ordinance development. In addition, there may be funding available for these activities.
- Goal 4.4: DNREC supports infill and redevelopment strategies that relieve development pressure outside of growth zones, as well as continued brownfield redevelopment. DNREC has specific programs to advance such efforts and we encourage you to partner with us on redevelopment programs.
- Figure 4.2-2 Developed and Protected Land (Page 4-3): The parcels enrolled in the State's Agricultural Lands Preservation Program change frequently. Please contact the Department's GIS Coordinator Jimmy Kroon for the latest update layer (698-4533).
- 4.4 Future Land Use Plan (Page 4-8 and 4-9): The Department appreciates and supports the county's commitment to promote farming and agribusiness. It also supports the county's recognition of agricultural areas and farms enrolled in the state's Agricultural Lands Preservation program when designating rural versus growth areas in the county.
- Page 4-18: The department appreciates the support of farmland preservation, agribusiness, and agricultural protections mentioned on this page.

However, the Department of Agriculture would further encourage the county mention the specific protections afford to all eligible farmland located in the county somewhere in the plan as well (perhaps a footnote or strategy following page 4-27 or Page 12-12; 12.3.16 "Buffering and Landscaping"). Specifically, the protections granted in Sussex County Code (§99-6 General Requirements and restrictions (G)(1) and (2); the forested buffer requirement for developing properties adjacent to agricultural farmland mentioned in Sussex County Ordinance §99-16 (D) "Suitability of land; preservation of natural features".

Chapter 5 – Conservation

- 5.2.4.6 Should be changed from Severe Storms to Severe Weather. Periods of Extreme Heat and Extreme cold should also be considered under this section - - Does the County have cooling stations or places to go if there are several days of extreme cold? Do you have programs that contact older residents to check in during these times? Do you have a plan for mitigation of brief large rainfalls such as the ones many have experienced this summer. Are these items in your Hazard Mitigation Plan? The state recommends a broader discussion on the Hazard Mitigation Plan in the conservation section, to discuss what exactly is in the hazard mitigation plan and to include how the county will use the Hazard Mitigation Plan information to balance the proposed growth over the next 10-30 years with the protection of sensitive areas.

- Objective 5.1.4: One strategy to meet the goal of coordinating with governmental and non-governmental agencies to identify and protect natural resource habitat is to add appropriate properties to the inventory of protected lands in Sussex County, particularly to link together existing state-owned forests and existing open space. DNREC can assist in the identification of appropriate properties.
- Section 5.2.2: There is no mention of DNREC-owned properties in this section, although they represent a significant amount of land within Sussex County. Both state parks and state wildlife areas bear mentioning.
- Figure 5.2-1: The legend is confusing and should be clarified. Does the “Parks” category include municipal parks as well as state parks? “Wildlife Areas” are depicted on the map, but are not described in the accompanying text. Does this category refer to State Wildlife Areas, or other areas?
- Goal 5.2: Encourage protection of farmland and forestland (page 5-19): The Department of Agriculture appreciates the goal and accompanying strategies mentioned on this page. Perhaps the Department's website can be referenced or footnoted so readers can learn more about these programs and how to enroll.
<https://agriculture.delaware.gov/>
- Section 5.2.4.1: DNREC suggests that the Comp Plan list the specific “support use goals” in parentheses following “beneficial uses” (e.g., swimming, fishing, & drinking water supply), in the 3rd paragraph of this section. DNREC further suggests that the Comp Plan mention the specific water quality standards of concern in parentheses following “applicable water quality standards” (e.g., dissolved oxygen, nutrients and bacteria), also in the 3rd paragraph of same section.
- This section should also identify and reference the Inland Bays Pollution Control Strategy and the Watershed Implementation Plan for the greater Chesapeake drainage basin and greater Inland Bays’ drainage basin, respectively.
- The Inland Bays watershed pollution control strategy establishes voluntary best management practices and regulatory actions (primarily stormwater and performance standards for on-site wastewater systems) necessary for attaining the required TMDL reduction requirements and water quality standards necessary for improving water quality in the greater Inland Bays watershed.

As part of TMDL reduction requirements in the greater Chesapeake drainage basin, each jurisdiction within this drainage basin will be required to develop a Watershed Implementation Plan. The Watershed Implementation Plan will detail how pollutant load goals will be achieved and maintained in the future and identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety of sources in the Chesapeake drainage basin. Efforts to develop the documents

necessary to meet the required reductions will be provided through meetings and discussions with an interagency workgroup and various subcommittees recently convened by the State of Delaware. Included in the meetings and discussions are onsite wastewater disposal systems which are a known source of nutrient pollutants to groundwater. In addition, the EPA is tasking the State of Delaware responsibility for developing the WIP with 2-year progress milestones to accelerate efforts to improve and restore waters of the Chesapeake Bay. This may require local jurisdictions to assume some responsibility for BMP implementation to help mitigate pollutant runoff.

- Section 5.2.4.1: The text about the Coastal Zone Act program should be corrected to reflect that the Coastal Zone includes an area of land around the inland bays as well as the Bay and Ocean Coasts. In addition, the text states that heavy industry could be a permitted land use within the Sussex County Coastal Zone. However, according to the Act, heavy industry uses within the delineated Coastal Zone are limited to 14 existing heavy industry sites, none of which are located within Sussex County. The description of 'Status Decisions' should also be clarified in the text. They pertain to a pre-application review of the proposed activity, to determine if a permit is required under the regulations.

The Coastal Zone Act Program is a regulatory program aimed at limiting air and water pollution sources associated with industrial and manufacturing uses, therefore it may be better to move this discussion point to Section 4.6.3. Alternatively, the County may wish to have a separate heading in this section for "coastal areas" and/or consider moving the text about the state Coastal Zone Act into the list of other initiatives that starts on page 5-13. Should a new heading for "coastal areas" be created, the text should mention the Beach Preservation Act and DNREC's role in regulating coastal construction.

- Section 5.2.4.3: DNREC supports the implementation of increased buffer requirements surrounding wetlands, streams, and waterbodies and clarifies that such buffers should be vegetated and not landscaped. More specifically, existing native vegetation should be retained where it exists and in cases where the existing vegetated buffer is not of sufficient size, it may be recommended that existing riparian buffers are expanded and/or enhanced by planting native vegetation. DNREC can offer technical assistance in developing riparian buffer requirements for different types of habitats. Note that buffer distances of ranging between 50 to 300 feet for adequate protection efforts and 100 to 500 feet for optimal protection efforts would be consistent with adequate and optimal distances established by DNREC. Lot lines, roadways, and infrastructure should not be placed within this buffer zone.

Please note that section 404 of the Federal Clean Water Act regulates tidal and freshwater wetlands, not just freshwater wetlands as stated in the text of this section. While wetlands are provided some protections from state and federal laws, some local jurisdictions also have ordinances or laws prohibiting fill or disturbance to these areas. If Sussex has such an ordinance, it would be useful to mention that here.

- Section 5.2.4.4 and 5.2.4.6 Floodplains and Severe Storms: The County has missed an opportunity to more fully describe and address flooding issues in the county in this section and in the Stormwater management section in chapter 7.

Both sections should include a discussion of the effects of climate change in increasing the areas subject to flooding in Sussex. Sea level rise and increasing heavy precipitation events caused by climate change put more residents at risk to flood events and will increase the need for infrastructure upgrades and repairs.

- The discussion of the Hazard Mitigation Plan are appreciated, however, hazard mitigation plans focus on mitigating existing flooding risks, while Comprehensive Plans can be used to reduce future risk by ensuring development and infrastructure are located in the most appropriate areas.
- Please note that the FEMA floodplain maps are used both for determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. The text in this section does not mention the regulatory aspect of the floodplain maps.

This section uses imprecise language to describe the flood risk. The accompanying map depicts the “approximate” and “detailed” 1% chance flood zone, but this is not described in the text in this section. Please ensure that the map legend and text can be read and understood together. Please also consider depicting the 0.2% chance flood on this map.

This section should also note that flooding can, and will likely, occur outside of the mapped floodplain.

- DNREC supports efforts to join the Community Ratings System and other efforts that will improve the preparedness of the County for flooding and storm events.
- Section 5.2.5: In addition to the strategies listed here, Sussex County is also encouraged to help reduce the emissions of greenhouse gases that are the root cause of climate change. Often, strategies to reduce greenhouse gas emissions have co-benefits, such as reducing other air pollutants and saving money. For example, incorporating electric vehicles into the County’s fleet would reduce tailpipe emissions and save money. Sussex County is also encouraged to include electric vehicle charging where feasible in common areas to accommodate cleaner transportation through the area.
- Section 5.3 Environmental Assessments in Coastal Areas: According to the Comprehensive Plan, Sussex County requires all applicants for developments of a minimum size (as specified in zoning) within the Coastal Areas to prepare an environmental assessment. The DNREC Species Conservation and Research Program has experience developing environmental assessment methodologies and offers our technical assistance in developing Environmental Assessment guidelines/requirements tailored to Sussex County’s needs.

- Section 5.3 Mature Tree Protection: The Plan indicates that Sussex County would like to consider the creation of an ordinance designed to protect established, mature, healthy trees during the construction of new developments. The DNREC Species Conservation and Research Program has experience developing such ordinances, and is currently working with New Castle County to develop a variety of ordinances related to the identification and protection of Mature Forests, Forest Interiors and Corridors, and Specimen Trees. DNREC offers our technical assistance in developing similar ordinances tailored to the needs of Sussex County.
- Section 5.4.5: This section should include a paragraph about initiatives to prepare the state for climate change. The state has taken steps to mitigate the causes of climate change by setting greenhouse gas reduction targets and incorporating mitigation and adaptation strategies into planning efforts for state assets and comprehensive planning. Funding and technical resources are available through a number of programs within the Department. Specifically, this section could highlight Delaware Climate Change Impact Assessment and the Recommendations to Adapt to Sea Level Rise in Delaware.
- Section 5.5: DNREC supports your goals, objectives, and strategies in this section. Please note that for all of the strategies listed, DNREC staff can provide technical assistance and Delaware specific information for your use in creating guidance or ordinances for development. Financial assistance may also be available to help implement conservation strategies.
- Strategy 5.3.1.5: DNREC Tanks Management Section (TMS) would strongly support the re-evaluation of this ordinance and consideration of prohibiting Underground Storage Tanks in wellhead protection areas or excellent recharge areas.
- Objective 5.3.3: DNREC encourages the County to be proactive and include more specific “actionable” strategies to attain the TMDL nutrient and bacteria reductions necessary for restoring water quality and “beneficial uses” (e.g., fishing, swimming, & drinking water) to waters of the Inland Bays drainage basin, Inland Bays drainage basin, and the Delaware River drainage basin. To this end, DNREC recommends that the County consider the following strategies:
 - Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).
 - Require a 100-foot upland buffer width from all field-delineated wetlands or waterbodies (including ditches).
 - Implement an impervious surface mitigation plan specifically requiring the use of pervious paving materials in all parking areas for all projects with 20% or more total post-development surface imperviousness. In high density (usually commercial) developments with post-development surface imperviousness of 50% or more,

DNREC suggests half of total areas of imperviousness in paved areas contain pervious pavers, including the entire parking lot areas.

- Require the calculation for surface imperviousness to include all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.
 - Exclude structural best management practices such as community wastewater treatment areas, open-water storm water treatment structures, and natural areas containing regulated wetlands from consideration as open space.
 - Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed (Delaware Class D) and certified (CPSS) soil scientist.
 - Require use of “green-technology” storm water management in lieu of “open-water” storm water management ponds whenever practicable.
 - Require the assessment of a development project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices to meet the required TMDLs for the affected watershed in question.
- Objective 5.3.5: DNREC would like to see special considerations regarding the placement of any future Underground Storage Tanks or Above Ground Storage Tanks in an area vulnerable to climate change and storm surge.
 - Goal 5.4: You may wish to consider these additional strategies for Air Quality:
 - Encouraging mixed-use or cluster-style development where applicable. This strategy preserves open space (section 12.2) but also reduces sprawl and has air quality benefits.
 - Allowing opportunities for the increased use of public transit (section 13.2.3) reduces tailpipe emissions and improves air quality.
 - Expansion of the current bicycle and pedestrian network (section 12.3.10)
 - Encouraging tree planting during development projects and continue the preservation of trees in the County which help to clear the air of pollutants (section 5.3).
 - Implement idle free zones where heavy duty vehicles are known to idle such as in local school districts. The County is encouraged to work collaboratively with the local school districts to implement a strategic no idling policy.

Chapter 7 – Utilities

- Page 7-2 – According to the 2018 Slaughter Beach draft comprehensive plan update, the Slaughter Beach Water Company was purchased by Artesian and they began operating the utility on April 1, 2018. It is recommended the information on page 7-2 be updated.
- Page 7-18 The Governor recently announced a new initiative to eliminate broadband access over the next two years. Press Release: <https://news.delaware.gov/2018/07/25/expanding-broadband/> It is recommended that you add a sentence regarding this initiative or mention the coordination with state and county through this initiative in strategy 7.5.1.1
- Section 7.2.3: The text of the Plan states that the County is considering a review of the existing source water ordinance to determine if modifications are needed. It goes on to say that that avoiding contamination to water supply wells and limiting land use activities and impervious surfaces around public wells are means to achieve protection of the sources of the County's drinking water supplies.

In order to achieve these goals, the Department recommends that the County modify the existing source water ordinance to afford greater than minimal protection. The majority of public wells in Sussex County pump less than 50,000 gallons per day (GPD). Under the County's present ordinance, they are afforded a twenty foot safe zone. As such, they are vulnerable to contamination and impervious cover that may negatively influence water quality as well as water quantity.

Per the existing County Source Water Protection Ordinance, wells pumping greater than 50,000 GPD are afforded 'no more than a one-hundred foot (100') radius from the well'. The Department recommends 'at least' a one-hundred fifty foot (150') radius from the well. For example, New Castle County and the Town of Frederica have chosen a 'safe zone' of three hundred feet around their public supply wells to maximize protection of the resource.

Per the existing County Source Water Protection Ordinance, allowances up to 60 percent impervious cover to the delineated wellhead protection area and excellent groundwater recharge protection areas provided the applicant demonstrates, through an environmental assessment report, that post development recharge quantity will meet pre-development recharge quantity. However, if the project exceeds 60 percent impervious cover or the applicant has failed to demonstrate post development recharge quantity will meet pre-development recharge quantity, the project is required to discharge roof drains to underground recharge systems or permeable surfaces.

The Department recommends that the County consider additional measures to improve and address water quality, to be more protective of the resource. In addition, the existing County ordinance has no provision to reduce impervious cover during redevelopment.

The Department recommends, the County consider additional measures to reduce impervious cover through redevelopment projects.

The Department's Source Water Program is available to work with the County's staff to evaluate potential source water protection measures and suggest additional modifications that may be needed to further improve implementation of the ordinance.

- Section 7.6: This section should also discuss the Delaware Sediment and Stormwater Regulations, which have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours, or a maximum of one inch of runoff.

Runoff reduction practices encourage runoff to infiltrate back into the soil as in an open space condition and results in pollutant removal and stream protection. New or revised ordinances should incorporate best management practices that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems for new development sites within the County. Limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

- Goal 7.3: In order to help promote energy efficiency, DNREC suggests that Sussex County include a strategy to help distribute information about the Weatherization Assistance Program. The program, run through the Division of Climate, Coastal, & Energy, helps low- and moderate-income homeowners and renters cut their energy bills by weatherproofing and improving the energy efficiency of their homes. More information about the program can be found here: www.de.gov/wap.
- Objective 7.6.1: Consider adding a separate strategy that allows for the consideration of the establishment of county waste hauler franchising.
- Strategy 7.6.1.2: When making revisions to County codes, consider including conditional use approvals for composting facilities as well as recycling processors.
- Strategy 7.6.1.3: Please note that, in effect, *7 Del. C. § 6003(c)(2)* creates an incinerator ban by prohibiting a permit from being issued to an incinerator unless every point on the property boundary line of the property on which the incinerator is or would be located is at least three miles from every point on the property boundary line of any residence, residential community, and school, church, park or hospital.

Chapter 8 – Housing

- Sussex County completed a thorough analysis of the issues facing the County in the demographic analysis and housing chapters - the aging population and its implications, as

well as the severe housing needs facing its residents. The Delaware State Housing Authority has the following comments:

- DSHA supports the incorporation of “Areas of Opportunity” from DSHA’s Balanced Housing Opportunities map as a focus for where the County would like to see new affordable housing opportunities. DSHA developed this map using information from the *Delaware Housing Needs Assessment 2015 – 2020* and new data from HUD such as school performance and Racially/Ethnically Concentrated Areas of Poverty to identify “Areas of Distress, Stability, and Opportunity”. Areas of Opportunity are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure. However, these same areas contain little affordable housing. Encouraging affordable housing in these Areas of Opportunity provides close proximity to job centers, quality education, and resources that help households succeed.
- DSHA recommends further incorporating *the 2016 Impacted Communities Study*. This is an excellent study and outlines needs for each isolated rural community. While this study is discussed in the narrative of the housing section, there are only two strategies listed (8.1.1.6 and 8.1.2.5).
- There are several strategies throughout the draft Plan to evaluate the County’s density bonus program to determine ways to encourage better use of the program. ***DSHA recommends adding ‘provision of affordable housing’ as an option to the density bonus program.*** Currently within the Developing Area and Coastal Area, density bonuses can be achieved in cluster development if payment is made to fund permanent land preservation elsewhere in the county. This is an excellent opportunity to encourage affordable housing in areas where it is needed most. In addition, Sussex County is fortunate to have the infrastructure in place via the Moderately Priced Housing Unit and Sussex County Rental Programs to manage the affordable housing created as a result.

Chapter 9 – Economic Development

- Figure 9.5.1 Industrial parks and Business Parks – This section lists 4 main business parks in Sussex County. The business park in Georgetown is referred to the Delaware Coastal Business Park in the bullet but the Sussex County Business Park on the map - - the map and the bullets should be consistent.
- In section 9.5 of the plan entitled “Economic Development Resources”, the Division of Small Business is not mentioned as a partner in this effort although other organizations (including the Delaware Prosperity Partnership and the Small Business Development Center) are included. Interestingly, a program that the division administers (the Delaware Strategic Fund) is highlighted in the county’s comp plan.

The Division of Small Business should be included in the efforts to build a strong economic development network in Sussex County and should be mentioned in the comp plan as an established agency ready and available to support small businesses.

Agriculture:

- It should be noted that historically, agriculture and forestry have been the dominant forces in Sussex County's Economy. Currently, the agriculture sector continues to be a large component of the economy with over \$3.5 billion in output, while tourism gains ground with the generation of over \$1.8 billion in direct sales (2015 number). In many ways the two industries develop in opposition of one another (i.e. farm preservation vs. land development; the noise/smell/ground water of the farming industry's impact on residents who may not desire some of the aspects of "rural" life.) How can we better manage and support the integration of agriculture and tourism? How is the county addressing its AGRI TOURISM and/or DESTINATION MARKETING industry? Additional emphasis should be placed on the two largest economic drivers working in support of each other.

Of the \$3.5 billion in direct agriculture activity, \$1.0 billion is the result of on-farm activities (\$2.5 billion in added value processing and over \$30 million in agriculture support industries), yet the average age of farmers in 2012 was 58.4. What can be done to support, encourage and incentivize the younger population to continue in the industry?

