

Sussex County Council Public/Media Packet

**MEETING:
November 10, 2020**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

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SUSSEX COUNTY COUNCIL

A G E N D A

NOVEMBER 10, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – October 27, 2020

Reading of Correspondence

Public Comments

Consent Agenda

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-CU2199
Seaglass at Rehoboth Beach Project, OA Rehoboth, LLC**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA1098
Ashton Oaks Project, OA Oaks, LLC**

Todd Lawson, County Administrator

- 1. Administrator's Report**

Jamie Whitehouse, Planning and Zoning Director

- 1. Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II –
to report public comments and to close the record**



Hans Medlarz, County Engineer

1. Discussion and Possible Introduction of the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE HERRING CREEK AREA OF THE UNIFIED SEWER DISTRICT”
2. Artesian Wastewater Management, Inc. & Artesian Water Company, Inc.
 - A. 2016 Bulk Wastewater Services Agreement – Addendum No. 4
 - B. Ellendale Water District Agreement – Amendment No. 1
3. South Coastal RWF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2
 - A. Approval of Agreement for Services with Town of Selbyville
 - B. Electrical Construction, Project C19-17, Change Order 8
4. Western Sussex Transmission Facilities
 - A. George, Miles & Buhr, LLC – Amendment No. 3
 - B. Contract 4: Pump Stations, Project S19-28, Change Order 3

J. Mark Parker, Assistant County Engineer

1. FY 21 Ocean Outfall Inspection
 - A. Recommendation to Award

John Ashman, Director of Utility Planning

1. H&D Townhouses (Sea Edge) IUA 974-1
 - A. Existing Wastewater Infrastructure Use Amendment

Grant Requests

1. Boy Scouts of America Troop #1 for equipment expenses
2. Sussex Central High School for equipment expenses
3. Georgetown Historical Society for Barrel Barn renovations
4. Lewes Public Library for festival expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

Conditional Use No. 2234 filed on behalf of James Jones

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR LESS” (property lying on the south side of Cordrey Road (S.C.R. 308), approximately 0.12 miles east of William Street Road (S.C.R. 309) (Tax I.D. No. 234-28.00-67.00) (911 Address: 28984 Cordrey Rd, Millsboro)

Conditional Use No. 2240 filed on behalf of Tidewater Utilities, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY ELEVATED STORAGE TANK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.32 ACRE, MORE OR LESS” (property lying on the southeast side of John J. Williams Highway (Route 24) approximately 1.52 miles southwest of Coastal Highway (S.R. 1) (Tax I.D. No. 334-12.00-107.00 (portion of) (911 Address: 19483 John J. Williams Highway, Lewes)

Conditional Use No. 2241 filed on behalf of Jonathan J. Bowman

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND TRAILER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.69 ACRES, MORE OR LESS” (property lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 feet north of Bradford Road (S.C.R. 426) (Tax I.D. No. 333-7.00-32.00) (911 Address: 34647 Millsboro Highway, Millsboro)

Change of Zone No. 1925 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.63 ACRES, MORE OR LESS” (property lying on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363) (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: None Available)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 2, 2020 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, November 9, 2020.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 27, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 27, 2020, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 419 20
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del.C.§10004(b)” and “Possible action on Executive Session items” and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of October 20, 2020 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke: Robert Lawson.

**Update/UD
Carvel
Research
and
Education
Center
Program**

Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of the research and extension programs at the College of Agriculture and Natural Resources and the Carvel Research and Education Center. Dr. Isaacs gave an overview of how the County’s funding is used by the Center in Sussex County: 4-H Program, Family Consumer Science Program, Field Research, Crops Research, Poultry Research, Lasher Lab Poultry Research, Safety Program, and Student Work-Based Learning Internship Program.

**Public
Hearing/
Friendship
Hall
Proposed
Annexation**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Miller Creek Area, to include the Friendship Hall subdivision. John Ashman, Director of Utility Planning, reported that the proposed expansion includes Parcel 134-16.00-39.00 and would consist of 47.72 acres, more or less. The request was received from Solutions IPEM on behalf of their client RH Orr, LLC, the owners/developers of the proposed Friendship Hall project. Friendship Hall is proposing 133 condos with a clubhouse, located south of the Forest Landing community along Central Avenue, and is contiguous to an existing district boundary. Mr. Ashman reported that, to date, one request was received from an adjacent property owner to be included in the annexation. No other calls in support or opposition have been received. The Engineering Department supports the inclusion of this additional parcel.

There were no public comments.

The Public Hearing and public record were closed.

**M 420 20
Adopt
R 014 20**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Resolution No. R 014 20 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), MILLER CREEK AREA, TO INCLUDE THE FRIENDSHIP HALL SUBDIVISION AND THE ADJACENT PARCEL 134-16.00-15.01 ON CENTRAL AVENUE LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

**Public
Hearing/
Countryside
Hamlet
Proposed
Annexation**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Dagsboro/Frankford Area, to include Countryside Hamlet. John Ashman, Director of Utility Planning, reported that the proposed expansion includes Parcel 533-4.00-20.00 and that the expansion would consist of 10.98 acres, more or less. The request was received from Matthew Davis, Manager of the Countryside Hamlet. Countryside Hamlet Mobile Home Park is an existing 47 lot subdivision located south of Frankford on Lazy Lagoon Road, and is contiguous to an existing district boundary. Mr. Ashman reported that, to date, no correspondence has been received in support of or in opposition to the annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 421 20
Adopt
R 015 20**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Resolution No. R 015 20 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), DAGSBORO – FRANKFORD AREA, TO INCLUDE COUNTRYSIDE HAMLET MHP ON THE NORTH SIDE OF LAZY LAGOON ROAD AND SOUTH OF THE TOWN OF FRANKFORD AND IS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**DelDOT/
Henlopen
TID**

Mr. Lawson presented for Council’s consideration an Agreement establishing the Henlopen Transportation Improvement District (TID). Mr. Lawson noted that no substantive changes have been made since the final review and discussion on this matter during the October 6, 2020 Council meeting.

Mr. Lawson recognized DelDOT Secretary Jennifer Cohan and representatives of DelDOT who were in attendance.

**M 422 20
Approve
Agreement
to Establish
Henlopen
TID**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the Agreement and the terms therein establishing the Henlopen Transportation Improvement District (TID) between the State of Delaware Department of Transportation and Sussex County, as presented, effective immediately.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, 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, Americana Bayside – Village A – Phase 1 (Construction Record), Americana Bayside – Village A – Pump Station and Ocean View Beach Club – Phase 4A received Substantial Completion effective October 19th.

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

2. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 3rd, for Election Day and Thursday, November 5th, for Return Day.

The Sussex County Council will not meet on November 3rd. The next regularly scheduled Council meeting will be held on November 10th at 10:00 a.m.

3. Caroling on the Circle

Due to concerns related to COVID, the annual Caroling on the Circle event for 2020 is suspended.

The decision was made out of an abundance of caution to ensure the well-being of the public, as the event usually draws several hundred people, many of them families with school-age children and senior citizens.

And while the annual gathering of singers, musicians and community members is suspended, our annual 'Pack the Pod' food drive will still take place as our mission to help those less fortunate remains the same.

Beginning in mid-November and lasting through Dec. 31, the County will collect donated non-perishable items to distribute among nearly 20 pantries serving the public here in Sussex County. To make donations convenient for the public, this year's campaign includes two different options for citizens to lend their support.

Food donations can be made anytime, 24 hours a day, outside the County Administrative Offices building, located at 2 The Circle, in downtown Georgetown. Receptacles, including a 14-foot-by-7-foot portable storage unit, will be placed outside the County complex, allowing the public to make 'no contact' drops throughout the holiday season. Staff will routinely collect items and 'Pack the Pod' before delivering food to the local pantries.

For those who prefer to limit their public travels to make a physical donation, the campaign will also accept monetary contributions as an alternative. Funds raised will be used to purchase food items through local suppliers to distribute among local pantries. Checks should be made payable to 'Sussex County Council' and mailed to Sussex County Government, c/o County Administration, PO Box 589, Georgetown, DE 19947. Donors should note 'Caroling on The Circle/Pack the Pod food drive' in the memo line. More information can be found on the County's website.

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

Draft Ordinance/ Coastal Area In accordance with the direction given at the October 20, 2020 Council meeting, Jamie Whitehouse, Planning and Zoning Director, presented for consideration a Draft Ordinance regarding subdivisions in the Coastal Area.

Introduction of Proposed Ordinance Regarding Coastal Area Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA”.

The Proposed Ordinance will be advertised for Public Hearing before the Planning and Zoning Commission and the Sussex County Council.

Robinsonville Road Project Patrick Brown, Project Engineer, presented a Final Balancing Change Order and request for granting Substantial Completion for the Robinsonville Road Core Infrastructure Project S19-16.

M 423 20 Approve Change Order and Granting of Substantial Completion/ Robinsonville Road Project A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Final Balancing Change Order 2 for Contract S19-16, Robinsonville Road Core Infrastructure, be approved decreasing the Contract by \$34,285.99 and that Substantial Completion be granted October 1, 2020, with any held retainage released in accordance with contract documents.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Grant Requests Mrs. Jennings presented grant requests for the Council’s consideration.

M 424 20 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$500.00 from Mr. Rieley’s Councilmanic Grant Account to the Town of Delmar for the tree lighting ceremony.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 425 20 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$1,000.00 from Mr. Hudson’s Councilmanic Grant Account to the Delaware Center for the Inland Bays for the James Farm Master Plan Implementation, Phase 2.

Motion Adopted: 5 Yeas.

M 425 20
(continued) **Vote by Roll Call:** **Mr. Hudson, Yea; Mr. Rieley, Yea;**
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea

M 426 20 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give**
Countywide **\$5,000.00 from Countywide Youth Grants to the Delaware Community**
Youth **Foundation for Sussex County Health Coalition’s *Delaware Goes Purple***
Grant **substance abuse prevention project.**

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mr. Hudson, Yea; Mr. Rieley, Yea;**
 Mr. Wilson, Yea; Mr. Burton, Yea;
 Mr. Vincent, Yea

Introduction **Mr. Burton introduced the Proposed Ordinance entitled “AN**
of Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
Zoning **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR**
Ordinances **BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN**
 PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,
 SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS”
 (Conditional Use No. 2245) filed on behalf of Jonathan Plump (Tax I.D. No.
 235-13.00-2.02 & 2.03) (911 Address: 20723 & 20715 Milton Ellendale
 Highway, Ellendale).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE
TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS”
(Change of Zone No. 1934) filed on behalf of Bunting Holdings LLC (Tax I.D.
No. 533-18.00-58.00) (911 Address: None Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE
TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 1.62 ACRES, MORE OR LESS”
(Change of Zone No. 1933) filed on behalf of Route 54 Limited Partnership
(Tax I.D. No. 533-18.00-59.00) (911 Address: 33006 Lighthouse Road,
Selbyville).

The Proposed Ordinances will be advertised for Public Hearing.

M 427 20 **At 10:52 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**
Recess **to recess until 1:30 p.m.**

**M 427 20
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 428 20
Reconvene**

At 1:32 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Rieley, to reconvene.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public
Hearing/
CZ 1906**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS” (Change of Zone No. 1906) filed on behalf of Eliud Samuel Ramirez-Mejia (Tax I.D. No. 233-5.00-172.00) (911 Address: 27436 Dagsboro Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. On October 8, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated September 24 and October 8, 2020.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Tim Willard, Attorney, was present along with the Applicant. Mr. Willard stated that the Applicant owns Coastal Painting and Renovations; that the application site is adjacent to a business park; that there is an old house on the site currently and the site will be cleaned up; that the site will be improved with some pole buildings which could be used for the Applicant’s contractor’s business; that a Traffic Impact Study was not required; that other commercial zonings exist in the area and along Route 113; that residential uses are becoming less viable in the area; and that C-2 zoning would be consistent with the area.

There were no public comments.

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

**M 429 20
Adopt
Ordinance
No. 2748/
CZ 1906**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2748 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS” (Change of Zone No. 1906) filed on behalf of Eliud Samuel Ramirez-Mejia.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2237**

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 OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS” (Conditional Use No. 2237) filed on behalf of Samuel C. Warrington II (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. The Commission deferred action again on October 8, 2020. On October 22, 2020, the Commission recommended approval with the following conditions:

- A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
- B. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.**
- C. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.**
- D. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- E. No maintenance of boats or RVs shall occur on the site.**
- F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- G. No more than 60 boats and RVs shall be permitted on the site.**
- H. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site**

**Public
Hearing/
CU 2237
(continued)**

Plan.

- I. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.**
- J. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.**
- K. No hazardous materials or fuel shall be stored on the property.**
- L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- M. No sales shall occur on the site.**
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated September 24, October 8 and October 22, 2020.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

Mr. Whitehouse noted that 108 letters in opposition to the application have been received.

Mr. Burton questioned the timeline of the application coming from the Planning and Zoning Commission to the County Council. Mr. Whitehouse noted that the Commission did take one extra meeting (than it would normally take) to make a recommendation. It was noted that the schedule was already set; that the public hearing for this date was part of the original legal advertisement; and that the recommendation from the Commission was delayed.

The Council found that Tim Willard, Attorney, was present along with the Applicant. Mr. Willard stated that the property consists of 50 acres and the Warrington family has owned the property for some time; that the family owns the two houses that front on Postal Lane; that the application is only for 2.5 acres in the front; that the proposed use is not oriented near residential property; that there will be no buildings on the property; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the Conditional Use application is for boat and RV storage in an area where it is needed; that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are medium and high density; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that the entrance to the storage area would be on Postal Lane adjacent to the Warrington (father) residence; that the use is semi-public in nature as it supports tourism in the area; that the

**Public
Hearing/
CU 2237
(continued)**

Future Land Use Plan encourages recreation and the County is famous for beaches, boat launches with access to the ocean and the Inland Bays; that the site is a transitional property from heavy commercial on the highway to residential and other development on Plantation Road; that the proposed use is public / semi-public in nature; that they offer conditions including security, landscaping, fencing, etc.; and that the Applicant has no objection to the conditions recommended by the Commission.

Mr. Willard addressed the comments in the letter received from Robert Valihura, Jr. and stated that he does not believe anything unusual happened in regard to the timing of the application coming to the Council.

Public comments were heard.

There were no comments in support of the application.

Robert Valihura, Jr., Attorney, stated that he represents the Heritage Village Condominium Association and that the Association and all of the residential homeowners object to the “lightning speed in which this Ordinance has come before you, and respectfully requests, in the interest of justice and during this unprecedented pandemic time, that Council postpone consideration of this Ordinance until the next public meeting of Council, or, at the very least, that Council keep the record open for thirty days, before Council undertakes the final consideration of this Ordinance”. Mr. Valihura stated the Board of Directors of the Association requests the deferral of the application and if this request cannot be granted, then the Board opposes this ordinance and requests that the Council vote to deny approval. Mr. Valihura listed reasons for opposition: the proposed use is inconsistent with neighboring and adjacent uses; the proposed use will adversely affect the neighboring properties, communities, roadways and traffic; the influx of expensive targets of opportunity on the property will drive up crime; and the proposed use is unnecessary and there has been no established need.

Kathy Davison (representing Sandy Brae Homeowners Association), Ron Scala (Board President of Heritage Village), Barbara Goldberg, Joy Strieby, Ingrid Callmann, Valerie Kohles, and Peter Keeble spoke in opposition to the proposed use. They stated that Postal Lane is extremely narrow and that the proposed entrance would never be safe enough; that a blind curve already exists on Postal Lane and fencing will make it more of a blind curve; that the number of accidents on Postal Lane will increase as a result of the proposed use; that traffic is diverted into the Sandy Brae community when problems happen on Postal Lane; that traffic could stack up on Postal Lane to access the entrance to the Proposed Use; that a bus stop is located across the road from the site and the safety of school buses and school children is a concern; and that home values will be negatively affected. It was noted that there has been no misunderstanding about the size of the proposed use and that they are opposed even though it is only 2.5 acres of the 50 acre site. A question was raised regarding the type of sign

**Public
Hearing/
CU 2237
(continued)**

that would be permitted and it was noted that LED lighting will be too bright in a residential area. The Opposition requested more time to review the record and to submit comments to the Council.

There were no additional public comments.

The Public Hearing and public record were closed; action was deferred.

