



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

**MEETING:  
November 7, 2017**

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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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# Sussex County Council

## AGENDA

NOVEMBER 7, 2017

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Administrator's Report
2. Update on Comprehensive Land Use Plan

### Janelle Cornwell, Planning and Zoning Director

1. Request for Time Extension – Subdivision #2005-52 and #2008-25 – Marsh Island

### Hans Medlarz, County Engineer

1. South Coastal Regional Wastewater Facilities
  - A. Approval of Amendment 13 under GHD Base Contract – Electrical and Controls Value Engineering and Constructability Review
2. Wolfe Neck Regional Wastewater Facilities – Pole Buildings, Project #18-10
  - A. Recommendation to Award



**John Ashman, Director of Utility Planning**

1. Marsh Island - Use of Existing Infrastructure Agreement
2. Joy Beach Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area)
3. Conley's Chapel Village Expansion of the Sussex County Unified Sanitary Sewer District (Chapel Branch Area)
4. Mallard Creek Expansion of the Sussex County Unified Sanitary Sewer District (Holt's Landing Area)

**Grant Request**

1. Georgetown Little League for operating expenses
2. Town of Blades for Kids Christmas Party

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – 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. 2103 filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EQUINE-ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS” (located on the west side of Harbeson Road, approximately 463 feet south of Diamond Farm Road (Tax I.D. No. 235-26.00-17.14) (911 Address: 17170 Harbeson Road, Milton)**

**Change of Zone No. 1829 filed on behalf of Theresa Elizabeth Murray Irrevocable Trust**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS” (located on the west side of Cedar Neck Road, approximately 475 feet north of Hickman Road) (Tax I.D. No. 134-9.00-70.00) (911 Address: Not Available)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountypa.gov](http://www.sussexcountypa.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 31, 2017, 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, OCTOBER 31, 2017**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 31, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 542 17  
Approve  
Agenda**

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

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

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

**Minutes**

The minutes of October 24, 2017 were approved by consent.

Mr. Cole joined the meeting.

**Public  
Comments**

**Public Comments**

The following people spoke regarding right-to-work legislation: Robert Lawless, David Stevenson, Cathy Watts, Bryant Richardson, Phoebe Cottingham, Vincent Ascione, James Maravelias, John Rodriquez, Eric Masten.

Stephanie Parker spoke in support of the proposed Sussex Sports Complex.

Mr. Vincent paused the Public Comments portion of the meeting so that Council could hold the scheduled 10:30 a.m. Public Hearing.

**Public  
Hearing/  
Proposed  
Firearms  
Ordinance**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 63, SECTION 63-1 OF THE CODE OF SUSSEX COUNTY WHICH SHALL PROHIBIT POSSESSION OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, OR EXPLOSIVES IN ALL COUNTY BUILDINGS, SUBJECT TO CERTAIN EXCEPTIONS, IN ACCORDANCE WITH TITLE 9, SECTION 330 OF THE DELAWARE CODE”.**

**This Ordinance amends the Sussex County Code by adopting Chapter 63, § 63-1 which prohibits the possession of firearms, ammunition, components of firearms, or explosives in all County buildings, subject to certain exceptions stated herein, in accordance with Title 9, Section 330 of the Delaware Code.**

**Mr. Lawson reported that the County asked the Delaware Capitol Police to perform a physical assessment on County facilities in Georgetown. The Capitol Police provided several recommendations, with an emphasis on improving the access and security of County buildings. Specifically, their highest recommendation was the installation of mechanized security screening through magnetometers.**

**Mr. Lawson also reported that the Ordinance for consideration will allow the County to screen for and prohibit firearms specifically, unless an individual is qualified by the State to carry a firearm under Delaware Code, Title 9 § 330.**

**It was noted that, prior to 2015, local towns and county governments were prohibited from enacting any law that restricted firearms. In 2015, the State legislature passed House Bill 201, which gave local governments the ability to enact ordinances to restrict the possession of firearms in public buildings, subject to specific requirements. Sussex County supported and actively worked to see it passed into law. It was further noted that the County does not have to enact an ordinance to forbid any other weapon other than a firearm; all other weapons such as knives, can be prohibited through policy and procedure.**

**Public comments were heard.**

**Dan Kramer spoke in opposition to the Proposed Ordinance and commented that the State of Delaware is an open carry state; that a metal detector will not prevent something bad from happening; that removing guns will make it more dangerous; and that any danger will come from inside the County.**

**Jeff Hague was present representing the Delaware State Sportsmen’s Association and the National Rifle Association (NRA). He stated that these organizations do not oppose the Proposed Ordinance.**

**Public Hearing/ Proposed Firearms Ordinance (continued)**

**Paul Reiger commented that the Proposed Ordinance does not conflict with State Law and that it is worthwhile “doing it this way”.**

**Cheryl Ann Torner commented on the need for an element of security in government offices. She stated that she is opposed and in support of the Proposed Ordinance.**

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

**M 543 17 Adopt Ordinance No. 2529/ Firearms Ordinance**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2529 entitled “AN ORDINANCE TO ADOPT CHAPTER 63, SECTION 63-1 OF THE CODE OF SUSSEX COUNTY WHICH SHALL PROHIBIT POSSESSION OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, OR EXPLOSIVES IN ALL COUNTY BUILDINGS, SUBJECT TO CERTAIN EXCEPTIONS, IN ACCORDANCE WITH TITLE 9, SECTION 330 OF THE DELAWARE CODE”.**

**Motion Adopted: 5 Yeas.**

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

**Public Comments (resumed)**

**Public Comments (resumed)**

**The following people spoke regarding right-to-work legislation: Michelle Eubank, Rick Fridell, Bette McGrath, Jim Viscount, Maurice McGrath, Richard King, George Ball, and Ken Cicerale.**

**Wastewater Agreement**

**Mr. Lawson presented a Wastewater Agreement for the Council’s consideration.**

**M 544 17 Execute Wastewater Agreement**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, for Wastewater Agreement 984-8, that Sussex County Council execute a Construction Administration and Construction Inspection Agreement between the Sussex County Council and Coastal Club, LLC for wastewater facilities to be constructed in Coastal Club - Jimtown Road Regional Pump Station, located in the Goslee Creek Planning Area.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, Batson Creek Estates – Phase 4 and The Vineyards at Nassau Valley – Phase 2 (Plan Review) received Substantial Completion effective October 21, 2017.**

**Also, per the attached Engineering Department memo, Contract No. 14-17, Inland Bays Regional Wastewater Facility Switchgear Replacement, achieved Substantial Completion effective June 30, 2017.**

**2. Planning and Zoning Commission Public Hearing**

**The Sussex County Planning and Zoning Commission is scheduled to host a Public Hearing on Thursday, November 2, 2017, at 6:00 p.m. to consider the 2018 Comprehensive Land Use Plan. The hearing is to consider the recommendation of adoption of the new Comprehensive Land Use Plan and to forward the recommendation to the County Council. The hearing will take place in the Council Chambers located in the County Administrative Offices building at 2 The Circle in Georgetown.**

**3. Elizabeth "Betty" Mears**

**It is with sadness that we note the passing of Elizabeth "Betty" Mears on Thursday, October 19<sup>th</sup>. Ms. Mears began her career with Sussex County in May 1977 and retired from the Emergency Operations Center as an Emergency Communications Specialist I in May 1995 with 18 years of service. We would like to express our condolences to the Mears family.**

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

**Old  
Business/  
CU 2075**

**Under Old Business, Janelle Cornwell, Planning and Zoning Director, presented for Council's consideration Conditional Use No. 2075 filed on behalf of Burton's Pond LLC (Burton's Pond Section II).**

**Sussex County Council held a Public Hearing on this application on June 13, 2017 at which time action was deferred for additional information; that information was provided to the Council on September 16, 2017.**

**The Planning and Zoning Commission held a Public Hearing on this application on April 6, 2017 at which time the Commission deferred action. On May 11, 2017, the Commission recommended approval with conditions.**



**Old  
Business/  
CU 2075  
(continued)**

**Council discussed the site plan and proposed relocation of buildings.**

**Mr. Cole referenced the traffic signalization of the Sloan Road intersection and suggested a condition of approval that a traffic signal is required once 75 units have been constructed. Mr. Moore stated that this is under DelDOT's jurisdiction and that he would like to research this matter prior to Council adding it as a condition of approval.**

**M 545 17  
Defer  
Action on  
CU 2075**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2075 filed on behalf of Burton's Pond LLC (Burton's Pond Section II) to allow time for the County Attorney to research whether the Council can or cannot impose a condition requiring signalization.**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Sale of  
County  
Owned  
Property  
located in  
The Salt  
Pond**

**Hans Medlarz, County Engineer, discussed property (7,700 square feet) owned by Sussex County located within "The Salt Pond" community. One of the parcels is encumbered by a Town of Bethany Beach easement. Mr. Medlarz reported that both the Town of Bethany Beach and Salt Pond Associates have expressed interest in purchasing the property. He noted that an appraisal has been obtained at no expense to the County. It was noted that the County Administrator and the County Engineer recommend selling this property to the Town of Bethany Beach in the amount of \$20,000. Mr. Medlarz presented reasons for this recommendation.**

**M 546 17  
Approve  
Sale of  
Property  
to Town  
of Bethany  
Beach**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the sale of Parcel Nos. 134-13.00-1841 and 1842 for \$20,000.00 to the Town of Bethany Beach.**

**Motion Adopted: 5 Yeas.**

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

**Pump  
Station 210  
Forcemain/  
IBRWF/**

**Hans Medlarz, County Engineer, presented the Balancing Change Order and request to grant Substantial Completion for Pump Station 210 Forcemain to Inland Bays Regional Wastewater Facility, Project No. 15-08A. The Balancing Change Order incorporates the previous claim settlement with Allan Myers approved by Council on May 16, 2017, reduces the contract amount by an additional \$42,625.13, allows for a 95-day contract time extension and adjusts all quantities to their final amounts;**

(continued) thereby lowering the final contract amount to \$4,155,151.87. Construction began on March 14, 2016 and was considered Substantially Complete on June 16, 2017.

**M 547 17**  
**Approve**  
**Change**  
**Order and**  
**Grant**  
**Substantial**  
**Completion/**  
**Pump**  
**Station 210**  
**and Force-**  
**main**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Change Order No. 2 for Contract No. 15-08A, Pump Station 210 Forcemain into Inland Bays Regional Wastewater Facility, Indian Mission and Beaver Dam Roads, be approved decreasing the contract amount by \$42,625.13 for a new total of \$4,155,151.87 and that Substantial Completion be granted effective June 16, 2017 and any held retainage be released in accordance with the documents.

**Motion Adopted: 5 Yeas.**

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

**Request to**  
**Post**  
**Notices/**  
**Carillon**  
**Woods**  
**Expansion**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Carillon Woods Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). Mr. Ashman reported that the expansion was requested by Davis Bowen & Friedel for their client, Carillon Woods, LLC. The approximate 26 acre site, located on Indian Mission Road, is to be used for the construction of 204 apartment units and a clubhouse. The project will be responsible for System Connection Charges in place at the time of connection and a Use of Existing Infrastructure Agreement will be required.