- Figure 9.2-1 indicates 71% of direct agriculture activities are related to processing, as opposed to the reducing 23% animal producing activity (poultry processing is not included in this total as it falls under Food Manufacturing). While total acres of farmland have steadily decreased, we see that the remaining farms have become more productive. Given the importance of this economic driver, the county should support having an adequate land supply through farm land preservation and strategic land use planning.
- In addition, thought should be given to creating an AGRI BUSINESS ZONE within the county mapping system in order to reduce the number of unnecessary regulatory and administrative hurdles to allow businesses to concentrate on growing/running their operation. The DRAFT plan currently suggests creating "agribusiness areas", however unless it is considered a mapped zone the regulatory issues are not adequately addressed.

Tourism:

- Continue our investment in Sussex County tourism along the newly named "Coastal Zone", while carefully weighing and addressing the much needed infrastructure needs and impacts on the environment (to include the preservation of our inland bays and methods/manners of transportation).
- Explore the tourism opportunities in Western Sussex, including focus on small town charm/shopping/eateries, along with agri-tourism initiatives.

Additional Considerations:

- For new businesses, consider the "Sherpa" method. Identify a person or office to guide a business through the county regulatory and permitting process. The DNREC Small Business Ombudsman position is a perfect example.
- Clearly identify the processes for creating and growing businesses in Sussex County while streamlining and eliminating unnecessary steps.
- Create a network or formal group consisting of county, state, education and non-government agency representatives to meet periodically to discuss how to address inefficiencies and work to improve economic development in Sussex County.
- The Division of Small Business Favors:
 - *The weaving of economic development into the county's entire decision-making process* and encourages the County Council to promote economic development within all parts of county government. This would include the on-going education on the importance of "time is money" in the business world.
 - *The encouragement of mapping growth beginning **within** municipalities and town centers*, rather than focusing on the three major arteries of Route 1, Route 113 and Route 13.
 - Placing emphasis on the *redevelopment of land and businesses*, utilizing/improving existing infrastructure (offering incentives in this area if possible)
- Greater attention should be given to retaining the population of young people in the county after the completion of high school and/or college.
 - This could be done through the enhancement of trade school opportunities for students or a campaign encouraging employment in the trade industry.
 - Incentives for graduates (both high school and college) to remain or return to Sussex County to live and work.
 - Incentives for businesses who provide internships, employment contracts or jobs to those individuals who choose to remain in Sussex County.
- How are we looking ahead to address the ever increasing aging population through the lens of economic development, while realizing the growing trend in Sussex's healthcare industry?
 - The growing 65+ population will need increased healthcare services and infrastructure. Healthcare providers are aware of this need and have shown interest and movement in providing services in Sussex. How are we helping these businesses find sites and maneuver through the regulatory/permitting process?

- Does Sussex County provide adequate training opportunities in order to provide skilled healthcare employees? Are we interacting with local schools/colleges to help our students prepare?
- Housing and infrastructure improvements are needed to allow for additional housing/long term care facilities for the 65+ population.
- A primary need in Sussex is affordable transportation for the aging/physically dependent population. Can the solution be business development related rather than human service/government related?
 - How are we addressing the need to provide attractive, safe and affordable housing to individuals just starting out in their career? Housing is key to attracting talented employees. Is housing available in eastern and western Sussex?
 - One issue not adequately discussed in the plan concerns the opioid crisis predominately found in lower Sussex County (both east and west) and how to address the impacts of this problem as it relates to developing the economic efforts of our municipalities and town centers.
- 9.2 Agriculture and Forestry (page 9-2): The Department of Agriculture appreciates the analysis of agriculture's economic contribution and importance in Sussex County. It also correctly raises concern about the increasing loss of farmland and farms over the past few decades, and the increasing challenges facing Sussex County farmers and the agricultural industry in the future.
- Goal 9: Preserve and encourage the expansion of the agriculture industry, forestry industry, and other similar industries in the County (page 9-31): The Department of Agriculture strongly supports all the underlying strategies supporting this overall goal, and would be glad to help the County implement them.

Chapter 10 – Historic Preservation

- The last section of Chapter 10 gives goals, objectives and strategies for Historic Preservation in the county. Many involve continuing efforts of the Historic Preservation Planner, which our office strongly encourages. Our office also offers suggestions on clarifying a few of the strategies and related aspects of the chapter:
 - For Strategy 10.1.2.2, consider clarifying to whom and under what circumstances the documentation requirement would apply.
 - Under Strategy 10.1.3.2, in considering applying for the Certified Local Government (CLG) program (which our office encourages), Sussex County may also want to

consult New Castle County's Department of Land Use, the only other county-level CLG.

- As relates to Objective 10.1.4, elsewhere in the chapter it may be helpful to reference the relationship between the PLUS and County project review processes, and the Historic Preservation Planner's current or future role in these processes. In the objective, also consider including ways to encourage avoidance (and not just mitigation) of effects.
- For Goal 2, consider adding or augmenting existing strategies that help ensure historic preservation is integrated into the land use policy discussed elsewhere in the Comprehensive Plan, including consideration of landscapes. Under Strategy 10.2.1.3, include specific changes to the ordinance that could be considered.
- The chapter references the 2013-2017 statewide historic preservation plan. The new plan, *Partners in Preservation: Planning for the Future, Delaware's Historic Preservation Plan 2018-2022*, is now available online at: <https://history.delaware.gov/pdfs/2018-2022DelawareSHPOPlan.pdf> (single-page version for printing also available). The new plan emphasizes partnering to achieve common goals and connecting with other planning efforts, which is also evident in the County's draft plan. The State Historic Preservation Office encourages the county to consider how the goals, strategies and actions outlined in the new statewide plan may support and be coordinated with their efforts, perhaps cross-referencing specific actions with those outlined in the County's Chapter 10.
- Some information in the chapter should be updated to reflect recent changes to programs (e.g., legislation affecting the tax credit program, the above-mentioned release of the new statewide preservation plan, an updated Programmatic Agreement with FHWA). There are also a number of other technical corrections needed. The State Historic Preservation Office will contact the County directly to offer editorial comments on the plan.

Chapter 11 – Intergovernmental Coordination

- 11.5 Intergovernmental Coordination and Plan Implementation Priorities – It is recommended that the County include a paragraph or table of that prioritizes the objectives in some manner - -possible by what goals and objectives the county will make your top priority over the next 6 months; 1 year; 2 years, etc. Page 3.5 states that the county will create an implementation plan one the plan is adopted; however, we encourage the County to set the implementation before adoption and add it as part of the plan.
- Page 11-2: The first topic mentions the county's historical contribution to the farmland preservation program. Again, the Department of Agriculture would mention this fact in the "presence tense" since the county recently contributed funds to the program this year, 2018.

- Strategy 11.1.1.4 (page 11-8): the Department of Agriculture appreciates and welcomes cooperation with the County to implement this strategy.
- Page 11-3 discusses the county coordination with OSPC and the PLUS review. With the change from ESDA to Coastal area, the MOU will need to be updated to reflect which projects must be reviewed through PLUS

Chapter 12 - Community Design

- Section 12.3.1: DNREC recommends use of native tree and shrub species wherever possible and the preservation of existing mature forests. As mentioned in comments above, DNREC has recently worked with New Castle County on procedures for better identifying and protecting mature forests and would be glad to share information with you about this topic. DNREC can also work with you to provide up to date lists of native species for use in landscaped and naturalized areas.
- Section 12.3.2: DNREC would like to remind the County of the energy savings potential of LED lights and would encourage all new street lights utilize this technology.
- Section 12.3.4: DNREC encourages the County to consider adding provisions to require electric vehicle charging stations to residential, recreational, and commercial parking areas.
- Sections 12.3.9 and 12.3.15: The County should require the preservation of contiguous areas of open space in its open space calculations. Preservation of large, contiguous areas of open space across parcels helps ensure habitat for wildlife, large areas for recreational use and preservation of the agrarian character of the County.
- Sections 12.3.20 and 12.3.22: Consider recommending or requiring construction operations to implement EPA's Best Practices for Reducing, Reusing, and Recycling Construction and Demolition Materials. <https://www.epa.gov/smm/best-practices-reducing-reusing-and-recycling-construction-and-demolition-materials>
- Section 12.4: DNREC supports the goals and objectives in this section. Please consider DNREC a partner in implementing these strategies and contact us for assistance as needed.
- Strategy 12.1.2.2: DNREC encourages leading by example, however this section could be construed to encourage larger parking lots than required. DNREC encourages flexibility with parking lots to allow fewer spaces to reduce impervious surfaces and expand the opportunity for preserved or naturalized spaces. Please make sure the text cannot be misconstrued as to encourage bigger parking lots.

Chapter 13 - Mobility

- Page 13-12: DART already has added intercountry service from Lewes to Dover (Route 307). Please update this section.

Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.
- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the county to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- Provided no additional changes are made, the jurisdiction shall adopt the plan as final, pending certification
- The Office of State Planning Coordination shall submit a final comprehensive plan report and recommendation to the Cabinet Committee on State Planning Issues for its consideration;
- Within 45 days of the receipt of the report the Cabinet Committee shall issue its findings and recommendations and shall submit the plan to the Governor or designee for certification.
 - Within this timeframe, the Committee, at its discretion, may conduct a public hearing on the proposed plan or amendment, except that no hearing shall be held if the proposed plan or amendment is found to be consistent with state goals, policies and strategies and not in conflict with plans of other jurisdictions;
- Within 20 days of receipt of the findings and recommendations from the Committee, the Governor shall accept the plan for certification or return it to the local jurisdiction for revision. The local jurisdiction shall have the right to accept or reject any or all of the recommendations as the final decision on the adoption of the plan is up to the local jurisdiction *(It should be noted the State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the local jurisdiction where the adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies)*;
- The Governor shall issue a certification letter to the County. The certification date shall be the date of official adoption by the County.

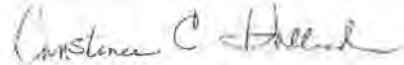
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Thank you for the opportunity to review this Comprehensive Plan. We look forward to continuing to work closely with Sussex County through the comprehensive plan revision, adoption and certification process to address any questions or comments that may arise.

If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

JANELLE M. CORNWELL, AICP
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2018

RE: County Council Old Business Report II for CU 2127 Wine Worx, LLC

The County Council held a public hearing on June 5, 2018. County Council deferred action pending a response from the County Attorney regarding questions about the proposed use. County Council discussed the item at their September 18, 2018 meeting. Council deferred for one week to allow for review of the record.

The Planning and Zoning Department received an application (CU 2127 Wine Worx, LLC) to allow for an agricultural education facility with commercial kitchen to be located on Hudson Rd. The Planning and Zoning Commission held a public hearing on May 10, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis and DelDOT Service Level Evaluation.

The Commission found Adrian Mobilia was present on behalf of the application; that Mr. Mobilia stated he is requesting a Conditional Use for an event venue at a farm winery in order to continue planned activities; that they have provided live entertainment indoors and outdoors, wedding and bridal showers, weddings, food trucks, etc. at the request of customers; that they have an oversized septic system to accommodate weddings; that they have 54 dedicated parking spaces with additional overflow; that they plan to hold events for 20-150 people; that the internal limit is 200 people for outdoor events; that they are legally permitted to be open until 1:00 am; however, their internal policy is to close at 11 pm and cut off events by 10:30 pm; that they normally close by 6 pm or 7 pm; that they have three (3) full time employees and ten (10) part-time employees; that they have paid over \$7,300 in excise tax and \$2,200 to date to local charities; that they would like to continue what they are doing; and that live outdoor entertainment does use amplified sound on the patio.

The Commission found that no one spoke in favor or in opposition to the application.

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



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

At their meeting of May 24, 2018, the Planning Commission discussed the application which has been deferred since May 10, 2018.

Mr. Hudson moved that the Commission grant approval CU #2127 for Wine Worx, LLC for an Event Venue based upon the record made during the public hearing and for the following reasons:

1. The site is 26 acre parcel of land owned by the applicant. It has County approval for a winery, and this is an extension of that agricultural use.
2. The applicant intends to hold events that are connected with the primary use as a winery, such as live entertainment, craft nights, weddings, birthday parties and similar events.
3. The site will have 54 dedicated parking spaces, plus plenty of room for overflow parking.
4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
5. The applicant testified that the existing customers have been asking to use the winery for these activities. This use will serve that need in Sussex County.
6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. All events shall end no later than 10:30 p.m. and clean up may occur after 10:30 p.m.
 - B. Food and beverage service and music or similar entertainment is permitted.
 - C. As stated by the Applicant, there shall be nor more than 200 people at any event.
 - D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
 - E. All entrance locations shall be subject to the review and approval of DelDOT.
 - F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley and carried unanimously to grant Preliminary Approval with Final Site Plan approval by Planning and Zoning Commission. Motion carried 5-0.

Introduced 01/16/18

**Council District No. 4 – Cole
Tax I.D. No. 134-11.00-53.00
911 Address: 32512 Blackwater Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2017, a conditional use application, denominated Conditional Use No. 2127, was filed on behalf of Wine Worx, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2127 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2127 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Blackwater Road, approximately 1,007 feet north of Burbage Road, and being more particularly described per the attached deed prepared by Scott and Shuman, P.A., said parcel containing 25.60 acres, more or less.

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer
Brad Hawkes, Director of Utility Engineering

RE: ***Milton Library, Bulkhead Replacement & Foundation Repair
Balancing Change Order and Substantial Completion***

DATE: September 25, 2018

At the Milton Public Library, portions of the southerly exterior wall exhibited both vertical settlement and lateral displacement. The root cause of the problem was a compromised bulkhead allowing soil to be washed out from under the floor slabs and spread footing foundations during high tides.

A contract defining the base line scope necessary for the building stabilization was advertised, and two bids were received on April 19, 2018. On May 22, 2018, Council awarded the contract and a subsequent material substitution credit change order 1 to JJID, Inc., in the net amount of \$340,000.00.

On July 17, 2018, change order no. 2 in the amount of \$9,451.75 was approved for DelDOT required detours and associated costs. On August 21, 2018, change order no. 3 was approved to cover void filling, patio wall replacement with rail system, floor coring and any other incidental requirements encountered in the process on a time and material basis, in a not to exceed amount of \$45,000.00.

The attached balancing change order, in the credit amount of \$14,451.75, for work substantiated in change order 3 and completed below cost, brings the final contract total to \$380,000.00. Construction began on July 20, 2018 and was declared substantially complete on September 24, 2018. Sussex County Engineering Department now recommends Substantial Completion for the project and approval of the balancing change order.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **MILTON PUBLIC LIBRARY BULKHEAD REPLACEMENT**
2. Sussex County Contract No. 18-09
3. Change Order No. 4
4. Date Change Order Initiated - 9/14/18
5.
 - a. Original Contract Sum \$460,000.00
 - b. Net Change by Previous Change Orders (\$65,548.30)
 - c. Contract Sum Prior to Change Order \$394,451.75
 - d. Requested Change (\$14,451.75)
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$380,000.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

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/Underrun in Quantity
6. Factors Affecting Time of Completion

7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Finalize Quantities

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. JJID, Inc., Project General Contractor

Signature

Date

Representative's Name in Block Letters

9/20/18

[Handwritten Signature]
[Handwritten Name: Daniel Julian]

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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FAX	(302) 855-7799



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: **RT-54 SEWER EXPANSION OF THE FENWICK ISLAND SANITARY SEWER DISTRICT AREA, PROJECT NO. 14-10 BALANCING CHANGE ORDER AND SUBSTANTIAL COMPLETION**

DATE: September 25, 2018

On June 20, 2017, bids were received for contract 14-10, providing sewer service to the Williamsville area of Route 54, between Sound Church Road to Dickerson Road. The project was awarded to George & Lynch, Inc. for \$2,230,511.00 with a notice to proceed of October 4, 2017.

On July 18, 2017, Council approved a request to further expand the district (Williamsville Phase II Expansion) to include parcels along Route 54 and West Line Road. This expansion area encompassed six (6) additional parcels triggering infrastructure needs. The Engineering Department coupled the additional work scope with the removal of certain contingency items and on April 10, 2018, Council approved Change Order No.1 for a reduction of \$6,948.90.

The proposed balancing Change Order No.2 reduces the contract by \$45,288.56 for a final contract amount of \$2,178,273.54. In addition to balancing the quantities, it addresses the following issues:

1. Grouting sections of the existing forcemain not clearly identified for \$8,685.00
2. Milling expanded sections of Route 54 as required by DelDOT for \$8,700.00
3. Adding two additional days to the contract as road restrictions imposed by DelDOT
4. Replacement of sections of sidewalk near Sound Church not shown on the contract drawings for \$5,261.26

Construction began on October 4, 2017, and was declared substantially complete on June 29, 2018. The Engineering Department now recommends approval of the balancing change order no.2 and substantial completion for the project.



DATE: 9/20/2018

STATE: Delaware

SEPARATELY FUNDED PROJECT

COUNTY: Sussex

CONTRACT CHANGE ORDER

CONTRACT FOR: Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District (FISSD)

OWNER: Sussex County Engineering Department

To: George & Lynch, 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
(Line Item No. 1) - Grout/Abandon 300 L.F. of Additional 8" Existing Force Main. Includes Non-Compensatory Contract Time Extension (1 Calendar Day)		\$ 8,685.00 \$ 0.00
(Line Item No. 2) - Milling of SR-54 Pavement Restoration Patches (Skim Coats). Includes Non-Compensatory Contract Time Extension (2 Calendar Days)		\$ 8,700.00 \$ 0.00
(Line Item No. 3) - Other Non-Compensatory Contract Time Extensions (Holiday and DelDOT Schedule Related Restrictions - 2 Calendar Days)		\$ 0.00
(Line Item No. 4) - Form/Pour Additional Sidewalk at Sound Methodist Church.		\$ 5,261.26
(Line Item No. 5) - Balancing of Contract Used/Unused Bid Item Quantities (Part A - Base, Part B - Stip. Cont. & Part C - Unstipulated Cont. Bid Items)	\$ (67,934.82)	
TOTALS	\$ (67,934.82)	\$ 22,646.26
NET CHANGE IN CONTRACT PRICE	\$ (45,288.56)	

JUSTIFICATION: (Design Change) (Over Run / Under Run in Quantities) (Factors Affecting Time of Completion)

Additional grouting of existing force main, milling of pavement, expanded sidewalk replacement which was not part of the original Contract documents (including associated non-compensatory Contract time extensions) and the balancing of Contract 14-10 Bid Item Quantities that were used and/or not needed to complete the Contract 14-10 work.

The original amount of the Contract: Two Million, Two Hundred Thirty Thousand, Five Hundred Eleven Dollars and Zero Cents: _____ Dollars (\$2,230,511.00)


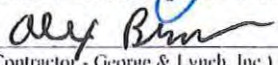
The amount of the Contract as adjusted by all previously approved Change Orders: Two Million, Two Hundred Twenty-Three Thousand, Five Hundred Sixty-Two Dollars and Ten Cents: _____ Dollars (\$2,223,562.10)

The amount of the Contract will be (Decreased) through this Change Order by the sum of: Forty-Five Thousand, Two Hundred, Eighty-Eight Dollars and Fifty-Six Cents _____ Dollars (\$45,288.56)

The Contract Total including this and all previous Change Orders will be: Two Million, One Hundred Seventy-Eight Thousand, Two Hundred Seventy-Three Dollars and Fifty-Four Cents: _____ Dollars (\$2,178,273.54)

The Contract Period provided for completion will be (Increased) (Changed) by: _____ (+5) Calendar Days

This document will become a supplement to the contract and all provisions will apply hereto.