**M 430 20
Defer
Action and
Leave
Record
Open/
CU 2237**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the record shall remain open (on Conditional Use No. 2237) until the close of business (4:30 p.m.) on November 9, 2020 so that the public, including the Applicant, may make additional comments, in writing only, to the Planning and Zoning Office; at that time (November 9, 2020 at 4:30 p.m.) the record shall be closed; Jamie Whitehouse, Director of Planning and Zoning, shall report to Council at the next meeting on November 10, 2020 and make those comments available to the Council and the public.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2239**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 2239) filed on behalf of Coastal Services, LLC (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. On October 8, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated September 24 and October 8, 2020.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mackenzie Peet, Attorney, was present on behalf of the Applicant (George Elliott). She stated that Mr. Elliott is the founder, owner, and operator of Coastal Services, LLC, a full service general contracting business; that Mr. Elliott purchased land (GR zoned) behind his business and combined the lots – so the B-1 lot was combined with the GR lot creating a split-zoned property; that the business is a permitted use

**Public
Hearing/
CU 2239
(continued)**

in the B-1 zoned area of the property; that the request is for the GR zoned portion of the property; that a pole barn of over 6,000 square feet is being proposed; that an application for a side yard variance has been submitted to the Board of Adjustment; that the Applicant has spoken with adjacent landowners and has their support; that one property has requested that a fence be installed on the perimeter of the property and the Applicant will comply with that request; that business hours are from 7:00 a.m. to 5:00 p.m.; that employees do not generally come to the site as they typically go directly to the work site; that there would be no impact on traffic; that large equipment will be stored in the pole barn; and that the location of this business is compatible with surrounding uses and zonings.

There were no public comments.

**M 431 20
Adopt
Ordinance
No. 2749/
CU 2239**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2749 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 2239) filed on behalf of Coastal Services, LLC, with the following conditions:

- A. The project shall be used for a general contracting business.
- B. There shall be no retail sales from the GR portion of the property.
- C. There shall be no manufacturing on the site.
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- E. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- F. The Applicant shall comply with all DeIDOT requirements for entrance and roadway improvements.
- G. Because the front portion of the Conditional Use area is currently zoned B-1, the use shall comply with the B-1 District's sign requirements.
- H. As stated by the Applicant, pursuant to an agreement with the neighbors, the boundaries of the property with GR zoning shall be fenced with 6-foot vinyl fencing to screen it from view of neighboring residential properties. The location and type of fencing shall be shown on the Final Site Plan.
- 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. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 432 20
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn at 2:57 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, 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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE


sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Douglas B. Hudson
The Honorable John L. Rieley

FROM: John J. Ashman 
Director of Utility Planning

RE: *Existing Wastewater Infrastructure Use Agreement
Seaglass at Rehoboth Beach IUA-CU2199
File: OM 9.01*

DATE: November 10, 2020

The Existing Wastewater Infrastructure Use Agreement is an arrangement that 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 Engineering Department requests approval of an agreement for the use of existing wastewater infrastructure with **OA Rehoboth, LLC** for the **Seaglass at Rehoboth Beach** project in the West Rehoboth 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 to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Seaglass at Rehoboth Beach** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said infrastructure **OA Rehoboth, LLC** will contribute **\$126,979.00.00** for the financial catch-up contribution of the existing infrastructure to serve **229.00** Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of the on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Seaglass at Rehoboth Beach IUA-CU2199

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2020, by and between:

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

OA REHOBOTH, LLC. a Limited Liability Corporation and developer of a project known as **Seaglass at Rehoboth Beach** (Herola Property), hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 334-12.00-127.01 be known as **Seaglass at Rehoboth Beach** (Herola Property) (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) 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) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **229.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$126,979.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a connection permit being issued.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. 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, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

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

- (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 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 Developer 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 Developer is **18949 Coastal Highway Unit #301, Rehoboth Beach Delaware 19971.**

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 OA REHOBOTH, LLC

By:  _____ (Seal)
Preston Schell - Member

10-9-2020 (DATE)

WITNESS: Mlynn Burton

Use of Existing Infrastructure Seaglass at Rehoboth Beach

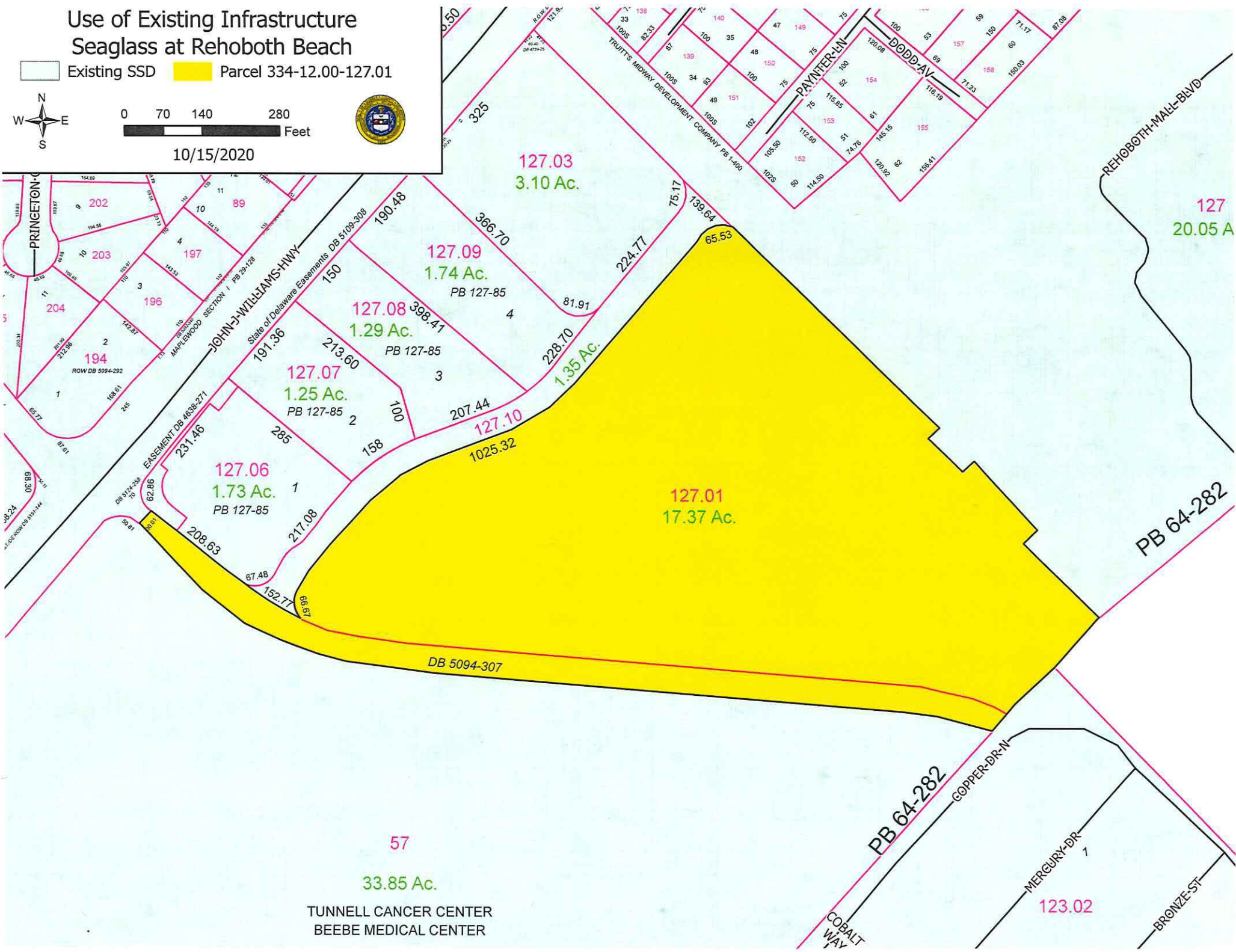
Existing SSD Parcel 334-12.00-127.01



0 70 140 280 Feet



10/15/2020



57
33.85 Ac.
TUNNELL CANCER CENTER
BEEBE MEDICAL CENTER

PB 64-282

123.02

PB 64-282

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Douglas B. Hudson
The Honorable John L. Rieley

FROM: John J. Ashman 
Director of Utility Planning

RE: *Existing Wastewater Infrastructure Use Agreement
Ashton Oaks IUA 1098
File: OM 9.01*

DATE: November 10, 2020

The Existing Wastewater Infrastructure Use Agreement is an arrangement that 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 Engineering Department requests approval of an agreement for the use of existing wastewater infrastructure with **OA Oaks, LLC** for the **Ashton Oaks** project in the Johnson's Corner 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 to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Ashton Oaks** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said infrastructure **OA Oaks, LLC** will contribute **\$144,780.00.00** for the financial catch-up contribution of the existing infrastructure to serve **183.00** Equivalent Dwelling Units. Payment will be required prior to receiving beneficial acceptance of the on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

INFRASTRUCTURE USE AGREEMENT - IUA1098

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2020, by and between:

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

OA OAKS, LLC a Delaware Limited Liability Company and developer of a project known as Ashton Oaks, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 533-11.00-82.00 to be known as Ashton Oaks (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Johnson’s Corner Area) 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) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **183.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$144,780.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a sewer connection permit being issued.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. 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, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (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 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 Developer 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 Developer is **18949 Coastal Highway, Unit 301, Rehoboth Beach Delaware 19971.**

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 OA OAKS, LLC

By:  (Seal)
Preston Schell - Authorized Signatory

10-9-2020 (DATE)

WITNESS: Melynn Burton

Use of Existing Infrastructure Ashton Oaks

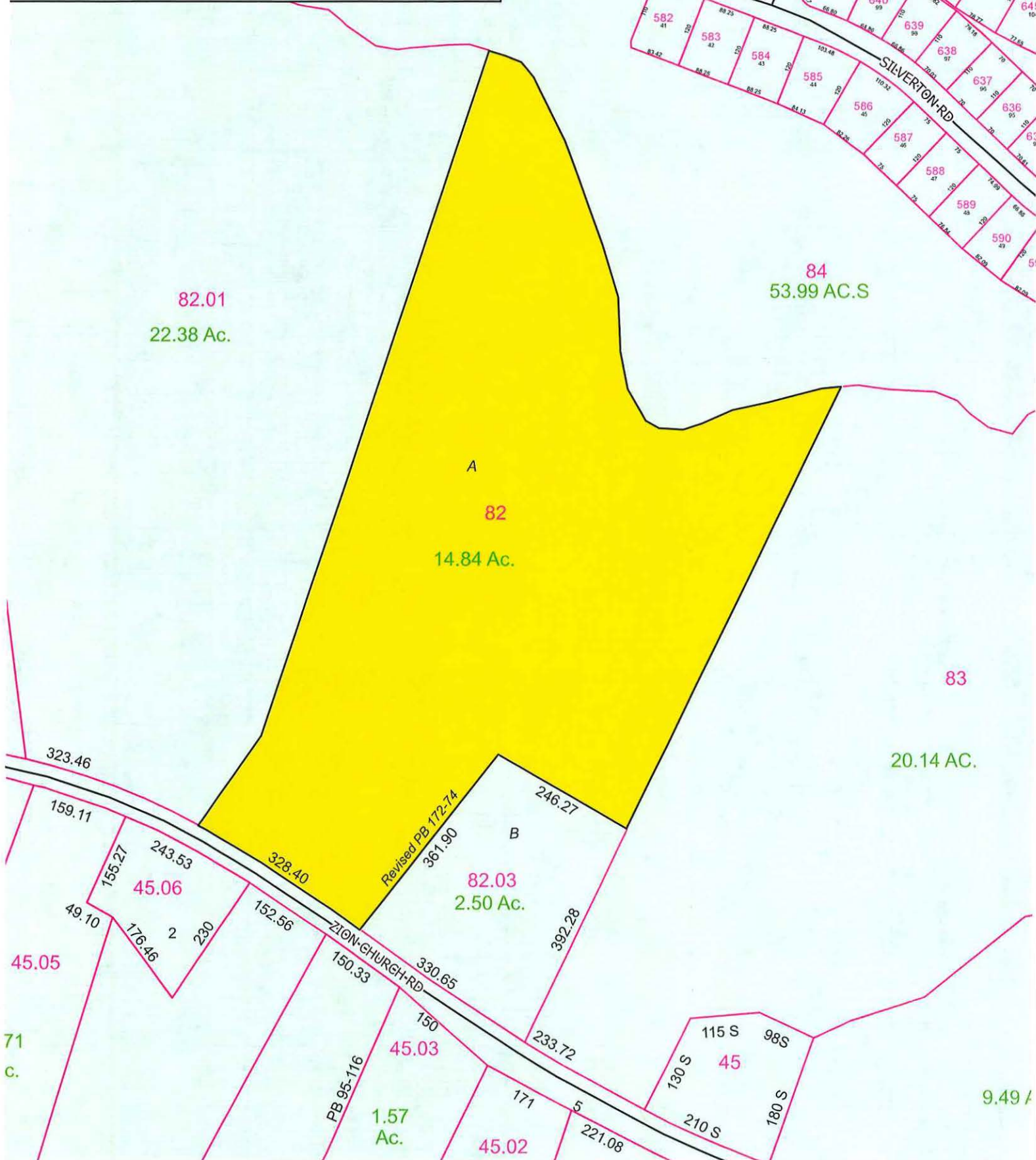
Existing SSD Parcel 533-11.00-82.00



0 70 140 280 Feet



10/15/2020



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 4, 2020

RE: County Council Report for CU 2237 Samuel C. Warrington II

The Planning and Zoning Department received an application (CU 2237 filed on behalf of Samuel C. Warrington II) for a Conditional Use for parcel 334-12.00-55.01 (portion of) to allow for outdoor RV and boat storage. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 2.5 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on September 24, 2020. At the meeting of October 8, 2020, the Commission discussed the application and deferred consideration of the application. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 7 reasons and subject to the 14 recommended conditions outlined within the motion (included below).

County Council held a Public Hearing on the application at their meeting of October 27, 2020. At that meeting Council held the record open until the end of business on November 9, 2020 for the submission of any additional written comments. The additional written comments received by this date are scheduled to be reported to County Council on November 10, 2020.

Below are the approved minutes from the Planning & Zoning Commission meetings of September 24, 2020 and October 8, 2020 and the draft minutes of the September 22, 2020 Planning & Zoning Commission meeting.

[Approved Minutes of the September 24, 2020 Planning & Zoning Commission Meeting](#)

C/U 2237 Samuel C. Warrington II

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT



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

STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES MORE OR LESS. The property is lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1). 911 Address: 34378 Postal Lane, Lewes. Tax Parcel: 334-12.00-55.01 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, a staff analysis, a copy of the DeIDOT service level evaluation response, and comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that 90 letters of opposition have been submitted to the Planning and Zoning Department.

The Commission found that Mr. Tim Willard, Esquire was present on behalf of the applicant, Samuel C. Warrington, II, that also present are Sam Warrington, II and Sam Warrington, III; that the Warrington family have owned this property since 1914; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the conditional use for boat storage will support and encourage that use in an area where it is needed and that it is an appropriate use for this property; that the Sussex County Comprehensive Plan states that the eastern portion of Sussex County is characterized by popular ocean side seasonal vacation towns; that Sussex County is a draw for seasonal visitors and tourism has become an indispensable part of the local economy; that the Future Land Use Plan encourages tourism; that in 2015 tourism spent 1.8 billion dollars; that the tourism sector employs over 19,000 individuals; that the Future Land Use Plan also encourages recreation, the county is famous for beaches, boat launches with access to the ocean and inland bays; that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are high density and medium density; that there are several conditional uses in the area; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that it would be consistent with the land use for the area based on the surrounding uses; that the use would be on 2.5 acres of a 40-acre property; that the entrance to the storage area would be on Postal Lane adjacent to Sam Warrington III residence; that the Applicant has submitted proposed findings and conditions; and that for all the reasons stated this is an appropriate use as it will not adversely affect the neighborhood and is semi-public in nature as it supports tourism in the area.

Mr. Samuel C. Warrington, III confirmed that the statements made by Mr. Willard were true and correct and that he would be managing the RV and Boat storage if it gets approval.

Ms. Stevenson asked about the type of lighting. Mr. Willard stated that the lighting will be inward facing and for security purposes only.

Ms. Wingate asked Mr. Willard to elaborate on the type of landscaping that will be used. Mr. Willard stated that there will be fencing; that the landscaping will be outside the fence around the perimeter of the storage area and will be a buffer from neighboring properties.

Mr. Mears asked if the boat storage would be only for seasonal use. Mr. Willard stated that it may also be used by weekend boaters, but the Applicant does not anticipate people coming on a day to day basis to drop off or pick up their boats.

Mr. Wheatley asked if the Applicant would be offering shrink wrap services, fuel sales, accessory sales, or boat engine service. Mr. Willard stated there will be no fuel sales, accessory sales or engine service on the property.

The Commission found that no one spoke in favor of and two people spoke in opposition to the Application.