**M 548 17**  
**Authorize**  
**Posting**  
**Notices for**  
**Carillon**  
**Woods**  
**Expansion**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Engineering Department is authorized to prepare and post notices for the Carillon Woods Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area) to include Parcel 234-23.00-260.00 and a portion of Parcel 234-23.00-269.18, 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**

**Introduction**  
**of Proposed**  
**Ordinance**  
**(Labor**  
**Unions)**

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED "LABOR UNIONS" TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR

(continued) **MEMBERSHIP”.**

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

**Introduction  
of Proposed  
Zoning  
Ordinances**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS” (Conditional Use No. 2119) filed on behalf of Chad Hayes (Tax I.D. No. 135-15.00-40.00) (911 Address: 22091 Lewes-Georgetown Highway, Georgetown).**

**Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1106 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS” (Conditional Use No. 2120) filed on behalf of PJM Properties, LLC (Tax I.D. No. 533-19.00-287.02) (911 Address: Not Available).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 22.53 ACRES, MORE OR LESS” (Change of Zone No. 1848) filed on behalf of R. Keller and Joann Hopkins (Tax I.D. No. 135-6.00-10.00) (911 Address: 18864 Redden Road, Georgetown).**

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

**M 549 17  
Go Into  
Executive  
Session**

**At 11:44 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session.**

**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 11:46 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending litigation and land acquisition. The Executive Session concluded at 12:16 p.m.
- M 550 17 Reconvene Regular Session** At 12:18 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and 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
- E/S Action** There was no action on Executive Session matters.
- M 551 17 Recess** At 12: 18 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess until 1:30 p.m.
- 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 552 17 Reconvene** At 1:32 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to reconvene.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mr. Arlett, Absent; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
- Mr. Arlett joined the meeting.**
- Rules** Mr. Moore read the rules of procedure for Public Hearings.
- Public Hearing/  
C/U 2100** A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (Conditional Use No. 2100) filed on behalf of Catherine Schultz (Tax I.D. No. 134-19.00-117.01) (911 Address: 36570 Camp Barnes Road, Frankford).

**Public  
Hearing/  
CU 2100  
(continued)**

**Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.**

**The Planning and Zoning Commission held a Public Hearing on September 28, 2017 at which time action was deferred. On October 12, 2017, the Commission recommended that the application be approved with the following conditions:**

- a. The Applicant shall comply with any DelDOT requirements associated with the use.**
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.**
- e. The failure to abide by these conditions shall result in the termination of this Conditional Use.**
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated September 28 and October 12, 2017.)**

**The Council found that Catherine Shultz was present on behalf of her application. She stated that she wants to relocate her flower shop to her home; that she has been in business for 32 years; that the business does not really warrant a retail shop as most business is done from home by phone or internet; that it is not a high traffic business; that ten parking spaces would be available; that the existing entrances will be used; that DelDOT has reviewed the site; and that deliveries are made by mini-van in the morning.**

**In response to questions raised by Council, Ms. Shultz stated that she is not opposed to the sign(s) being unlighted and limited in size.**

**There were no public comments.**

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

**M 553 17  
Amend  
Condition**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend Condition No. "c" recommended by the Planning and Zoning Commission to read as follows: "One unlighted sign, not to exceed 16 square feet per side, on the roadway edge, shall be permitted, and one illuminated sign of the same size to be attached to the building shall be permitted."**

**Motion Adopted: 5 Yeas.**

**M 553 17  
(continued)**

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

**M 554 17  
Adopt  
Ordinance  
No. 2530/  
CU 2100**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2530 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (Conditional Use No. 2100) filed on behalf of Catherine Schultz (Tax I.D. No. 134-19.00-117.01) (911 Address: 36570 Camp Barnes Road, Frankford), with the following conditions, as amended:**

- a. The Applicant shall comply with any DelDOT requirements associated with the use.**
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- c. One unlighted sign, not to exceed 16 square feet per side, on the roadway edge, shall be permitted, and one illuminated sign of the same size to be attached to the building shall be permitted.**
- d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.**
- e. The failure to abide by these conditions shall result in the termination of this Conditional Use.**
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2101**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS” (Conditional Use No. 2101) filed on behalf of 1st State Paving (Tax I.D. No. 233-11.00-17.00 (portion of) (911 Address: 31005 Iron Branch Road, Dagsboro).**

**Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.**

**Public  
Hearing/  
CU 2101  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on September 28, 2017 at which time action was deferred. On October 12, 2017, the Commission recommended approval with the following conditions:**

- A. The use shall be limited to the parking and storage of vehicles associated with the company. No more than ten vehicles or pieces of equipment may be parked or stored at any one time.**
- B. As stated by the Applicant, the vehicles and equipment shall not be cleaned of paving materials on this site. That shall occur entirely off-site.**
- C. As stated by the Applicant, no maintenance work on the vehicles or equipment shall occur on the site.**
- D. No materials associated with the paving company (such as asphalt, concrete, sand, aggregate or similar materials) shall be dumped or kept on the site at any time.**
- E. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
- F. The use shall only operate between the hours of 7:30 a.m. and 6:00 p.m., Monday through Saturday.**
- G. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- H. The failure to abide by these conditions shall result in the termination of the Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated September 28 and October 12, 2017.)**

**The Council found that Evan Maynard was present on behalf of his application. He stated that that he proposes to use only a portion of the property – the area in front of the back chicken house at the end of the gravel road; that he plans a staging area for equipment, implements and vehicles; that he does not own the property; that the equipment and trucks leave the site between 7:00 a.m. and 7:30 a.m. and return between 5:00 p.m. and 6:00 p.m.; that employees park on the site and then leave and go to the job site; that he has 5 to 7 employees; that no office will be located on the site; that the chicken houses are not being used; that his neighbor across the street has submitted a letter in support of the application; that he keeps one or two dump trucks on the site as well as some pick-up trucks; and that he is just a small contractor and there is not much activity on the site.**

**Ms. Cornwell reported that there is currently a Conditional Use for a retail gun shop on the site. It was noted that Mr. Maynard does not own or operate the gun shop.**

**There were no public comments.**

**(continued) The Public Hearing and public record were closed.**

**M 555 17  
Adopt  
Ordinance  
No. 2531/  
CU 2101**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2531 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS” (Conditional Use No. 2101) filed on behalf of 1st State Paving, with the following conditions:**

- A. The use shall be limited to the parking and storage of vehicles associated with the company. No more than ten vehicles or pieces of equipment may be parked or stored at any one time.**
- B. As stated by the Applicant, the vehicles and equipment shall not be cleaned of paving materials on this site. That shall occur entirely off-site.**
- C. As stated by the Applicant, no maintenance work on the vehicles or equipment shall occur on the site.**
- D. No materials associated with the paving company (such as asphalt, concrete, sand, aggregate or similar materials) shall be dumped or kept on the site at any time.**
- E. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
- F. The use shall only operate between the hours of 7:30 a.m. and 6:00 p.m., Monday through Saturday.**
- G. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- H. The failure to abide by these conditions shall result in the termination of the Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2012**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS” (Conditional Use No. 2102) filed on behalf of Arturo Granados-Gonzalez (Tax I.D. No. 233-12.00-17.02) (911 Address: 30639 Vines Creek**



**Public  
Hearing/  
CU 2012  
(continued)**

**Road, Dagsboro).**

**Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 28, 2017 at which time action was deferred. On October 12, 2017, the Commission recommended that the application be approved with the following conditions:**

- A. This use shall be limited to the Applicant's concrete form business with equipment storage. No retail sales or other business shall be conducted from the site.**
- B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. The hours of operation shall be limited to 7:00 a.m. through 6:00 p.m., Monday through Saturday.**
- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- F. A fence with landscaping shall be constructed along the perimeter of the site. The fencing and landscaping shall be shown on the Final Site Plan.**
- G. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.**
- I. As stated by the Applicant, there shall be no dumping or storage of concrete or similar materials on the site. Also, all trucks and equipment shall be cleaned off-site.**
- J. All maintenance of vehicles and equipment shall be performed indoors.**
- K. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
- L. All concrete forms shall be stored in a location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.**
- M. All encroachments shown on the Preliminary Site Plan shall be eliminated.**
- N. The Final Site Plan shall be designed to allow interconnectivity with adjacent properties along Route 26.**
- O. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Public  
Hearing/  
CU 2012  
(continued)**

**(See the minutes of the Planning and Zoning Commission dated September 28 and October 12, 2017.)**

**The Council found that Arturo Granados-Gonzalez was present. He stated that the application is for the storage and parking of equipment for his concrete form business; that his business is to pour foundations and footers; that some employees come and park on the site and pick up equipment/vehicles and some go directly to the job site; that employees meet at the site between 7:00 a.m. and 7:15 a.m. and return around 5:30 p.m.; that no business is transacted on the site; that he purchased the property three years ago; that an excavation business was located on the site previously; that he does not live on the site; that he has family living in the house on the site; that approximately 6 people live on the site; that he has put up privacy fencing all the way around the property up to the wooded area; that only 3 or 4 vehicles are on the site during the day but approximately 10 vehicles (but no more than 12) at the end of the work day; that if other equipment is included in the total, a total of 15 vehicles/equipment could be located on the site after work hours; and that he could find another place for some of the equipment.**

**Public comments were heard.**

**There were no public comments in support of the application.**

**Public comments were heard in opposition to the application. Doug Stock, Debbie Layton, Drew Sunderland, and George Raab spoke in opposition to the application. They commented on the traffic implications of this proposed business ongoing and stated that the proposed use is in a high traffic section of the road and people pass on the shoulders of the road; that there have been many accidents in the area and a traffic accident report is needed; that the Applicant has encroached on neighboring property; that there needs to be a State approved entrance and exit; that the traffic concern is a safety issue; that the Applicant does his best to police the property but he does not live on the property; that there are septic and well concerns; that there are environmental concerns, i.e. fluid leakage from vehicles/equipment; that the Applicant has been operating the business illegally; that his business has outgrown the property; that if the application is approved, at the very least a turning lane is needed for the truck traffic; that the Applicant keeps a significant amount of pallets around the perimeter of the property; that the use is not compatible with the area; that the use poses a risk to the health and safety of the residents of the area; that this is an industrial construction business in an Agricultural Residential area; that the Applicant disregards regulatory restraints; that the Applicant does not respect boundaries; that rebar is being discarded on neighboring property creating a safety hazard; that the fence should be moved and landscaping placed on the outside area of the fencing; that approval of this application would set a serious precedent; that there is no evidence in the file that State regulatory agencies have had any input, including**

**Public  
Hearing/  
CU 2012  
(continued)**

stormwater, Fire Marshall, DNREC and OSHA; that approval of this application would change the zoning of the site to industrial; that although the zoning would remain AR-1, the Conditional Use stays with the property; that no other Conditional Uses exist in the area; that an updated boundary survey is needed; that they question the structural integrity of the house and pole barn; and that, if approved, a timeframe should be established for the Applicant to meet the conditions of approval; and that neighbors should not have to police the use; and that they question how the County will monitor compliance. George Raab submitted an Exhibit Booklet outlining his position in opposition to the application. The Exhibit Booklet was made a part of the record.

In response to questions raised by Council, Ms. Cornwell reported that the Planning and Zoning Department did send a violation letter to the Applicant in April 2017 and that is why the Conditional Use application was filed.

There were no additional public comments.

The Public Hearing was closed.

The Council discussed the application, including concerns about a septic system inspection by DNREC and the availability of bathroom facilities for employees; the business outgrowing the site; DelDOT's report (service level for the proposed use and entrance approval); and the number of accidents in the area.

It was noted that DelDOT did not require a Traffic Impact Study.

A question was raised as to whether or not the Council could stipulate a timeline/expiration for the Conditional Use. Mr. Moore responded that he would have to research the matter.

**M 556 17  
Defer  
Action on  
CU 2102**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on Conditional Use No. 2102 for a period of thirty days for receipt of the following information: a response from DNREC, a response from the Delaware State Police, and information on limiting the timeframe for the Conditional Use; once the information requested has been received, a report will be given to Council in public session, after which time the public will have 30 days to respond to any information received (in writing only).