Requested:		<u>9/20/18</u>
	(Owner - Sussex County Engineering Department)	(Date)
Recommended:		<u>9/20/18</u>
	(Owner's Architect/Engineer - Whitman, Requardt and Associates, LLP)	(Date)
Accepted:		<u>9/20/18</u>
	(Contractor - George & Lynch, Inc.)	(Date)
Approved by State of Delaware:	_____	_____
	(Dept. of Natural Resources and Environmental Control, Division of Water Resources)	(Date)

After all four (4) copies of the Change Order have been signed and dated by authorized representatives of all the applicable parties in the spaces provided above, transmit one (1) copy to each party as listed below.

- () State of Delaware's Copy
- () Contractor's Copy
- () Borrower/Grantee's Copy
- () Architect/Engineer's Copy

Contract 14-10

**Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District (FISSD)
Change Order No. 2 - Final - Cost Summary Sheet
(Additional Work Items and Balancing of Used/Unused Contract Bid Items)**

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line		Proposed			Actual	Contract	Contract
Item No.	Description of Individual PCO Line Items	Quantity	Unit	Unit Price	Quantity	Added Cost	Credit
1	Grouting/Abandonment of 300 L.F. of Additional 8" Force Main (Existing)	1	LS	\$ 8,685.00		\$ 8,685.00	
	Non-Compensatory Contract Time Extension - 1 Calendar Day	1	LS	\$ -		\$ -	
2	Milling of SR-54 Pavement Restoration Patches (Skim Coats)	1	LS	\$ 8,700.00		\$ 8,700.00	
	Includes Non-Compensatory Contract Time Extension (2 Calendar Days)	1	LS	\$ -		\$ -	
3	Other Non-Compensatory Contract Time Extension - 2 Calendar Days	1	LS	\$ -		\$ -	\$ -
	Holiday and DeIDOT Schedule Related Restrictions						
4	Additional Replacement of Sidewalk at Sound United Methodist Church	1	LS	\$ 5,261.26		\$ 5,261.26	
5	Balancing of Contract Used/Unused Bid Item Quantities	1	LS	\$ (67,934.82)		\$ -	\$ (67,934.82)
	Part A - Base, Part B - Stip. Cont. & Part C - Unstipulated Cont. Bid Items						

Sub-Totals for Costs and Credits \$ 22,646.26 \$ (67,934.82)

Total Change Order No. 2 - Final (Credit) \$ (45,288.56)

Summary of Contract Change Orders - Contract 14-10

Original Contract Amount	\$ 2,230,511.00
Amount of Previous Change Orders: No. 1 through No. 1	\$ <u>(6,948.90)</u>
 Contract Total Including Previous Change Orders	 \$ 2,223,562.10
+	
Total of Change Order No. 2 - Final	Decrease \$ <u>(45,288.56)</u>
=	
Revised Contract No. 14-10 Total (Including Change Order No. 2 - Final)	\$ 2,178,273.54

Line Item No. 1

Grouting/Abandon 300 L.F. of 8" Force Main (Existing) = \$8,685.00

&

(1 Calendar Day Non-Compensatory Contract Time Extension = \$0.00)
April 6th to April 7th, 2018: 1 CD per G&L's June 13th, 2018
Additional Work Related Request

=

Contract 14-10 Cost Increase = \$ 8,685.00



June 13, 2018

Ref: 18M009

Sussex County Engineering Department
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Attn: Anthony Diguseppe Jr.

RE: Route 54 Sewer Expansion of the FISSD –
Proposed Change Order 3

Dear Mr. Diguseppe,

George & Lynch, Inc. is pleased to provide the following unit price proposal for the expanded Scope of work on the above referenced project.

Quantity	Description	Unit Price	Total
300 LF	Grout Additional 8" Force Main	\$ 28.95	\$ 8,685.00

In addition, we are formally requesting a 1 day extension of time on the project to perform the additional work.

If you have any questions regarding the proposal, please do not hesitate to contact me at 302-363-2546.

Sincerely,
GEORGE & LYNCH, INC.

Alex Brown
Project Manager

Cc: Mike Gilbert
Alex Brown
File

Line Item No. 2

Milling SR-54 Pavement Restoration Patches (Skim Coats) = \$8,700.00

&

(2 Calendar Day Non-Compensatory Contract Time Extension = \$0.00)

April 7th to April 9th, 2018: 2 CD's per G&L's June 28th, 2018

Additional Work Related Request

&

SCED's June 29th, 2018

Additional Work Related Request Approval

=

Contract 14-10 Cost Increase = \$ 8,700.00

Gilbert, Michael

From: Anthony Digiuseppe Jr. <aadigiuseppe@sussexcountyde.gov>
Sent: Friday, June 29, 2018 12:31 PM
To: Alex Brown
Cc: Gilbert, Michael; Duane Beck; Hans Medlarz
Subject: RE: Rt 54 Skim Coat Areas

Alex,

After speaking with Hans, the County has agreed to pay \$8700.00 for one day of milling and to allow the use of bid item B-7 (contingent hotmix) to overlay the skim coat areas, once the milling is complete (538 SY). The County has also agreed to extend the contract 4 additional days. Two additional days for the work mentioned above and two additional days for July 4th week (7/4 and 7/6) as DeIDOT will not allow critical path items to be completed.

For New Road, Williamsville Road and Sound Church Road, Detail 4 on sheet D5 should be used with the inclusion of note #1. The request to eliminate the full overlay of Williamsville Road was denied by DeIDOT. At the discretion of the County's RPR and Engineer, additional full depth restoration work may be required on New Road where the remaining undisturbed base between the trench edge and edge of pavement exceeds 3'. In the event this is required, additional compensation will be provided.

Please let me know if you have any questions.

Thanks,

Anthony Digiuseppe Jr.

From: Alex Brown <abrown@geolyn.com>
Sent: Thursday, June 28, 2018 9:44 AM
To: Anthony Digiuseppe Jr. <aadigiuseppe@sussexcountyde.gov>
Cc: Gilbert, Michael <mgilbert@wrallp.com>; Duane Beck <dbeck@sussexcountyde.gov>
Subject: RE: Rt 54 Skim Coat Areas

Milling crew is \$8,700.00/day. We would be looking for two additional days for this work. We have a contingent hot mix item so I think we can use that for the hot mix.

We are going to pave next Monday and Thursday, based off the time restrictions it doesn't make sense to try and do anything on Tuesday we would have to stop paving by noon to allow it to cool and be off the road by 3. So we would be requesting next Wednesday and Friday back time wise.

Did you speak with Scott Rust about the overlay on Williamsville Rd? There is only one lateral crossing on this road, it doesn't make sense to overlay the entire road for that. Thank you.

Alex Brown
Project Manager/Estimator
George & Lynch, Inc.
150 Lafferty Lane
Dover, DE 19901
(p) 302-736-3031 | (m) 302-363-2546 | (f) 302-734-9743

Line Item No. 3

2 Calendar Days (CD's)
Non-Compensatory Contract Time Extension

April 9th to April 11th, 2018: 2 CD's per G&L's June 28th, 2018
Holiday Related Contract Time Restriction Request

&

SCED's June 29th, 2018 Additional Contract Time Request Approval

Contract 14-10 Cost Increase = \$0.00

Gilbert, Michael

✓ **From:** Anthony Digiuseppe Jr. <aadigiuseppe@sussexcountyde.gov>
Sent: Friday, June 29, 2018 12:31 PM
To: Alex Brown
Cc: Gilbert, Michael; Duane Beck; Hans Medlarz
Subject: RE: Rt 54 Skim Coat Areas

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For New Road, Williamsville Road and Sound Church Road, Detail 4 on sheet D5 should be used with the inclusion of note #1. The request to eliminate the full overlay of Williamsville Road was denied by DeIDOT. At the discretion of the County's RPR and Engineer, additional full depth restoration work may be required on New Road where the remaining undisturbed base between the trench edge and edge of pavement exceeds 3'. In the event this is required, additional compensation will be provided.

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Alex Brown
 Project Manager/Estimator
 George & Lynch, Inc.
 150 Lafferty Lane
 Dover, DE 19901
 (p) 302-736-3031 | (m) 302-363-2546 | (f) 302-734-9743

Line Item No. 4

Additional (292 S.F.) Replacement of Sidewalk = 5,261.26

at

(Sound United Methodist Church)

=

Contract 14-10 Cost Increase = \$ 5,261.26



September 14, 2018

Mr. Anthony Digiuseppe Jr.
Sussex County Engineering Dept
2 The Circle
Georgetown, Delaware 19947

Re: **FISSD Contract 14-10**
Additional Sidewalk Sound Church

Dear Mr. Digiuseppe:

As discussed is a proposed change order for additional sidewalk at Sound Church. Per the contract documents we were to replace sidewalk along the front of the church not including the walkways to the church doors. At the request of the Sussex County Engineering Department we removed and replaced an additional 292 square feet of sidewalk. We have a proposed unit price of \$17.16 square foot.

Additional Sidewalk					\$5,261.26
DESCRIPTION	LABOR	EQUIPMENT	MATERIAL	SUBCONTRACTOR	TOTAL
Additional Sidewalk				\$5,010.72	\$5,010.72
5% Markup				\$250.54	\$250.54
Total				\$5,261.26	\$5,261.26

PROPOSAL TOTAL

\$5,261.26

If you have any questions or require any additional information, please contact me at (302) 736-3031 X 320.

Sincerely,

Alex Brown
George & Lynch, Inc.

George & Lynch, Inc.
150 Lafferty Lane / Dover, Delaware 19901
Telephone 302-736-3031 / Fax 302-734-9743 / WWW.GEOLYN.COM

Infrastructure Contractor—Since 1923

Line Item No. 5

Balancing of Used/Unused Quantities
(Part A, Part B and Part C - Contract Bid Items)

Contract 14-10 Cost Credit = (\$67,934.82)

Part A: Base Bid Items

Part B: Stipulated Contingent Bid Items

Part C: Unstipulated Contingent Bid Items

Contract 14-10

**Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District (FISSD)
C.O. No. 2 - Final Estimated Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)**

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 - Base Bid							
A-1	Mobilization	1	LS	\$ 101,900.00	1	\$ -	\$ -
A-2	Furnish & Install PVC Gravity Sewer - 8"	1680	LF	\$ 193.10	1693.16	\$ 2,541.20	\$ -
A-3	Furnish & Install PVC Gravity Sewer - 12"	340	LF	\$ 132.95	333.92	\$ -	\$ (808.34)
A-4	Furnish & Install PVC Gravity Sewer - 15"	4920	LF	\$ 119.30	4926.87	\$ 819.59	\$ -
A-5	Furnish & Install PVC Laterals - 6"	1,400	LF	\$ 129.70	1,530.00	\$ 16,861.00	\$ -
A-6	Furnish & Install PVC Laterals - 8"	725	LF	\$ 137.28	671.42	\$ -	\$ (7,355.46)
A-7	Furnish & Install PVC Wye Branches - 8" x 6"	20	EA	\$ 414.80	22	\$ 829.60	\$ -
A-8	Furnish & Install PVC Wye Branches - 8" x 8"	2	EA	\$ 492.00	1	\$ -	\$ (492.00)
A-9	Furnish & Install PVC Wye Branches - 12" x 6"	3	EA	\$ 733.00	2	\$ -	\$ (733.00)
A-10	Furnish & Install PVC Wye Branches - 12" x 8"	1	EA	\$ 867.00	1	\$ -	\$ -
A-11	Furnish & Install PVC Wye Branches - 15" x 6"	17	EA	\$ 981.00	18	\$ 981.00	\$ -
A-12	Furnish & Install PVC Wye Branches - 15" x 8"	3	EA	\$ 1,041.00	3	\$ -	\$ -
A-13	Furnish and Install Precast Manholes - 4' Diameter	365	EA	\$ 574.00	339.03	\$ -	\$ (14,906.78)
A-14	Furnish and Install Precast Manholes - 5' Diameter	25	EA	\$ 784.00	26.57	\$ 1,230.88	\$ -
A-15	Furnish & Install Manhole Frames and Covers	35	EA	\$ 1,193.00	35	\$ -	\$ -
A-16	Furnish & Install PVC Inside Drop	2	EA	\$ 8,790.00	2	\$ -	\$ -
A-17	Furnish & Install PVC Lateral Clean-Outs - 6"	40	EA	\$ 1,035.00	42	\$ 2,070.00	\$ -
A-18	Furnish & Install PVC Lateral Clean-Outs - 8"	15	EA	\$ 1,173.00	14	\$ -	\$ (1,173.00)
A-19	Furnish and Install Type "C Hot Mix Overlay - 1.75"	2000	SY	\$ 23.09	2227	\$ 5,241.43	\$ -
A-20	Abandon / Demolish Existing 8" Force Main	1	LS	\$ 31,746.00	1	\$ -	\$ -
A-21	Sidewalk Replacement	1	LS	\$ 16,915.00	1	\$ -	\$ -
A-22	Pump and Haul / Temporary Bypass	1	LS	\$ 27,276.00	1	\$ -	\$ -
A-23	Record Drawings	1	LS	\$ 6,152.00	1	\$ -	\$ -

Subtotals for Parts A: \$ 30,574.70 \$ (25,468.58)

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part B - Stipulated Contingent Bid Items							
B-1	Contingent Unclassified Excavation	800	CY	\$11.00	0.00	\$ -	\$ (8,800.00)
B-2	Contingent Borrow Material - Type "C" Borrow	2,000	CY	\$16.00	1565.61	\$ -	\$ (6,950.24)
B-3	Contingent Aggregate - Graded Type "B" Crusher Run	100	Ton	\$25.00	0.00	\$ -	\$ (2,500.00)
B-4	Contingent Pourous Fill - No. 57 Stone	500	Ton	\$25.00	0.00	\$ -	\$ (12,500.00)
B-5	Contractor Down Time (Main Line Crew)	25	HR	\$400.00	2.00	\$ -	\$ (9,200.00)
B-6	Contractor Down Time (Lateral Crew)	25	HR	\$300.00	4.05	\$ -	\$ (6,285.00)
B-7	Contingent Hot Mix	100	Ton	\$100.00	90.00	\$ -	\$ (1,000.00)

Subtotals for Part B: \$ - \$ (47,235.24)

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part C - Unstipulated Contingent Bid Items							
C-1	Contingent Well Replacement	1	EA	\$11,550.00	1.00	\$ -	\$ -
C-2	Contingent On-Site Soil Testing - (Less C.O. No. 1)	300	HR	\$58.00	52.00	\$ -	\$ (14,384.00)
C-3	Contingent Soils Laboratory Tests	25	EA	\$350.00	6.00	\$ -	\$ (6,650.00)
C-4	Contingent Well Pointing (First 200')	1	LS	\$15,794.00	1.00	\$ -	\$ -
C-5	Contingent Well Pointing - (Less C.O. No. 1)	3,100	LF	\$45.17	3090.00	\$ -	\$ (451.70)
C-6	Contingent Test Pits	10	EA	\$432.00	0.00	\$ -	\$ (4,320.00)

Subtotals for Part C: \$ - \$ (25,805.70)

Contract 14-10 - Continued

**Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District (FISD)
C.O. No. 2 - Final Estimated Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)**

Note: Includes SCED approved quantity for Bid Item B-7 (Contingent Hot Mix) for temporary "Skim Coat" patches on SR-54.

Grand Total = Parts (A + B + C):

ADD	DEDUCT
\$ 30,574.70	\$ (98,509.52)

Balancing of Used/Unused 14-10 Bid Item Quantities for C.O. 2 - Final
(Total Decrease Based Upon All Final Quantities Part A through Part C)

Decrease **\$ (67,934.82)**

Substantial Completion

(WRA Recommendation to Contractor's Request)



July 13th, 2018

Mr. Anthony DiGiuseppe, Jr.
Sussex County Engineering Department
#2 The Circle
Georgetown, Delaware 19947

Re: Route 54 Sewer Expansion
of the Fenwick Island Sanitary Sewer District (FISSD)
Contract No. 14-10

Dear Mr. DiGiuseppe:

Whitman, Requardt and Associates, LLP (WRA) has received a copy of George & Lynch, Inc.'s (G&L), July 11th, 2018 letter stating G&L's position regarding Substantial Completion for the above referenced project. G&L's statement is understood by WRA to be based upon the requirements of the project specifications and the results of the subsequent "Site" inspection performed by WRA and SCED managers and staff on Tuesday, June 26th, 2018, as well as, the overall project, site evaluation that has been recently acknowledged by DelDOT Administrative and Inspection personnel.

Based on both SCED's and WRA's observations and assessment of all completed work, as well as, the confirmed DelDOT decision to reduce the "urgent need" to complete the final paving work on SR-54, WRA hereby makes recommendation granting "Substantial Completion" status to George & Lynch, Inc. for all work performed on the 14-10 Contract, effective Friday, June 29th, 2018 (the date when DelDOT forwarded notice of their decision to SCED).

If accepted by Sussex County Engineering Department (SCED), the established dates regarding the 60 day, Conditional Acceptance period for the 14-10 Contract (SC-15.03F) are June 30th, 2018 through August 28th, 2018. The One Year Warranty period (SC-7.17) for the 14-10 Contract will take effect (start) on August 29th, 2018 and will run through (including) August 28th, 2019. Please note that all remaining road restoration work, topsoil/grading/seeding work, abandonment of manhole structures, placement of concrete collars around manhole frames, Record Drawings, as well as, any "Punch List" and all Contract close-out items, as recorded during the yet performed and required Walk-Through Inspection, must be completed before final close-out of the 14-10 Contract can be achieved.

Please be reminded that a Delaware Department of Transportation (DelDOT) "Acceptance Letter" is required and needs to be obtained by Sussex County Engineering Department officials for close-out of the 14-10 Contract, as well.

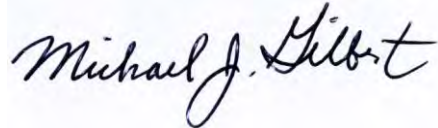
The extended 2nd and 3rd Year Warranty period (according to the Contract documents for all work performed on or along or within DelDOT Right-of-Way) will start on August 28th, 2019 and will run through (including) August 28th, 2021. However, based upon the anticipated Delaware D.O.T. "Acceptance Letter", SCED may elect to change the "start and end" dates of the 2nd and 3rd Year Warranty period to reflect the date of acceptance (of all Contract 14-10 work within DelDOT Right-of-Ways) by Delaware D.O.T. officials.

A copy of this letter will be sent directly to George & Lynch, Inc. for their file and records.

Should you have any questions or comments, please feel free to contact us at this office.

Very truly yours,

Whitman, Requardt & Associates, LLP



Michael J. Gilbert

Construction Projects Manager

Attachment – G&L Letter dated 7/11/18

cc: Hans M. Medlarz, P.E. - (Sussex County Engineering Department)
Duane Beck - (Sussex County Engineering Department)
Edwin Tennefoss, P.E. - (Sussex County Environmental Services)
Rodney Marvel - (Sussex County Environmental Services)
Bobby Rogers - (Sussex County Environmental Services)
Greg Pope, P.E. - (D.N.R.E.C. Environmental Finance)
Keith Kooker, P.E. - (D.N.R.E.C. Environmental Finance)
Alex Brown - (George & Lynch, Inc.)
Will F. Hinz, P.E. - (Whitman, Requardt and Associates)
File No. 14256-023





July 11, 2018

Mr. Mike Gilbert
Whitman, Requardt, & Associates, LLP
21513 Rudder Lane
Georgetown, Delaware 19947

**Re: FISSD Contract 14-10
Rt 54 Sewer Expansion Beneficial Acceptance/
Substantial Completion**

Dear Mr. Gilbert:

Per our discussion and walk through on June 26, 2018 we are requesting beneficial acceptance of the gravity sewer line starting from manhole S-328 through S-334 along with the 1.5" forcemain from manhole S-334 through the terminal flushing connection. We are also requesting beneficial acceptance for the gravity sewer line from manhole S-330 through the terminal cleanout on West Line Road. Additionally per discussions and direction from Sussex County Engineering Department we request substantial completion for the project on the date of June 29, 2018.