Mr. Ron Scala spoke on behalf of the 146 homeowners in Heritage Village. Mr. Scala stated the Heritage Village is located on the south side of Postal Lane and are adjacent to the subject property; that the community of Sandy Brae lies on the northside of Postal Lane for a total of over 400 homes making Postal Lane a heavily traveled road; that the request for RV and Boat storage will greatly increase the large vehicle traffic for the area; that it will pose many safety and environmental concerns for the residents; that there were over 90 requests to deny the Application; that the residents of Heritage Village feel that this location is not appropriate for this use; that there are no sidewalks in this area; that the Commission previously denied an application for 14 townhomes citing a heavily traveled road and it would not support health, safety, convenience and general welfare of the neighborhood and County; and that for all these reasons the residents of Heritage Village are opposed to this request.

Mr. John Luzzi spoke on behalf of the residents of Sandy Brae. Mr. Luzzi stated that the residents of Sandy Brae are requesting that the Commission deny the Application for safety reasons and that a commercial use on Postal Lane is not in keeping with the residential character of the area; that there are school bus stops on Postal Lane; entrances to single-family homes; that traffic cuts through Sandy Brae trying to avoid Postal Lane causing confusion and more safety issues; and that having commercial use in the area will affect property values.

Ms. Wingate asked who owns the roads within Sandy Brae. Mr. Luzzi responded that they are County roads.

Ms. Joy Greevy spoke by teleconference. Ms. Greevy stated that she agreed with the previous speakers and has further safety concerns about vehicles using Bethpage Drive to turn around.

Upon there being no further questions or comments, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2237 Samuel C. Warrington, II. Motion by Ms. Stevenson, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 24, 2020.

Ms. Stevenson said that she has concerns about this project because of traffic and safe access to the

site by large vehicles.

Ms. Wingate stated that this property has been farmed for several years and tractors and trailers have accessed the site and that they are similar size to trucks towing boats.

Mr. Mears stated that boat or RV traffic should not be frequent as this location would be mostly used as an off-season storage; that it is a large parcel with only approximately 3 acres for this requested use; and that farmers need to be able to supplement their undependable income in other ways. Mr. Mears also noted that the Applicant's plan is to put the storage area next to the adjacent golf course and away from residential properties; that the Applicant is offering a buffer of trees in addition to the fencing; and that the traffic is a DelDOT issue.

Mr. Wheatley stated that his concerns are about the traffic entering and exiting the subject property.

Mr. Hopkins stated that he expects that traffic would make a right in, right out and the he expects that DelDOT may require a deceleration lane and an acceleration lane.

Mr. Robertson stated that DelDOT will mandate the necessary right-of-way from the Applicant and when DelDOT looks at this Application, they may deem economically infeasible to meet the requirements for a commercial venture.

Ms. Stevenson stated that if the entire property was to be developed in the future, there could be a much higher impact to traffic in this area.

Mr. Wheatley reminded the Commission members that this is a recommendation with conditions to County Council and the conditions could note traffic concerns to be addressed by DelDOT at the appropriate time and in a way that keeps citizens safe.

Motion by Ms. Stevenson, second by Mr. Mears, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of October 22, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Planning & Zoning Commission recommend approval of Conditional Use #2237 for Samuel C. Warrington for an outdoor RV and boat storage facility within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 2.5 acres of a much larger 40-acre tract owned by the Applicant and his family. This is one of the last undeveloped tracts in the area between Plantations Road and Route One, and some type of appropriate development is to be expected at this location.
2. The area of the proposed use is located on the front section of the larger property and it is oriented away from the nearby adjacent residential units.
3. There is a need for the use proposed by the Applicant in this area of Sussex County.

4. This use is limited in nature and will not involve any new buildings. It is an appropriate transition from the heavier commercial uses that exist within the Route One commercial corridor.
5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
6. The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
7. While there were concerns about traffic and the size of vehicles and trailers leaving the premises, I believe that this type of use will generate less daily traffic than nearly any other type of development that could occur on this property. DelDOT will also require the Applicant to make roadway improvements that will enable the safe entrance and exit from this use onto Postal Lane.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.
 - B. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.
 - C. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.
 - D. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The Final Site Plan for this use shall include a landscaping plan for this buffer area.
 - E. No maintenance of boats or RVs shall occur on the site.
 - F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - G. No more than 60 boats and RVs shall be permitted on the site.
 - H. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the final site plan.
 - I. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.
 - J. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.
 - K. No hazardous materials or fuel shall be stored on the property.
 - L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
 - M. No sales shall occur on the site.
 - N. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins to recommend approval for the reasons and with the conditions stated in the Motion. Motion carried 3-1 with Ms. Hoey Stevenson dissenting.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
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302-855-7878 T
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JAMIE WHITEHOUSE, AICP, MTRPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 24, 2020

Application: CU 2236 Sam C. Warrington II

Applicant/Owner: Sam Warrington II
34378 Postal Lane
Lewes, DE 19958

Site Location: On the southeast side Postal Lane (S.C.R. 238), approximately 0.38 mile southwest of the intersection of Coastal Highway (Route 1) and Postal Lane (S.C.R. 238)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: RV & Boat Storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Septic

Water: Private

Site Area: 2.5 Acres

Tax Map ID.: 334-12.00-55.01 (Portion of)



JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 1, 2020
RE: Staff Analysis for CU 2237 Samuel C. Warrington II

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2237 Samuel C. Warrington II to be reviewed during the September 24, 2020 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 Tax Parcel 334-12.00-55.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for outdoor boat and RV storage. The parcel is located on the southeast side of Postal Lane in Lewes, Delaware. The size of the property is approximately 40 acres +/-, and approximately 2.5 acres is proposed to be allocated towards the boat and RV storage use.

The 2018 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 in the plan indicates that the subject property has a Coastal Area designation. The adjacent properties in each direction are also a part of the Coastal Area.

The Coastal Area is designated to encourage growth and development without diminishing special ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is typically standard. Medium and higher densities (4-12 units per acre may be appropriate in selection locations.

This parcel is within an Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north and west and southwest are also zoned Agricultural Residential (AR-1). The adjacent parcel to the northeast is zoned Medium Density Residential (MR). The parcel to the south is zoned High Density Residential (HR-1).

Since 2011, there have been seven (7) Conditional Use applications in a one-mile radius. Conditional Use 2209, to allow for a 14-unit multifamily development, was denied by County Council on July 28, 2020. Conditional Use 2153, to allow for a real estate and investing office, was approved by County Council on February 5, 2019 and adopted through Ordinance No. 2630. Conditional Use 2073, to allow for an expansion of an existing electrical substation, was approved by County Council on March 7, 2017 and adopted through Ordinance No. 2486. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478. Conditional Use 2016, to allow for an elementary school,



was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2402. Conditional Use 2015, to allow for a public service facility, was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2401. Conditional Use 1938, to allow for a therapist's office, was approved by County Council on September 11, 2012 and adopted through Ordinance No. 2289.

Land use and zoning have been analyzed for both this subject site and other nearby properties. A Conditional Use to allow for the outdoor storage of boats and RVs, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



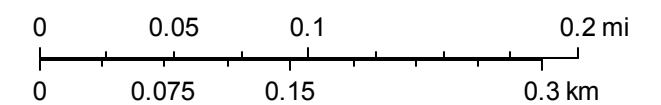
Sussex County



PIN:	334-12.00-55.01
Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
City	LEWES
State	DE
Description	SE/RD 283
Description 2	1597' SW/RT 1
Description 3	
Land Code	

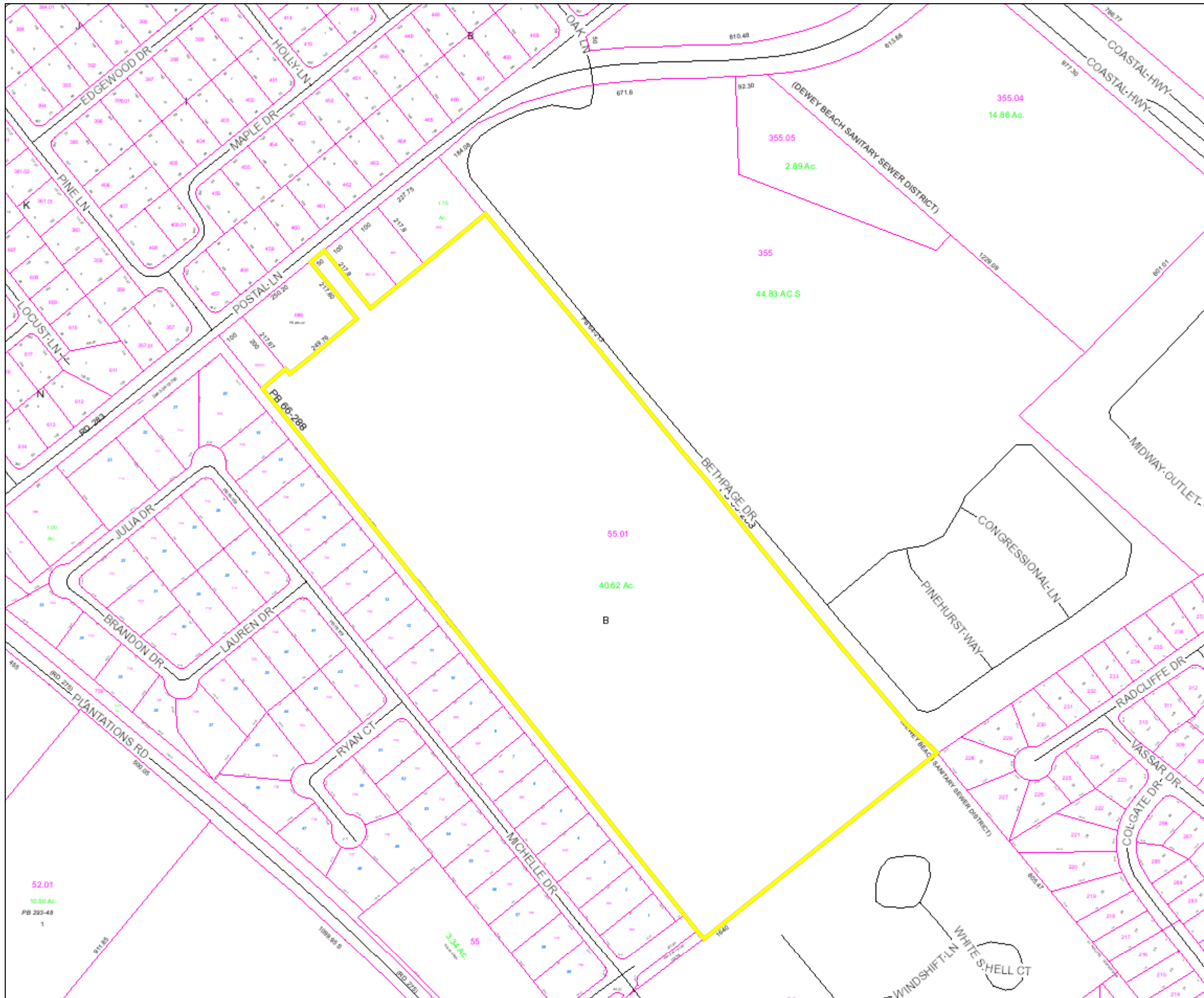
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Override 1
- Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

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Sussex County



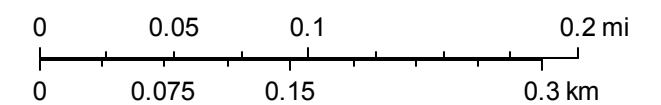
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Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
City	LEWES
State	DE
Description	SE/RD 283
Description 2	1597' SW/RT 1
Description 3	
Land Code	

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- polygonLayer**

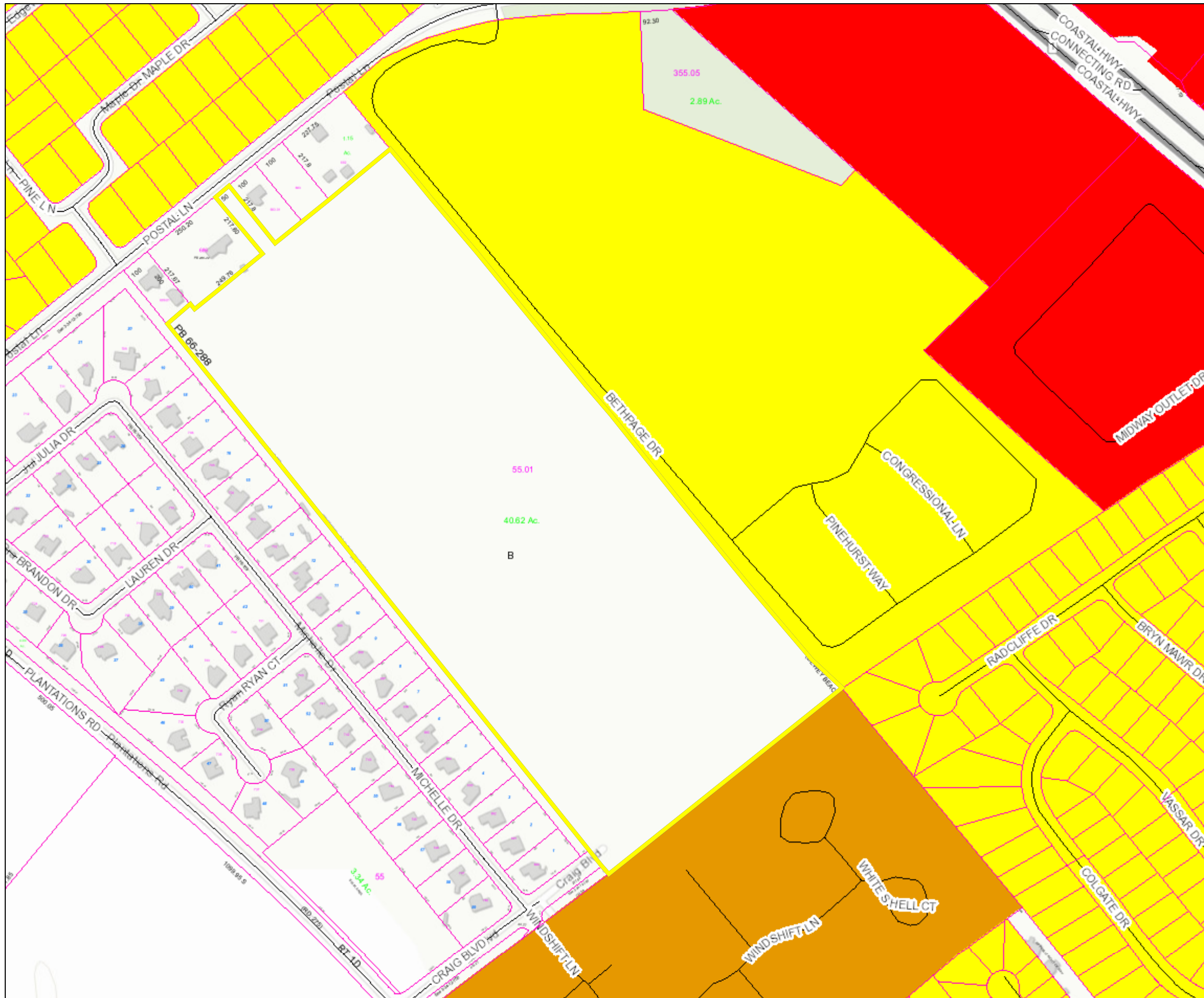
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514





Sussex County



PIN:	334-12.00-55.01
Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
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State	DE
Description	SE/RD 283
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polygonLayer

Override 1

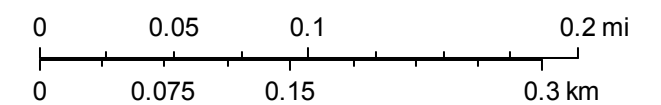
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Override 1

Tax Parcels

Streets

1:4,514



Introduced 8/25/20

**Council District 3 - Burton
Tax I.D. No. 334-12.00-55.01 (Portion of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS

WHEREAS, on the 17th day of July 2020, a conditional use application, denominated Conditional Use No. 2237 was filed on behalf of Sam C. Warrington II; and

WHEREAS, on the ____ day of _____ 2020, 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. 2237 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2237 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Atlantic Surveying & Mapping, LLC, said parcel containing 2.5 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.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE HERRING CREEK AREA OF THE UNIFIED SEWER DISTRICT

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual assessment rates for collection and transmission and/or treatment for the Herring Creek area of the Unified Sewer District are as follows:

- A. For collection, an assessment rate per billable front foot: \$4.12; and
- B. For transmission and/or treatment, an assessment rate per billable front foot: \$4.12.