**Motion Adopted: 5 Yeas.**

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

**M 557 17  
Adjourn**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 3:19 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

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

**DRAFT**

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: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: November 3, 2017

RE: Request for Time Extension – 2005-52 and 2008-25 Marsh Island

---

On September 20, 2017, the Planning and Zoning Department received a request for an extension for application 2005-52 and 2008-25 Marsh Island. The Subdivision applications were granted final approval by the Planning Commission on December 13, 2012 for the construction of 152 single family dwellings. The property is located on the northeast side of Camp Arrowhead Rd. north of Water View Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
  - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
  - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.



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

- (c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be “substantially constructed” within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. DelDOT approval is valid through September 27, 2018. Office of Drinking Water is valid through November 14, 2018. Sussex Conservation District is valid through October 12, 2018. The applicant has approval from the Office of the State Fire Marshal. They are awaiting a Notice to Proceed from the Sussex County Engineering Department.

It is possible for the project to be substantially underway within the next 6 months. The Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have the project substantially underway prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Subdivision applications, 2005-52 and 2008-25 Marsh Island shall be granted a six (6) month time extension until July 16, 2018, which is six (6) months from January 16, 2017, the original termination date for the subdivision.

September 19, 2017

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.*

Sussex County  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

ATTN: Janelle Cornwell, AICP  
Planning and Zoning Director

RECEIVED

RE: Marsh Island  
Record Plan – 6 Month Extension  
Subdivision No.: 2005-52 & 2008-25  
T.M# 2-34-7-132 & 2-34-12-22(portion)  
DBF No.: 2581A001.E01

SEP 20 2017  
SUSSEX COUNTY  
PLANNING & ZONING

Dear Ms. Cornwell,

On behalf of our client, Marsh Island Partners, LLC, we are pleased to submit a request (as per Ordinance No. 2428) for a six-month extension for the Marsh Island Subdivision (Subdivision Number 2005-52 & 2008-25). We offer the below substantiating information that demonstrates the Owners hardship in beginning the project and obtaining substantial construction as defined in the Subdivision Code.

- 1) The Marsh Island Subdivision was approved and recorded in P.B. 180, Page 84 in Sussex County Recorder of Deeds on January 17, 2013 and will expire on January 16, 2018. All other agency approvals remain valid and a list can be found attached to this request. We have simultaneously filed an extension request with the Sussex County Engineer.
- 2) The plan was approved by Sussex County Engineering with an understanding that off-site sewer was to be constructed as part of a potential three entity agreement (Marsh Island, Marsh Farm and Sussex County). The sanitary sewer from Marsh Island was to flow into Marsh Farm and then into the County's collection system near the intersection of Angola Road and Camp Arrowhead Road. This was subsequently revised when the County decided to install a regional pump station north of the project, as described in (4) below.
- 3) On February 25, 2016, The McKee Group submitted a Letter of Intent (LOI) to Marsh Island Partners, LLC which was subsequently accepted. The LOI included a feasibility period that expired on May 31, 2016. The feasibility period was extended and the contract negotiations continued for over 5 months until being terminated in August 2016 as McKee and the Seller were not able to agree on final terms.

- 4) On June 15, 2016, Marsh Island Partners, LLC entered into a contract with Davis, Bowen & Friedel, Inc. (DBF) to obtain re-approval of the internal gravity sewer, pump station and force main and off-site water main extension due to changes in how the County was going to provide sewer to the Property. During the McKee Group due diligence period, DBF met with Sussex County's Utility Planning Section and Tidewater Utilities, Inc. and determined that the design condition for Marsh Island had significantly changed. Such changes included Sussex County planning a regional pump station north of the project, and the Marsh Island sewer basin was reduced by from 277 EDUs to 237.08 EDUs (by 39.92 EDUs). In addition, Marsh Island would connect into the County's force main in lieu of the Marsh Farm Subdivision. Finally, the water main would be extended from Love Creek Woods in lieu of Angola Road through Marsh Farm. DBF completed the re-design and initially submitted the project to the respective agencies in September 2016 and obtained all agency approvals and / or permits by March 2017.
- 5) The County, after awarding the regional pump station and force main contract, submitted a draft "Use of Existing Infrastructure Agreement" to Marsh Island Partners, LLC on February 2, 2017. The Developer has reviewed the document and will pay the contribution upon filing the necessary information to proceed with the project.
- 6) On November 16, 2016, less than three (3) months after terminating the McKee negotiations, Lennar submitted a Letter of Intent (LOI) to Marsh Island Partners, LLC which was subsequently accepted on November 18, 2016. The LOI included a sixty-day feasibility period. The feasibility study was extended numerous times during the contract negotiation.
- 7) On May 8, 2017, Marsh Island Partners, LLC entered into an Agreement of Sale with Lennar to purchase the Subdivision.
- 8) On July 6, 2017, Marsh Island Partners, LLC approved the 1<sup>st</sup> Amendment to the Agreement of Sale extending due diligence period to July 28, 2017 and the closing date to August 18, 2017.
- 9) On July 28, 2017, Marsh Island Partners, LLC approved the 2<sup>nd</sup> Amendment to the Agreement of Sale extending due diligence period to August 18, 2017 and the closing date to September 6, 2017.
- 10) On August 18, 2017, Marsh Island Partners, LLC approved the 3<sup>rd</sup> Amendment to the Agreement of Sale extending due diligence period to September 6, 2017 and the closing date to September 25, 2017.
- 11) On September 6, 2017, Lennar requested a 4<sup>th</sup> Amendment to the Agreement of Sale but it remains under discussion.
- 12) During the Lennar study period, both parties of the Agreement have held numerous



Ms. Janelle Cornwell, AICP  
Sussex County Planning and Zoning  
September 19, 2017  
Page 3 of 3

discussions with David G. Horsey & Sons, Inc. (Horsey) to begin construction so the Subdivision would be substantially underway before January 16, 2018. DBF has been privy to all discussions between Lennar and Marsh Island, Lennar and Horsey and Marsh Island and Horsey.

- 13) Given how the Lennar contract is currently on hold, Marsh Island Partners, LLC is preparing to move forward with Horsey to begin construction of the Subdivision and are finalizing the terms of their agreement and the bonding of the work. The project can be substantially underway by January 16, 2018 if work commences on / or about October 1, 2017 and everything goes exactly according to schedule. However, there are many factors that affect construction including weather and unforeseen site conditions. The Owner desires to know that it has the requested time frame extension to commence full construction in an orderly fashion rather than having to rush the work as we enter Winter and the challenges of scheduling work during the holiday season.

As evidenced above, Marsh Island Partners, LLC for the past 18 months has been diligently working with potential homebuilders to purchase and develop the property, while simultaneously revising significant plans to address the changes in how both water and sewer services would be provided to the property. It is for these reasons and the thirteen items listed above that Marsh Island Partners, LLC is requesting a six-month extension to the Marsh Island Subdivision.

We thank you for your consideration of our request. Please let me know if you have any questions or need additional information.

Sincerely,  
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.  
Principal

P:\Land Design\2581A001.xxx Marsh Island Sewer and Water\Documents\Planning and Zoning\2017-09-19 Subdivision Extension Request\Marsh Island Extension Request.doc

Cc: Jim Underhill, Marsh Island Partners, LLC

Permit Approval Booklet  
**Marsh Island**

A CLUSTER DEVELOPMENT COMMUNITY

152 Single Family Lots

SCR 279 (Camp Arrowhead Road)

Indian River Hundred    Sussex County    Delaware

Subdivision #2008-25  
(Subdivision #2005-52)

Tax I.D. 2-34-7-132  
& 2-34-12-22 (Portion)

- Preliminary Subdivision Approval (Exp. 7/26/11) and Extension (Exp. 6/16/13)
- SCD Stormwater Management Approval (Exp. 10/11/15) & Extension (Exp. 10/12/18); Phasing Revision
- DNREC Notice Of Intent
- DeIDOT Highway Entrance Approval (Exp. 2/26/13), Extension (Exp. 8/27/15), & Extension (Exp. 9/27/18)
- Sussex County Engineering Approval (Exp. 10/25/15) & Extension (Exp. 1/17/18)
- DNREC Construction Permit Approval Gravity (Exp. 2/26/20) and Force Main (Exp. 4/11/20)
- Fire Marshal Site Plan and Off-Site Approvals (No Expiration)
- Office of Drinking Water Site (Exp. 11/14/18) and Off-Site (Exp. 11/4/18) Approvals & Extensions
- Sussex County Addressing Street Name Approval
- Department of Agriculture Approval (No Expiration)
- Final P&Z Approval (Recorded 1/17/13, Plot Bk. 180, Pg. 84, Exp. 1/17/18)
- US Army Corp of Engineers 404 Lands JD (Exp. 11/17/19)
- DNREC Pier Permit & Extension (Exp. 7/15/18)
- Utility Willing & Able To Serve Letters, Verizon/ MediaCom Memo

**LANDESIGN, Inc.**

Attn. Thomas J. Ford III  
Oak Square, Suite 3  
53 Atlantic Avenue  
Ocean View, De. 19970  
302/537-1919; 302/539-0328Fax

Updated August 25, 2017

November 3, 2017

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.*

Sussex County  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

ATTN: Janelle Cornwell, AICP  
Planning and Zoning Director

RE: Marsh Island  
Record Plan – 6 Month Extension – Additional Information  
Subdivision No.: 2005-52 & 2008-25  
T.M# 2-34-7-132 & 2-34-12-22(portion)  
DBF No.: 2581A001.E01

Dear Ms. Cornwell,

On behalf of our client, Marsh Island Partners, LLC, we are pleased to submit additional information regarding our six-month extension request to be heard by Sussex County Council on November 7, 2017.

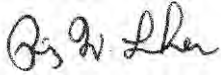
- 1) The Developer has signed the Existing Use of Infrastructure Agreement and will be presented to County Council on November 7, 2017.
- 2) The Developer has signed the County's construction agreement and the pre-construction meeting for Ordinance 38 work is scheduled for November 3, 2017. The pre-construction meeting for the Chapter 99 work was held on November 2, 2017.
- 3) The DelDOT Entrance Permit was signed on October 31, 2017 and returned to DelDOT.
- 4) The Sussex Conservation District bond, DelDOT bond and other permit fees have been paid to begin construction.
- 5) The Sussex Conservation District pre-construction meeting was held on November 1, 2017.

As evidenced above, Marsh Island Partners, LLC continues to pursue the construction of this subdivision.

Ms. Janelle Cornwell, AICP  
Sussex County Planning and Zoning  
November 3, 2017  
Page 2 of 2

We thank you for your consideration of our request. Please let me know if you have any questions or need additional information.

Sincerely,  
Davis, Bowen & Friedel, Inc.

A handwritten signature in black ink, appearing to read "Ring W. Lardner". The signature is written in a cursive style with a large initial "R".

Ring W. Lardner, P.E.  
Principal

P:\Land Design\2581A001.xxx Marsh Island Sewer and Water\Documents\Planning and Zoning\2017-11-03 Additional Information\Marsh Island Extension - Additional Information.doc

Cc: Jim Underhill, Marsh Island Partners, LLC

## 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 I.G. Burton, III  
The Honorable Samuel R. Wilson, Jr.  
The Honorable Robert B. Arlett

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

RE: ***SOUTH COASTAL REGIONAL WASTEWATER FACILITY (SCRWF)***  
***Approval of Amendment No.13 under GHD, Inc. Base Contract***  
***Electrical and Controls Value Engineering and Constructability Review***

DATE: November 7, 2017

GHD, Inc., formally known as Sterns & Wheler, LLC, held the engineering services contract associated with the SCRWF since December 7, 2001. Previously they had designed SCRWF treatment upgrade no. 2 in 2004 which took the facility to a design capacity of 7.00 MGD. Based on current growth rates in the South Coastal Planning Area, Sussex County is now budgeting treatment upgrade no.3 to meet the demand of the 20-year planning period by expanding the design capacity to 10.00 MGD.