If you require any additional information I can be reached by telephone at (302) 363-2546, or via e-mail at abrown@geolyn.com. Thank you.

Sincerely,

Alex Brown
Project Manager

George & Lynch, Inc.
150 Lafferty Lane / Dover, Delaware 19901
Telephone 302-736-3031 / Fax 302-734-9743 / WWW.GEOLYN.COM

Infrastructure Contractor—Since 1923

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE


sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: John Ashman, Director of Utility Planning 
Hans Medlarz, County Engineer

RE: ***Core Infrastructure Agreements
Developer Agreements and Engineer of Record Approval
File: ANG-7.14***

DATE: September 25, 2018

On June 26, 2018, the Engineering Department requested, and County Council granted permission to post notices for the Robinsonville Road expansion of the Unified Sanitary Sewer District. The subsequent Public Hearing was held on July 31, 2018 and following the Hearing County Council passed a resolution revising the district boundary to include a number of large parcels.

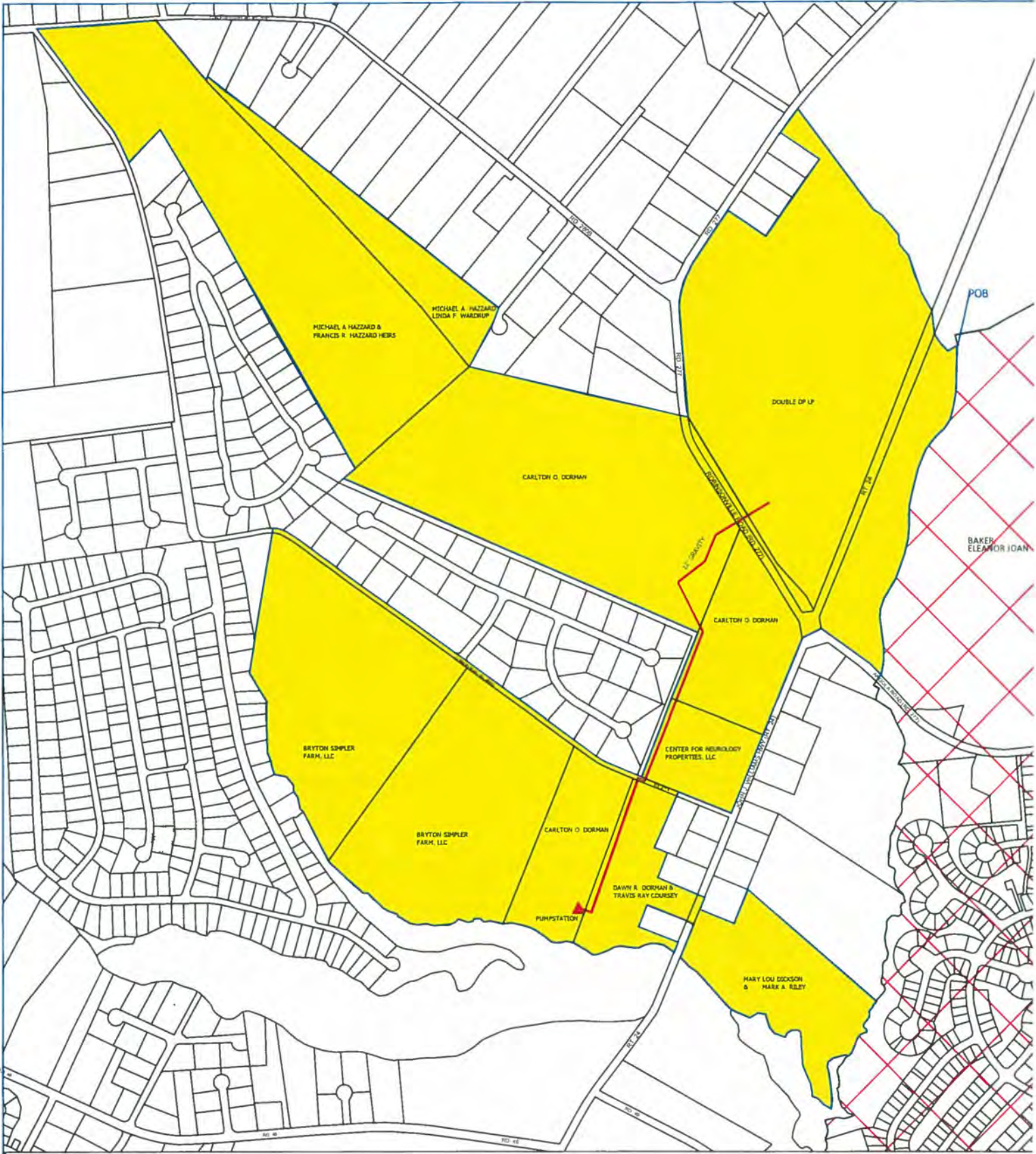
At each presentation the Department conveyed the intent for a combined sewer infrastructure approach covering all three (3) projects proposed in this expansion as per County Code § 110-97. The Department has been working with the Engineers and Developers of the projects to construct a common gravity interceptor and a central pump station utilizing a single connection to the existing forcemain hence avoiding construction of two additional stations as well as tapping the forcemain in various locations.

The Department in connection with the Assistant County Attorney has developed "Use of Existing & Proposed Infrastructure Agreements" containing sections pertaining to the use of the existing infrastructure as well as proposed improvements. These agreements have been executed and funds covering the existing infrastructure contribution have been received. The improvements contributions are due within thirty (30) days after County Council approval. Each agreement is based on the pro-rata share of the equivalent dwelling units proposed for the respective project, including any additional off-site parcels required to be served by County Code.

In addition, the Engineering Department requests to engage the Engineer of Record, Solutions IPem, Inc., for the project containing the common pump station i.e. Headwater Cove as per the attached hourly professional services contract.



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

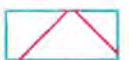


Robinsonville Road Core Infrastructure Agreements

Recent Annexation Area



Existing SCUSSD Boundary



USE OF EXISTING & PROPOSED INFRASTRUCTURE AGREEMENT

INFRASTRUCTURE USE AGREEMENT IUA-1078

THIS AGREEMENT ("Agreement"), made this 25 day of September 2018, by and between:

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

BRYTON SIMPLER FARM, LLC, a Delaware Limited Liability Company and developer of a project known as Headwater Cove, hereinafter called the "Developer," and;

CARLTON O. DORMAN, owner of record for Tax Parcel 234-11.00-58.00 subject to proposed development, hereinafter called the "Owner".

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 234-11.00-58.00, 66.00 & 66.01 and further identified as the Headwater Cove Project (the "Development"); and

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area); and

WHEREAS, County has determined that the Robinsonville Road & Dorman Road area including the Headwater Cove Project can be served by a proposed common gravity interceptor sewer and a central pump station to be designed, publicly bid and constructed by the County, as shown on EXHIBIT A hereinafter referred to as the "Improvements"; and

WHEREAS, Development will utilize available capacity in the Improvements as well as in already existing wastewater infrastructure.

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

- (1) Developer is granted permission by County to utilize existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations.
- (2) In exchange for permission to connect up to 170 equivalent dwelling units to County's existing transmission system and to utilize available existing capacity, Developer agrees to a financial catch-up contribution, based on the ratio of average

flow capacity utilization, towards the debt service of said transmission system in the amount of \$78,267 (hereinafter referred to as the "Capacity Catch-Up Contribution").

- (3) Payment of the Capacity Catch-Up Contribution for utilization of the existing transmission system available capacity must be submitted at time of execution of this Agreement.
- (4) Developer further agrees to contribute an amount **estimated at \$628,904** for the ability to connect up to 170 equivalent dwelling units to the Improvements (hereinafter referred to as the "Improvements Contribution"). The Improvements Contribution amount is calculated based upon multiple developers funding the Improvements as shown on EXHIBITS B & C. Each such development entity is paying a pro-rata share based on the equivalent dwelling units proposed for its respective project, including any additional off-site lots required to be served by County Code.
- (5) Payment of the estimated Improvements Contribution must be received by County no later than thirty (30) days from the date this Agreement is approved by Sussex County Council. Payment of the estimated, initial Improvements Contribution can be in the form of cash, a bond or a letter of credit. No Notice to Proceed for the Development shall be issued unless the Catch-up Contribution and the estimated, initial Improvements Contribution are received by the County as set forth herein.
- (6) After completion of Improvements, County shall reconcile the Improvements Contribution and provide Developer with an invoice of the final amount that is due-reflecting any difference between the estimated Improvements Contribution and the final, actual Improvements Contribution based on the actual cost of completing the Improvements. Payment is due within thirty (30) days of the date shown upon the County invoice. In case of a default for non-payment or otherwise, Developer shall be given written notice thereof providing that if full payment is not received within sixty (60) days: (a) all Catch-Up Contributions and estimated Improvements Connection Contribution shall immediately be forfeited to County without recourse by Developer; (b) County will not issue any further permits for the development; and (c) County shall have the right to call in any bonds or letters of credit associated with the development to complete any work underway thereon.
- (7) If the Development (as currently approved) is amended and County determines in its sole but reasonable discretion that such amendments materially adversely affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

Initial 

- (8) The contribution for utilization of the existing transmission system is to be placed in County's sewer capital fund and expended towards overall sewer system debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (*See Chapter 110-96 of the Sussex County Code*).
- (9) In addition to the Catch-Up Contribution and the Improvements Contribution, Developer shall be responsible for payment of any and all full system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives an individual sewer connection permit.
- (10) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (11) Prior to the commencement of construction of any sanitary sewer facilities for the Development, Developer shall obtain a Notice to Proceed from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (12) A full time, on-site County representative will be present for the duration of construction of Improvements. In addition, County will provide professional construction management services. Both activities will be tracked and included as an expense in the reconciliation of overall costs of the Improvement.
- (13) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's equitable property rights with the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Assignees or successors must replace all previously paid Catch-Up Contributions and estimated Improvements Contributions and assume any and all obligations under this Agreement prior to County's consent. County will not release any previously paid Catch-Up Contributions and estimated Improvements Contributions to Developer unless, and until, this occurs. No assignments, transfers, or conveyances with respect to this Agreement are permitted without prior written consent of County.
- (14) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (15) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (16) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (17) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (18) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (19) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (20) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (21) Owner and Developer, at their sole cost and expense, agree to grant and convey to County all necessary fee simple deeds, and temporary and permanent easements necessary for the construction of the Improvements.
- (22) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, DE, 19947, the address for the Owner is 22650 Dorman Road, Lewes, DE 19958 and the address of the Developer is **8405 Greensboro Drive, Suite P-130, McLean VA 22102.**

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

FOR THE COUNTY:

{Seal}

By: _____
Michael H. Vincent, President

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR BRYTON SIMPLER FARM, LLC

By: _____ (Seal)
T. Graham Weigle, Authorized Signatory

9/17/18 (DATE)

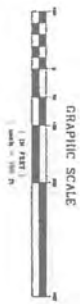
WITNESS: W. [Signature]

FOR OWNER – Parcel 234-11.00-58.00

Carlton O. Dorman
Carlton O. Dorman

9-18-18 (DATE)

WITNESS: Dan [Signature] 9-18-18



<p>DATE: 8/27/18</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>APPROVED: [Signature]</p>	<p>EXHIBIT A - IMPROVEMENTS CORE SEWER INFRASTRUCTURE for ROBINSONVILLE & DORMAN ROADS INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION																															<p>Scale: 1" = 40'</p>	<p>solutions</p>
NO.	DATE	DESCRIPTION																																			

Core Infrastructure for Robinsonville/Dorman Roads Area
Pre-Design Estimate of probable project costs

Project	Agreement #	Project EDUs	% of Core Infrastructure	Estimated Core Infrastructure Cost	Project Contribution	Laterals per Project	Cost per Lateral	Total Lateral Cost per Project	Total
Acadia	1085	244	42%	\$2,061,294	\$871,674	8	\$1,270	\$10,160	\$881,834
Beach Tree Preserve	1088	163	28%	\$2,061,294	\$582,307	0	\$1,270	\$0	\$582,307
Headwater Cove (Simpler)	1078	170	29%	\$2,061,294	\$607,314	17	\$1,270	\$21,590	\$628,904

Robinsonville Road Core Infrastructure Estimate

ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
Mobilization	LS	\$58,367	1	\$58,367
12" PVC Gravity Interceptor	LF	\$135	2,868	\$387,243
10" Coated Ductile Iron Gravity Main, wetlands crossing	LF	\$135	355	\$47,991
De-watering	LF	\$40	2,000	\$80,000
Common Pumpstation located at Headwater Cove	LS	\$500,000	1	\$500,000
6" Forcemain	LF	\$70	1,560	\$54,600
24" Forcemain Tap including restoration	LF	\$27,000	1	\$27,000
Air Release Valves and MH	EA	\$7,500	1	\$7,500
Precast Manholes with Frame & Cover	EA	\$4,500	14	\$63,000
Dorman Road Jack & Bore Crossing	EA	\$216,000	1	\$216,000
Robinsonville Road Jack & Bore Crossing	EA	\$175,000	1	\$175,000
CONVEYANCE SYSTEM SUBTOTAL				\$1,616,701
Construction Contingency		10%		\$161,670.13
SUBTOTAL				\$1,778,371
CONVEYANCE SYSTEM CONSTRUCTION TOTAL				\$1,778,371
Design and Construction Phase Services 17.5% of Construction Costs		17.5%		\$282,923
PROJECT TOTAL				\$2,061,294

USE OF EXISTING & PROPOSED INFRASTRUCTURE AGREEMENT

INFRASTRUCTURE USE AGREEMENT IUA-1085

THIS AGREEMENT ("Agreement"), made this 30th day of August 2018, by and between:

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

INSIGHT HOMES, LLC, a Delaware Limited Liability Company and developer of a project known as Acadia, hereinafter called the "Developer," and;

CARLTON O. DORMAN, owner of record for Tax Parcel 234-11.00-60.00 subject to proposed development, hereinafter called the "Owner".

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 234-11.00-60.00, 64.00 & 62.03 and further identified as the Acadia Project (the "Development"); and

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area); and

WHEREAS, County has determined that the Robinsonville Road & Dorman Road area including the Acadia Project can be served by a proposed common gravity interceptor sewer and a central pump station to be designed, publicly bid and constructed by the County, as shown on EXHIBIT A hereinafter referred to as the "Improvements"; and

WHEREAS, Development will utilize available capacity in the Improvements as well as in already existing wastewater infrastructure.

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

- (1) Developer is granted permission by County to utilize existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations.
- (2) In exchange for permission to connect up to **244** equivalent dwelling units to County's existing transmission system and to utilize available existing capacity, Developer agrees to a financial catch-up contribution, based on the ratio of average flow capacity utilization, towards the debt service of said transmission system in the

amount of **\$112,336** (hereinafter referred to as the "Capacity Catch-Up Contribution").

- (3) Payment of the Capacity Catch-Up Contribution for utilization of the existing transmission system available capacity must be submitted at time of execution of this Agreement.
- (4) Developer further agrees to contribute an amount **estimated at \$881,834** for the ability to connect up to **244** equivalent dwelling units to the Improvements (hereinafter referred to as the "Improvements Contribution"). The Improvements Contribution amount is calculated based upon multiple developers funding the Improvements as shown on EXHIBITS B & C. Each such development entity is paying a pro-rata share based on the equivalent dwelling units proposed for its respective project, including any additional off-site lots required to be served by County Code.
- (5) Payment of the estimated Improvements Contribution must be received by County no later than thirty (30) days from the date this Agreement is approved by Sussex County Council. Payment of the estimated, initial Improvements Contribution can be in the form of cash, a bond or a letter of credit. No Notice to Proceed for the Development shall be issued unless the Catch-up Contribution and the estimated, initial Improvements Contribution are received by the County as set forth herein.
- (6) After completion of Improvements, County shall reconcile the Improvements Contribution and provide Developer with an invoice of the final amount that is due-reflecting any difference between the estimated Improvements Contribution and the final, actual Improvements Contribution based on the actual cost of completing the Improvements. Payment is due within thirty (30) days of the date shown upon the County invoice. In case of a default for non-payment or otherwise, Developer shall be given written notice thereof providing that if full payment is not received within sixty (60) days: (a) all Catch-Up Contributions and estimated Improvements Connection Contribution shall immediately be forfeited to County without recourse by Developer; (b) County will not issue any further permits for the development; and (c) County shall have the right to call in any bonds or letters of credit associated with the development to complete any work underway thereon.
- (7) If the Development (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

Initial



- (8) The contribution for utilization of the existing transmission system is to be placed in County's sewer capital fund and expended towards overall sewer system debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (*See Chapter 110-96 of the Sussex County Code*).
- (9) In addition to the Catch-Up Contribution and the Improvements Contribution, Developer shall be responsible for payment of any and all full system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives an individual sewer connection permit.
- (10) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (11) Prior to the commencement of construction of any sanitary sewer facilities for the Development, Developer shall obtain a Notice to Proceed from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (12) A full time, on-site County representative will be present for the duration of construction of Improvements. In addition, County will provide professional construction management services. Both activities will be tracked and included as an expense in the reconciliation of overall costs of the Improvement.
- (13) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's equitable property rights with the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Assignees or successors must replace all previously paid Catch-Up Contributions and estimated Improvements Contributions and assume any and all obligations under this Agreement prior to County's consent. County will not release any previously paid Catch-Up Contributions and estimated Improvements Contributions to Developer unless, and until, this occurs. No assignments, transfers, or conveyances with respect to this Agreement are permitted without prior written consent of County.
- (14) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (15) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (16) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (17) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (18) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (19) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (20) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (21) Owner and Developer, at their sole cost and expense, agree to grant and convey to County all necessary fee simple deeds, and temporary and permanent easements necessary for the construction of the Improvements.
- (22) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, DE, 19947, the address for the Owner is 22650 Dorman Road, Lewes, DE 19958 and the address of the Developer is **16255 Sussex Highway, Bridgeville DE 19933.**

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

FOR THE COUNTY:

{Seal}

By: _____
Michael H. Vincent, President

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR INSIGHT HOMES, LLC

By: _____ (Seal)

J. Hutchins Haese, Manager
J. Hutchins Haese
Manager

20 August 2018 (DATE)

WITNESS: _____

FOR OWNER – Parcel 234-11.00-60.00

Carlton O. Dorman

_____ (DATE)

WITNESS: _____



PROJECT: WATER CLIENT: WATER DATE: 2/1/20 DRAWN BY: WATER CHECKED BY: WATER	EXHIBIT A - IMPROVEMENTS CORE SEWER INFRASTRUCTURE for ROBINSONVILLE & DORMAN ROADS		SHEET NO. 1 OF 1 SHEETS	
	DESIGN BY: WATER MISSISSAUGA, ONTARIO			

Core Infrastructure for Robinsonville/Dorman Roads Area

Pre-Design Estimate of probable project costs

Project	Agreement #	Project EDUs	% of Core Infrastructure	Estimated Core Infrastructure Cost	Project Contribution	Laterals per Project	Cost per Lateral	Total Lateral Cost per Project	Total
Acadia	1085	244	42%	\$2,061,294	\$871,674	8	\$1,270	\$10,160	\$881,834
Beach Tree Preserve	1088	163	28%	\$2,061,294	\$582,307	0	\$1,270	\$0	\$582,307
Headwater Cove (Simpler)	1078	170	29%	\$2,061,294	\$607,314	17	\$1,270	\$21,590	\$628,904

Robinsonville Road Core Infrastructure Estimate

ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
Mobilization	LS	\$58,367	1	\$58,367
12" PVC Gravity Interceptor	LF	\$135	2,868	\$387,243
10" Coated Ductile Iron Gravity Main, wetlands crossing	LF	\$135	355	\$47,991
De-watering	LF	\$40	2,000	\$80,000
Common Pumpstation located at Headwater Cove	LS	\$500,000	1	\$500,000
6" Forcemain	LF	\$70	1,560	\$54,600
24" Forcemain Tap including restoration	LF	\$27,000	1	\$27,000
Air Release Valves and MH	EA	\$7,500	1	\$7,500
Precast Manholes with Frame & Cover	EA	\$4,500	14	\$63,000
Dorman Road Jack & Bore Crossing	EA	\$216,000	1	\$216,000
Robinsonville Road Jack & Bore Crossing	EA	\$175,000	1	\$175,000
CONVEYANCE SYSTEM SUBTOTAL				\$1,616,701
Construction Contingency		10%		\$161,670.13
SUBTOTAL				\$1,778,371
CONVEYANCE SYSTEM CONSTRUCTION TOTAL				\$1,778,371
Design and Construction Phase Services 17.5% of Construction Costs		17.5%		\$282,923
PROJECT TOTAL				\$2,061,294

USE OF EXISTING & PROPOSED INFRASTRUCTURE AGREEMENT

INFRASTRUCTURE USE AGREEMENT IUA-1088

THIS AGREEMENT ("Agreement"), made this 6th day of September 2018, by and between:

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

DOUBLE DB, LP, a Pennsylvania Limited Partnership and developer of a project known as BeachTree Preserve, hereinafter called the "Developer," and;

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 234-11.00-49.00 and further identified as the BeachTree Preserve Project (the "Development"); and

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area); and

WHEREAS, County has determined that the Robinsonville Road & Dorman Road area including the BeachTree Preserve Project can be served by a proposed common gravity interceptor sewer and a central pump station to be designed, publicly bid and constructed by the County, as shown on EXHIBIT A hereinafter referred to as the "Improvements"; and

WHEREAS, Development will utilize available capacity in the Improvements as well as in already existing wastewater infrastructure.