Section 2. This ordinance shall become effective immediately upon its adoption.

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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: *Artesian Wastewater Management, Inc. & Artesian Water Company, Inc.*
A. 2016 Bulk Wastewater Services Agreement – Addendum No. 4
B. Ellendale Water District Agreement – Amendment No. 1

DATE: November 10, 2020

In July of 2016, the Engineering Department presented a comprehensive proactive wastewater infrastructure planning approach for the North Coastal Planning Area with the stated goal of utility coordination between wastewater service providers. Hence, avoiding duplication of capital expenditures and utilization of existing sewer transmission and treatment capacity.

County Council authorized agreement negotiations with other wastewater service providers for the utilization of seasonally available, existing wastewater treatment capacity and on August 30, 2016, approved the original agreement with Artesian Wastewater Management, Inc. Other agreements with municipal providers have followed since then. The approach of allowing the most cost-effective transmission and treatment of wastewater, represented by the tier style service map, has since then been incorporated in the County Code, Chapter 110 and the 2018 Sussex County Comprehensive Plan.

On January 29, 2019, Council approved Addendum No. 1 to the Agreement, expanding the exchange to treated effluent with a 4 to 1 exchange ratio with wastewater for balancing purposes. In addition, it established a ten-year term allowing for better long-term planning.

On September 10, 2019, Council approved Addendum No. 2 making the county's pretested land available for a potential spare Artesian disposal area if needed in exchange for utilization of Artesian full effluent disposal quantity at the Stonewater Facility up to 450,000 gpd. In addition, it extended the term to twenty-five-years matching the term at the Wolfe Neck lease with the State.

The physical connection to the Artesian facility was completed and tested in January of 2020. Prior to commencement of the discharge DNREC requested Artesian to file an authorization



to operate which was submitted on February 11, 2020. In addition, DNREC required a technical memorandum of understanding between the utilities on how to share operational responsibilities which was submitted on February 22, 2020. On July 1, 2020 DNREC issued the modified operations permit. Due to the extended time required to obtain the permit modifications, Council on June 2, 2020, approved Addendum No.3 delaying the required annual true up of flows until the end of fiscal year 2021.

The DNREC operations permits contain general statements about the “source” of the wastewater to be treated such as a specific County sewer district area or a specific subdivision. With all utilities moving towards regionalization of their respective systems this identification is obsolete and DNREC suggested updating the “wastewater” definition in the 2016 Bulk Wastewater Services Agreement. Therefore, the Engineering Department requests Council’s approval of Addendum No.4 revising the definition accordingly.

Petitions requesting the creation of a water district in the greater Ellendale area were submitted to the Engineering Department, which in conjunction with the Town of Ellendale, established a potential district boundary. County Council accepted Resolution No. R 024 17, approving the boundaries on September 19, 2017. A referendum was held on November 4, 2017 but did not receive enough votes to proceed with the establishment of a water district. Residents in favor of the formation of a district regrouped and in conjunction with the Engineering Department optimized the boundaries, including only areas of greatest need and resubmitted the required number of petitions. On June 26, 2018, Council approved Resolution No. R 009 18, establishing the revised boundary of the Ellendale Water District.

A referendum was held on September 15, 2018, with the final count revealing the eligible voters to be in favor of the project, with 81 Yes versus 21 No votes cast. Based on the affirmative results of the election, and in accordance with Title 9 Delaware Code Section 6507, Council approved the Ellendale Water District on October 2, 2018, through Resolution No. R 015 18.

On January 29, 2019 Council approved the Ellendale Water District Agreement. It identifies the Artesian Water Company as the supplier of potable water and provider of certain services at rates and terms necessary to meet the referendum approved maximum annual user rate of \$430.00 for the average residential account within the District.

Since then the Finance and Engineering Departments submitted a funding application to the State Drinking Water SRF. It was approved in two successive State fiscal years through all grant Bond Bill allocations. The original intent of the Agreement was to construct a water tower at the south end of the system. However, the now complete and permitted design identified a pressure tank approach more advantageous. The Engineering Department approached Artesian with a modification request to where the utility will assume all operational responsibilities under the established bulk rate while the County will assume the full construction and maintenance of the pressure tank system. This arrangement is in the best long term interest of the users and the Department requests Council’s approval of Amendment No. 1 to the Ellendale Water District Agreement with the Artesian Water Company.

ADDENDUM NO. 4 TO THE
BULK WASTEWATER SERVICES AGREEMENT
Between
ARTESIAN WASTEWATER MANAGEMENT, INC.
and
SUSSEX COUNTY

WHEREAS, on August 30, 2016 the parties entered into a Bulk Wastewater Services Agreement (“Agreement”) regarding exchange of Wastewater; and

WHEREAS, on February 7, 2019 the parties signed Addendum No. 1 to the Agreement; and

WHEREAS, on or about September 19, 2019 the parties signed Addendum No. 2 to the Agreement; and

WHEREAS, on or about June 19, 2020 the parties signed Addendum No. 3 to the Agreement; and

WHEREAS, both parties desire to further amend the Agreement as set forth herein;

NOW THEREFORE, the Sussex County Council (County) and Artesian Wastewater Management, Inc. (Artesian) agree to further amend the Agreement as follows:

1. By deleting subparagraph c. under Section 1. Definitions in its entirety and replacing it as follows:

c. “Wastewater” means water containing waste deposited into the regional wastewater collection and transmission system of either party for treatment and/or disposal at regional facilities, provided, however, such water shall comply with and conform to any applicable pretreatment requirements imposed by permit or regulation prior to being deposited into either parties’ regional wastewater collection and transmission system.

2. All other terms and conditions of the Agreement as previously amended remain unchanged.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have set their hands and seals the day stated below.

Attest:

**ARTESIAN WASTEWATER
MANAGEMENT, INC.**

Joseph A. DiNunzio, E.V.P. & Secretary
STATE OF DELAWARE :

By: _____(SEAL)
Dian C. Taylor, Chief Executive Officer

: SS.
COUNTY OF NEW CASTLE :

BE IT REMEMBERED, that on the _____ day of _____, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Dian C. Taylor, known to me personally to be the Chief Executive Officer of Artesian Wastewater Management, Inc. and, in that capacity, she executed this Addendum No. 4 To The Bulk Wastewater Services Agreement in her own hand for the corporation.

Notary Public

Attest:

SUSSEX COUNTY, DELAWARE

Clerk, Sussex County Council
STATE OF DELAWARE :

By: _____(SEAL)
Michael H. Vincent, President

: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on the _____ day of _____, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, known to me personally to be President of the Sussex County Council and, in that capacity, he executed this Addendum No. 4 To The Bulk Wastewater Services Agreement in his own hand for the County.

Notary Public

**AMENDMENT TO THE
ELLENDALE WATER DISTRICT AGREEMENT**

This Amendment to the Ellendale Water District Agreement (“Amendment”) is made and entered into this _____ day of _____, 20____, by and between ARTESIAN WATER COMPANY, INC., 664 Churchmans Road, Newark, Delaware 19702, a Delaware corporation (“Artesian”), and SUSSEX COUNTY, a political subdivision of the State of Delaware, 2 The Circle, Georgetown, Delaware 19947 (“County”, and collectively with Artesian, the “Parties”).

WHEREAS, the Parties entered into that certain Ellendale Water District Agreement on or about February 7, 2019 (the “Agreement”); and

WHEREAS, the Parties deem it mutually beneficial to clarify and amend certain aspects of the Agreement;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter expressed, the Parties hereto agree as follows:

1. Paragraph (7)c. of the Agreement is deleted in its entirety and replaced with: “County shall design, construct, own and maintain the water storage facility that is planned for construction on the Solid Waste Authority property;”

2. Paragraph (8)e. is of the Agreement is deleted in its entirety and replaced with: “Provide all emergency response services to the distribution system that serves customers;”

3. New Paragraph (8)h. is hereby added to the Agreement as follows: “Operate the water storage facility described in Paragraph (7)c. hereof.”

4. Paragraph (9)d. of the Agreement is deleted in its entirety and replaced with: “[Omitted]”.

5. Except as set forth in this Amendment, all other terms of the Agreement shall remain valid and binding.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their proper officers and their respective corporate seals to be hereunto affixed, the day and year first above written.

SUSSEX COUNTY

ARTESIAN WATER COMPANY, INC.

By: _____
Michael H. Vincent, Council President

By: _____
Dian C. Taylor, President and
Chief Executive Officer

Attest: _____
Clerk of Council

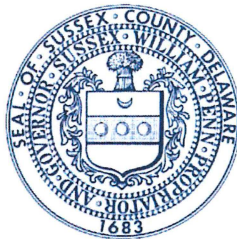
Attest: _____
Name: _____
Title: _____

Date: _____

Date: _____

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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UTILITY PLANNING	(302) 855-1299
FAX	(302) 853-5881



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable I.G. Burton, III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2***
A. Approval of Agreement for Services with Town of Selbyville
B. Electrical Construction, Project C19-17, Change Order 8

DATE: November 10, 2020

Intergovernmental Background:

The Town of Selbyville participated in the original ocean outfall construction with Sussex County and therefore owns 9.1% of the capacity. The distribution of the operational expenses related to the outfall are governed by the December 29, 2008 agreement between the parties. The agreement is silent on future capital expenses such as major repairs. On November 13, 2018, Council approved a partial effluent forcemain relocation/replacement. The segment in question, containing Selbyville's tie-in, had been slated for replacement due to three (3) line breaks in the previous 2 years.

The Engineering and Finance Departments met with Town officials and presented two alternatives for amending the Agreement. The Town expressed and the Engineering Department subsequently transmitted the cost share scenarios to the Town. On August 6, 2020 the County Engineer appeared before the Town Council for a presentation and since then the Town Council selected the flow-based billing option.

The Assistant County Attorney and the County Engineer drafted a new agreement accordingly. It was considered by the Town Council on September 14, 2020. However, no final action was taken until the Town Solicitor had an opportunity to complete her review and suggest modifications to the Town Manager. Minor modifications were incorporated and on November 2, 2020 Town Council voted to approve the attached version. The Engineering and Finance Department recommend approval of the updated Agreement.



Professional Services Background:

No changes since County Council approved GHD, Inc's Amendment No. 20 on February 4, 2020.

Overall South Coastal Project Summary:

In summary, the South Coastal WRF Treatment Process Upgrade No.3 encompasses the following components and statuses:

- a. Effluent Forcemain Relocation/Replacement; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;
The construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.
- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc.

On March 10, 2020 Council awarded Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.

On May 12, 2020 Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.

On July 28, 2020 Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of surplus materials from other County projects and Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth wastewater treatment plant's oxidation ditch systems.

On September 22, 2020 Council approved Change Order No.5 in the combined amount of \$32,991.66 covering the aeration tank drain modifications and the headworks piping modifications at South Coastal.

- e. Electrical Construction Project C19-17; awarded on December 17, 2019 to BW Electric, Inc.

On February 4, 2020 Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit

change order was approved on March 10, 2020 in the amount of (\$6,800.00) for ductbank modifications.

On April 7, 2020 Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020 Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room accommodating a longer motor control center.

On July 28, 2020 Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020 Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the Return Sludge Building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020 Council also approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City of Rehoboth's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and we are now requesting an increase of \$6,582.80 to Change Order No. 7.

In RFP-027 we requested a change in the way the sludge conveyors in building BC-2 are started. BW Electric, Inc. proposed to provide solid state soft starters in lieu of the full voltage non reversing motor starters at a cost of \$759.00.

In RFP-028 the Environmental Services Team proposed to purchase, outside of the contract, industrial grade PCs to be installed in 11 electrical cabinet locations at the SCRWF in lieu of the specified operator interface terminals for a credit of (\$15,650.00).

In RFP-029 we requested to install two new 40A circuit breakers in place of the two 20A circuit breakers for the local polymer system control panels for \$9,040.00. These are circuits 18 and 20 in panelboard RP which is to be replaced with a new board GPSLB2 in accordance with the previously approved RFP-016.

In RFP-030 we requested to install a new 4-inch conduit to compartment no. 1 into the LA-1 switchgear for \$8,100.00. The original intent was to utilize an existing spare conduit stub out from **each** of the two incoming feeder compartments of the switchgear however the two existing spare conduits stub outs came from the **same** incoming feeder compartment no. 2 and could not be utilized.

The Engineering Department recommends Council's acceptance of Change Order No. 8 in the aggregate amount of \$2,249.00.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill and the design anticipated removal, but the actual amount trash encountered exceeded expectations and triggered evaluation of alternate solutions. On July 14, 2020 Council approved a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening. The work is complete, and the screening was effective reducing the cost by over 60%.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 are summarized in the attached spreadsheet.

AGREEMENT FOR SERVICES

THIS AGREEMENT FOR SERVICES (“Agreement”) is made this ____ day of _____, 2020 (“Effective Date”), by and between the Town of Selbyville, Delaware, a municipal corporation of the State of Delaware, with an address of 1 W. Church Street, P.O. Box 106, Selbyville, DE 19975 (the “Town”) and Sussex County, a political subdivision of the State of Delaware, with an address of 2 The Circle, P.O. Box 589, Georgetown, DE 19947 (the “County”).

RECITALS

WHEREAS, the Town is authorized to hold, construct, improve, maintain, operate, own and lease, a Wastewater Treatment Plant, and Effluent Conveyance System for the transportation, treatment, and disposal of sanitary sewage for the Town of Selbyville; and

WHEREAS, the County has constructed and maintains an Ocean Outfall designed to discharge treated sewage effluent into the Atlantic Ocean; and

WHEREAS, the County Ocean Outfall has sufficient unused conveyance and discharge capacity; and

WHEREAS, the Town and County agree that the original agreement was dated April 16, 1985 and was superseded by an agreement dated December 29, 2008; and

WHEREAS, the County has proposed a per thousand-gallon rate for the Town’s flow that is discharged by the Town into the County’s Ocean Outfall; and

WHEREAS, the parties have adopted this Agreement to replace and supersede the April 15, 1985 and December 29, 2008 Agreements in their entirety; and

WHEREAS, the parties have determined that this Agreement is in the best interest of their constituents as it provides for public health, safety, and welfare of the citizens of the Town and the County; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties hereto do hereby agree as follows:

ARTICLE I – TERM OF AGREEMENT

Upon the Effective Date of this Agreement, the December 29, 2008 Agreement, and any amendments thereto, are hereby terminated and replaced in their entirety with this Agreement. This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in effect until terminated by either party in accordance with Article XVI, or until the useful life of the outfall has expired, whichever shall first occur.

ARTICLE II - DEFINITION OF TERMS

The terms defined in this Article I, as well as those defined in the Recitals, wherever used or referred to in this Agreement, shall have the following respective meanings unless a different meaning clearly appears from the context:

A. "Actual Metered Flow" means the flow discharged by the Town into the County's Ocean Outfall as determined by sewage meters or in accordance with Article VI.

B. "DNREC" shall mean the Delaware Department of Natural Resources and Environmental Control, or its successors.

C. "Industrial Wastes" means any and all wastes discharged from an industrial establishment, other than Sanitary Sewage.

D. "Ocean Outfall" means the disposal pipeline, which is east of the Assawoman Canal, commencing approximately 200 feet from the coastline to approximately 6,670 linear feet out into the Atlantic Ocean.

E. "Ocean Outfall System" means Ocean Outfall and effluent forcemains, which convey treated wastewater from the County's Sewage Treatment Facilities to the Ocean Outfall.

F. "Points of Connection" means those points at which the Town's force main, over which the Town has exclusive use and control, is physically joined to the Ocean Outfall system owned by the County.

G. "Sanitary Sewage" means all water-carried domestic waste from sanitary conveniences of residences, offices, hotels, stores, restaurants, hospitals, schools, commercial establishments and similar services.

H. "Sewage Treatment Facilities" includes all wastewater treatment and disposal facilities necessary for proper treatment of wastewater prior to discharge to the receiving waters.

I. "Sewage Wastes" means Sanitary Sewage or Industrial Wastes or any combination of either thereof, but only to the extent that Industrial Wastes have been pretreated and otherwise meet the requirements of this Agreement.

J. "South Coastal Regional Wastewater Facilities (SCRWF)" shall mean all treatment and disposal facilities operated by the County at 33711 South Coastal Lane, Frankford, Delaware 19945.

K. "Treated Sewage Effluent" shall mean the flow that is discharged from the Town Wastewater Treatment Facilities and delivered to the point of connection with the County's Ocean Outfall.