Since contract inception Sussex County awarded twelve (12) amendments for additional services under the base contract. The last two amendments were associated with the proposed third upgrade project. The 11<sup>th</sup> one was approved by Council on October 25, 2016 in the amount not to exceed \$242,114.00 for the preparation of the conceptual design development (30% Design Stage) documents used in the 2018 budgeting process. The 12<sup>th</sup> one was approved August 22, 2017 in the amount not to exceed \$2,240,286.38 for the final design (100% Design Stage) construction documents in accordance with the 2018 Budget.

During the final design process, we met with GHD, Inc. several times discussing the design approach with the intent of obtaining the most economical path forward. This led us to consider an electrical and controls value engineering and constructability review covered in GHD, Inc's proposed amendment no. 13. We expect to harness specific cost savings items associated electrical, instrumentation and controls design for both the SCRWF and the City of Rehoboth Beach facility well in excess of the cost of said amendment. In addition, we will achieve full compatibility with existing equipment and processes. The Engineering Department is now requesting Council to approve Amendment 13 in the amount not to exceed \$95,089.94.



**SOUTH COASTAL REGIONAL WASTEWATER FACILITIES**

**SUSSEX COUNTY, DELAWARE**

**CONTRACT AMENDMENT NO. 13**

This contract amendment, **Contract Amendment No. 13** dated \_\_\_\_\_, **2017** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD, Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

**ARTICLE FOUR**

**FEE STRUCTURE**

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 12** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Electrical and Controls Value Engineering and Constructability Review Proposal for the Expansion of the South Coastal Regional Wastewater Facilities** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Ninety-Five Thousand, Eighty-Nine dollars and Ninety-Four cents (\$95,089.94)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

**ARTICLE FOURTEEN**  
**INCORPORATED DOCUMENTS**

- 14.2 **Attachment A: Consultant's Scope of Services, Electrical and Controls Value Engineering and Constructability Review Proposal for the Expansion of the South Coastal Regional Wastewater Facilities with Man-hour Spreadsheets. (Contract Amendment No. 13).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **13** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:  
SUSSEX COUNTY

\_\_\_\_\_  
President, Sussex County Council

PREVIOUSLY APPROVED FORM

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD, Inc.

\_\_\_\_\_  
Thor Young, P.E.

WITNESS:

\_\_\_\_\_





## ATTACHMENT A

October 26, 2017

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

Re: Electrical and Controls Value Engineering and Constructability Review Proposal  
Expansion of the South Coastal Regional Wastewater Facilities from 6 to 10 mgd

Dear Mr. Medlarz:

GHD is pleased to submit this proposal to have an Independent Third-Party Value Engineering Review and an Independent Third Party Constructability Review performed for the South Coastal Regional Wastewater Facilities (SCRWF) Expansion electrical and process control systems design.

### OVERVIEW

Under Amendment No. 12 (executed August 22, 2017) GHD was retained by Sussex County to provide Design Engineering Services for the Expansion of the South Coastal Regional Wastewater Facilities from 6.0 to 10.0 mgd. Sussex County has requested that an Independent Third-Party Value Engineering (VE) Review and an Independent Third Party Constructability Review (CR) be performed for the electrical and process control systems design of this project. GHD is proposing to have these services provided by Diamond State Engineering of Dover, DE (herein called the VE and CR Consultant).

GHD will participate in the VE and CR process by providing design documents to VE and CR Consultant for their review, attending identified on-site meetings with the VE and CR Consultant and the County, and by providing an item-by-item written response and recommendation to all identified VE and CR suggestions received from the VE and CR Consultant.

### PER SCOPE OF SERVICES

GHD will provide the following design services for the expansion:

Part A: Electrical and Process Control Systems Value Engineering

- VE Consultant shall review available past design drawings for the SCRWF
- VE Consultant and GHD shall attend a meeting at the SCRWF with Sussex County staff to review current facility electrical and process control systems and discuss objectives for the expansion project; this will be followed by a site tour of existing facilities.
  - GHD will provide Electrical and Process Control System Concept Design Memo and associated load summary, one-line diagrams, and process control system schematic to the VE Consultant for review.

- VE Consultant shall review GHD's Electrical and Process Control System Concept Design Memo and associated load summary, one-line diagrams, and process control system schematic.
- VE Consultant shall propose Value Engineering suggestions for the power distribution and process control system approach for the planned upgrade with focus on:
  - Alternative design concepts which will reduce construction costs while maintaining required functionality.
  - Alternative design concepts which will improve system reliability or maintainability.
- For each Value Engineering suggestion, VE Consultant shall describe alternative concept, summarize advantages and disadvantages, and develop an estimated construction cost impact.
- VE Consultant shall provide a Value Engineering summary report.
- VE Consultant and GHD shall attend a meeting at the SCRWF with Sussex County staff for VE Consultant to present value engineering comments and discuss them.
- GHD shall provide an item-by-item written response to all identified VE suggestions received from the VE Consultant and provide a recommendation to Sussex County for whether to accept or reject each.
- Sussex County shall be responsible for the final determination of whether to accept or reject each VE suggestion.

#### Part B: Constructability Review

- CR Consultant shall review GHD proposed 60% design drawings.
- CR Consultant shall propose constructability review suggestions for the power distribution and process control system design with focus on:
  - Design modifications which will improve constructability.
  - Suggested clarifications to clarify proposed design to bidders and contractors.
- CR Consultant shall develop a Constructability Review technical memorandum to summarize proposed comments and suggestions.
- CR Consultant and GHD shall attend a meeting at the SCRWF with Sussex County staff for CR Consultant to present Constructability Review comments and discuss them.
- GHD shall provide an item-by-item written response to all identified CR suggestions received from the CR Consultant and provide a recommendation to Sussex County for whether to accept or reject each.
- Sussex County shall be responsible for the final determination of whether to accept or reject each CR suggestion.

## **SCHEDULE**

Value Engineering report and review meeting shall be completed by the VE Consultant within three weeks following initial site meeting. GHD will provide item-by-item written response and recommendation for each VE suggestion to Sussex County within two weeks.

Constructability Review memorandum and review meeting shall be completed by the CR Consultant in three weeks following receipt of 60% design drawings. GHD will provide item-by-item written response and recommendation for each CR suggestion to Sussex County within two weeks.

Overall design schedule for the project stated in Amendment 12 will be revised accordingly to incorporate time for the Value Engineering and Constructability Review tasks detailed in this proposal.

## **SUBCONSULTANTS**

GHD will utilize Diamond State Engineering of Dover, DE for the Independent Third-Party Value Engineering Review and the Independent Third Party Constructability Review.

## **CLARIFICATIONS**

If Value Engineering or Constructability Review suggestions impact the design cost of the electrical and control systems design above and beyond that anticipated during the Conceptual Design and detailed in GHD's Electrical and Process Control System Concept Design Memo, GHD will inform Sussex County of this cost impact during the review and comment period. If Sussex County agrees to accept Value Engineering or Constructability Review suggestions that impact the design cost of the electrical and control systems, GHD retains the right to request additional engineering fee for the design modifications.

## **ENGINEERING FEE**

GHD proposes to provide engineering services for the Electrical and Controls Value Engineering and Constructability Review based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's annually adjusted audited overhead rate, plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval:

Description	Cost
Direct Wage Costs	\$17,988.00
Overhead and Fringe Benefits	\$28,421.04
Expenses including Subs	\$44,040.00
Fixed Fee	\$4,640.90
<b>TOTAL</b>	<b>\$95,089.94</b>

Please let us know if you have any questions or comments regarding this proposal.

GHD



Thor Young, PE  
Principal

TAY/kab

Attachments: Hour and Cost Summary Table

CLIENT : <u>Sussex County</u>	PREPARED BY: <u>TAY</u>	PROJECT: <u>SCRWF Expansion: Electrical VE and CR</u>	CHECKED BY : <u>VMM</u>	DATE: <u>10/26/2017</u>	CLIENT : <u>Sussex County</u>	PREPARED BY: <u>TAY</u>	PROJECT: <u>SCRWF Expansion: Electrical VE and CR</u>	CHECKED BY : <u>VMM</u>	DATE: <u>10/26/2017</u>																																						
TASK DESCRIPTION	HOURS BY CATEGORY																				HOURS	TASK DESCRIPTION	EXPENSES										SUMMARY														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			Car	Truck	Over-	Airfare	Eqpmt	Copy	Tele-	Profit= <b>0.10</b> HOURLY W/ SELECTED PROFIT																	
	Principal	Sr Assoc	Assoc	Sr E II	Sr E I	PM II	PM I	PE II	PE I	E III	Eng II	Eng I	M Des	S Des	Des	CADD	Drafter	Sr Rep	Pr Rep	Intern			Sec/WP	Miles	Miles	nights	Car rent	CAD	& Misc	Out/Tech	Drawings	Copiers	Center	comm	Direct Labor	Indirect	Expenses	Cost	Profit	Total Price							
Electrical and Controls Value Engineering	20			80			24		84												208	Electrical and Controls Value Engineering	480						21,840													11,368.00	17,961.44	22,080.00	51,409.44	2,932.94	54,342.38
Electrical and Controls Construcability Review	16			40			20		44												120	Electrical and Controls Construcability Review	240						21,840													6,620.00	10,459.60	21,960.00	39,039.60	1,707.96	40,747.56
<b>TOTALS</b>	36			120			44		128												328	<b>TOTALS</b>	720						43,680												17,988.00	28,421.04	44,040.00	90,449.04	4,640.90	95,089.94	
	78.00	68.00	62.00	68.00	55.00	52.00	49.00	46.00	38.00	34.00	31.00	27.00	47.00	31.00	24.00	22.00	22.00	35.00	25.00	18.00	25.00			0.500	0.500	150.00		16.00				0.75	0.15	0.050	1.00												

## 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 I.G. Burton, III  
The Honorable Robert B. Arlett

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

RE: **WOLFE NECK REGIONAL WASTEWATER FACILITY-  
POLE BUILDING  
PROJECT NO. 18-10  
BID AWARD**

DATE: November 7, 2017

County Council approved in the fiscal year 2018 budget, the procurement of a combine and a dual wheel tractor for farming activities at the Wolfe Neck Wastewater Facility, minimizing the duration of spray inactivity during harvesting and weed control. As part of the farming operation, the Council also approved in the FY 18 budget the construction of a pole building to house the new equipment.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to contractors on the County's list of applicable vendors by type of construction. On October 27, 2017, bids for the Wolfe Neck Regional Wastewater Facility – Pole Building project were opened. Three (3) bids were received.

The Engineering Department recommends award of the project to Humphries Construction Company, Inc. for their Base Bid and Additive Bids B-1, B-2 and B-3, in the total amount of \$119,999.00.



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# Sussex County

DELAWARE  
sussexcountye.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## WOLFE NECK REGIONAL WASTEWATER FACILITIES POLE BUILDINGS PROJECT NO. 18-10

BIDDER	BASE BID	BID ALTERNATE	TOTAL BID
Humphries Construction*	\$65,900.00	\$54,099.00	\$119,999.00
Pioneer Pole Buildings	\$70,028.00	\$0.00	\$70,028.00
Kent Construction	\$137,122.55	\$80,398.20	\$217,520.75

\*Apparent low bidder



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

## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
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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 

RE: *Use of Existing Infrastructure Agreement  
Marsh Island Partners, LLC*

DATE: November 2, 2017

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Department requests approval of an agreement for the Use of Existing Infrastructure with Marsh Island Partners, LLC for the Marsh Island project in the Angola Neck Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, Marsh Island development will construct an on-site pumpstation that will connect to an existing regional forcemain. In return for utilization of said infrastructure Marsh Island Partners, LLC will contribute **\$170,805.95** for the perpetual use of these transmission facilities.