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

- (1) Developer is granted permission by County to utilize existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations.
- (2) In exchange for permission to connect up to **163** equivalent dwelling units to County's existing transmission system and to utilize available existing capacity, Developer agrees to a financial catch-up contribution, based on the ratio of average flow capacity utilization, towards the debt service of said transmission system in the amount of **\$75,044** (hereinafter referred to as the "Capacity Catch-Up Contribution").

- (3) Payment of the Capacity Catch-Up Contribution for utilization of the existing transmission system available capacity must be submitted at time of execution of this Agreement.
- (4) Developer further agrees to contribute an amount **estimated at \$582,307** for the ability to connect up to **163** equivalent dwelling units to the Improvements (hereinafter referred to as the "Improvements Contribution"). The Improvements Contribution amount is calculated based upon multiple developers funding the Improvements as shown on EXHIBITS B & C. Each such development entity is paying a pro-rata share based on the equivalent dwelling units proposed for its respective project, including any additional off-site lots required to be served by County Code.
- (5) Payment of the estimated Improvements Contribution must be received by County no later than thirty (30) days from the date this Agreement is approved by Sussex County Council. Payment of the estimated, initial Improvements Contribution can be in the form of cash, a bond or a letter of credit. No Notice to Proceed for the Development shall be issued unless the Catch-up Contribution and the estimated, initial Improvements Contribution are received by the County as set forth herein.
- (6) After completion of Improvements, County shall reconcile the Improvements Contribution and provide Developer with an invoice of the final amount that is due-reflecting any difference between the estimated Improvements Contribution and the final, actual Improvements Contribution based on the actual cost of completing the Improvements. Payment is due within thirty (30) days of the date shown upon the County invoice. In case of a default for non-payment or otherwise, Developer shall be given written notice thereof providing that if full payment is not received within sixty (60) days: (a) all Catch-Up Contributions and estimated Improvements Connection Contribution shall immediately be forfeited to County without recourse by Developer; (b) County will not issue any further permits for the development; and (c) County shall have the right to call in any bonds or letters of credit associated with the development to complete any work underway thereon.
- (7) If the Development (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (8) The contribution for utilization of the existing transmission system is to be placed in County's sewer capital fund and expended towards overall sewer system debt reduction or at such time when any transmission infrastructure in County's Unified

Initial



Sanitary Sewer District requires capital improvements (*See Chapter 110-96 of the Sussex County Code*).

- (9) In addition to the Catch-Up Contribution and the Improvements Contribution, Developer shall be responsible for payment of any and all full system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives an individual sewer connection permit.
- (10) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (11) Prior to the commencement of construction of any sanitary sewer facilities for the Development, Developer shall obtain a Notice to Proceed from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (12) A full time, on-site County representative will be present for the duration of construction of Improvements. In addition, County will provide professional construction management services. Both activities will be tracked and included as an expense in the reconciliation of overall costs of the Improvement.
- (13) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's equitable property rights with the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Assignees or successors must replace all previously paid Catch-Up Contributions and estimated Improvements Contributions and assume any and all obligations under this Agreement prior to County's consent. County will not release any previously paid Catch-Up Contributions and estimated Improvements Contributions to Developer unless, and until, this occurs. No assignments, transfers, or conveyances with respect to this Agreement are permitted without prior written consent of County.
- (14) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (15) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware

without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.

- (16) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (17) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (18) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (19) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (20) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (21) Owner and Developer, at their sole cost and expense, agree to grant and convey to County all necessary fee simple deeds, and temporary and permanent easements necessary for the construction of the Improvements.
- (22) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, DE, 19947 and the address of the Developer is 507 N. York St., Suite 2D, Mechanicsburg PA 17055.

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

FOR THE COUNTY:

{Seal}

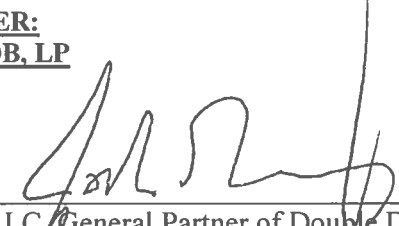
By: _____
Michael H. Vincent, President

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

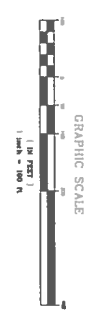
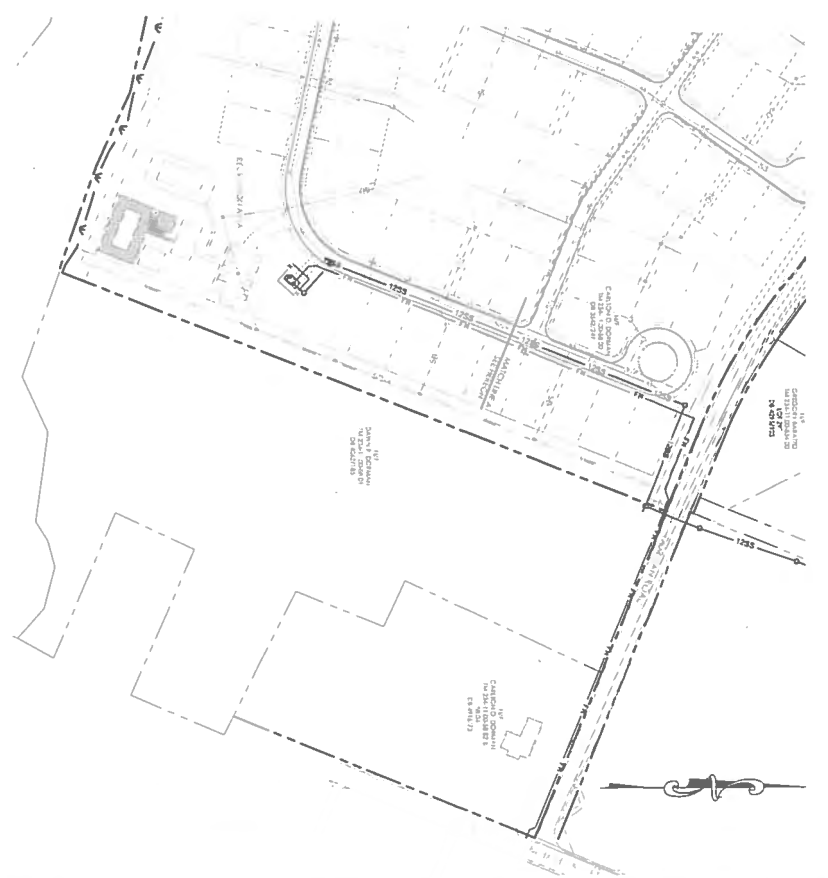
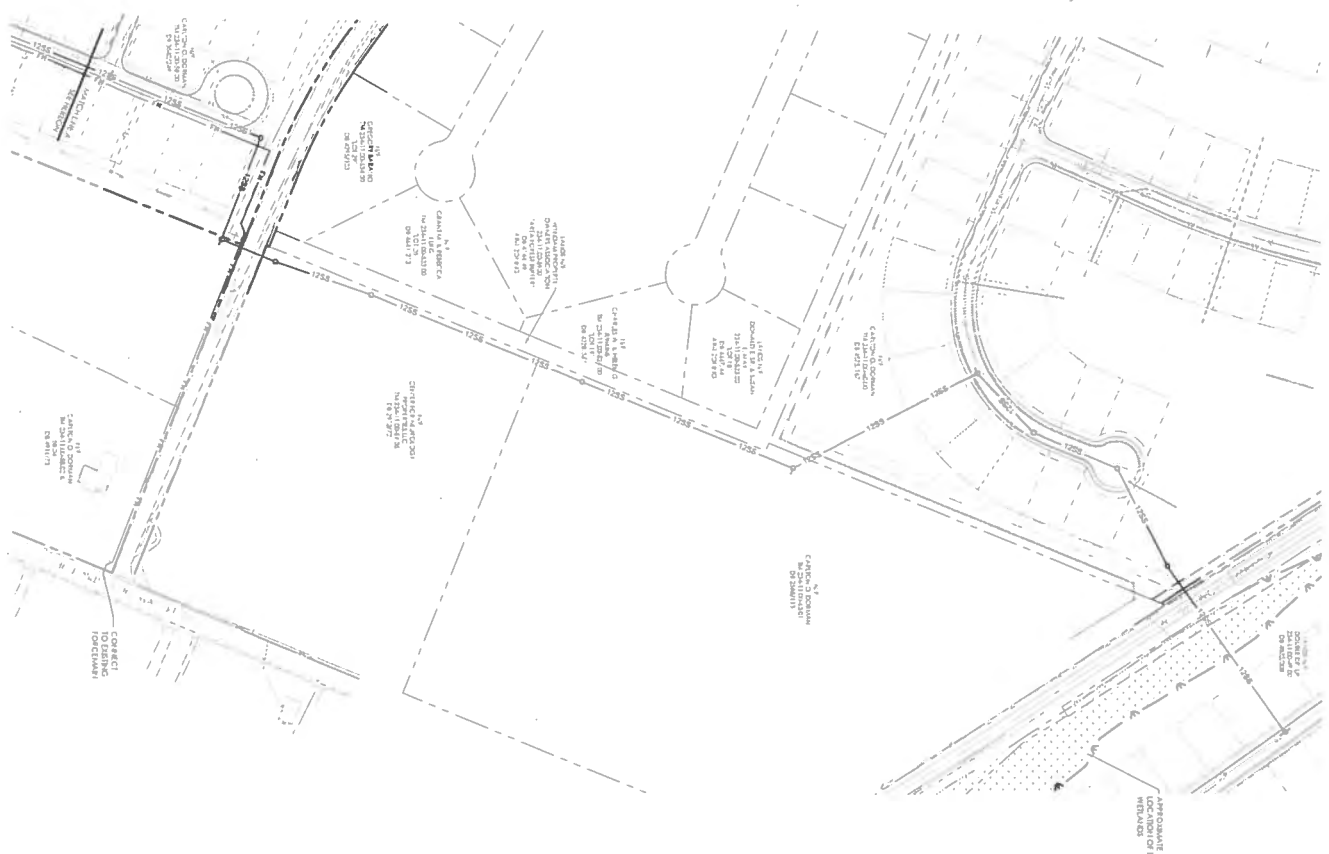
DEVELOPER:
DOUBLE DB, LP

By:  (Seal)
G&B GP, LLC General Partner of Double DB, LP


Authorized Member of G&B GP, LLC

9/6/18 (DATE)

WITNESS:  _____



DATE	8/27/18
DESIGNER	18024
CHECKED BY	TW102
DESIGNED BY	ML
CHECKED BY	JP
DESIGNED BY	JP

**EXHIBIT A - IMPROVEMENTS
CORE SEWER INFRASTRUCTURE**
for
ROBINSONVILLE & DORMAN ROADS
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT NO.	
DATE	

SCALE: AS SHOWN
DATE: 8/27/18
DRAWN BY: TW102
CHECKED BY: ML
DESIGNED BY: JP

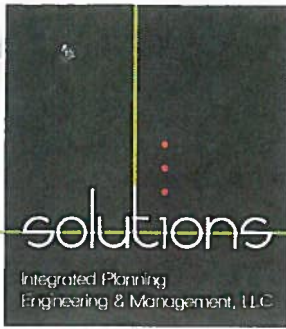


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August 7, 2018

Mr. Hans Medlarz, PE
Sussex County Engineer
Sussex County Administrative Office Building, 3rd Floor
2 The Circle, PO Box 589
Georgetown, DE 19947

RE: G18024 – Headwater Cover Regional Pump Station – TM 234 - 11, P 49, 58, 59.05, 60, & 60.01
Agreement – Surveying, Engineering and General Consultation

Dear Mr. Medlarz:

We greatly appreciate the opportunity to present this agreement to provide professional services related to the County's regional pump station project. It is our understanding that the pump station and gravity main will service Headwater Cove, Acadia, Beach Tree as well as the proposed neurology center and undeveloped Carlton O Dorman property.

We are currently under contract with the developer of Headwater Cove to design an on-site pump station. This agreement is intended to transfer the design to the County and include the additional design fees associated with upsizing the pump station and designing the off-site gravity mains.

This letter is to serve as Agreement between Sussex County ("Client") and Solutions, Integrated Planning, Engineering & Management, LLC ("Solutions IPEM").

Scope of Services – Regional Sewer Design:

Generally, Solutions IPEM provide surveying, engineering and professional services to gain final engineering approval for the regional pump station within the proposed Headwater Cove subdivision. Specifically, Solutions IPEM will provide the following:

Sewer Concept

Solutions IPEM shall prepare a planning base for the sewer concept based on our current survey information and information from the other interested parties (Acadia and Beachtree). The concept is intended to firm up the pump station location, force main route as well as the gravity main to serve the off-site properties. Specifically known design limitations (roadway elevations, utilities, pipe crossings, future DelDOT relocation, etc) will be identified and presented for discussion. Areas of missing property line information and topography will also be identified.

Boundary and Topography

Solutions IPEM will prepare a topography survey along with boundary lines along the proposed route. This survey will be created based on information already obtained by Solutions IPEM, cad survey information

provided by the Client via other interested parties and supplemental research and field survey by Solutions to verify existing conditions and fill in any gaps. The survey will also include necessary DelDOT right-of-way location at proposed crossings.

Regional Sewer Design

Solutions IPEM will prepare civil engineering, site plans and subdivision plats for the proposed pump station, force main and gravity line.

Preliminary Design

Solutions IPEM will prepare preliminary design of the pump station, gravity main and force main, including plan, profile, station sections, flow design and pump selection. The plans will also include DelDOT details for utility construction. Specifically, the plans will propose open cut construction (in lieu of jack and bore) of Robinsonville Road and Dorman Road. The plans will be submitted to Sussex County and DelDOT for review.

Final Design

Based on agency comments, Solutions IPEM will prepare final design of the pump station, gravity main and force main, including plan, profile, station sections, flow design and pump selection as well as electrical design. Basic DelDOT MOT information will be included. The plans will also include general sediment and erosion control information per the Minor Linear Disturbances, Application for Standard Plan Approval. The plans will be submitted to Sussex County, Sussex Conservation District, DelDOT and DNREC for review.

Upon receipt of Agency comments on submitted construction drawings, Solutions IPEM will respond to said comments, make any required revisions to construction drawings and resubmit the plans for final approval.

Easement Plats

Solutions IPEM will prepare the easement plats for the construction of the proposed sanitary sewer facilities. It is anticipated that 20' permanent easement will be provided over the center of the mains along with an addition 20' temporary construction easement on both side of the permanent easement. The pump station will be located within a 50' x 50' easement. Easement plats are anticipated for parcels 49, 58, 59.05, 60, & 60.01. An easement may be necessary on parcels 58.01, 58.02, & 58.04 depending on the crossing of Doman Road and final force main location.

Exclusions

- Architecture, surveying, landscape architecture or engineering other than that specifically identified herein.
- Specification, cost estimates, or bidding assistance.
- Hiring of outside consultants. Hiring/paying all consultants is the responsibility of Client.
- Invoice review and approval of other consultants or contractors.
- Management of Client employees, agents or consultants.
- Construction management of any kind.
- Payment of Project related application, review, permit or other such fees. All project related fees of this kind are the sole responsibility of Client.

Headwater Cove Regional Sewer Agreement
G18024
Page 2 of 4

- Payment of Project related expenses. All project related expenses are the sole responsibility of Client.
- Payment of consulting fees of any kind including but not limited to legal, marketing, market analysis, architecture, landscape architecture, or other such consulting fees. All project related fees are the sole responsibility of Client.
- Engineer's Certifications, Engineer's Consent, Construction Certifications, Reliance Letters, Account Reconciliations and other similar documentation typically requested by lenders, lending institutions and others.
- Any service not specifically enumerated in the body of this Agreement.

Term of Agreement

Solutions IPEM will provide the services described above on a monthly basis. The term of this contract shall commence upon the signing of this contract by Client and shall continue on a monthly basis, automatically renewing monthly thereafter, unless or until terminated as indicated in the Schedule of Rates and Contract Terms and Conditions.

The services indicated herein will be provided during normal business hours with the exception of special business meetings or public meetings that must be held at other hours.

Compensation & Payment Terms

- Regional Sewer Design

Time and Materials

Services shall be provided on a Lump Sum and Time and Materials basis subject to the attached Schedule of Rates and Contract Terms and Conditions which are hereby incorporated into this Agreement by reference.

Invoices will be submitted on a bi-weekly basis and are due and payable upon submission.

Additional Services

Additional services are any/all services not specifically included herein. Additional services may be provided by Solutions IPEM upon request by Client at either a negotiated fee or on a Time and Materials basis in accordance with the attached Schedule of Rates and Contract Terms and Conditions. Any such request must be made in writing and signed by both parties prior to work commencing.

Ownership and Release of Documents

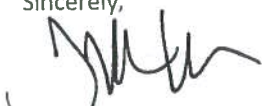
Subject to the attached Schedule of Rates and Terms and Conditions, Solutions IPEM will release copies of instruments of service, plans, plats, and/or electronic data and CAD files to Client or others at Client's written instruction.