ARTICLE III – SERVICES TO BE RENDERED

A. County Services. The County shall provide the following services to the Town:

- i. The operation and maintenance of the Ocean Outfall.
- ii. Insuring the Ocean Outfall for such coverage amounts as it deems sufficient.
- iii. The reservation of two (2) mgd in the Ocean Outfall for conveyance and discharge of the Treated Sewage Effluent from the Town as set forth in Article III.B. of this Agreement.
- iv. Perform capital repairs to the Ocean Outfall System, as needed.
- v. Utility mark out, in accordance with Delaware State Code, the location of the Ocean Outfall System and the Town's forcemain outside of the Town's corporate limits.

B. Reserved Capacity. Subject to the payment of charges, and subject also to the limitations of this Agreement (including but not limited to those set forth in Article VII hereof), the County grants unto the Town the right, during the term of this Agreement, to discharge Treated Sewage Effluent into the Ocean Outfall in the maximum quantities not to exceed:

- i. Average monthly flow not to exceed 2.0 million gallons per day (mgd).
- ii. Instantaneous flow not to exceed 1,545 gallons per minute (gpm).

The County agrees that these limits may be exceeded temporarily during emergency conditions or temporarily when the Town advises the County of mechanical or operational problems or in cases where the Town interrupts normal flow at the request of the County.

C. Ownership. The Town and the County agree:

- i. All wastewater facilities previously constructed by the Town and all wastewater facilities to be constructed as part of future expansions and/or upgrades of the Town's sewage system or to be constructed to convey the treated sewage effluent to the SCRWF Ocean Outfall System shall be owned and maintained exclusively by the Town.
- ii. The transmission line from the Town to its connection to the Ocean Outfall System adjacent to SCRWF is to be used exclusively by the Town for discharge of treated wastewater generated from the Town's Sewage Treatment Facilities.
- iii. The reservation of 2.0 mgd made available to the Town by the County or payments to be made by the Town to the County on account of such reservations of capacity, as provided in this Agreement, shall not create or constitute any ownership or title by the Town in or to any part of the County's Ocean Outfall System.

D. Delivery of Sewage Wastes.

- i. Treated Sewage Effluent originating in the Town Sewage System shall be delivered to the Point of Connection to the Ocean Outfall System adjacent to SCRWF.
- ii. The Town shall not modify or make any changes to the connection without the County's prior written approval as to the manner and method of performing said change. At its sole discretion, the County may accept the Town's Treated Sewage Effluent at either the Ocean Outfall System transmission connection point or at the SCRWF effluent pump station.

E. Additional Capacity. No additional capacity will be allocated to the Town by the County, beyond that outlined in this Agreement, except as provided for in Article VII.

ARTICLE IV – QUALITY OF TREATED WASTE

The Town agrees to obtain and maintain a National Pollution Discharge Elimination System ("NPDES") Permit (#DE 0020010) in the name of the Town for all Treated Sewage Effluent to be conveyed and discharged through the Ocean Outfall. The Town warrants and

represents that it shall be solely liable for any violations of the NPDES Permit and the Town shall indemnify and hold the County harmless in accordance with Article IX from any violations of the said Permit through any actions or inactions of the Town. The Town warrants that it shall only discharge treated sewage effluent that strictly conform to the Town's NPDES permit (#DE 0020010) and the Town shall take immediate corrective action should said discharge ever be found to violate the permit requirements. If the violation persists and the Town is unable to meet any NPDES Permit requirements which result in any DNREC enforcement action, the Town acknowledges and agrees that it shall be solely liable therefor and, by execution of this Agreement, does hereby forever and fully release the County from and such liability.

ARTICLE V - COMPLIANCE, OPERATIONS AND ENFORCEMENT

A. Meter Facilities. The Town will provide and maintain meter facilities for the purpose of measuring the flow of the Town to the Ocean Outfall System. The meter facilities shall be of a design acceptable to the County. Prior to making any changes to the meters presently installed, the Town shall submit engineered plans of meter(s) to the County for approval. The meter or meters shall only be installed by the Town at the location approved by the County and shall be the property and responsibility of the Town. Meters shall be of the indicating, recording and totalizing type that will accurately measure the flow, and which is generally accepted to meet the standards of the trade at the time of installation.

B. Governmental Authority; Compliance with Laws. This Agreement shall be contingent upon, and subject to, all governmental and regulatory approvals required to enable either party to enter into and perform pursuant to this Agreement including, but not limited to, any approvals required from DNREC. In addition, the parties hereto agree to comply with all Federal, State and local laws, ordinances, rules, regulations, permits, orders, policies and requirements, including, but not limited to, matters governed by DNREC or any other governmental body not a party to this Agreement but having jurisdiction hereof.

C. Sewage Waste Samples. The Town shall submit to the County copies of the Daily Monitoring Reports no later than the tenth (10th) day of each month. The Daily Monitoring Reports shall outline wastewater criteria as detailed in the Town's NPDES Permit (#DE 0020010). Additional samples may be obtained and analyzed by either party at any place and at any time in order to ensure compliance with the terms of this Agreement. Each party hereto shall have the right

to have a representative present when such samples and/or data are obtained by the other party in accordance herewith. However, the right of the other party to have a representative present shall not limit any party's right of access to the metering stations to obtain such samples and/or data.

ARTICLE VI – MEASUREMENT OF TREATED SEWAGE EFFLUENT

For the purpose of determining and calculating the volume of Actual Metered Flow of Treated Sewage Effluent discharged from the Town Sewage System to the County Ocean Outfall, the following methods shall be used:

- A. All meters shall be inspected, calibrated and tested for accuracy at least semi- annually by an independent testing agency, the cost of which shall be borne by the Town.
- B. Reports of such inspections shall be made directly to both the County and the Town. If the calibration reveals a discrepancy greater than 10-percent (10%), then the monthly sewer billing shall be adjusted (up or down) for a three (3) month period immediately preceding the calibration. No action shall be taken for metering devices within 10% accuracy. Billing or credit adjustments shall be made on the next billing period immediately following the discovery of the metering discrepancy.
- C. In the case of missing flow records due to faulty meter registration or otherwise, an estimate of flows will be made, for purposes of determining volume of Treated Sewage Effluent discharge. This estimate will be based on an evaluation of past flow records as applied to present conditions and as reviewed and approved by the County and the Town.

ARTICLE VII – INCREASED CAPACITY

Should any improvements to the Ocean Outfall be constructed, NPDES permit amendments be approved by DNREC, or County growth projections be revised that result in an increase in conveyance and discharge capacity at the Ocean Outfall, the Town may apply in writing for additional capacity in excess of the agreed capacity, as set forth and described in Article III, B. of this Agreement, which the County may approve or reject in its sole discretion. If accepted, the Town shall pay for this additional capacity through payment of the County's applicable transmission portion of the Sewer Connection Charge, as set forth in the County's approved budget at the time the Town's request is accepted.

ARTICLE VIII – MAINTENANCE RESPONSIBILITIES

In connection with its respective sewer facilities, each party shall continuously operate, keep and maintain the same at all times in first-class repair and order and in good and efficient operating condition and shall meet the standards prescribed by DNREC or of any other governmental authority having jurisdiction thereof. Each party shall ensure that its respective sewer facilities are, at all times, in compliance with all Federal, State and local laws, ordinances, rules, regulations, permits, orders, policies and requirements.

ARTICLE IX – INDEMNITY AND SOVEREIGN IMMUNITY

A. Indemnity. To the extent permitted by law, each party hereto agrees to indemnify, defend and save harmless the other party and their respective elected and appointed officials, employees and agents against all losses, costs or damages, including attorneys' fees, on account of any bodily injury to persons or property damage arising from their respective operations and work under or incidental to this Agreement due to the negligence of any such party, its respective elected and appointed officials, employees and agents.

B. Sovereign Immunity. Nothing contained herein is intended to waive, alter, or otherwise amend the County's or the Town's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or the United States. To the extent that any obligations contained in this Agreement are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

ARTICLE X – RECORDS

A. Records. The parties shall maintain all financial and operational books, records, and supporting documentation related to their functions and services provided under this Agreement. Each party shall make such records available to the other party upon ten (10) days' written request. In addition, upon written request, each party shall provide all metering or qualitative data collected in relation to the operations of the Ocean Outfall System. Either party may request to conduct, at its own expense, additional sampling, metering, or other tests of the wastewater or biosolids at the other party's facility (Biosolids Facility or WWTP, as applicable), and the other party's approval of such request shall not be unreasonably withheld.

B. FOIA Requests. If a party receives a request under the Freedom of Information Act ("FOIA") for documents in its possession which were provided or produced by the other party and have been clearly labeled by the other party as confidential ("Confidential Documents"), the party must provide notice to the other party of the pending FOIA request in writing as promptly as possible. The other party may request in writing, if timely sent, that the party assert an exemption based upon confidentiality in response to the FOIA request for the Confidential Documents, provided that the requesting party shall agree to be responsible for defending its claim of confidentiality as needed and any expenses related thereto.

ARTICLE XI - CHARGES AND PAYMENTS

A. Quarterly Invoices. The County shall invoice the Town quarterly in arrears based on the Actual Metered Flow of Treated Sewage Effluent in accordance with Article VI hereof.

B. Manner of Payment. The Town shall remit payment for all invoices within thirty (30) days of the date of its receipt of the invoice. After thirty (30) days, interest shall accrue on unpaid balances at the rate of 1.5% per month. Payments should be made payable to "Sussex County" and mailed to Sussex County Finance Department, Sussex County Administration Building, 2 The Circle, P.O. Box 589, Georgetown, DE 19947.

C. Rate. The Town agrees to pay the County the initial base rate of \$0.075 per 1,000 gallons of Treated Sewage Effluent, as calculated pursuant to Article VI. The rate shall be adjusted annually on January 1st each year based on the Philadelphia Region Consumer Price Index as published by the US Census Bureau.

ARTICLE XII - INFILTRATION AND INDUSTRIAL WASTES

A. Prohibited Discharges. No Industrial Wastes, chemicals or other matter shall be discharged into the Town Sewage Collection System that are not in compliance with the Town's EPA approved treatment program.

B. Entry to Property. Either party hereto or its duly authorized representative or representatives shall, at all times, be permitted to enter upon all properties jointly used with the other party hereto for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions and terms of this Agreement.

C. Prohibited Connections. The Town will not connect to its Sewage Collection System any user discharging any Industrial or other process Wastes whose quantity or quality may be deemed to have a deleterious effect on the sewage treatment or sludge handling process or which cannot be processed by the Treatment Plant in the normal and ordinary course of operation.

ARTICLE XIII - TOWN COVENANTS

Upon the execution of this Agreement, the Town covenants as follows:

A. To maintain its Sewage Collection System in good repair and operating condition, and continuously to operate the same.

B. To enact Rules and Regulations using the standards of Article XIII hereof and to take appropriate legal action required to enforce such Rules and Regulations.

C. To prohibit any new connections to its Sewage Collection System once the average monthly flow exceeds 2.0 mgd unless additional capacity is secured in accordance with Article VII.

D. To comply with the requirements imposed by State and Federal Agencies as a condition for payment of grant funds to the County for the expansion and/or upgrading of Ocean Outfall owned or operated by the County.

E. To treat only wastewater originating within the Town boundaries, except for properties contained in the boundaries of the Town's approved comprehensive plan and/or within any recorded subdivisions served by the Town as of the Effective Date of this Agreement. No future service will be extended to properties located outside the boundary of the Town's approved comprehensive plan.

F. To prohibit all connections to the force main which discharges into the Ocean Outfall.

G. To provide monthly reports to the County reporting compliance with wastewater flow limitations (Article III) and wastewater quality criteria in accordance with the Town's NPDES Permit (DE 0020010).

ARTICLE XIV – COUNTY COVENANTS

Upon the execution of this Agreement, the County covenants to maintain the Ocean Outfall in good repair and operating condition and continuously operate the same during the term of this Agreement.

ARTICLE XV -NOTICE OF HYDRAULIC CAPACITY NOTIFICATION

The County agrees to advise the Town, in writing, when the combined County and Town monthly average flow of Sewage Wastes into the Ocean Outfall exceeds 80% of the Ocean Outfall hydraulic capacity.

ARTICLE XVI – TERMINATION

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in effect until terminated by mutual agreement of both parties or for the useful life of the outfall.

ARTICLE XVII - ARBITRATION

Any controversy or claim arising out of or related to this Agreement, or any breach thereof, shall be settled by binding arbitration in accordance with the rules in effect for the Superior Court of Delaware and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. An arbitrator must be selected by agreement of the parties. If an arbitrator cannot be agreed upon, then both parties shall name an arbitrator and those two named arbitrators must choose a third person who will actually serve as the arbitrator. In any such controversy or claim, each party shall bear its own costs and neither party shall be responsible for payment of the other's legal, technical, or other costs of arbitration or litigation. In no event shall a demand for arbitration be made after the date when the institution of legal or equitable

proceedings based on such claim, controversy, or other matter in question be barred by the applicable statute of limitations.

ARTICLE XVIII - MISCELLANEOUS

A. This Agreement supersedes all previous agreements and understandings, written or oral, between the parties and constitutes the entire understanding of the parties with regard to the subject matter hereof.

B. No change, modification, revision, or amendment to this Agreement shall be made or enforceable unless such change, modification, revision, or amendment is reduced to a writing duly executed by both parties hereto.

C. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, and assigns. No third-party beneficiaries to this Agreement are intended.

D. Any notice under this Agreement shall be in writing and shall be deemed to have been given when (i) delivered in person, (ii) sent by facsimile to the fax number listed below (if any) (provided that such notice is also sent the same day by U.S. first class mail, postage prepaid, addressed to the parties as set forth below), (iii) delivered by Federal Express or other reputable overnight courier service, (iv) by electronic mail with delivered and read receipt; or (v) three (3) days after same is deposited in the United States registered or certified mail, return receipt requested, postage prepaid, addressed to the parties as follows:

i. To the County:

Sussex County Engineer
Sussex County
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Email: hans.medlarz@sussexcountyde.gov
Fax: (302) 855-7799

ii. To the Town:

Town Administrator
Town of Selbyville
1 W. Church Street
P.O. Box
Selbyville, DE 19975
Email: tmselbyville@mchsi.com
Fax: (302) 436-8018

Either party may change its address for service from time to time by providing a Notice in accordance with the foregoing. Any subsequent Notice must be sent to the party at its changed address. Any element of a party's address that is not specifically changed in a Notice will be assumed not to be changed.

E. Time is of the essence in the performance of this Agreement. The term "day" as used herein shall mean calendar day, unless specifically defined as a "business day," which shall be deemed to exclude weekends and State-recognized holidays.

F. Any forbearance by either party in exercising its rights hereunder shall not be construed as a waiver thereof, unless expressly set forth in writing and signed by the waiving party. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition.

G. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

H. This Agreement shall be governed by and construed under the laws of the State of Delaware without regard to its conflicts of laws principles.

I. Assignment, subcontracting, or transfers of this Agreement or any part hereof, shall be prohibited, unless both parties sign a written consent.

J. The headings and subheadings herein are for convenience only and shall not be used to relieve either party of any obligation under this Agreement.

K. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic

signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.
SIGNATURE PAGE TO FOLLOW.]

DRAFT

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties to this Agreement have hereunto set their hands and seals on the day and year first above written.