## USE OF EXISTING INFRASTRUCTURE AGREEMENT

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2017, by and between:

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

**MARSH ISLAND PARTNERS, LLC**, a Delaware Limited Liability Company and owner of a project known as Marsh Island, hereinafter called the “Owner.”

### WITNESSETH:

**WHEREAS**, Owner is developing a tract of land identified as Tax Map parcel 234-7.00-132.00, to be known as Marsh Island (“Project”) and;

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

**WHEREAS**, County has determined by study known as North Coastal Planning Study, that the Project can be served by the regional infrastructure and;

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

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

- (1) Owner is proposing to utilize County’s existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to **165** (including clubhouse & 8 off-site parcels) equivalent dwelling units to County’s existing transmission system and to utilize the existing capacity in said system, Owner agrees to contribute **\$170,805.95** for the perpetual use of said transmission facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is due prior to beneficial acceptance of the on-site pumpstation.**

- (5) If the Project (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 Owner, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Owner shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the *Sussex County Code* for all lots, due at such time the Owner receives the sewer connection permit.
- (8) Owner shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Owner shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Owner shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Owner shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Owner may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Owner or to any third party who purchases, leases or otherwise controls any portion of Owner's property without the consent of County. Owner, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Owner 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 Owner's negligence in connection with its performance of this

Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Owner of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Owner is **1813 Hoban Road, NW, Washington, DC 20007.**

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

**FOR THE COUNTY:**

{Seal}

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

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

ATTEST:

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

**FOR MARSH ISLAND PARTNERS, LLC**

By: *[Signature]* (Seal)  
Name of Officer JAMES M. UNDERHILL

10/4/17 (DATE)

WITNESS: *Tebecca Van Epps*

## ENGINEERING DEPARTMENT

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

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## PROPOSED MOTION

**BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THAT THE SUSSEX COUNTY COUNCIL APPROVES THE "USE OF EXISTING INFRASTRUCTURE AGREEMENT" BETWEEN SUSSEX COUNTY AND MARSH ISLAND PARTNERS, LLC FOR A CAPACITY ALLOCATION IN THE REGIONAL TRANSMISSION SYSTEM, AS PRESENTED ON NOVEMBER 7, 2017.**

**JOHN J. ASHMAN  
NOVEMBER 7, 2017  
FILE: ANG-1.10**



## **Joy Beach Expansion of SCUSSD** **Angola Neck Area Fact Sheet**

- Permission to Prepare and Post Notices for an Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area) to include the Joy Beach Community and parcels along Waterview Road and Bookhammer Landing Road from Camp Arrowhead Road to Joy Beach was granted on August 29<sup>th</sup>, 2017.
- The Engineering Department mailed out a polling letter to the community and adjacent parcel(s) asking the owners to respond as to whether they had an immediate need, a future need or no current need for sewer service from the County.
- The area was posted and letters mailed on September 25<sup>th</sup>, 2017, advertised October 11<sup>th</sup> and 18<sup>th</sup>.
- Public Hearing held on October 20<sup>th</sup>, 5:00 pm in council chambers.
- 5 parcels have changed their decision in favor of the expansion
- 35 immediate, 29 future and 31 no need

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE JOY BEACH AREA, SEVERAL PARCELS OF LAND ALONG THE EAST SIDE OF CAMP ARROWHEAD ROAD AND BOTH SIDES OF BOOKHAMMER LANDING ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Joy Beach, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Joy Beach area and further described as follows:

**Beginning** at a point, said point being on the SCUSSD boundary, said point also being the southeasternmost property corner of lands N/F Roger P. Edwards, said point further being the northeasternmost property corner of lands N/F of Jay R. & Carol L. Bachman; thence proceeding by and with said SCUSSD boundary the following courses and distances: 1) northwesterly 650' +/-, 2) southwesterly 790' +/-, 3) westerly 400' +/-, 4) northwesterly 160' +/-, 5) northeasterly 550' +/- to a point, said point being the northeasternmost property corner of lands N/F of Brian L. & Lisa D. White, said point also being the southeasternmost property corner of lands N/F of Virginia Carolyn Quigley, said point further being on the westerly ROW of Camp Arrowhead Road; thence leaving said SCUSSD and proceeding by and with said ROW in a northerly direction a distance of 1,575' +/- to a point, said point being on the easternmost property

line of lands N/F of Clyde Eric Quigley; thence leaving said ROW and Quigley lands and proceeding in an easterly direction a distance of 50' +/- to a point, said point being on the easterly ROW of Camp Arrowhead Road, said point also being on the northwesterly property corner of lands N/F of David P. & Phyllis B. Downing, said point further being the southwesternmost property corner of lands N/F of Audrey R. Lord & J. Phillip Simmons; thence leaving said ROW and proceeding by and with said Simmons lands in a northeasterly direction a distance of 1,300' +/- to a point, said point being the southeasternmost property corner of lands N/F of Audrey R. Lord & J. Phillip Simmons, said point also being on the westerly property line of Lands N/F of State of Delaware; thence leaving said Simmons lands and proceeding by and with said State lands the following courses and distances; 1) southeasterly 1,200' +/-, 2) southeasterly – 360' +/- to a point; said point being on the northerly ROW of Waterview Road; thence leaving said State lands and ROW and proceeding in an easterly direction across Waterview Road a distance of 75' +/- to a point, said point being on the easterly ROW of Waterview Road, said point also being the westernmost property corner of other lands N/F of State of Delaware; thence proceeding by and with said State lands the following courses and distances: 1) northeasterly 2,477' +/-, 2) southeasterly 246' +/-, 3) northeasterly 1,600' +/-, 4) southeasterly 1,200' +/- to a point, said point being the southeasternmost property corner of lands N/F of State of Delaware, said point also being on the northerly ROW of Hunt Club Road; thence leaving said State of Delaware lands and proceeding in a southerly direction a distance of 75 feet to a point, said point being on the southerly ROW of Hunt Club Road, said point also being the northeasternmost property corner of lands N/F of Brain M Attallian & Nicole A. Flora, said point also being the northeasternmost property corner of Joy Beach, a subdivision, said point further being on the Indian River Bay; thence proceeding by and with said subdivision boundary in a southerly, easterly and southerly directions respectively a total distance of 1,308 feet +/- to a point, said point being the southeasternmost property corner of lands N/F of Anthony J. Massetti, said point also being on the northerly ROW of Bookhammer Landing Road; thence proceeding across said road in a southerly direction a distance of 50' +/- to a point, said point being on the southerly ROW of Bookhammer Landing Road, said point also being the northeasternmost property corner of Eugene Bookhammer subdivision, found in Plot Book 39 page 285; thence proceeding by and with said subdivision boundary in a southerly, westerly, northerly direction respectively a total distance of 1,060' +/- to a point, said point being the northwesternmost property corner of said subdivision, said point also being a property corner of lands N/F John S. & Samuel J. Burton Farm Preserve LLC, said point further being on the southerly ROW of Bookhammer Landing Road; thence proceeding by and with said Burton lands in a westerly, southerly, westerly, northerly, westerly, southerly and westerly direction respectively a total distance of 5,930' +/-, to a point, said point being the southwesternmost property corner of lands N/F of Shelia K & Roger A. Galbraith, said point also being a property corner of Bay Woods, a subdivision found in Plot Book 52 page 82; thence leaving said Burton lands and proceeding by and with said Bay Woods boundary in a westerly direction a distance of 750' +/-, said point being on the



southwesternmost property corner of lands N/F of Rachel Bullock Brockway & Jeremy R. Brockway, said point also being the southeasternmost property corner of an open area parcel of Bay Oaks Homeowners Association; thence leaving said subdivision boundary and proceeding by and with said HOA parcel in a westerly and northerly direction respectively a distance of 124' +/- to a point, said point being on the easterly ROW of Bay Oak Drive; thence proceeding across Bay Oak Drive in a westerly direction a distance of 50' +/- to a point, said point being on the westerly ROW of Bay Oak Drive, said point also being on the southeasternmost property corner of another Open Area lot of Bay Oaks Homeowners Association; thence proceeding in a westerly direction a distance of 50.34' to a point, said point being on the southerly boundary of Bay Woods; thence proceeding by and with said Bay Woods boundary in a westerly direction a distance of 200' +/- to a point, said point being the northeasternmost property corner of lands N/F of Adele H. Fluharty, said point also being on the westerly boundary of Bay Oaks subdivision, found in Plot Book 68 page 131; thence proceeding by and with said subdivision boundary in a southerly direction a distance of 865' +/- to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records.

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

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

## Conley's Chapel Village Expansion of SCUSSD Chapel Branch Area Fact Sheet

- Permission to Prepare and Post Notices for an Expansion of the Sussex County Unified Sanitary Sewer District (Chapel Branch Area) to include the entire subdivision of Conley's Chapel Village and one adjacent parcel was granted on August 29<sup>th</sup>, 2017.
- The Engineering Department had received a request from several property owners interested in having the County extend the District Boundary. Therefore, the Engineering Department mailed out a polling letter to the community and adjacent parcel(s).
- The results of the poll to date show 11 people with an immediate need, 22 with a future need and 15 with no current need.
- As the County is in process of designing the connections for the greater Chapel Branch Area the Engineering Department believes inclusion at this time would benefit the residents of the existing area as well as the residents of Conley's Chapel Village in lieu of the cost of a future tie-in to the Chapel Branch infrastructure.
- Gravity sewer will be installed to serve the project.
- Area was posted and letters mailed on September 25<sup>th</sup>, 2017. Advertised PH on week of October 11<sup>th</sup> & 18<sup>th</sup>.
- Public Hearing was held at 3:00pm on October 20<sup>th</sup> in Council Chambers.

Revised numbers show 16 with immediate need, 11 with a future need and 11 with no need, for a total of 38 out 44 parcels responding.

We also have a request from a neighboring parcel to be included as well, which we feel would be acceptable and we can serve. Parcel 234-11.00-44.12 owned by Robert Clark who also owns another parcel within Conley's Chapel Village. **(need revised Resolution & map)**

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) CHAPEL BRANCH AREA, TO INCLUDE THE SUBDIVISION KNOWN AS CONLEY'S CHAPEL VILLAGE AND AN ADJACENT PARCEL LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Chapel Branch, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Chapel Branch area and further described as follows:

**BEGINNING** at a point, said point being the northeasternmost property corner of lands N/F of Joseph & Teresa Mocci, said point also being on the Sussex County Unified Sanitary Sewer District Boundary, Chapel Branch Area (SCUSSD), said point further being the westerly ROW of Wil King Road; thence proceeding by and with said westerly ROW and SCUSSD boundary in a southerly direction a distance of 447 feet +/- to a point, said point being a boundary corner of the SCUSSD; thence leaving said SCUSSD boundary and continuing by and with said ROW in a southerly direction a distance of 1,110 feet more or less, said point being the southeasternmost property corner of Conley Chapel Village subdivision, said point also being the northeasternmost property corner of lands N/F Robert Clark; thence proceeding by and with said subdivision boundary the following courses and distances: 1) S 88°39'17" W – 1,289.89' to a point,

2) N05°33'14" E – 334.13' to a point, 3) N 83°43'57" E – 680' +/- to a point, said point being on the northerly property line of James C. & Patricia A. Bachman, said point also being the southwesternmost property corner of lands N/F of Josept & Teresa Mocci; thence leaving said subdivision boundary and proceeding by and with said Mocci lands the following ten courses and distances: 1) N 01°11'55" E – 80.15' to a point, 2) N 49°52'45" E – 36.73' to a point, 3) N 35°24'06"E – 63.06' to a point, 4) N 20°55'27" E – 62.80' to a point, 5) N 07°26'31" E – 53.03' to a point, 6) N 1°11'55" E – 210.26' to a point, 7) S 88°57'50" E – 135.10' to a point, 8) N 01°02'09" E – 25.00' to a point, 9) N 60°40'31" E – 69.70' to a point, 10) S 88°44'29" E – 145.00' to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-6.00 and Sussex County property assessment records.