Entire Agreement

This Agreement together with the attached Schedule of Rates and Contract Terms and Conditions contains the entire agreement between the parties with respect to the subject matter. It may not be changed or altered, except by an agreement, in writing, signed by the party against whom enforcement of any waiver, change or modification, extension or discharge is sought.

If this Agreement is acceptable, please sign below, initial the Schedule of Rates and Contract Terms and Conditions and return one copy. We look forward to working with you on this project.

Sincerely,



Frank M. Kea, RLA

Accepted by:

Hans Medlarz, PE

Date

SCHEDULE OF RATES & CONTRACT TERMS & CONDITIONS - 2018

For: Solutions, Integrated Planning, Engineering & Management, LLC & Fuller Hall Associates, Inc. (Together Herein, "The Firm")

Category	Hourly Rate	Category	Hourly Rate
Managing Principal	\$190.00	Survey Crew (3-man)	\$150.00
Senior Architect	\$150.00	Survey Crew (2-man)	\$120.00
Architect	\$125.00	Survey Crew (1-man)	\$95.00
Associate Landscape Architect	\$150.00		
Landscape Architect	\$125.00	Other Rates	
Principal Engineer	\$165.00	Quad (4-wheeler)	\$55/day
Associate Engineer	\$150.00	Boat	\$100/day
Engineer	\$125.00	Travel	\$0.56/mile
Designer	\$100.00	Direct Expense	Cost plus 10%
Senior CAD Technician	\$75.00	24" x 36" Black & White Prints	\$2.75/sheet
CAD Technician	\$65.00	Large Format Black & White Prints	\$1.50/sf
Graphic Designer	\$70.00	Large Format Color Prints- Standard Paper	\$5.00/sf
Clerical	\$55.00	Large Format Color Prints- Presentation Paper	\$9.50/sf
Principal Surveyor	\$125.00	Black & White Copies- 8.5"x 11" up to 11"x 17"	\$1.10/copy
Associate Surveyor	\$110.00	Color Copies- 8.5"x 11" up to 11"x 7"	\$.20/copy
Surveyor	\$90.00		

Terms & Conditions

I. Scope of Work: Services shall be performed as described in the attached Agreement within which these Rates and Contract Terms and Conditions are hereby incorporated by reference. Prices and fees indicated in the Agreement are valid for thirty (30) days unless otherwise stated. All fees and rates are subject to renegotiation if the Scope of Services represented in the Agreement is changed or if services are not completed within one (1) year of the date of the original contract. Services beyond those specified in the Scope of Work may be provided as Additional Services, if requested by the Client, in accordance with the Rates contained herein or for a fee negotiated at the time of the request for Additional Services. Services not expressly set forth in writing in the Agreement are excluded from the Scope of Work and The Firm assumes no duty to perform such services.

II. Severability: If any clause, sentence, or parts of this Agreement, or any section thereof shall be declared by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining parts of this Agreement or of any section thereof. The Firm may delay or forebear enforcing any or all of its rights under this Agreement without being deemed to be a waiver of rights.

III. Invoices and Payment: Invoices will be issued on a two week basis unless otherwise specified. Payment is due upon receipt of invoice. Time and Materials will be invoiced for Time and materials incurred in the interest of the Client for the two week period and lump sums will be invoiced based on percentage of services complete. Any invoice not paid within 30 days of date of invoice shall be overdue and will be subject to an interest charge of 1.5% per month (18% per annum).

IV. Collections: Should it be necessary to take legal action for nonpayment, the undersigned agrees to pay all costs, legal or otherwise, attorneys' fees and court costs related thereto plus 25%.

V. Reimbursable Expenses: Reimbursable expenses shall include all expenses incurred in the interest of Client during the period of service including but not limited to travel, printing, copying, shipping, etc., at the rate listed above.

VI. Government Agency Fees: The Client is solely responsible for the payment of fees imposed by agencies including but not limited to application fees, review fees, permit fees, recording fees, impact fees, tap and connection fees, bonds, front-foot assessments, taxes, etc. Client agrees to reimburse The Firm for fees of this kind paid by The Firm on the Client's behalf at cost plus 10%.

VII. Delays in Work: The Firm will prosecute the Services in a commercially reasonable fashion consistent with industry standards. The Firm is not responsible for delays in the delivery of Services caused by the Client or its agents, consultants, contractors, subcontractors or government agencies.

VIII. Contract Termination: The Firm may terminate the Agreement with or without cause upon seven (7) days prior written notice to Client. The Client may terminate the Agreement for cause upon seven (7) days prior written notice to The Firm. To effect a termination, all outstanding fees and/or invoiced amounts must be paid within seven (7) days of the date of termination.

IX. Document Ownership: All Instruments of Professional Service including but not limited to, plans, plats, reports, specifications, digital media, and original documents furnished by The Firm shall remain property of the Firm. The Firm retains the right to use this information without Client's permission and The Firm retains the exclusive common law and statutory copyright to all such Instruments of Service. All such Instruments of Service are for sole use by the Client and only for the project for which the Instruments of

Service were prepared. The Client shall not reuse or modify any such documents without written permission from the Firm. The Client agrees to indemnify and hold The Firm harmless from all claims, damages and expenses, including Attorney's fees and any other legal costs, arising from such use by Client or other third parties through or at the consent of the Client. Instruments of Service in the form of Digital media will be released at The Firm's sole discretion and only with the execution by the Client of a "Release for Use of Digital Media" in a form acceptable to The Firm at The Firm's sole discretion.

X. Limitation of Liability: The Client agrees to limit The Firm's liability to the Client, sub-consultants, contractors and sub-contractors on the project related to errors or omissions to a sum that shall not exceed \$75,000 or the amount of the professional services, whichever is less. The Client agrees to indemnify The Firm in any action brought against The Firm seeking compensation for any personal or bodily injury as a result of services rendered under this contract.

XI. Force Majeure: Neither party to this Agreement is liable for failure to perform its obligations if such failure is as a result of Acts of God (including fire, flood, earthquake, storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, blockage, embargo, labor dispute, strike, lockout or interruption or failure of electricity or telephone service

XII. Successors and Assigns: Neither party may assign this Agreement without the prior written consent of the other party, except that either party may, without the consent of the other, assign the Agreement to a controlled subsidiary of that party or a purchaser of all or substantially all of that party's assets used in connection with performing this Agreement, provided the assigning party guarantees the performance of and causes the assignee to assume in writing all obligations of the assignor under this Agreement. The rights and obligations of this Agreement shall bind and benefit any successors or assigns of the parties.

XIII. Governing Law: The Agreement together with these Terms and Conditions shall be governed by the laws of the State of Delaware.

XV. Dispute Resolution: Claims, disputes or other matters in question between the parties arising out of or relating to this Agreement or breach thereof which involve, either individually or in the aggregate, monetary claims less than twenty five thousand dollars (\$25,000.00) shall be subject to and will be decided by the Delaware Court System. Claims, disputes or other matters in question between the parties arising out of or relating to this Agreement or breach thereof which involve, either individually or in the aggregate, monetary claims of more than twenty five thousand dollars (\$25,000.00) shall be subject to and will be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association in effect at the time of the claim.

XVI. Standard of Care: All services provided by The Firm shall be conducted with and limited to the same level and skill exercised by members of its profession practicing at the same location at the same time and date under similar conditions. Such standard of care is not a warranty or guarantee (express or implied) and The Firm shall have no such obligation.

Client's Initials: _____



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Woodbridge High School Marine Corps JROTC Booster Club

PROJECT NAME: Halloween Fun Run/Walk 5K

FEDERAL TAX ID: 81-2007291

NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To support the mission of the Woodbridge High School Marine Corps JROTC Program, to instill in all cadets a sense of citizenship, community service, self-discipline, respect for authority, personal responsibility, leadership, self-esteem, and service to the United States.

ADDRESS: Woodbridge High School
14712 Woodbridge Road
Greenwood DE 19950
(CITY) (STATE) (ZIP)

CONTACT PERSON: Regina Chillas
TITLE: Vice President (MC JROTC Boosters)
PHONE: (302)265-9984 EMAIL: stv94gna@gmail.com

TOTAL FUNDING REQUEST: \$2500.00

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

If YES, how much was received in the last 12 months? N/A

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 70%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
10,000

SECTION 3: PROGRAM SCOPE

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

The Woodbridge High School Marine Corps JROTC program (Camp Raider) is holding it's "1st Annual Halloween 5K Fun Run / Walk" on October 27, 2018 at the Woodbridge High School on Woodbridge Road in Greenwood, Delaware. The proceeds from the event benefit the WHS MCJROTC and help to establish better learning opportunities for these leaders of tomorrow.

The funding that we are requesting from Sussex County Council will go towards operating expenses for the event. This along with sponsorships that we are seeking from local businesses will help us to fund trips, training opportunities, and community support activities for the 2018-2019 school year. Our program receives limited funding from the United States Marine Corps and Cadet Command.

If successful, the 5K Fun Run / Walk will become our flagship fundraising event.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TriSports Events set up and marketing fees	-\$ 1,400.00
TriSports Events tee-shirt and award fees	-\$ 1,000.00
Table top banners	-\$ 500.00
Printing & marketing	-\$ 500.00
General supplies	-\$ 200.00
Candy for post event trunk or treat	-\$ 150.00
TOTAL EXPENDITURES	-\$ 3,750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 3,750.00

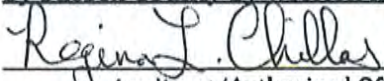
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Woodbridge High School Marine Corps JROTC Booster Club agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official

8/12/18

Date



Witness

8/12/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Regina L. Phillips
Applicant/Authorized Official

Vice President WMS MCTROTZ Boosters
Title

Karen Johnson
Witness

8/13/2018
Date

*Wilson
9-11-18*



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Cape Community Fund**

PROJECT NAME: **Neighbors Helping Neighbors**

FEDERAL TAX ID: **51-0400365** NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: We facilitate short-term financial and in-kind support and agency referrals to residents of the Cape Henlopen School District who are in need due to an unexpected catastrophic circumstance.

ADDRESS: **P.O. Box 110**

Lewes **DE** **19958**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Maryellen Kiernan**

TITLE: **Board Member**

PHONE: **302-228-0803** EMAIL: **mare@irisheyespub.com**

TOTAL FUNDING REQUEST: \$1,500.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

165

SECTION 3: PROGRAM SCOPE

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

The Cape Community Fund provides support for residents of all ages within the Cape Henlopen School District boundaries. We provide financial support of up to \$1,000.00 per incident to needy victims of a catastrophe. We provide referrals for victims to other sources if applicable and facilitate in-kind referrals. We are working with the administration of the Cape Henlopen High School to assist homeless students with school materials, clothing and health needs.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	25,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	-\$ 25,000.00
TOTAL EXPENDITURES	-\$ 25,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

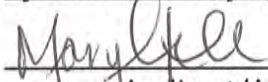
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Cape Community Fund agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official

8.15.18
Date



Witness

8.15.18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Handwritten initials or mark in the top right corner.

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

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

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

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

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

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

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

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

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

Mary Belle
Applicant/Authorized Official

Board member
Title

C.D. Burton
Witness

8.15.18
Date

Burton
9-11-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Woodland School House Assoc.

PROJECT NAME: Woodland Heritage Festival

FEDERAL TAX ID: 81-4674916 NON-PROFIT: YES NO

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

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

^c **The mission** is to provide opportunities to inspire children/adults to protect this historical site and to conserve the lands and water in the environment of the community.

ADDRESS:

mailing PO Box 511
Seaford, DE 19973
(CITY) (STATE) (ZIP)

CONTACT PERSON: Karl Steinbiss

TITLE: President, WSHA

PHONE: 302-629-8528 EMAIL: woodlandschool2017@gmail.com

TOTAL FUNDING REQUEST: _____

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

The program that we are looking for partial funding is for the Woodland Heritage Festival. The festival was formed to bring awareness to the historical importance of Woodland.

This is our second year and we are asking for some support for this festival.

The one room school house is where our concentration lies in asking for public/private support. The school is in what was the Morris homestead and the Woodland golf course in the County's Woodland Park. The nonprofit Woodland School House Association was formed to restore and preserve the integrity of the school house. It will contain artifacts of the once thriving farming community of Woodland during the early 1900's.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$ 500
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel (Entertainment)	\$ 500.00
Operating Costs	
Portapotties (3)	\$ 300.00
Security Light (1 yr)	\$ 192.00
TOTAL EXPENDITURES	\$ 992.00 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 992.00 \$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Kapal Sena
Applicant/Authorized Official

9-11-2018
Date

DonnaDede Steinbiss
Witness

9-11-2018
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Online would not allow me to write.

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

President WSHA
Title

Witness (Treasurer)

9-11-2018
Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Seaford, DE Police Dept.**

PROJECT NAME: **27th Annual Seaford Night Out Against Crime & Drugs**

FEDERAL TAX ID: **51-6000241** NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: **Public Safety and Citizen Education and Awareness**

ADDRESS: **300 Virginia Ave**

Seaford **DE** **19973**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **LT. Pete Bohn**

TITLE: **Special events coordinator**

PHONE: **3026296644 ext230** EMAIL: **peter.bohn@cj.state.de.us**

TOTAL FUNDING REQUEST: \$600.00

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

If YES, how much was received in the last 12 months? \$500.00 for last years event

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
500-1000

SECTION 3: PROGRAM SCOPE

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

27th Annual Seaford Night Out Against Crime & Drugs. Seaford PD, in conjunction w/ the Western Sussex Boys & Girls Club and DE State Police host an annual informational and educational event for the greater Seaford community. Displays and demonstrations of Police equipment and specialized units are conducted, i.e. canine, bomb disposal robot, horse mounted unit, special operations helicopter, etc.. 30-40 tables are staffed by public agencies to provide information to all facets of the community. Some are: Red Cross, Habitat for Humanity, Fire School and Kids Fire Safety, Dept. of Health, Attorney General office, Nanticoke Hospital, Victim Services, Dept of Natural Resources, American Legion, Community Legal Aid and many others. Approximately 1000 free meals will be provided and it is necessary to have tents, tables and chairs for the serving and consumption of these meals by the community attendees.

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	261.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Soda/Water/Ice	-\$ 261.00
Personnel costs	-\$ 400.00
Tents/tables/chairs rental	-\$ 600.00
TOTAL EXPENDITURES	-\$ 1,261.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 1,000.00

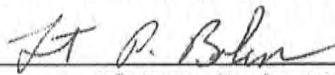
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Seaford Police Department agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

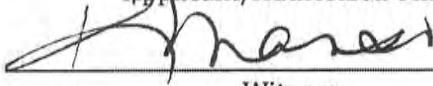
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official

9/13/18

Date



Witness

9/13/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

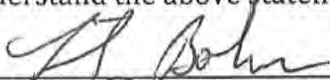
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

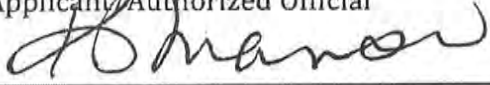
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

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

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

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


Applicant/Authorized Official


Witness

SPECIAL EVENT COORDINATOR
Title

9/13/18
Date

*Vincent
9-14-18*

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2018

RE: County Council Report for CU 2139 Arctec Properties

The Planning and Zoning Department received an application (CU 2139 Arctec Properties) to allow for storage warehouse for small contractors to be located at 14906 & 14910 Sussex Hwy. The Planning and Zoning Commission held a public hearing on August 23, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, comments from Sussex Conservation District, and Sussex County Engineering Department Utility Planning Division.

The Commission found Mike Smith Attorney with The Smith Firm, Jeremy Booros, owner of Arctec Properties, LLC; that Mr. Smith stated a large portion of this property is wooded and wetlands; that it is approximately 4.7 acres and one acre which is the proposed Conditional Use; that there is an 60'x80' metal building; that the Conditional Use application now is an identical to the overlapping previous Conditional Use application; that prior application was under 1693 and was approved under Ordinance No. 1918; that the application was submitted in April 2006; that the application was for a multi-unit warehouse; that the approved Conditional Use is more than 30% of what is proposed; that the existing 60'x80' building will remain and another building is proposed; that it will be similar to the prior approval of the Conditional Use; that a hearing was held in front of the Planning and Zoning Commission on July 12, 2007 and the Commission recommended approval; that County Council held their hearing on August 7, 2007 and approved it with conditions; that the applicant is amenable to the same conditions with some minor request; that there will be no outside storage; that the security lighting will be downward screened; that there will be no retail sales; that the existing block building be permitted as an office building; that the rest of the building will be for warehousing and storage; that there will be no manufacturing on the property; that the applicant is okay with the same hours; that the applicant does not want to have fencing on the site; that the parking lot is now millings; that there is on-site septic; that he would like to have a lighted 32 square foot sign; that there is a proposed vegetative buffer of 15 feet wide on the north side of the property; that parking overnight should be parked west of the block building; that they are willing to show the dumpster location on the site plan; that the Conditional Use had a time extension until 2009 and they are now trying to bring it back again; that Mr. Booros stated he has 14 employees; that half of them take vehicles home and others do not; that all the staff meets at the site in the morning;



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

that the employees arrive between 6:45 am to 7:15 am and they are there for about an hour and they will return between 4:00 pm to 5:00 pm; that there will be four to five vehicles that will stay on the site; that four to five of the vehicles will stay overnight; that the site is like a wash and one vehicle goes in and one vehicle goes out; that there is an old cesspool on site and it is not working; that a split rail fence be in the rear of the property to help with parking and to notify about the drop off; that there is potential interconnectivity to the north and could be have the ability to connect; and that there are commercial uses to the south and are some to the north of the site.

The Commission found that no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

At their meeting of September 13, 2018, the Planning Commission discussed the application which has been deferred since August 23, 2018.

Mr. Hopkins moved that the Commission recommend approval for C/U #2139 for Arctec Properties, LLC for a storage warehouse for small contractors based upon the record made during the public hearing and for the following reasons:

1. The site was previously approved for a multi-unit warehouse for small contractors in 2007 as Conditional Use #1693 and Ordinance #1918. That prior approval was for a larger building than what is proposed with this application.
2. The site is located along Route 13, which is a main arterial highway in Sussex County. This use is appropriate for this location.
3. The use is situated on a 4.74 acre parcel of land. It is situated among other larger parcels of land. There are other businesses and structures in the area with similar characteristics and uses to what is proposed by the Applicant. This use is compatible with the surroundings.
4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 13 that is convenient for small businesses operated in the County.
6. The applicant has stated that he is generally agreeable to the conditions that were imposed by Conditional Use #1693 and Ordinance #1918, with some minor modifications.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - A. The project shall be used for indoor storage purposes only. There shall not be any outside storage, including boats, RVs, or equipment within the site.
 - B. There shall be no retail sales from the property.
 - C. No vehicle repair or fueling operations shall be performed on site.
 - D. There shall be no manufacturing on the site.
 - E. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.

- F. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- G. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- H. The parking areas may be crusher run and there shall be an adequate area for all tenants and employees as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. In addition, any vehicles parked overnight shall be located on the west end of the block building located on the site.
- I. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
- J. As required by Conditional Use #1693 and Ordinance #1918, there shall be a vegetated buffer along the northern side of the site. The buffer shall be shown on the Final Site Plan.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2018
RE: Staff Analysis for CU 2139 Arctec Properties

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2139 Arctec Properties to be reviewed during the August 23, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 530-17.00-10.00 to allow for storage warehouse for small contractors to be located at 14906 & 14910 Sussex Hwy. The size of the property is 4.74 ac. +/-.