TOWN OF SELBYVILLE

By: _____ (SEAL)
Clifton C. Murray, Mayor

Attest: _____
Deborah L. McCabe, Secretary

Approved as to Form:

Town Solicitor

SUSSEX COUNTY

By: _____ (SEAL)
Michael H. Vincent, President
Sussex County Council

Attest: _____
Robin Griffith, Clerk of the
Sussex County Council

Approved as to Form:

Sussex County Attorney



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction**
2. Sussex County Project No. C19-17
3. Revised Change Order No. 7
4. Date Change Order Initiated - 11/10/20
5.
 - a. Original Contract Sum \$22,178,674.00
 - b. Original Change Order Sum \$307,300.00
 - c. Contract Sum Prior to Change Order \$21,785,529.20
 - d. Requested Change \$6,582.80
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$21,792,112.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

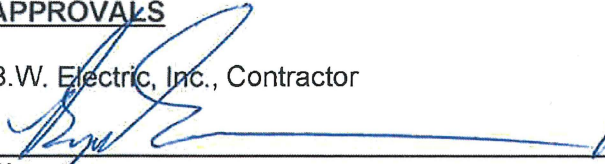
Additional sensors for the City of Rehoboth oxidation ditch electrical equipment.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. B.W. Electric, Inc., Contractor



Signature 11/6/2020
Date

Bryon Warren

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction**
2. Sussex County Project No. C19-17
3. Change Order No. 8
4. Date Change Order Initiated - 11/10/20
5.
 - a. Original Contract Sum \$22,178,674.00
 - b. Net Change by Previous Change Orders (\$693,862.00)
 - c. Contract Sum Prior to Change Order \$21,792,112.00
 - d. Requested Change \$2,249.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$21,794,361.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:



Modifications to conveyor starter, circuit breaker adjustments, new conduits in the switchgear and a credit for interface terminals.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. B.W. Electric, Inc., Contractor

Signature Date

Bryon Warren

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	027		
RFP Subject	Dewatered Sludge Belt Conveyor BC-2: SSRV and Solenoid Valve		
Issued By	D. Murray	Issue Date	Sept. 23, 2020

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. For Dewatered Sludge Conveyor BC-2, provide SSRV in accordance with Section 11990.2.07, in lieu of the FVNR motor starter shown on Drawings SC-E0027 and SC-E4233. Shunt trip feature specified in Section 11990.2.07.B.4.h is not required.
 - a. Page 38/459 of submittal 16486-01-03 shows a space (4U) below the BC-2 motor starter bucket (4K). Ideally buckets 4K and 4U can be combined to provide sufficient space for the SSRV and associated components and controls.
2. Provide conduit and conductors to wire solenoid oiler to SSRV bucket, with flexible conduit at solenoid valve connection. Solenoid oiler is normally closed and shall be energized to open when the conveyor drive motor runs. Solenoid oiler is located near the zero speed switch and pull cord switch on BC-2 as shown on page 226/230 of submittal 11451-01-01.
3. Make the following changes to the elementary diagram on SC-E4233:
 - a. Provide SSRV with isolating contactor and shorting contactor configured as recommended by the manufacturer.
 - b. Provide fuses (if recommended by manufacturer) and main circuit breaker on incoming power line in lieu of motor circuit protector. Provide overload protection on SSRV/shorting contactor output.
 - c. Replace HOA circuits and control relays CR-MH and CR-MA with HOA circuits and CR-RUN and CR-MA as they are shown on VFD CP elementary diagrams such as the one shown on Drawing SC-E4227. Wire a contact from CR-RUN to the SSRV similar to how the contact is shown wired to the VFD on SC-E4227.
 - d. Wire e-stop and pull cord contacts upstream of the HOA switch so that neither CR-RUN nor CR-MA will be energized if any of the contacts are opened.
 - e. Wire SSRV integral run contact to a red indicating light and to the PCS via control relay similar to how shown on SC-E4227, in lieu of how run status is shown on SC-E4233.
 - f. Wire SSRV integral fail contact to an amber indicating light and to the PCS via control relay similar to how this wiring is shown on SC-E4227. Coordinate this additional signal to PCS with the CSI.

GHD

16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA

T 240 206 6810 F 240 206 6811 W www.ghd.com

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- g. Provide two additional contacts for the reset button. Wire one to release the latching SSRV fail alarm, and the other to the fault reset input on the SSRV.
- h. Provide relay and field terminals for 120 VAC solenoid oiler. Solenoid oiler shall be energized when SSRV runs.



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President
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estimates@bwelectricinc.com

November 4, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 27

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 27. Our price does not include the use of Prevailing Wages. Our price is **\$759.00** and includes the following:

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. For Dewatered Sludge Conveyor BC-2, provide SSRV in accordance with Section 11990.2.07, in lieu of the FVNR motor starter shown on Drawings SC-E0027 and SC-E4233. Shunt trip feature specified in Section 11990.2.07.B.4.h is not required.

a. Page 38/459 of submittal 16486-01-03 shows a space (4U) below the BC-2 motor starter bucket(4K). Ideally buckets 4K and 4U can be combined to provide sufficient space for the SSRV and associated components and controls.

2. Provide conduit and conductors to wire solenoid oiler to SSRV bucket, with flexible conduit at solenoid valve connection. Solenoid oiler is normally closed and shall be energized to open when the conveyor drive motor runs. Solenoid oiler is located near the zero speed switch and pull cord switch on BC-2 as shown on page 226/230 of submittal 11451-01-01.

3. Make the following changes to the elementary diagram on SC-E4233:

a. Provide SSRV with isolating contactor and shorting contactor configured as recommended by the manufacturer.

b. Provide fuses (if recommended by manufacturer) and main circuit breaker on incoming power line in lieu of motor circuit protector. Provide overload protection on SSRV/shorting contactor output.

c. Replace HOA circuits and control relays CR-MH and CR-MA with HOA circuits and CR-RUN and CR-MA as they are shown on VFD CP elementary diagrams such as the one shown on Drawing SC-E4227. Wire a contact from CR-RUN to the SSRV similar to how the contact is shown wired to the VFD on SC-E4227.

d. Wire e-stop and pull cord contacts upstream of the HOA switch so that neither CR-RUN nor CR-MA will be energized if any of the contacts are opened.

e. Wire SSRV integral run contact to a red indicating light and to the PCS via control relay similar to how shown on SC-E4227, in lieu of how run status is shown on SC-E4233.

f. Wire SSRV integral fail contact to an amber indicating light and to the PCS via control relay similar to how this wiring is shown on SC-E4227. Coordinate this additional signal to PCS with the CSI.

g. Provide two additional contacts for the reset button. Wire one to release the latching SSRV fail alarm, and the other to the fault reset input on the SSRV.

h. Provide relay and field terminals for 120 VAC solenoid oiler. Solenoid oiler shall be energized when SSRV runs.

Please note, our supplier can not supply a reset button as described above for the soft start reset.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	028		
RFP Subject	Industrial PCs for SCRWF PCS Cabinets - Revised		
Issued By	S. Clark	Issue Date	Oct. 16, 2020

Description of proposed changes:

Contractor is requested to submit change proposal for the following work to be completed by the CSI. The change relates to 11 of the SCRWF PCS Cabinets, which will receive Industrial PCs in lieu of the specified OITs. This change relates to:

1. PCS-BB2
2. PCS-EPS
3. PCS-HW
4. PCS-MB
5. PCS-RSB2
6. PCS-5D (Sodium Hypochlorite Feed Building)
7. PCS-SLB
8. PCS-LTS
9. PCS-5A (Blower Building No. 1)
10. PCS-5 (Electrical Building)
11. PCS-5B (Return Sludge Building No. 1)

Note that the two RBWWTP PCS Cabinets (PCS-B6 and PCS-T1) shall be furnished with OITs as specified in the Contract Documents. PCS-VSB shall not receive an OIT or IPC (refer to FO-010). Equipment control panels (such as the mechanical screens and spiral dewatering press) shall receive OITs as specified.

This change includes:

1. Hand over ten purchased OITs to Sussex County, with the manufacturer's warranties made out to Sussex County, DE.
2. Provide one of the purchased OITs to the City of Rehoboth Beach in lieu of the specified spare
3. Receive eleven IPCs from Sussex County with the corresponding mounting kits.
4. Modify eleven PCS Cabinets to receive IPCs.
5. Install and connect IPCs in eleven PCS Cabinets (instead of installing the OITs as specified).
6. Provide a credit for the 4 specified spare OITs
7. Provide a credit for the OIT and PLC software specified in Section 17100.

Other notes:

1. CSI shall build PCS Cabinets to Type 12 standard, but Engineer acknowledges that actual rating will be Type 1.
2. The IPCs shall be connected to the 24 VDC power source.

GHD

16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA
T 240 206 6810 F 240 206 6811 W www.ghd.com

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3. IPC test programs are not required. The CSI only needs to demonstrate network connectivity and I/O functionality.
4. Sussex County will demonstrate functionality when IPCs are transferred to the CSI. Engineer will check functionality again during FAT and field testing. CSI will be responsible for the panels starting upon receipt from Sussex County and continuing until substantial completion.

Sussex County will forward details of the IPCs and mounting kits when the PO has been finalized and issued to the vendor.



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November 4, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 28

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 28. Our price does not include the use of Prevailing Wages. Our price is a credit of **\$15,650.00** and includes the following:

Description of proposed changes:

Contractor is requested to submit change proposal for the following work to be completed by the CSI. The change relates to 11 of the SCRWF PCS Cabinets, which will receive Industrial PCs in lieu of the specified OITs. This change relates to:

1. PCS-BB2
2. PCS-EPS
3. PCS-HW
4. PCS-MB
5. PCS-RSB2
6. PCS-5D (Sodium Hypochlorite Feed Building)
7. PCS-SLB
8. PCS-LTS
9. PCS-5A (Blower Building No. 1)
10. PCS-5 (Electrical Building)
11. PCS-5B (Return Sludge Building No. 1)

Note that the two RBWWTP PCS Cabinets (PCS-B6 and PCS-T1) shall be furnished with OITs as specified in the Contract Documents. PCS-VSB shall not receive an OIT or IPC (refer to FO-010).

Equipment control panels (such as the mechanical screens and spiral dewatering press) shall receive OITs as specified.

This change includes:

1. Hand over ten purchased OITs to Sussex County, with the manufacturer's warranties made out to Sussex County, DE.
2. Provide one of the purchased OITs to the City of Rehoboth Beach in lieu of the specified spare
3. Receive eleven IPCs from Sussex County with the corresponding mounting kits.
4. Modify eleven PCS Cabinets to receive IPCs.
5. Install and connect IPCs in eleven PCS Cabinets (instead of installing the OITs as specified).
6. Provide a credit for the 4 specified spare OITs
7. Provide a credit for the OIT and PLC software specified in Section 17100.

Other notes:

1. CSI shall build PCS Cabinets to Type 12 standard, but Engineer acknowledges that actual rating will be Type 1.
2. The IPCs shall be connected to the 24 VDC power source.
3. IPC test programs are not required. The CSI only needs to demonstrate network connectivity and I/O functionality.
4. Sussex County will demonstrate functionality when IPCs are transferred to the CSI. Engineer will check functionality again during FAT and field testing. CSI will be responsible for the panels starting upon receipt from Sussex County and continuing until substantial completion. Sussex County will forward details of the IPCs and mounting kits when the PO has been finalized and issued to the vendor.

If this RFP is accepted, we are requesting 60 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	029		
RFP Subject	Polymer System Power		
Issued By	D. Murray	Issue Date	Sept. 23, 2020

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. Install the two 40A-1P circuit breakers from the lot of spares required by Section 16470.1.08.A in place of the two 20 A circuit breakers for Polymer system LCPs. These are circuits 18 and 20 in panelboard RP which is to be replaced with new Panelboard GPSLB2 in accordance with RFP-016.
2. Demolish the existing receptacle adjacent to each polymer system and replace each with a junction box.
3. Provide 1/4" conduit from each junction box to the respective polymer system LCP. Use flex conduit for final connections.
4. Provide 2-#8, 1-#10G conductors from GPSLB2 to each polymer system LCP.



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November 4, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 29

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 29. Our price does not include the use of Prevailing Wages. Our price is **\$9,040.00** and includes the following:

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. Install the two 40A-1P circuit breakers from the lot of spares required by Section 16470.1.08.A in place of the two 20 A circuit breakers for Polymer system LCPs. These are circuits 18 and 20 in panelboard RP which is to be replaced with new Panelboard GPSLB2 in accordance with RFP-016.
2. Demolish the existing receptacle adjacent to each polymer system and replace each with a junction box.
3. Provide 1/4" conduit from each junction box to the respective polymer system LCP. Use flex conduit for final connections.
4. Provide 2-#8, 1-#10G conductors from GPSLB2 to each polymer system LCP.

If this RFP is accepted, we are requesting 5 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.

4. No liquidated damages.


This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	030		
RFP Subject	LA-1 MV Conduits		
Issued By	B. Cardinal	Issue Date	Oct. 15, 2020

Background/Existing Conditions:

The design intent was to utilize an existing 4" spare conduit stub out from each of the two incoming feeder compartments of the existing LA-1 switchgear to connect new feeder conduits to the interior of the corresponding switchgear compartments. Existing conditions are such that the two existing 4" spare conduits stub out from the same incoming feeder compartment; Compartment No. 2. Therefore, two new conduits must be installed to Compartment No. 1; one for the new incoming feeder and one for spare conduit.

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. Provide two new 4" conduit stub outs from existing LA-1 switchgear, Compartment No. 1 to accept the two conduits from DB-MVA; one for the feeder from EPS and one for spare.
2. Lift the existing LA-1 switchgear to allow completion of the work.
3. Cut the existing CEP to allow installation of the new stub outs. Repair the CEP after installation of the new stub outs using 5,500 psi concrete.
4. New conduit stub outs shall exit Compartment No. 1 on the east side of the switchgear.
5. Connect DB-MVA to the two new stub outs from existing LA-1 switchgear Compartment No. 1.
6. Connect DB-MVD (MV duct bank from new service entrance equipment) to the two existing stub outs from existing LA-1 switchgear Compartment No. 2.
7. Because this RFP includes connection of spare ducts in DB-MVA and DB-MVD to new and existing conduit stub outs, respectively, the new spare conduit stub outs shown on Drawing E0018 shall be deleted.



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November 4, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 30

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 30. Our price does not include the use of Prevailing Wages. Our price is **\$8,100.00** and includes the following:

Background/Existing Conditions:

The design intent was to utilize an existing 4" spare conduit stub out from each of the two incoming feeder compartments of the existing LA-1 switchgear to connect new feeder conduits to the interior of the corresponding switchgear compartments. Existing conditions are such that the two existing 4" spare conduits stub out from the same incoming feeder compartment; Compartment No. 2. Therefore, two new conduits must be installed to Compartment No. 1; one for the new incoming feeder and one for spare conduit.

Description of proposed changes:

Provide cost proposal to perform the following electrical work:

1. Provide two new 4" conduit stub outs from existing LA-1 switchgear, Compartment No. 1 to accept the two conduits from DB-MVA; one for the feeder from EPS and one for spare.
2. Lift the existing LA-1 switchgear to allow completion of the work.
3. Cut the existing CEP to allow installation of the new stub outs. Repair the CEP after installation of the new stub outs using 4,500 psi concrete.
4. New conduit stub outs shall exit Compartment No. 1 on the east side of the switchgear.
5. Connect DB-MVA to the two new stub outs from existing LA-1 switchgear Compartment No. 1.

6. Connect DB-MVD (MV duct bank from new service entrance equipment) to the two existing stub outs from existing LA-1 switchgear Compartment No. 2.

7. Because this RFP includes connection of spare ducts in DB-MVA and DB-MVD to new and existing conduit stub outs, respectively, the new spare conduit stub outs shown on Drawing E0018 shall be deleted.

If this RFP is accepted, we are requesting 3 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

South Coastal RWF & Rehoboth Beach WTF Upgrade

11/10/2020

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	40,604,559.63
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,794,361.00
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	14,000.00
DSWA	Loading, Hauling & Disposal of Debris	7,000.00
Totals		75,009,555.30

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: *Western Sussex Transmission Facilities:*
A. George, Miles & Buhr, LLC – Amendment No. 3
B. Contract 4: Pump Stations, Project S19-28 – Change Order 3

DATE: November 10, 2020

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. On August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sewer District pursuant to Title 9 Del. Code § 6501. However, for the time being Bridgeville still owns and operates the system serving the Bridgeville/Greenwood area.

The County submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State issued a binding commitment offer in the overall amount of \$16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, \$3,200,000 will be applied in principle forgiveness reducing the overall borrowing. On May 15, 2020 the County filed a supplemental CWSRF funding request in the amount of \$850,000 which was approved by the Water Infrastructure Advisory Council on July 21, 2020 in the form of “Loan Forgiveness”.

On December 5, 2017, Council approved the GMB, LLC base contract in conjunction with Amendment No.1 in the amount of \$ 1,302,178.00 for engineering planning, design and construction phase services for the transmission facilities to convey wastewater from the Towns of Bridgeville and Greenwood to Seaford for treatment and disposal.

As part of the design, the Engineering Department, in cooperation with GMB, reviewed potential system inflow and infiltration sources with the objective to remove some under the project, retaining as much treatment & transmission capacity as possible. Subsequently



Western Sussex Transmission Facilities:

A. *George, Miles & Buhr, LLC – Amendment No. 3*

B. *Contract 4: Pump Stations, Project S19-28 - Change Order No.3*

11/10/20

Council approval GMB's Amendment 2 for flow monitoring services on April 2, 2019 in the amount of \$25,000.00.

GMB's original fee estimate included 65 weeks of construction administration and inspection services. Due to the DelDOT required phasing of the project it has now an actual construction period of 80 weeks. GMB requested and the Department recommends of an additional fee in the amount of \$22,000.00 to cover 15 more weeks of professional services as well as enhanced pump station start-up coordination.

The construction project has three (3) components; (i) transmission, (ii) treatment plant demolition / maintenance garage construction and (iii) the "green" Bridgeville Branch restoration project.