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

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

## Mallard Creek Expansion of SCUSSD Holt's Landing Area Fact Sheet

- Permission to Prepare and Post Notices for an Expansion of the Sussex County Unified Sanitary Sewer District (Holt's Landing Area) to include the entire subdivision of Mallard Creek was granted on August 29<sup>th</sup> 2017.
  - The Engineering Department had received requests from property owners interested in having the County extend the Sewer District Boundary. The Engineering Department mailed out a polling letter to the community.
- The results of the poll to date shows 20 yes responses and 12 no responses. 78% responded – 63% in favor 38% not
- The area was posted and notices mailed to the residents on September 25<sup>th</sup> 2017. Advertised the week of October 11<sup>th</sup> and 18<sup>th</sup>.
- Public Hearing was held at 1:00 pm on October 20<sup>th</sup> in Council Chambers.
- 16 out of 41 parcels represented per our sign in sheets, good discussion, mostly positive. We permitted them the ability to call or email to change their decision. **None have called to change their minds.**

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) HOLT'S LANDING AREA, TO INCLUDE THE SUBDIVISION KNOWN AS MALLARD CREEK LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Holt's Landing, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Holt's Landing area and further described as follows:

**Beginning** at a point, said point being the northwesternmost property corner of Mallard Creek, a subdivision, and a point on the SCUSSD (Holts Landing Area) boundary; thence proceeding by and with said SCUSSD boundary and Mallard Creek boundary, the following courses and distances: 1) Northeast – 2,044' +/-, 2) Southeast – 1,358' +/-, 3) Southeast – 429' +/- to a point, said point being on the northerly ROW of Manor Drive; thence leaving said point and proceeding by and with said SCUSSD boundary in a southwesterly direction across Manor Drive a distance of 65.39 feet to a point, said point being the southerly ROW of Mallard Drive, said point also being on the southerly boundary of Mallard Creek; thence proceeding by and with said SCUSSD boundary and Mallard Creek boundary in a generally northwesterly direction a distance of 3,288' +/- to the point and place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-7.00 and Sussex County property assessment records.

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

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Georgetown Little League		
PROJECT NAME:	operational expenses		
FEDERAL TAX ID:	51-0260574	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	*IF YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISSION:	Along with Little League International, the Georgetown Little League is proud to promote, develop, supervise, and voluntarily assist in all lawful ways, the interests of those who will participate in Little League baseball and softball. The little league program assists children in developing the qualities of citizenship, discipline, teamwork and physical well-being.		
ADDRESS:	PO Box 105		
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Dennis Swain		
TITLE:	President		
PHONE:	302.542.0080	EMAIL:	dennis.swain@state.de.us

<b>TOTAL FUNDING REQUEST:</b>	
Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, how much was received in the last 12 months?	\$2,000
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you seeking other sources of funding other than Sussex County Council?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> 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)

- Fair Housing  
 Infrastructure<sup>1</sup>

- Health and Human Services  
 Other

- Cultural  
 Educational

### BENEFICIARY CATEGORY

- Disability & Special Needs  
 Elderly Persons  
 Minority

- Victims of Domestic Violence  
 Low to Moderate Income<sup>2</sup>  
 Other

- Homeless  
 Youth

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
400-500

## 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.

Dear Council,

The Georgetown Little League Board of Directors graciously asks for your support in the amount of \$3,000 to assist with operational expenses.

Thank you for your ongoing support of Georgetown Little League.

Dennis Swain, President  
Georgetown Little League

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

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	0.00
<b>EXPENDITURES</b>	
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. <b>(Put amounts in as a negative)</b>	
assistance with operational expenses	-\$ 3,000.00
<b>TOTAL EXPENDITURES</b>	-\$3,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$3,000.00

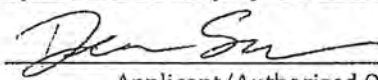
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown Little League 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.

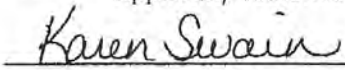
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 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

11/1/17

Date

  
\_\_\_\_\_  
Witness

11/1/17

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

GJ/mc

**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

11/1/17

Title

Karen Swain

Witness

11/1/17

Date

Vincent  
11-02-17



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Town of Blades**  
PROJECT NAME: **Kids Christmas Party**  
FEDERAL TAX ID: **51-6001393** 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 provide christmas for underprivileged children in Blades and surrounding towns.**

ADDRESS: **20 W Fourth Street**

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

CONTACT PERSON: **Vikki Prettyman**  
TITLE: **Town Administrator**  
PHONE: **302-629-7366** EMAIL: **vikkiprettyman@townofblades.com**

### TOTAL FUNDING REQUEST: 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? **600.00**

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? **20**

## 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 <sup>1</sup> | <input checked="" type="checkbox"/> Other Community | <input 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 <sup>2</sup> | <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:  
100+

## 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.

Blades has sponsored the Kid's Christmas Party for over 15 years now. It serves 100+ kids from Blades and the surrounding towns. Children come out to meet Santa and Mrs. Claus, make christmas crafts, play games, win toys, and have a bagged lunch. The event is the first Sunday in December from 1pm to 3pm and is first come first serve for ages 3 to 12. A hundred percent of the funding is raised from the community.

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

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	3,300.00
<b>EXPENDITURES</b>	
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. <b>(Put amounts in as a negative)</b>	
toys, games, crafts, food	-\$ 3,300.00
<b>TOTAL EXPENDITURES</b>	-\$ 3,300.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 0.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

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

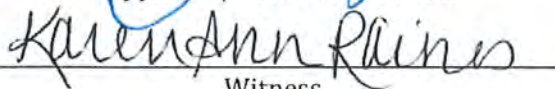
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. 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

10/31/2017  
Date

  
Witness

10/31/2017  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

GS/nc

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

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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.

Vikki Dettyman  
Applicant/Authorized Official

Town Administrator  
Title

Karen Ann Lewis  
Witness

10/31/2017  
Date

Vincent  
10/31/17

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DE 19947  
(302) 855-7878 T  
(302) 854-5079 F  
sussexcountyde.gov

# Sussex County Planning & Zoning Commission

## PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date October 12, 2017

Application: CU 2103 Southern Delmarva Therapeutic & Recreational Horseback Riding Inc. KH

Applicant/Owner: Southern Delmarva Therapeutic & Recreational Horseback Riding Inc.  
P.O. Box 219  
Nassau, DE 19969

Site Location: 17170 Harbeson Rd.  
West side of Harbeson Rd. approximately 462 ft. south of Diamond Farm Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Current Use: Recreation facility, office, caretaker house, equine-assisted therapy and stables

Proposed Use: Recreation facility, office, caretaker house, equine-assisted therapy and stables

Comprehensive Land Use Plan Reference: Low Density Areas

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 9.38 ac. +/-

Tax Map ID.: 235-26.00-17.14



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: October 27, 2017

RE: County Council Report for CU 2103 Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.

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The Planning and Zoning Department received an application (CU 2103 Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.) to allow for a recreation facility, office, caretaker house, equine-assisted therapy and stables. The Planning and Zoning Commission held a public hearing on October 12, 2017. The following are the 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, exhibit booklet, comments from Sussex Conservation District, results from the DelDOT Service Level Evaluation stating a TIS is not required and 14 letters of support.

The Commission found that Mark Davidson, with Pennoni Associates, Scott Swingle, Tom Pete, Kelly Boyer, and Georgia Truitt, all Board Members of Professional Association of Therapeutic Horsemanship International, were present on behalf of the application; that Mr. Davidson stated that Southern Delaware is one of 850 PATH (Professional Association of Therapeutic Horsemanship International) accredited facilities in the world and the only such organization in Sussex and Kent County; that Sussex County, Delaware is home to 1,750 children and more than 28,000 adults with disabilities; that since 1988 they have operated out of leased properties; that they would like to establish permanent home to allow for better partnerships; that in 2014 they found a site and the caretaker moved on to site for 24 hour care; that the property is approximately 9.3 acres; that there are 26,000 square feet of buildings on site; that there is an indoor riding arena; that the property is now owned by the applicant; that they are a non-profit organization; that the property is located on Route 5 and that they are not seeking to change the use of a farm; that the property is located in a Level 4 in the State Strategies; that the land is in a Low Density area; that a TIS was not warranted; that there are two existing wells on the site; that the site is served by an on-site septic system permitted by DNREC; that the hours of operation are 7:00 am to 10:00 pm, Monday through Sunday; that they would like a 32 square foot sign; that all lighting will be downward; that the dumpster will be screened from view; that there is no adverse impact on the neighboring properties; that there is no interconnectivity between parking lots; that Ms. Truitt spoke that



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GEORGETOWN, DELAWARE

Saturday is the busiest day with about 25 people; that when they have horseshows they might have up to 50 people which includes parents with their children; that they have horseshows twice a year; that most of the activities are held indoors in the riding area; that there is a fulltime farmhand, three instructors, volunteers, and 65 clients that they work with; that their goal is to have 100 to 150 clients a week; and that they have summer camps and a veterans program.

The Commission found that Jessica Hudson, Alyssa Hudson, Paul Reiger, and Joe Conaway were in support of this application; that Ms. Jessica Hudson spoke that her daughter participates in the program and has gotten a lot of help and has gotten strength; Ms. Alyssa Hudson spoke that she enjoyed her experienced at the site; that when they ride they are independent, fearless and free; that Mr. Reiger spoke that he is 100 percent in favor; that he has questions if there was a Conditional Use or a variance on the property previously; that he has questions about a Special Use Exception vs. a Conditional Use; that he had a question with the issue of the height of a fence; that Mr. Conaway spoke that the project is overdue; and that he is 100 percent in support of it.

The Commission found that there was no one in opposition to the application.

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

Mr. Hopkins moved that the Commission recommend approval of Conditional Use # 2103 for Southern Delaware Therapeutic and Recreational Horseback Riding Inc. for a recreation facility, office, caretaker house, equine-assisted therapy and stables based upon the record made during the public hearing and for the following reasons;

1. This property has existed as a horse farm for decades. This use will be consistent with that prior use, and the AR-1 zoning of the property.
2. The use will provide a much needed and much appreciated, therapeutic riding facility for children and adults with disabilities.
3. There was dramatic testimony from a young participant of the facility, who stated “when we ride we are free”. Based on this type of testimony, it is clear that the use is desirable for the health, safety & welfare of the residents of Sussex County.
4. There is a need for this type of use in Sussex County. There was testimony in the record that there are approximately 1,750 children with disabilities and 28,000 adults with disabilities in Sussex County. There is no other therapeutic riding facility in the area.
5. The use will not generate a lot of traffic on area roadways and it will not adversely affect neighboring properties.
6. This recommendation is subject to the following conditions;
  - A. The hours of operation shall be 7:00 am until 10:00 pm, Monday through Sunday.
  - B. All entrances, intersections, or other improvements required by DelDOT shall be completed by the applicant as required by DelDOT.
  - C. One lighted sign shall be permitted. The sign shall not exceed 32 square feet per side.
  - D. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - E. Any dumpsters shall be screened from view of neighboring properties or roadways.
  - F. The failure to abide by the conditions shall result in the termination of this conditional use.
  - G. 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 Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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**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: October 3, 2017  
RE: Staff Analysis for CU 2103 Southern Delmarva Therapeutic & Recreational Horseback Riding Inc.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2103 Southern Delmarva Therapeutic & Recreational Horseback Riding Inc. to be reviewed during the October 12, 2017 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 235-26.00-17.14 to allow for the use as a recreation facility, office, caretaker house, equine-assisted therapy and stables. The size of the area of the property to be used for the Conditional Use is 9.38 ac. +/- The property is zoned AR-1 (Agricultural Residential District).