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

The surrounding land use to the north, east and west are Low Density Areas. The land uses to the south are Town Center Areas. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are some parcels to the southeast approximately 0.31 mile and to the north approximately 0.55 mile that are zoned C-1 (General Commercial District). There was a previous Conditional Use for the property (CU 1693) to allow for multi-unit warehouse for small contractors. The Conditional Use was approved on Aug. 7, 2007. There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for storage warehouse for small contractors could be considered consistent with some of the land use, area zoning and uses.





Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

Hydrology

~ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

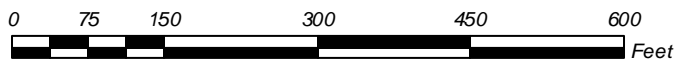
■ Public Protected Lands

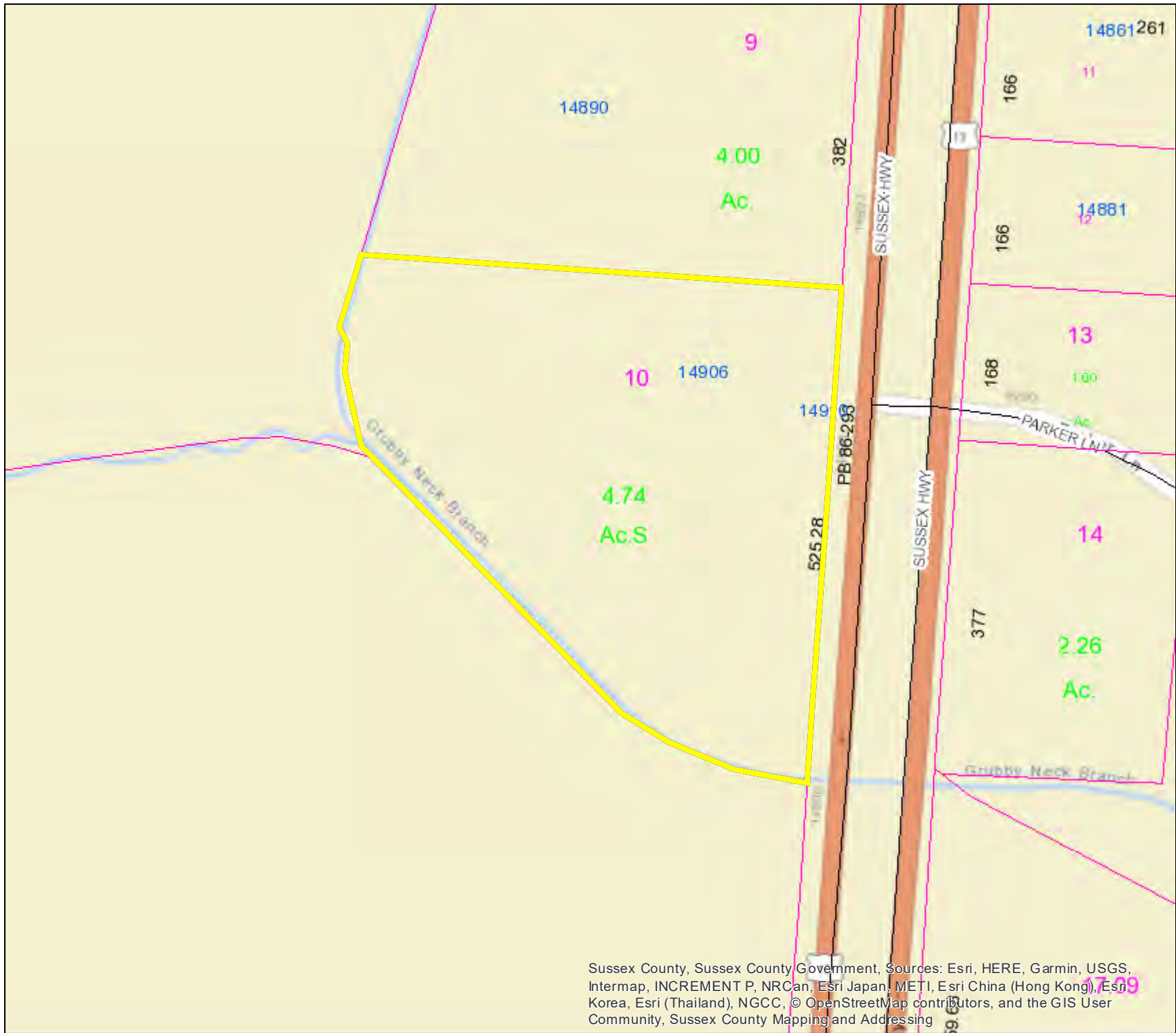
■ Municipalities

■ Communities

■ Boundaries State County

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





Addresses / Parcels

▭ TaxParcels

Council Districts

▭ Fire Districts

▭ County District 01

▭ County District 02

▭ County District 03

▭ County District 04

▭ County District 05

▭ County Boundaries

Schools/Libraries

▭ School Buildings (Various)

▭ School Library

▭ Public Library

▭ Special Library

▭ DOE School Districts

▭ DOE VoTech School Districts

Hydrology

▭ Streams / Rivers

▭ Lakes, Ponds, Bays

Flood Zones

▭ 0.2% Annual Chance Flood Hazard

▭ A

▭ AE

▭ AO

▭ Open Water

▭ VE

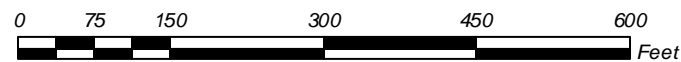
▭ Public Protected Lands

▭ Municipalities

▭ Communities

▭ Boundaries State County

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





Addresses / Parcels

- Tax Parcels

Council Districts

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

Schools/Libraries

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

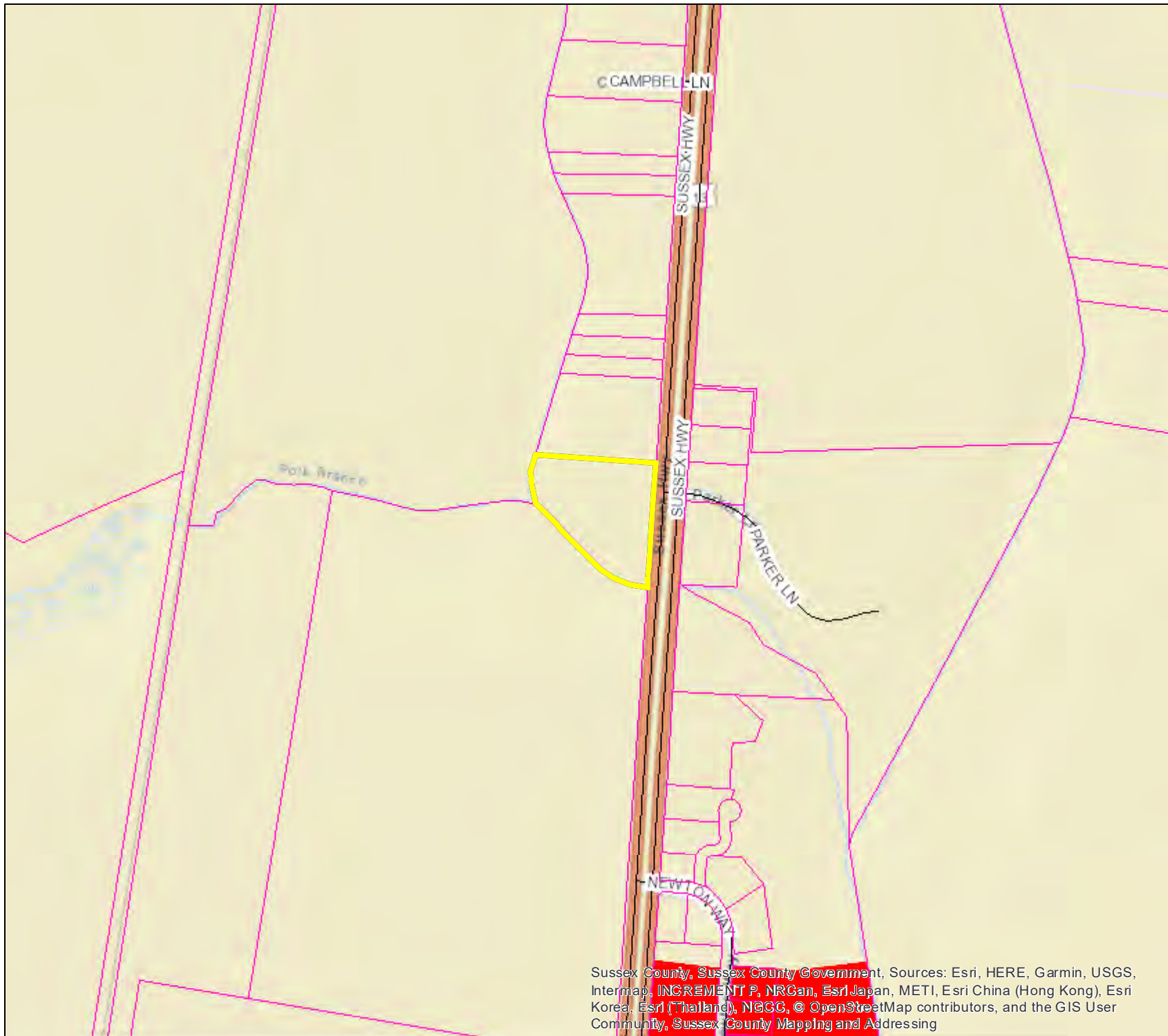
Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

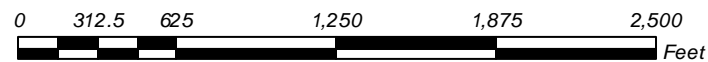
Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County



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



Introduced 04/10/18

Council District No. 2 – Wilson

Tax I.D. No. 530-17.00-10.00

911 Address: 14906 and 14910 Sussex Highway, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE WAREHOUSE FOR SMALL CONTRACTORS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS

WHEREAS, on the 12th day of March 2018, a conditional use application, denominated Conditional Use No. 2139, was filed on behalf of Arctec Properties, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2139 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2139 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13), approximately 0.75 mile north of East Newton Road, and being more particularly described per the attached legal description prepared by Miller-Lewis, Inc., Land Surveying, said parcel containing 4.74 acres, more or less.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2018

RE: County Council Report for CU 2140 Santay Trucking c/o Samuel Connors

The Planning and Zoning Department received an application (CU 2140 Santay Trucking c/o Samuel Connors) to allow for trucking business, landscape material storage to be located at 14292 S. DuPont Blvd. The Planning and Zoning Commission held a public hearing on August 23, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, comments from the Sussex Conservation District, DelDOT and Sussex County Engineering Department Utility Planning Division.

The Commission found Larry Fifer Attorney, Samuel Connors, owner of Santay Trucking and Kevin Smith with Kercher Group were present on behalf of the applicant; that Mr. Fifer stated the parcel is five acres; that the parcel has been used for the purposes the applicant is seeking a Conditional Use for a trucking business; that there are no violations on the site; that Mr. Connors stated this is the old Will Connors site and he is just trying to get it legal with a Conditional Use; that DelDOT has expanded the pipe under the entrance; that Mr. Smith stated there is an existing metal building and an office building; that the entrance was expanded by DelDOT; that DelDOT is okay with the project and no upgrades are needed; that DelDOT installed the crossover to allow for the north bound traffic; that the adjacent parcels are owned by the State and are wooded; that Mr. Connors stated the crossover has been there since before 2009; that Ms. Smith stated there is well and septic on site; that they plan to keep the site as is and bring it into compliance; that Mr. Connors stated the number of employees depends on the time of the year; that he could have up to 20 employees; that he would not like a sign; that there will be no sales on the site; that there will be some outside storage; that they fix their own trucks within the building; that there will be proper means of disposal of oil and chemicals; and that a business comes down and recycles the waste.

The Commission found no one spoke in favor or opposition to the application. The public hearing was closed.

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



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

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

At their meeting of September 13, 2018, the Planning Commission discussed the application which has been deferred since August 23, 2018.

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2140 for Santay Trucking C/O Samuel Connors for a trucking business with material and landscape storage based upon the record made during the public hearing and for the following reasons:

1. This site has been used for trucking and related operations for decades- most likely preceding the Sussex County Zoning Code. This applicant has also owned and used the property for trucking operations for years.
2. Because there is not currently a formal zoning approval for the use, the applicant is seeking this conditional use to confirm the longstanding and grandfathered use of the property for trucking and related operations.
3. DelDOT has historically recognized the existing use of the site through the construction of a commercial entrance and a crossover in the median of Route 113. DelDOT has no objection to the continued use of the site for trucking and related purposes.
4. The site is surrounded by wooded properties owned by the State of Delaware. The continued use of the site for trucking and storage areas will not interfere with these adjoining properties.
5. The continued use of the property for trucking and related activities will not adversely affect traffic or area roadways.
6. The applicant has no plans to materially expand the use on the property or construct additional buildings beyond what currently exist on the site.
7. The applicant does not want a sign for the property, and no retail sales or similar uses will occur from the property.
8. It is appropriate to approve this conditional use application to confirm the grandfathered, legal use of the property for trucking and landscape and material storage.
9. Because this is a grandfathered, limited use of the property, it is not necessary to require a lot of conditions. So, this recommendation is subject to the following limited conditions:
 - a. The use shall be limited to the type of trucking operation with landscape and material storage of the type that has occurred on the site for decades. This includes the existing structures on the site.
 - b. As stated by the Applicant, no sign was requested, so no sign is permitted.
 - c. As stated by the Applicant, no retail sales shall occur on the site.
 - d. All petroleum products, lubricants and similar fluids shall be properly stored and disposed of in accordance with all state and federal requirements.
 - e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2018
RE: Staff Analysis for CU 2140 Santay Trucking c/o Samuel Connors

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2140 Santay Trucking c/o Samuel Connors to be reviewed during the August 23, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 230-31.00-27.00, 27.01, 27.02 to allow for trucking business, landscape material storage to be located at 14292 S. DuPont Blvd. The size of the properties is 5.0 ac. +/-.

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

The surrounding land use to the north, south, east and west are Low Density Areas. There is some Developing Area land use further to the north. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are a few Conditional Use in the area (CU 1799 – Health Development Crisis Center and CU 1835 – VFW).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for trucking business, landscape material storage would not be considered consistent with the land use, area zoning and uses.



Mailing List Exhibit
Planning & Zoning Commission
CU #2140
230-31.00-27.00, 27.01, 27.02
Samuel Connors
14292 S. DuPont Blvd.

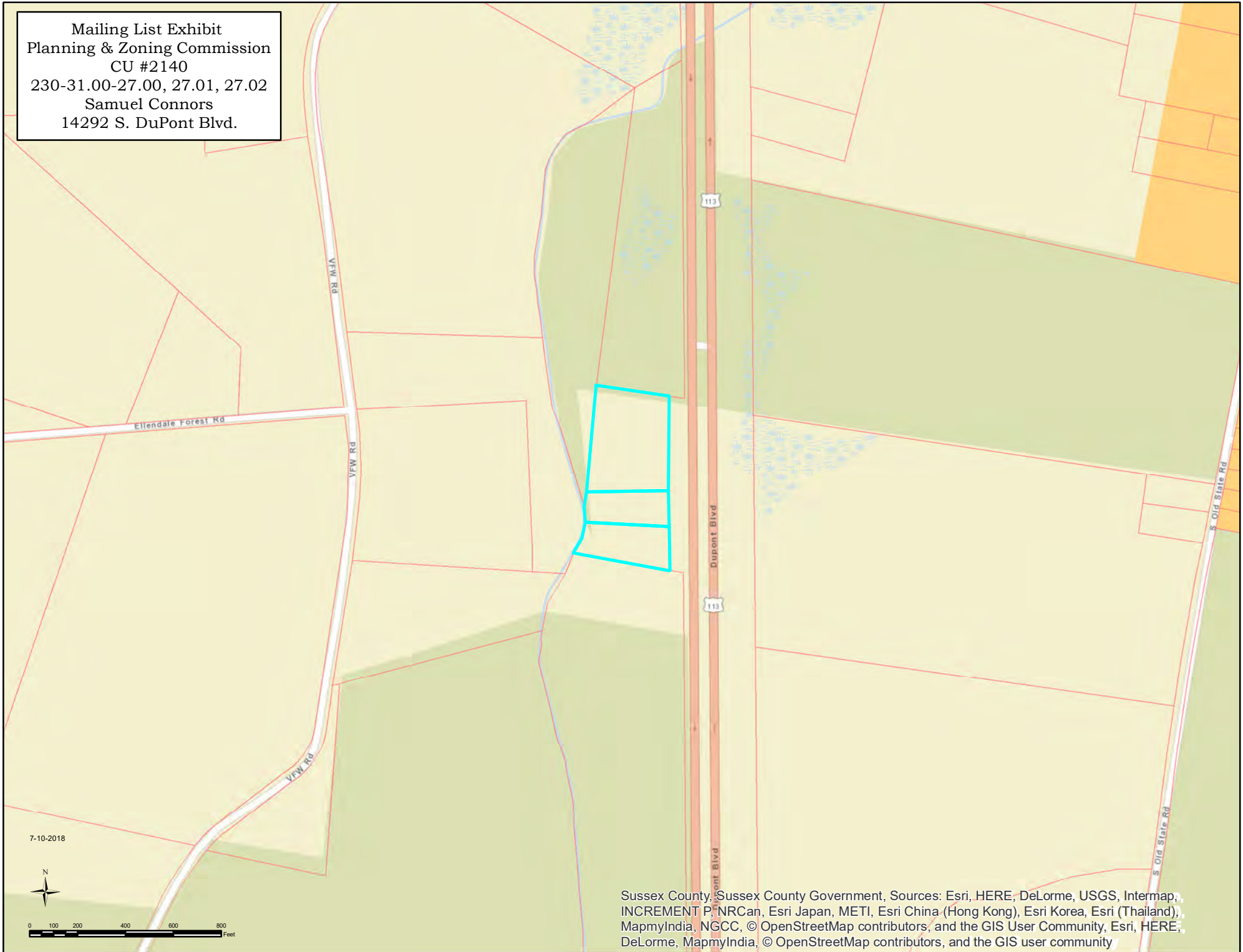


7-10-2018



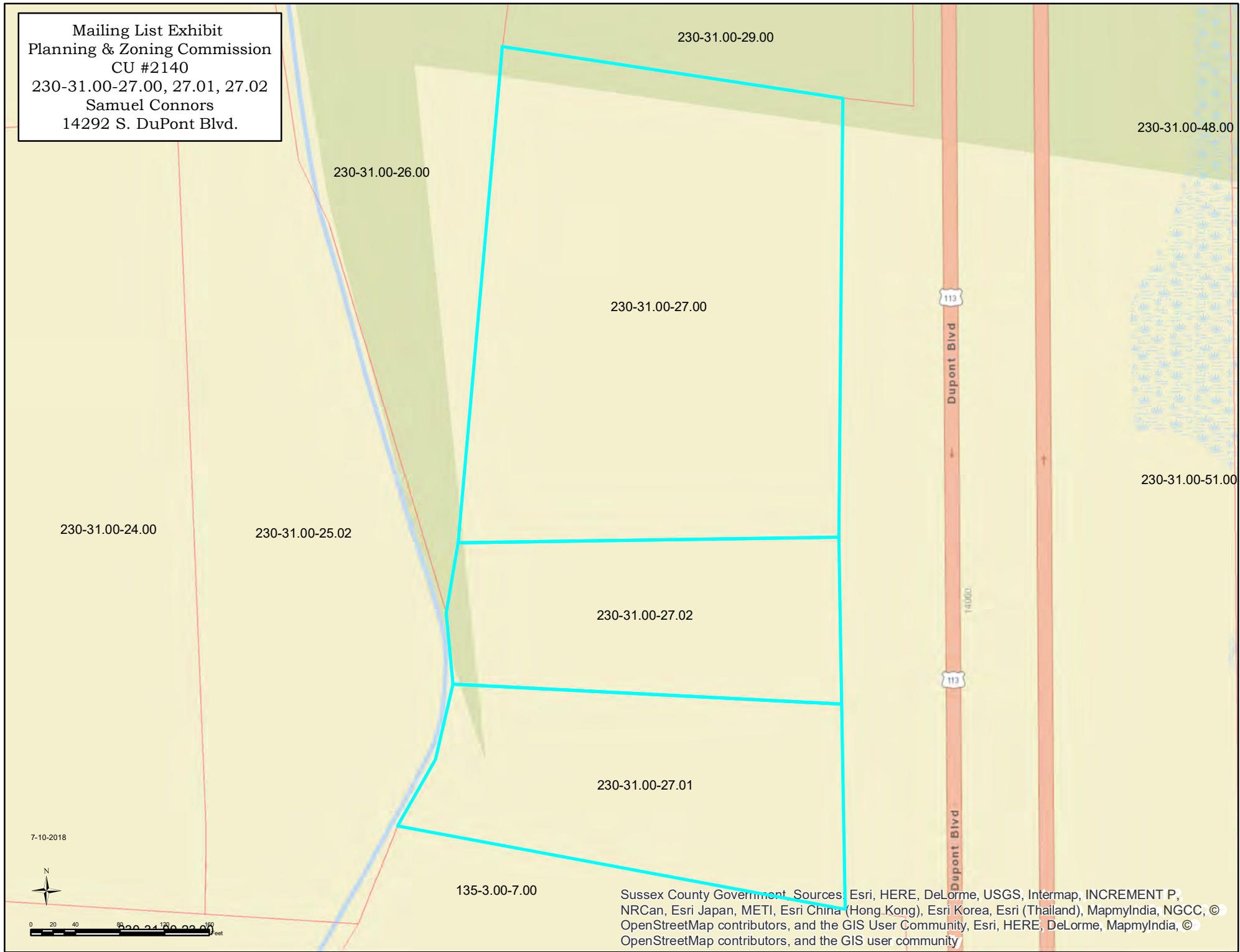
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Mailing List Exhibit
Planning & Zoning Commission
CU #2140
230-31.00-27.00, 27.01, 27.02
Samuel Connors
14292 S. DuPont Blvd.