The Invitations to Bid for the Western Sussex Transmission Facilities, Contract 6, Maintenance Garage, Project S20-35 were advertised in May of 2020 and on June 4, 2020, six (6) bids were received. On June 23, 2020 County Council awarded Contract 6 to GGI Builders, Inc. for the base bid and the contingency unit price bid items in the overall amount of \$410,525.00.

The construction of the transmission project was further broken down in the following four (4) individual contracts based on DelDOT's schedule requirements:

- Contract No.1 to A-Del Construction Co, Inc. in the amount of \$3,224,820.00, for the force main work in the RT-13 rights-of-way was awarded by Council on May 14, 2019. The balancing Change Order No. 2 was approved by County Council on June 28, 2020 together with granting of final project completion.
- Contract No.2 to Pact One LLC in the amount of \$2,063,255.00, for the gravity sewer upgrades was awarded by Council on May 14, 2019. The balancing Change Order No. 2 was approved by County Council on June 28, 2020 together with granting of final project completion.
- Contract No.3 to A-Del Construction Co, Inc. in the amount of \$2,980,602.00, for the force main work in the RT-13 Alternate and Herring Road rights-of-way was awarded by Council on January 7, 2020 and is now 90% complete.
- Contract No.4 to Zack's Excavating, Inc. in the amount of \$3,236,939.00 for gravity sewer equalization chambers and two (2) pump stations was awarded by Council on November 12, 2019.

Construction of the southern pump station was substantially complete by the middle of July 2020. The construction of the northern components however encountered a groundwater contamination problem which, if remediated, would have cost in excess of \$250k. In addition, the Department discovered a construction sequencing issue involving the completion of the southern forcemain. In response to these challenges, the Engineering Department developed a value engineering approach detailed in Change Order No.1 in the not to exceed amount of \$40,045.00 which was approved by Council on June 2, 2020 in connection with a no cost

Western Sussex Transmission Facilities:

A. *George, Miles & Buhr, LLC – Amendment No. 3*

B. *Contract 4: Pump Stations, Project S19-28 - Change Order No.3*

11/10/20

time extension as well as a contract suspension period. Contract No. 4 included RT-13 entrance improvements at the southern pump station which encountered unforeseen site conditions. In response, Council awarded Change Order No. 2 in the amount of \$22,642.78 on July 28, 2020.

On September 30, 2020 Zack's Excavating, Inc. encountered a previously unknown ductile iron pipe within the area of the deep excavation for the placement of the well structures. The attached picture provides an estimation of the magnitude of the impact. After an investigation it turned out to be an active 8-inch municipal water main and the contractor was instructed to halt all work and standby while options were considered. The water main proved to be a redundant feed for the northern portion of Town's public water system and had to be reconnected in a modified approach.

Zack's Excavating, Inc.'s effort to locate, abandon, and relocate the 8-inch main to match existing service levels amounted to \$11,101.94 while the compensation for standby time of the pile driving crane & specialized equipment amounted to \$21,542.25. The delay did not impact the critical path schedule and therefore no contractor overhead compensation for a time extension was included. The Engineering Department requests Council's approval of Change Order No. 3 to Contract No. 4 in the total amount of \$32,644.19 without time extension.

During the Bridgeville pump station construction period there will be time segments which could be utilized for demolition on a time and material basis. The Finance and Engineering Departments have obtained Clean Water State Revolving Fund staff concurrence and are still pursuing this approach for later consideration by County Council.

Western Sussex Transmission Facilities:

A. *George, Miles & Buhr, LLC – Amendment No. 3*

B. *Contract 4: Pump Stations, Project S19-28 - Change Order No.3*

11/10/20



Approximate alignment of the municipal water main through the pump station excavation site

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated December 5, 2017.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Project Order:

Owner: Sussex County

Engineer: George, Miles & Buhr, LLC

Project: Transmission Facilities for Western Sussex Unified District

Nature of Amendment:

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

GMB's original fee estimate included 65 weeks of construction administration and inspection services as compared to an actual construction period of 80 weeks. An additional fee of \$22,000.00 is needed to cover the additional 15 weeks of construction and start-up coordination of the Bridgeville pump stations.

Project Order Summary:

Original Project Order amount:	<u>\$ 1,302,178.00</u>
Net change for prior amendments:	<u>\$ 25,000.00</u>
This amendment amount:	<u>\$ 22,000.00</u>
Adjusted Project Order amount:	<u>\$ 1,349,178.00</u>

Change in time for services (days or date, as applicable): _____

Exhibit K – Amendment to Owner-Engineer Agreement.
EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

The foregoing Project Order Summary is for reference only and does not alter the terms of the Agreement or the Project Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

Sussex County Council

George, Miles & Buhr, LLC

By: _____

By: _____

Print name: Michael H. Vincent

Print name: Judy A. Schwartz, P.E.

Title: President, Sussex County Council

Title: Senior Vice President

Date Signed: _____

Date Signed: _____

(SEAL)

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith
Clerk of the County

Date of Issuance: 11/10/20	Effective Date: 11/10/20
Owner: Sussex County	Owner's Contract No.: S19-28
Contractor: Zack's Excavating, Inc.	Contractor's Project No.:
Engineer: George, Miles & Buhr	Engineer's Project No.: R170219
Project: Western Sussex Transmission	Contract Name:
Facilities: Contract 4: Pumping Stations	

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

8" Waterline Relocation

Attachments:

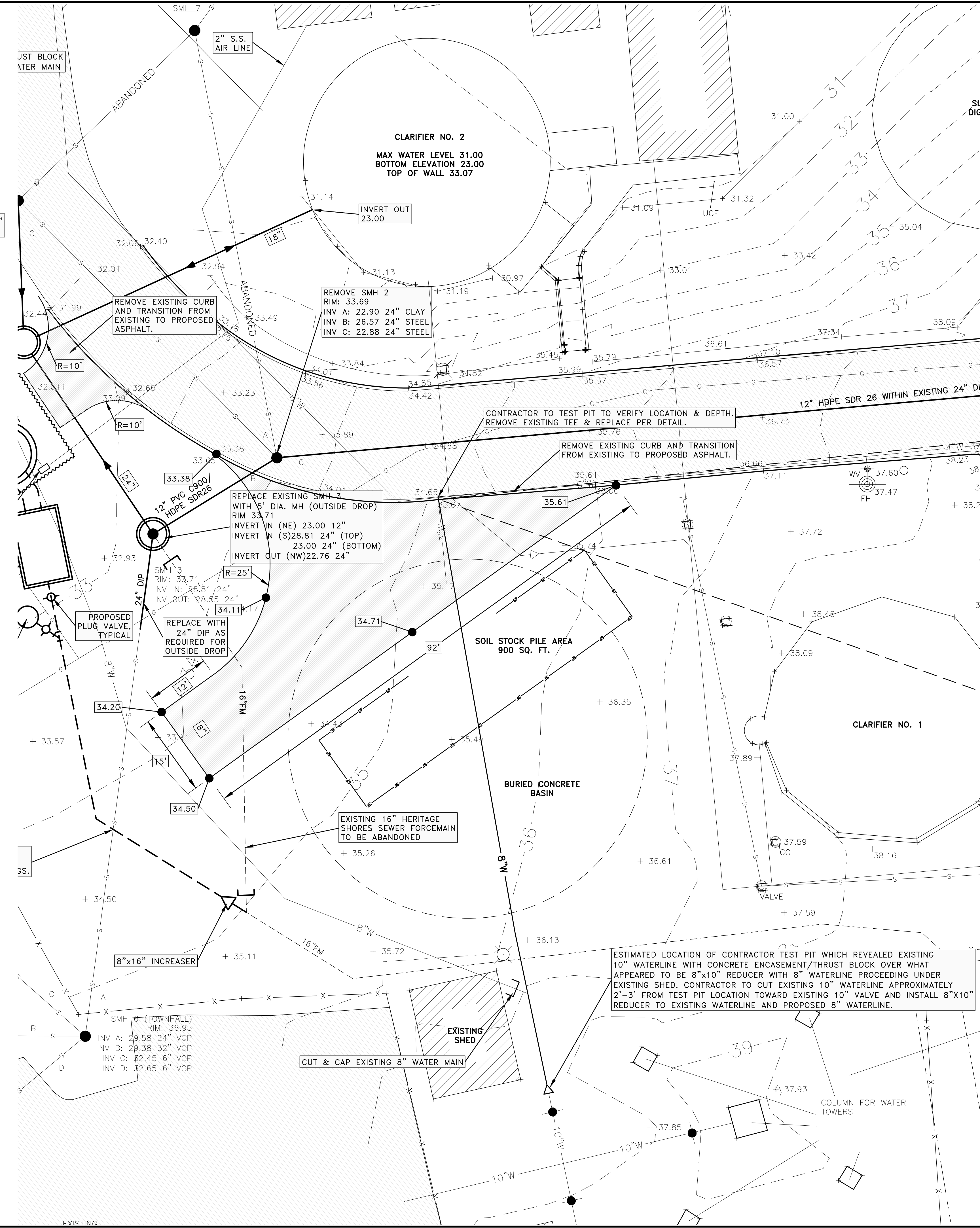
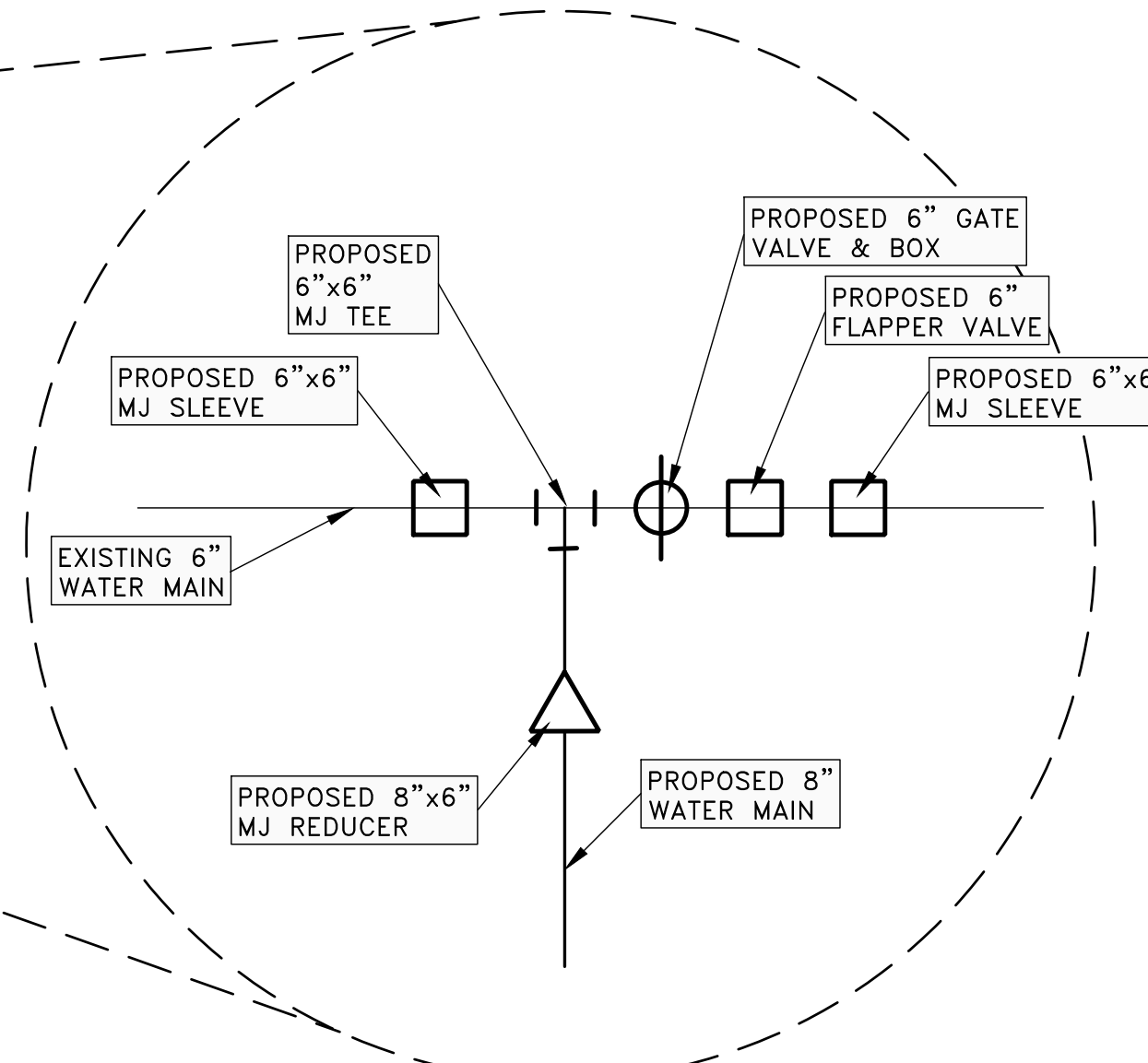
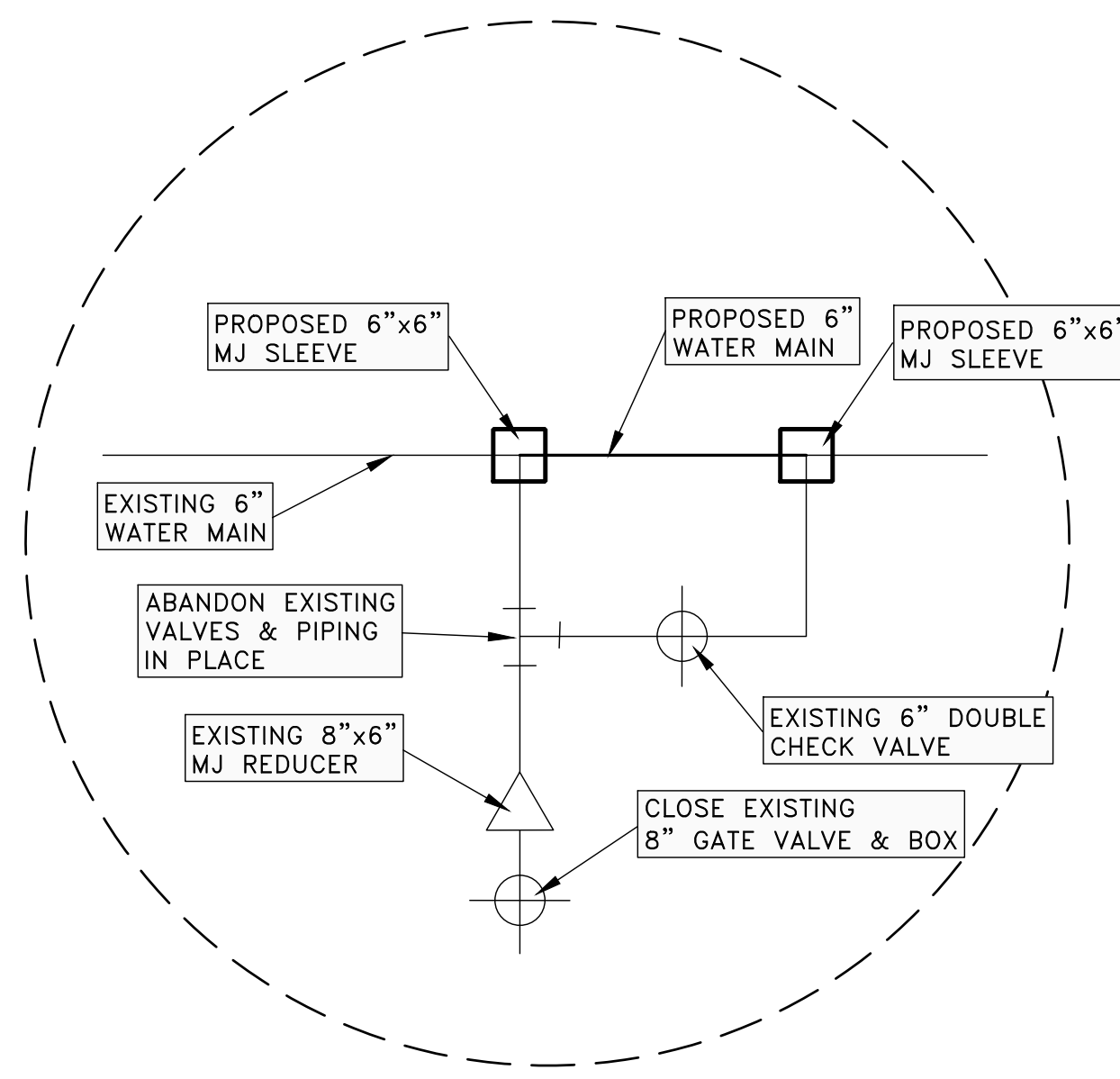
CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>3,236,939.00</u>	Original Contract Times: Substantial Completion: <u>9/17/20</u> Ready for Final Payment: _____ 270 calendar days
Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>62,687.78</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : 130 calendar days Substantial Completion: <u>4/15/21</u> Ready for Final Payment: _____ 400 calendar days
Contract Price prior to this Change Order: \$ <u>3,299,626.78</u>	Contract Times prior to this Change Order: Substantial Completion: <u>4/15/21</u> Ready for Final Payment: _____ 400 calendar days
Increase of this Change Order: \$ <u>32,644.19</u>	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: <u>4/15/21</u> Ready for Final Payment: _____ 400 calendar days
Contract Price incorporating this Change Order: \$ <u>3,332,270.97</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>4/15/21</u> Ready for Final Payment: _____ 400 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> By: _____	By: _____	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>County Engineer</u>	Title: _____	Title: <u>Office Manager</u>
Date: <u>11/05/2020</u>	Date: _____	Date: <u>11/4/2020</u>