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 south, east and west are Low Density Area. The land use to the north are Low Density Areas and Town Center. The Low Density Areas land use designations recognizes that a range that 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 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 known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a recreation facility, office, caretaker house, equine-assisted therapy and stables would be considered consistent with the land use, and surrounding zoning.







### Addresses / Parcels

TaxParcels

### Council Districts

Fire Districts

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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

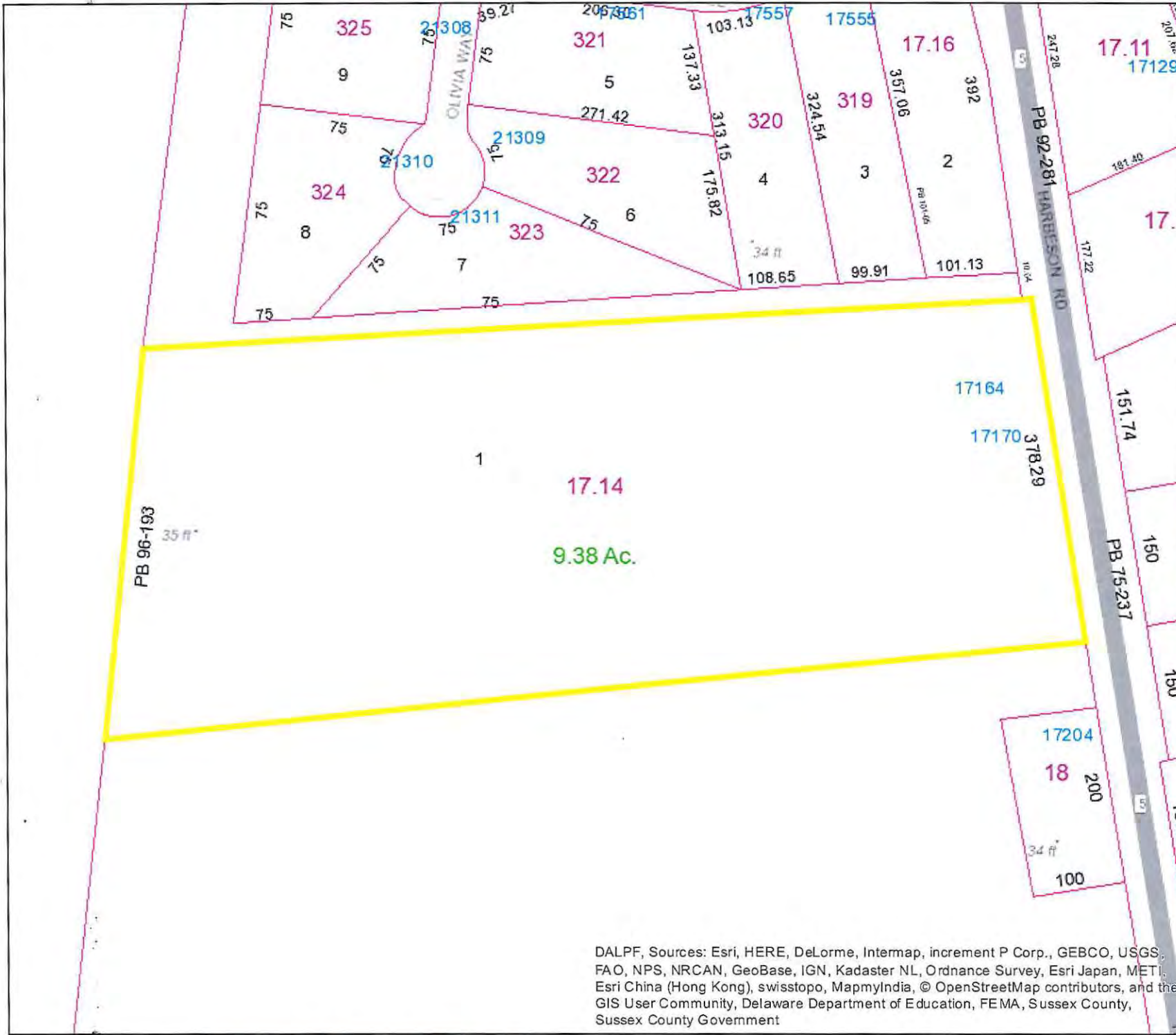
Municipalities

Communities

Boundaries State County



DALFR, Delaware Department of Education, FEMA, Sussex County, Sussex County Government, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

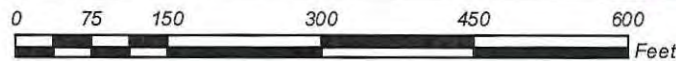


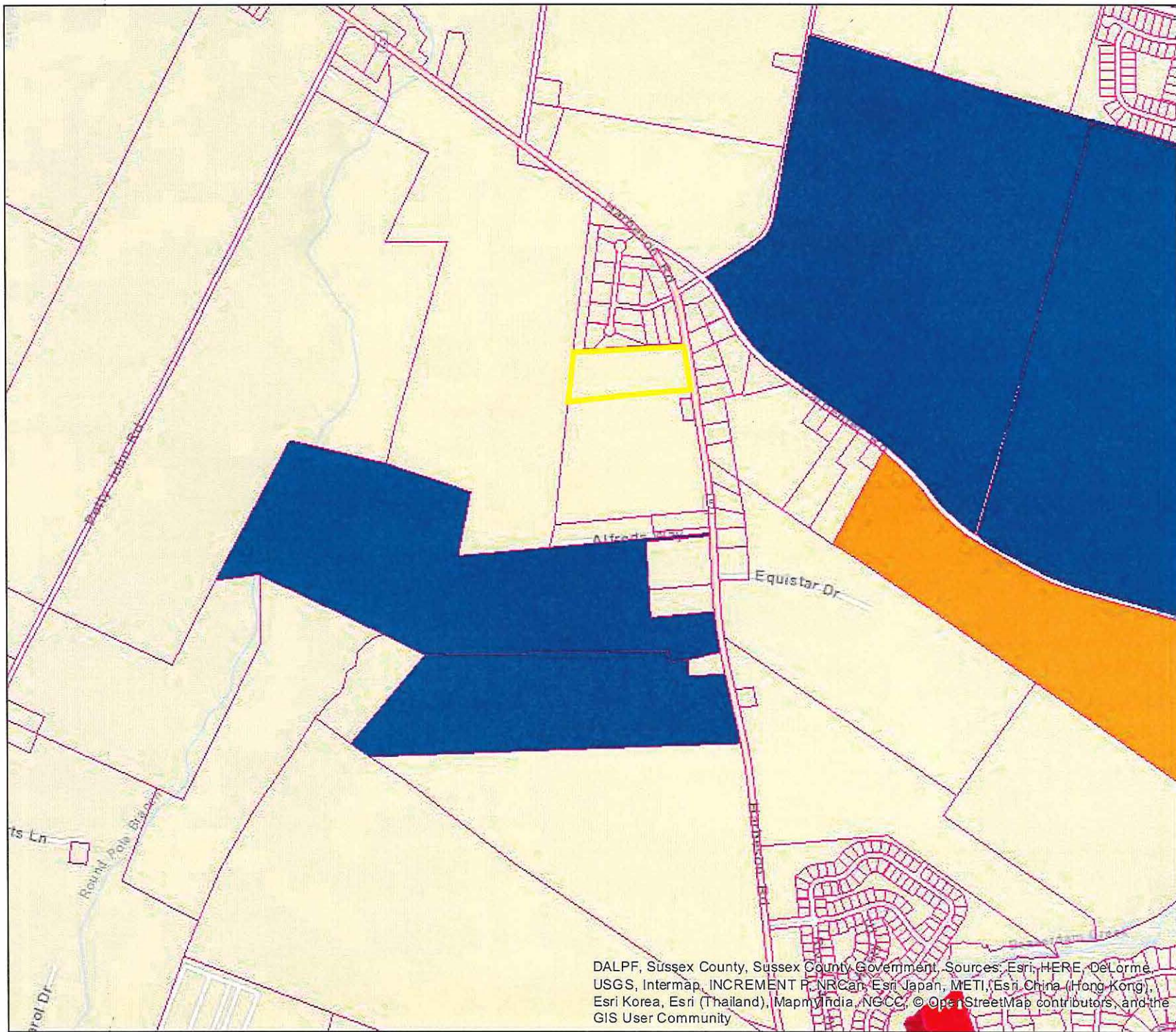
**Addresses / Parcels**

- Tax Parcels
- Council Districts**
- Fire Districts
- County District 01
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- County District 03
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- County District 05
- County Boundaries
- Schools/Libraries**
- School Buildings (Various)
- School Library
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- 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

DALPF, Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Delaware Department of Education, FEMA, Sussex County, Sussex County Government

**Sussex County Map**





**Addresses / Parcels**

- TaxParcels

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- County Boundaries

**Schools/Libraries**

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- School Library
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- 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

DALPF, 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



**Sussex County Map**



**Introduced 06/06/17**

**Council District No. 3 – Burton  
Tax I.D. No. 235-26.00-17.14  
911 Address: 17170 Harbeson Road, Milton**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EQUINE-ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of May 2017, a conditional use application, denominated Conditional Use No. 2103, was filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2103 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2103 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 Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Harbeson Road, approximately 463 feet south of Diamond Farm Road, and being more particularly described per the attached deed prepared by Bonnie M. Benson, P.A., said parcel containing 9.38 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.**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
ROBERT C. WHEATLEY



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# Sussex County Planning & Zoning Commission

## PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date October 12, 2017

Application: CZ 1829 Theresa Elizabeth Murray Irr. Trust DH

Applicant/Owner: Theresa Elizabeth Murray Irr. Trust  
34861 Atlantic Ave.  
Ocean View, DE 19970

Site Location: West side of Cedar Neck Rd. approximately 475 ft. north of Hickman Rd.

Current Zoning: GR (General Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land  
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic  
District: Mr. Cole

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 5.58 ac. +/-

Tax Map ID.: 134-9.00-70.00



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 3, 2017

RE: County Council Report for CZ 1829 Theresa Elizabeth Murray Irrevocable Trust

---

The Planning and Zoning Department received an application (CZ 1829 Theresa Elizabeth Murray Irrevocable Trust) to allow for a change of zone from GR (General Residential District) to a CR-1 (Commercial Residential District). The Planning and Zoning Commission held a public hearing on October 12, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a survey, exhibit booklet, staff analysis, comments from Sussex Conservation District and results from the DelDOT the Service Level Evaluation stating a TIS is not required.

The Commission found that Dennis Schrader, Attorney with Morris James Wilson Halbrook & Bayard, LLP and Ellen Magee were present on behalf of the application; that Mr. Schrader spoke in reference to the items in the exhibit booklet; that the property is on Cedar Neck Road, north of Hickman Road and near a grocery store, and the VFW; that the property is in a Low Density area and in the ESDA; that the property is 5.58 acres; that if this application is approved they will provide an appropriate site plan; that the property is currently used for residential and trailer storage and includes small campers, boats and it is being done under Conditional Use #478; that the proposed use is for a mini-storage; that it has a water supply on site; that the sewer is served by Sussex County; that the Delaware State Police will be the primary responder; that the property is located in the Millville Fire Company district; that there are no known wetlands on site; that Ms. Magee states that her mother lives on the site and is OK with the Change of Zone request; that the boat, and travel trailers have been on-site for a long time; that they want to put a mini-storage on the site, there is a demand and need for it in the area; that the others in the area are full; that her mom will continue to live there in the home and use it as the office; that there is no impact on traffic; that this is a similar use as is now on-site; that there is no impact on the neighborhood; that they need a Change of Zone for financing and using the site as a CR-1 use; that a TIS was not required from DelDOT; and that there is a staff analysis and findings in the exhibit book.