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

Mailing List Exhibit
Planning & Zoning Commission
CU #2140
230-31.00-27.00, 27.01, 27.02
Samuel Connors
14292 S. DuPont Blvd.



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

Introduced 04/10/18

**Council District No. 2 - Wilson
Tax I.D. No. 230-31.00-27.00, 27.01 and 27.02
911 Address: 14292 DuPont Blvd., Ellendale**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS, LANDSCAPE AND MATERIAL STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 26th day of March 2018, a conditional use application, denominated Conditional Use No. 2140 was filed on behalf of Santay Trucking c/o Samuel Connors; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2140 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2140 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the west side of DuPont Blvd. (Rt. 113) approximately 0.5 mile south of VFW Rd. and being more particularly described in the legal description contained in the attached deed prepared by Larry Fifer, Attorney at Law, said parcel containing 5.0 acres, more or less.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 20, 2018

RE: County Council Report for CZ 1855 Kirk Salvo; KH Sussex, LLC

The Planning and Zoning Department received an application (CZ 1855 Kirk Salvo; KH Sussex, LLC) to allow for a change of zone from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located on John J. Williams Hwy. (Rt. 24). The Planning and Zoning Commission held a public hearing on August 23, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, an exhibit booklet, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division, results from a DelDOT Service Elevation which did not require a TIS. One letter in support of the application and one letter in opposition to the application were read into the record.

The Commission found that Dennis Schrader Attorney with Morris, James, Wilson, Halbrook and Bayard, Mike Reimann with Becker Morgan Group and Kirk Salvo, owner of KH Sussex, LLC were present of behalf of the application; that Mr. Schrader stated he is elated to ask for C-3; that the 2018 Comprehensive Plan is applicable in the Coastal Area; that the site is located on the corner of Route 24 and Angola Road; that the property is currently zoned AR-1; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the property is located in the Level 3 State Strategies; that Mr. Reimann stated the total for the area of rezoning is 3.5 acres; that there are three parcels involved; that there is currently a home on the site and marina storage; that there are commercial uses within one mile of the area including a marina; that a commercial shopping center is within three miles; that Peddlers Village is within 15 miles; that there are many residential projects in the area; that the proposed use is for a gas station with a convenience store to provide convenience to the road users; that this will serve fuel to the area; that DelDOT has a project to improve the intersection; that the construction is proposed to begin in 2020; that a TIS was not required; that there will be a right turn in and a right turn out on Route 24 and have full access onto Angola Road; that they did work with DelDOT; that this project will not have a negative impact; that the applicant would go through the Site Plan process; that the site was recently annexed into the Sussex County sewer district; that the lighting will be shielded; that signage will be in accordance with the sign Code; that there are some wetlands on the site and



they will be protected; Mr. Schrader stated that they do comply with the current and new Comp Plans; and that the site is consistent with the new C-3 zone.

The Commission found that no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

At their meeting of September 13, 2018, the Planning Commission discussed the application which has been deferred since August 23, 2018.

Mr. Hudson moved that the Commission recommend approval of Change in Zone # 1855 for KH Sussex, LLC for a change in zone from AR-1 to C-3 "Heavy Commercial" based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site is at the intersection of Angola Road and Route 24. This lighted intersection is appropriate for this type of zoning.
3. This location serves an area that has seen significant residential growth. This rezoning will provide a convenient location for retail and service uses for nearby residential developments as well as Route 24 traffic.
4. Most of the site is currently used for commercial purposes. A Conditional Use for boat storage and other similar uses exists on the property. This rezoning is a reasonable expansion of that prior conditional use on this site.
5. The site will be served by central water and Sussex County sewer.
6. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Land Use Plan. This type of commercial use serving nearby residential uses is appropriate in this Area according to the Plan.
7. The proposed C-3 Zoning at this site lessens the congestion on area roads by providing appropriate commercial activities at the Route 24 and Angola Road intersection so that residents and visitors to the area can meet some of their commercial needs without having to travel to Route One or the Long Neck areas.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
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Sussex County

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sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2018
RE: Staff Analysis for CZ 1855 Kirk Salvo; KH Sussex, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1855 Kirk Salvo; KH Sussex, LLC to be reviewed during the August 23, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 234-11.00-56.02, 56.03, 56.06, 56.09 to allow for a change of zone from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located on John J. Williams Hwy. (Rt. 24). The size of the properties is 3.5 ac. +/-.

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

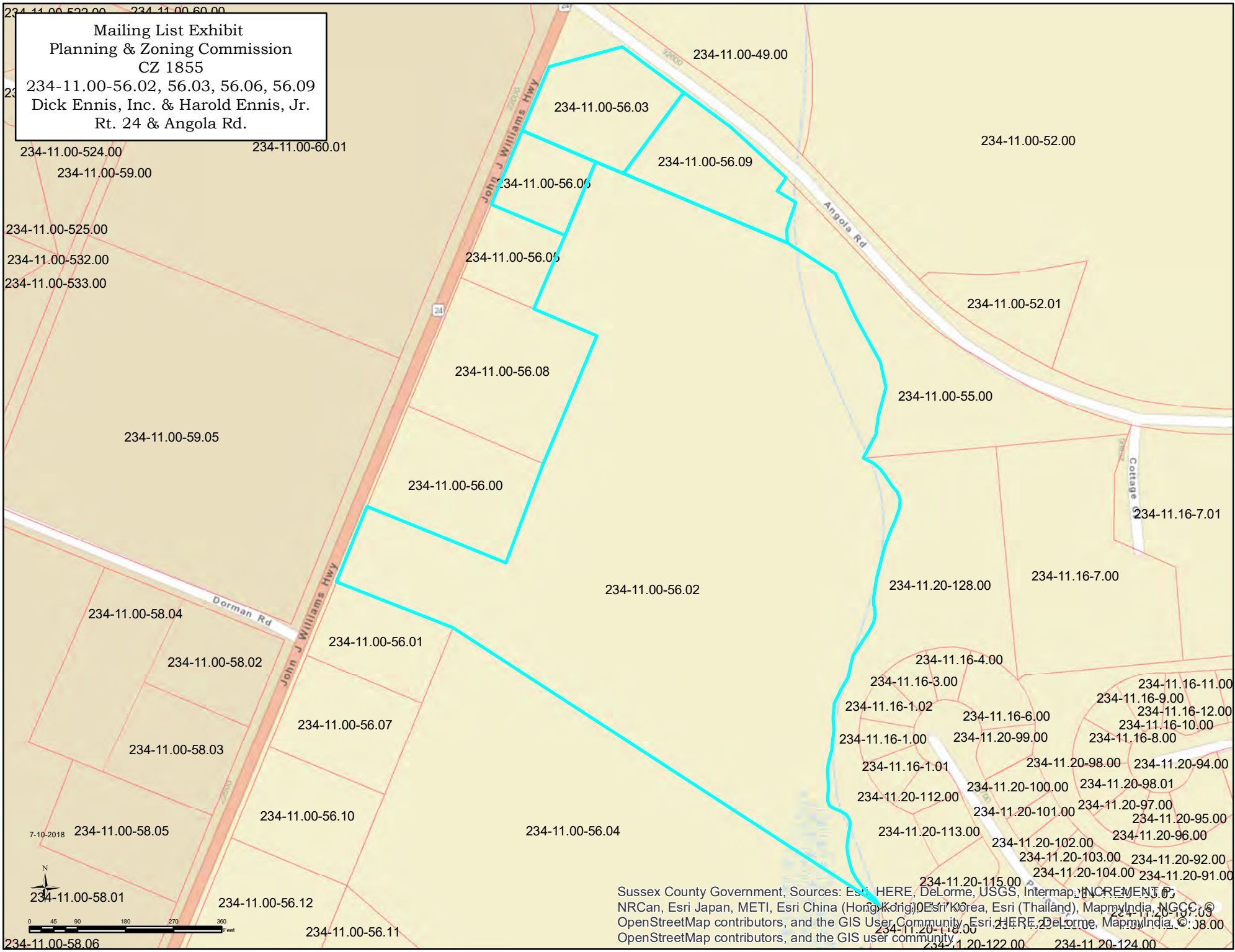
The surrounding land use to the northeast, south, east and west are Environmentally Sensitive Developing Area. The land uses to the northwest are Low Density Areas. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no know Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow for AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) would be considered consistent with the land use, area zoning and uses.

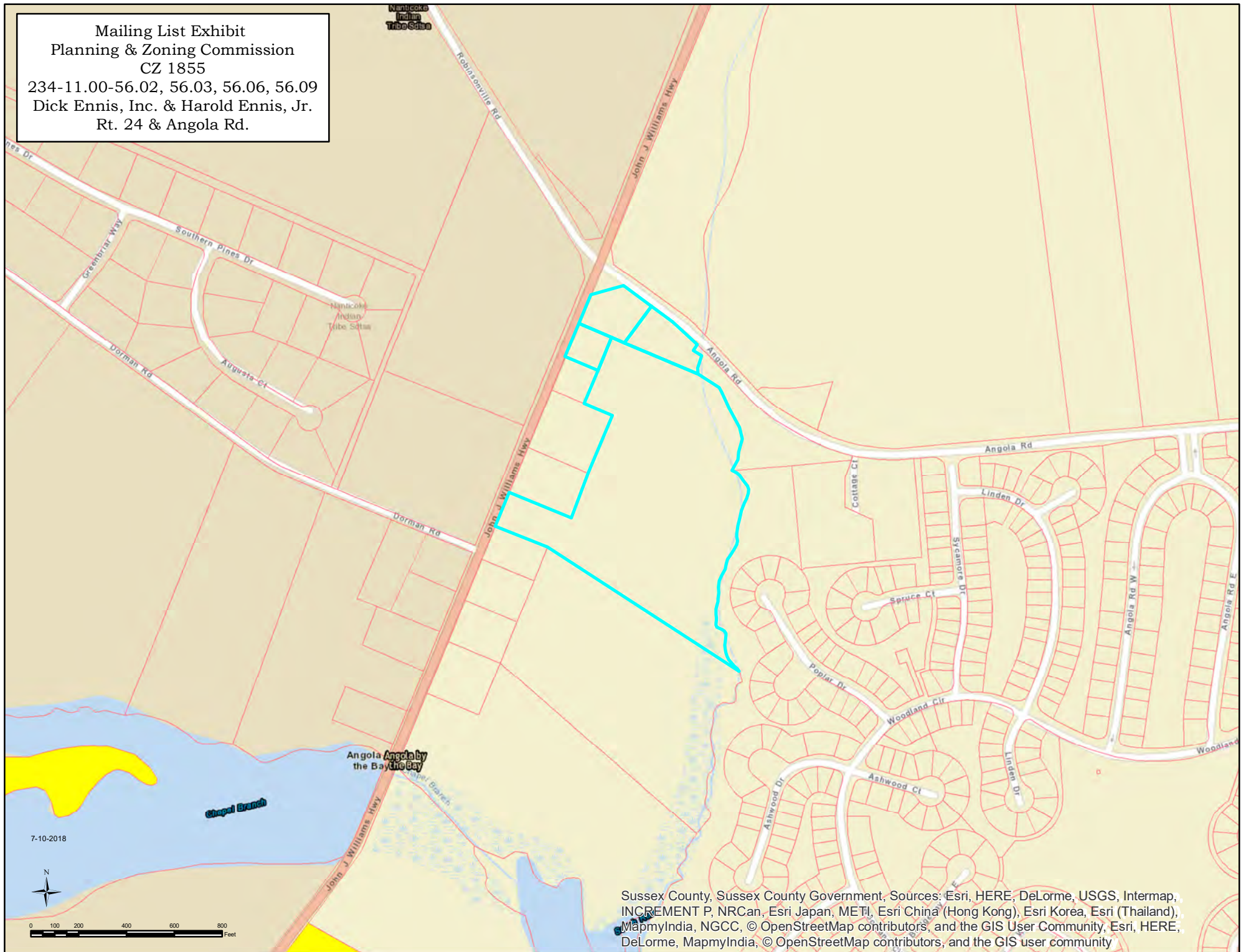


Mailing List Exhibit
Planning & Zoning Commission
CZ 1855
234-11.00-56.02, 56.03, 56.06, 56.09
Dick Ennis, Inc. & Harold Ennis, Jr.
Rt. 24 & Angola Rd.



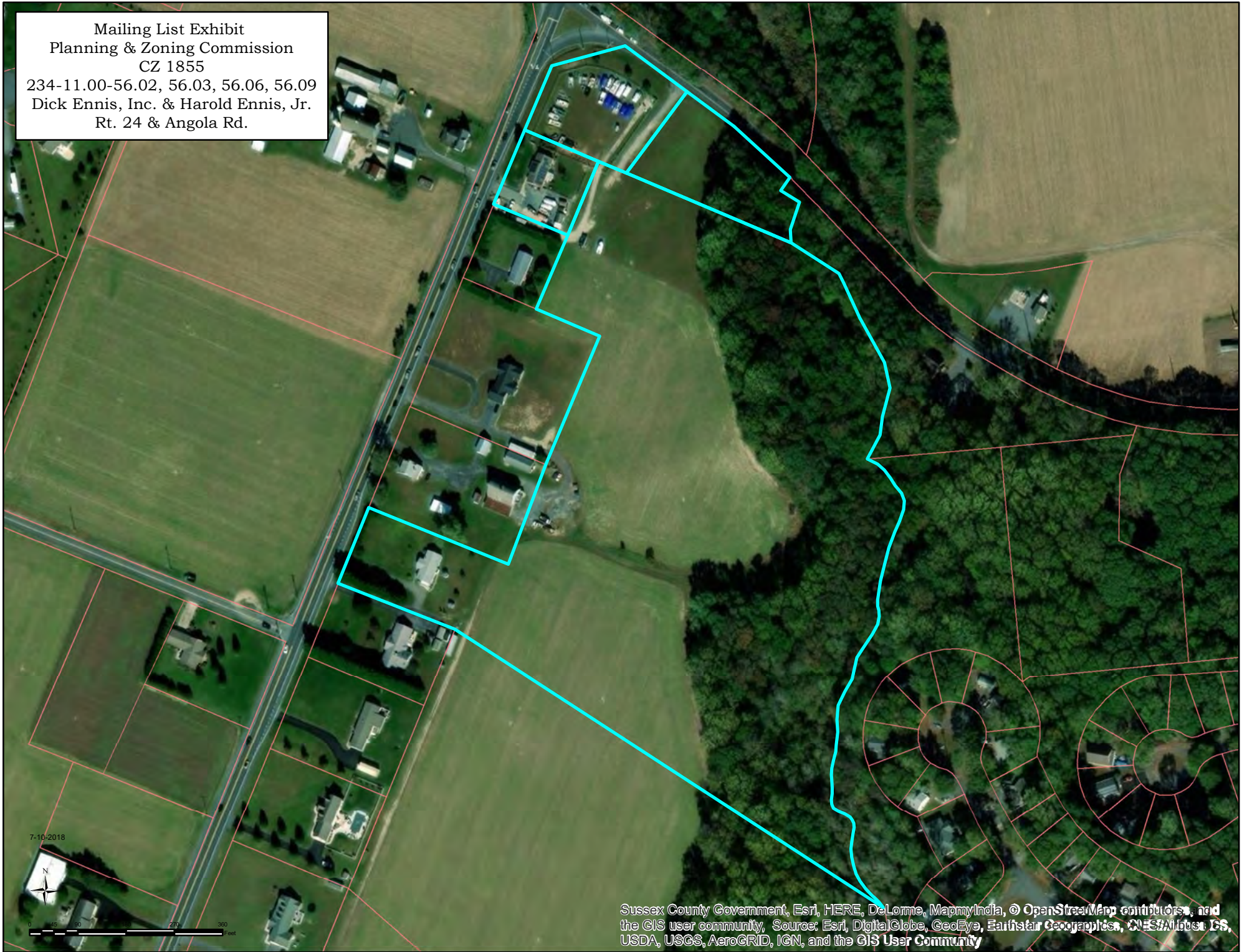
Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swire, Esri Korea, Esri (Thailand), MapmyIndia, NGCC, OpenStreetMap contributors, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © 2008-2011 OpenStreetMap contributors, and the GIS user community

Mailing List Exhibit
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CZ 1855
234-11.00-56.02, 56.03, 56.06, 56.09
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Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Mailing List Exhibit
Planning & Zoning Commission
CZ 1855
234-11.00-56.02, 56.03, 56.06, 56.09
Dick Ennis, Inc. & Harold Ennis, Jr.
Rt. 24 & Angola Rd.



To Be Introduced 04/17/18

**Council District No. 4 - Cole
Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2018, a zoning application, denominated Change of Zone No. 1855, was filed on behalf of Kirk Salvo; KH Sussex, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1855 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24), approximately 954 feet west of Angola Road, also being the southwest corner of John J. Williams Highway (Route 24) and Angola Road, and being on the west side of Angola Road, approximately 250 feet south of John J. Williams Highway (Route 24), and being more particularly described per the attached legal description prepared by Becker Morgan Group, LLC, said parcel containing 3.51 acres, more or less.

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

PROPOSED