The Commission found that there was no one in support of the application.



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The Commission found that John Hickman and Jim Romig were in opposition of the application; that Mr. Hickman stated that his house faces the site; that trailers have been on-site; that area is residential and not intended for storage; that there is no need and don't need any more traffic; that the property is not maintained; that there is no fence around the property; that he has concerns with the lights; that the rezoning and proposed use is not pleasing to the area; that Mr. Romig spoke that a Conditional Use to a Change of Zone allows for more uses; that he has concerns with crime and with potential wetlands in the back of the properties; that there is commercial zoning across the street; that there has been a decline on sales of properties in the area; Ms. Stevenson stated that there could be many uses with a Change of Zone; that the site plan can determine if there are wetlands and address site plan items; and that Mr. Wheatley spoke that there is other commercial zoning in the area.

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 on October 26, 2017, the Commission discussed this application which has been deferred since October 12, 2017.

Mr. Hudson, moved that the Commission recommend approval of Change of Zone #1829 for Theresa Elizabeth Murray Irrevocable Trust for a change in zone from GR to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located in an area of Cedar Neck Road where other Commercial and Business zoned properties exist. The CR-1 zoning will be consistent with the area and zoning uses.
2. Although the property is currently zoned GR General Residential, it has been used for commercial purposes as a boat storage location pursuant to Conditional Use No. 478. CR-1 zoning is consistent with the prior and current use of the property.
3. The site is in a Developing Area according to the Sussex County Comprehensive Plan. CR-1 Zoning is appropriate within this area according to the Plan.
4. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
5. Whenever this property is developed for a particular use, the applicant will be required to meet or exceed all DelDOT requirements and DelDOT will determine where appropriate entrance locations should be.
6. Any development of the site will require preliminary and final site plan review by the Sussex County Planning and Zoning Commission.

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

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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: October 3, 2017  
RE: Staff Analysis for CZ 1829 Theresa Elizabeth Murray Irr. Trust

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1829 Theresa Elizabeth Murray Irr. Trust to be reviewed during the October 12, 2017 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 parcel 134-9.00-70.00 to change the zoning from GR (General Residential District) to CR-1 (Commercial Residential District) The size of the property is 5.58 ac. +/- . The property is zoned GR (General Residential District).

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 Areas.

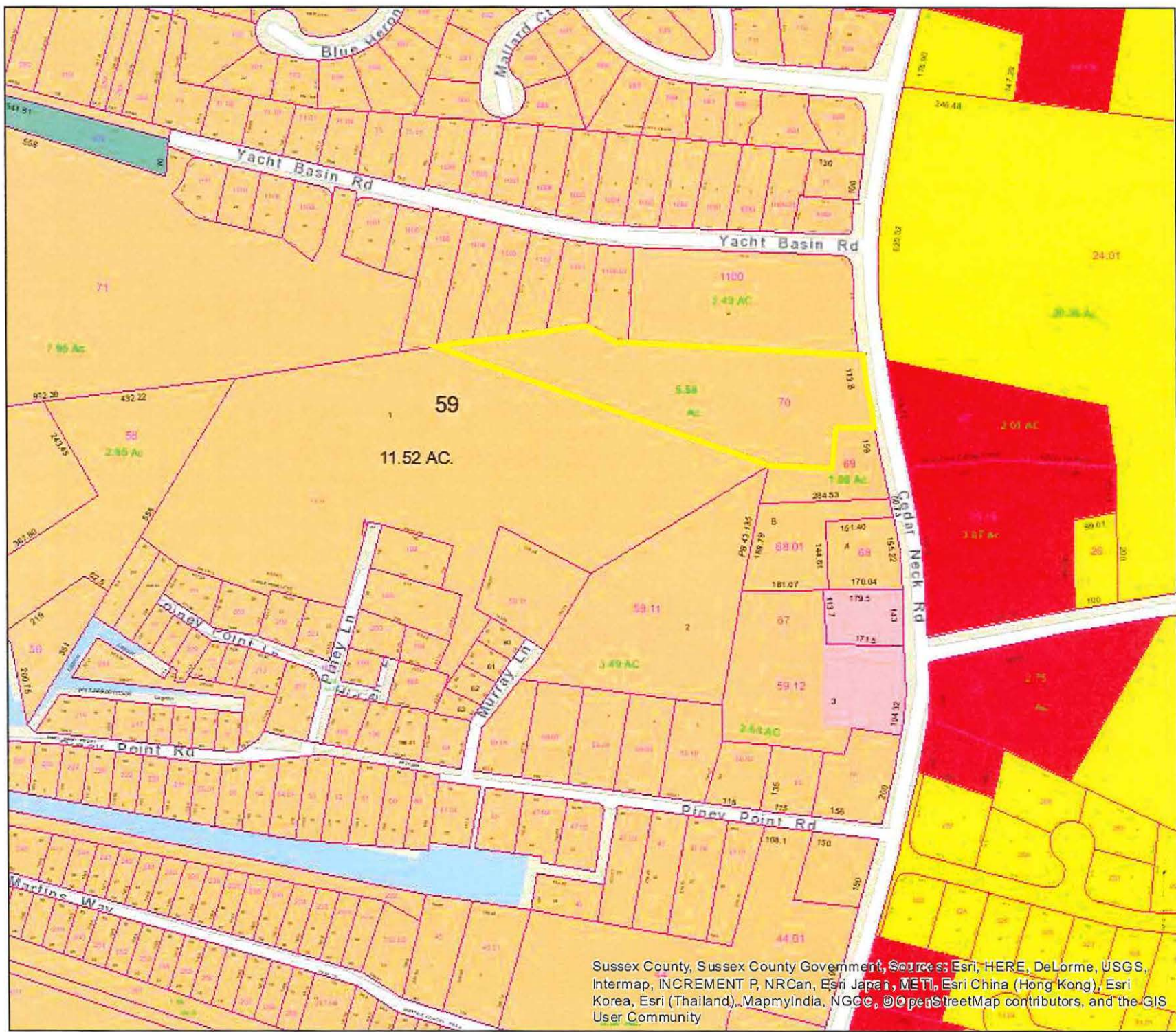
The surrounding land use to the north, south and west is Environmentally Sensitive Developing Areas. The surrounding land use to the east is Environmentally Sensitive Developing Areas and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range 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 CR-1 zoning district is a zoning classification that can be considered within the Environmentally Sensitive Developing Areas.

The property is zoned GR (General Residential District). The properties to the north and west are zoned GR (General Residential District). The properties to the south are zoned GR (General Residential District) and B-1 (Neighborhood Business District). The properties to the east are zoned MR (Medium Residential District) and C-1 (General Commercial District). There was an application for a Conditional Use (CU 1488) to allow multi-family in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone request change the zoning from GR (General Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding 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, 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



### 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)

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□ 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

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□ Open Water

□ VE

□ Public Protected Lands

□ Municipalities

□ Communities

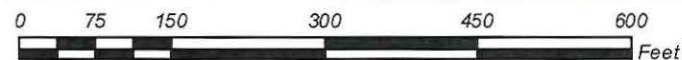
□ Boundaries State County

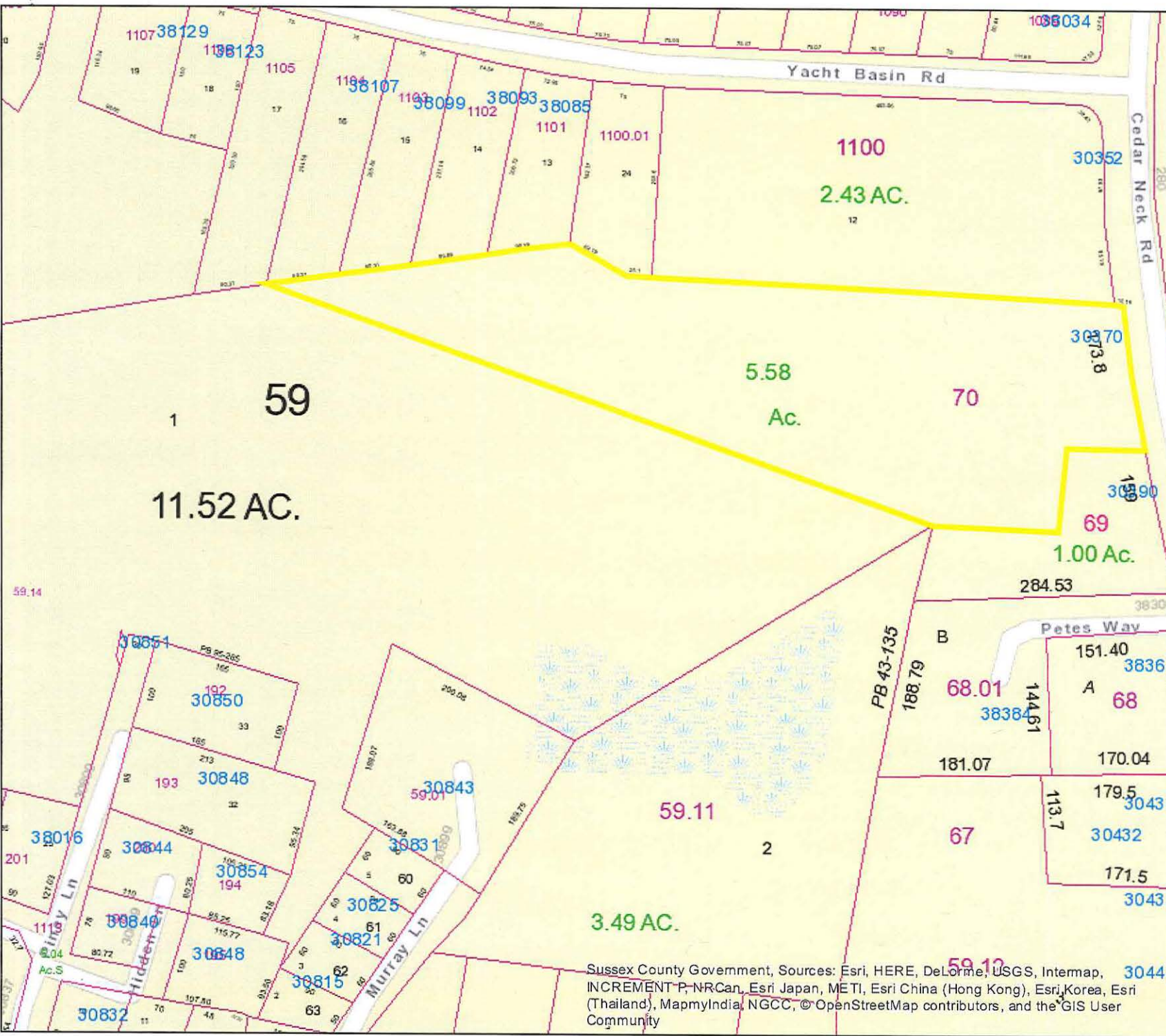


Sussex County Government, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



## Sussex County Map





**Addresses / Parcels**

TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
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- County Boundaries

**Schools/Libraries**

- School Buildings (Various)
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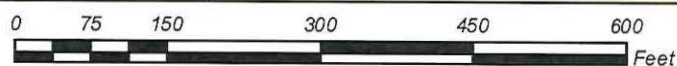
**Hydrology**

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**Introduced 06/13/17**

**Council District No. 4 - Cole  
Tax I.D. No. 134-9.00-70.00  
911 Address: Not Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of May 2017, a zoning application, denominated Change of Zone No. 1829, was filed on behalf of Theresa Elizabeth Murray Irrevocable Trust; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 1829 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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 [GR General Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Cedar Neck Road, approximately 475 feet north of Hickman Road, and being more particularly described per the attached deed prepared by Procino-Wells & Woodland, LLC, said parcel containing 5.58 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.**