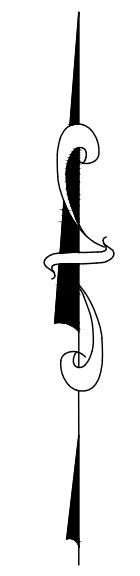
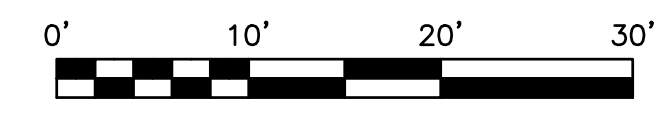
Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

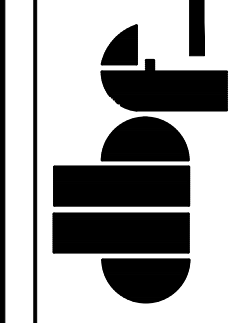
P:\Sussex County\1897B016-Western Sussex Bridgeville WWTP Conversion\Design\Title - Revised.dwg Oct 16, 2020 - 3:25pm lcz



- NOTES:**
- CONTRACTOR TO TEST PIT AND CONFIRM ELEVATIONS OF EXISTING UTILITIES.
 - CLOSE EXISTING 8" GATE VALVE AT ENTRY GATE. PROVIDE TEMPORARY CAP ON EXISTING 8" WATER LINE SOUTH OF OFFICE AND RE-OPEN 8" GATE VALVE AT ENTRY GATE FOR CONTINUED WATER SERVICE TO WATER OFFICE.
 - INSTALL NEW WATER SERVICE TAPS FOR OFFICE AND MAINTENANCE BUILDING ON EXISTING 6" WATERLINE AND RECONNECT SERVICE LINES (BY OTHERS).



DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-8091
 MILFORD, DELAWARE (302) 424-1441
 EASTON, MARYLAND (410) 770-4744



PUMP STATION SITE PLAN

**WESTERN SUSSEX UNIFIED SANITARY DISTRICT
 BRIDGEVILLE IMPROVEMENTS
 SUSSEX COUNTY, DELAWARE**

REVISIONS:
 CHANGE ORDER #1
 JUNE 2020

Date: JANUARY 2019
 Scale: 1"=10'
 Dwn.By: R/L
 Proj.No.: 1897B016
 Dwg.No.:

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) 853-5881



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: *FY 21 Ocean Outfall Inspection, Project G21-06*
A. Recommendation to Award

DATE: November 10, 2020

The Ocean Outfall system located between Bethany Beach and Middlesex Beach discharges treated wastewater from the South Coastal Regional Wastewater Facility (SCRWF) into the Atlantic Ocean. The Special Condition No. 8 of the Facility's current NPDES Permit No. DE 0050008 states; "The permittee shall visually inspect the ocean outfall structure prior to May 31, 2021, and every 5 years thereafter." These inspections confirm proper condition and function of the Ocean Outfall system, with repairs performed if necessary. The last inspection performed was in 2016.

For the current inspection period, the Engineering Department assembled a list of five (5) pre-qualified vendors to perform the inspection work and an Invitation to Bid with a Specifications package was distributed on October 10, 2020. The Bid Schedule for the project was developed to establish a Base Bid for the inspection work, and an Add/Alternate Bid for any necessary repairs that are identified as well as a detailed inspection of the interior of one of the system access manholes.

On October 28, 2020 a total of three (3) bids were received. TNJ Marine, Inc. of Atlantic Highlands, New Jersey submitted the low Base Bid of **\$69,250.00**. Following a review of the bid information, the Engineering Department recommends awarding the project to TNJ Marine, Inc. It is noted that this company has performed past inspections of the Ocean Outfall system, including repairs, and is familiar with the system components.



The Ocean Outfall system was originally constructed in 1977 and its corrosion protection system had a target design life of forty (40) years. At this point, we are beyond the intended design life of the system. The corrosion protection system consists of a high-grade protective coating of all structural components as well as cathodic protection for the buried pipeline, helix anchors and the exposed pipe supports.

While the cathodic protection devices on the exposed pipe support structures can be inspected as part of the underwater inspection, and replaced if necessary, the cathodic protection system along the primary outfall pipe buried beneath the sea floor cannot. We have learned from past inspections of the cathodic protection component that electric current induction through the system is reduced. Therefore, the Department will be recommending inclusion of an anode as well as conductor replacement project in the FY 2022 Budget.

FY 21 OCEAN OUTFALL INSPECTION
Contract No. G21-06 Bid Results

BID SCHEDULE	TNJ Marine Inc Atlantic Highlands, NJ	Substructure, Inc Portsmouth, NH	Specialty Underwater Services, LLC Saxonburg, PA
Part A - Base Bid			
A.1 - Outfall Inspection (LS)	\$42,750.00	\$84,100.00	\$90,000.00
A.2 - Standby Inspection (Crew-Day)	\$26,500.00	\$51,000.00	\$37,500.00
Total Part A	\$69,250.00	\$135,100.00	\$127,500.00
% Above Low Bid	0%	95.09%	84.12%
Part B - Add/Alternate Bid			
B.1 - Bonding Wire (EA)	\$240.00	*	\$300.00
B.2 - LL-26 Anode (EA)	\$225.00	*	\$125.00
B.3 - PZ-150 Anode (EA)	\$450.00	*	\$450.00
B.4 - Bolt (EA)	\$37.50	*	\$25.00
Repairs (Crew-Hour)	\$975.00	\$710.00	\$850.00
Manhole No 8 Inspection (LS)	\$11,250.00	\$6,900.00	\$25,000.00

Apparent Low Bid

* at material cost +15%

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
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PUBLIC WORKS (302) 855-7703
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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

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable Douglas B. Hudson
The Honorable John L. Rieley

FROM: John J. Ashman 
Director of Utility Planning

RE: **Existing Wastewater Infrastructure Use Agreement AMENDMENT**
H&D Townhomes (Sea Edge)
File: OM 9.01

DATE: November 10, 2020

This is an amendment to a previously approved Existing Wastewater Infrastructure Use Agreement for **H&D Subdivision, LLC** for the **H&D Townhomes (Sea Edge)** project in the Millville Area. The original agreement was approved based on a catch-up contribution for the project connecting **58** EDUs to the County's existing infrastructure. The developers of the project elected to eliminate the clubhouse originally proposed for the project therefore eliminating one lateral connection for a new total of **57** and reducing the catch-up contribution required.

This reduction in connections will reduce the financial contribution by **\$989.57**. As H&D Subdivision, LLC has previously completed payment of the contribution in full, the County will need to reimburse the developer for the amount above.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

H&D TOWNHOUSES (SEA EDGE) – IUA974-1 AMENDMENT

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2020, by and between:

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

H&D SUBDIVISION, LLC, a Delaware Limited Liability Corporation and developer of a project known as H & D Townhouses (Sea Edge), hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 134-16.00-5.00 to be known as H & D Townhouses (Sea Edge) (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Millville Area) and;

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

WHEREAS, in exchange for permission to connect up to **58.00** additional equivalent dwelling units (EDU) to County’s existing system and to utilize the existing capacity in said system, the Developer paid a financial catch-up contribution in the amount of **\$57,395.00** for said existing facilities.

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

- (1) Developer has eliminated the connection for the clubhouse originally proposed for this project thus reducing the EDUs connecting to the existing system by one (1) EDU.
- (2) The reduction in EDUs reduces the previously paid financial catch-up contribution in the amount of **\$989.57** for said existing facilities.
- (3) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a

new agreement with respect to the amended Project, as the parties may deem appropriate.

- (4) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (5) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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 Developer is **30378 Mumford Road, Millsboro DE 19966.**

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 H&D SUBDIVISION, LLC

By: Gerald W. Hocker Jr. (Seal)
Gerald W. Hocker Jr. Managing Member
10/30/2020 (DATE)

WITNESS:

Carey Harker



Burton - OK

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Boy Scouts of America, Troop #1 , Lewes**

PROJECT NAME: **Equipment and Transportation Initiative**

FEDERAL TAX ID: **22-1576300 ok** 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: The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law." (1 - See attached)

ADDRESS: **Boy Scouts Troop #1, Lewes, c/o Dean Campbell,**
105 W Apollo Lane
Milton DE 19968
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Dean Campbell**
TITLE: **Troop Committee Chair**
PHONE: **302-841-5043** EMAIL: **dean@campbelllaw.org**

TOTAL FUNDING REQUEST: \$5050.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 100

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 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

47

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.

See Attached

SECTION 4: BUDGET

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

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the BSA Troop 1, Lewes 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 Signature



Witness Signature

10-27-20

Date

10-27-20

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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


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

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

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



Applicant/Authorized Official Signature



Witness Signature

Travis Committee Chair

Title

10/27/20

Date

Nancy Cordrey

Burton-OK

From: Gina Jennings
Sent: Tuesday, October 27, 2020 2:35 PM
To: Nancy Cordrey
Subject: FW: Form submission from: Council Grant Form

From: Sussex County DE <webmaster@sussexcountyde.gov>
Sent: Monday, September 28, 2020 2:09 PM
To: Gina Jennings <gjennings@sussexcountyde.gov>
Subject: Form submission from: Council Grant Form

Council Grant Form

Legal Name of Agency/Organization	Sussex Central High School
Project Name	Calculators for Advanced Placement Calculus
Federal Tax ID	516000279
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Sussex Central High School, a diverse and dynamic community, strives to prepare students to be life-long learners and responsible global citizens.
Address	26026 Patriot's Way
Address 2	

City	Georgetown
State	Delaware
Zip Code	19947
Contact Person	Paul Widerman
Contact Title	AP Calculus Teacher
Contact Phone Number	3029343166
Contact Email Address	paul.widerman@irsd.k12.de.us
Total Funding Request	\$6200.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	90
Program Category (choose all that apply)	Educational

Program Category
Other

Primary Beneficiary Category Youth

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 50

Scope Our students are learning remotely. The Advanced Placement courses are very rigorous, and the students in the AP Calculus course are at a disadvantage without access to a TI-84 calculator. The cost of this calculator is out of reach for most of these families, hence the dilemma.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 0.00

Description 50 TI-84 calculators

Amount 6,200.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL 6,200.00
EXPENDITURES

TOTAL DEFICIT FOR -6,200.00
PROJECT OR
ORGANIZATION

Name of Organization Sussex Central High School

Applicant/Authorized Paul Widerman
Official

Date 09/28/2020

Affidavit

Yes

Acknowledgement

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Wilson-OK



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Georgetown Historical Society

PROJECT NAME: Barrel Barn renovation

FEDERAL TAX ID: 51-0255141 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 Preserve, Protect and Display to history of Georgetown, Sussex County and Delaware.

ADDRESS: 510 S Bedford St.

Georgetown De 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rosalie Walls

TITLE: Executive Board member

PHONE: 302-855-9660 EMAIL: marvelmuseum@gmail.com

TOTAL FUNDING REQUEST: \$21,000

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? \$15,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? 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? 59,000

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

198,000

SECTION 3: PROGRAM SCOPE

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

The historic barrel barn on the grounds of the museum is in desperate need of exterior shingle replacement because of water intrusion. This space is utilized by many organizations that do not have a permanent home for meetings.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	10,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
renovations	-\$ 31,000.00
TOTAL EXPENDITURES	-\$ 31,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 21,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown Historical Society 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 Signature

10/29/2020
Date


Witness Signature

10/29/2020
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Wilson-OK

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.

Rosalie B. Walker
Applicant/Authorized Official Signature

Jan Messick
Witness Signature

Board Member
Title

10/29/2020
Date

Burton-OK



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Lewes Public Library**

PROJECT NAME: **5th Annual Shakespeare Festival**

FEDERAL TAX ID: **51-0350650** ^{ok} 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: The Lewes Public Library anticipates the needs of the community and adapts, creates and supports classes and programs for all ages that encourage a love of reading, exploration and discovery. The Library provides access for a wide variety of educational, informational and recreational materials to all members of the community through traditional resources and emerging technologies.

ADDRESS: **111 Adams Avenue**

Lewes **DE** **19958**

(CITY) (STATE) (ZIP)

CONTACT PERSON: **Beckie Healey**

TITLE: **Director Emeritus**

PHONE: **302-645-9828** EMAIL: **beckiehealey@comcast.net**

TOTAL FUNDING REQUEST: 2500.00

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

If YES, how much was received in the last 12 months? **1800.00**

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?

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

Health and Human Services
Other

Cultural
 Educational

BENEFICIARY CATEGORY

Disability & Special Needs
Elderly Persons
Minority

Victims of Domestic Violence
Low to Moderate Income²
 Other all encompassing

Homeless
Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
2,000

SECTION 3: PROGRAM SCOPE

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

Shakespeare and the spoken word are vital to communicate shared stories fundamental to communal understanding. This understanding is essential to establish and maintain the cultural foundation lying at the heart of a vibrant community. We speak, we listen, we share our fears, our ideas, our hopes, and our vision through poetry, music, gesture, movement, and dramatic presentation because these are central to the human experience.

The Lewes Public Library Shakespeare Festival provides a platform for the celebration of the spoken word that includes lectures, demonstrations, workshops, recitals and concerts. We now program public professional and amateur performances of live theatre, readers theatre, poetic and musical artistry, and lectures throughout the year. These lead up to a week full of activities in April 2021. Additionally, we are hosting a summer intensive workshop for the Cape Henlopen High School District in August 2021.

Because of the restrictions and uncertainties caused by the pandemic, the Lewes Library has been proactive in soliciting, and receiving, donated funds allowing the purchase of equipment for enhancement of virtual programming to provide audiences an experience similar to what they would enjoy if attending in person. The number of attendees estimated above as 2,000 is conservative; the numbers attending virtual performances could be many more thousands. Our actors, lecturers, and ensembles have agreed to perform in-person or virtually, depending on restrictions in place at the time of any scheduled event.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	38,200.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel (scholars, planners, honoraria, etc.)	-\$ 23,611.00
Operating (supplies, rentals, etc.)	-\$ 7,750.00
Travel	-\$ 430.00
Evaluation, film licensing	-\$ 300.00
Staff time	-\$ 11,692.00
Volunteer time translates to \$20,395 and is not included	
TOTAL EXPENDITURES	-\$ 43,783.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 5,583.00

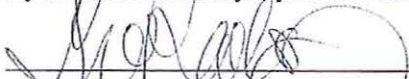
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **Lewes Public Library, Inc.** 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 Signature

10/30/20

Date



Witness Signature

10/30/20

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

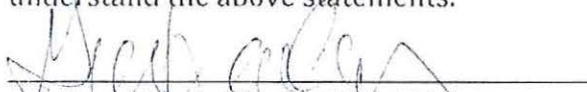
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.


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


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

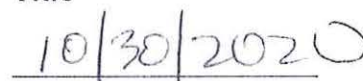
In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

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


Applicant/Authorized Official Signature


Witness Signature


Title


Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-58.02 (PORTION OF)

WHEREAS, on August 28th, 2020, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1929

WHEREAS, the Sussex County Council will consider Change of Zone No. 1929 from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Broad Kill Hundred, Sussex County, containing 1.4563 acre, more or less (A portion of Tax Parcel No. 235-30.00-58.02) (the "Property"); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Low Density does not permit such C-3 Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 235-30.00-58.02 from the Low Density Area to the Commercial Area. The portion of Sussex County Parcel. No. 235-30.00-58.02 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



Sussex County

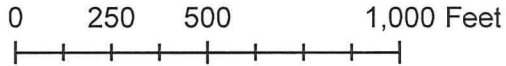


Exhibit A
Ryan Lehmann Future Land Use Map Amendment
235-30.00-58.02



Legend

-  Subject Property
-  Tax Parcels

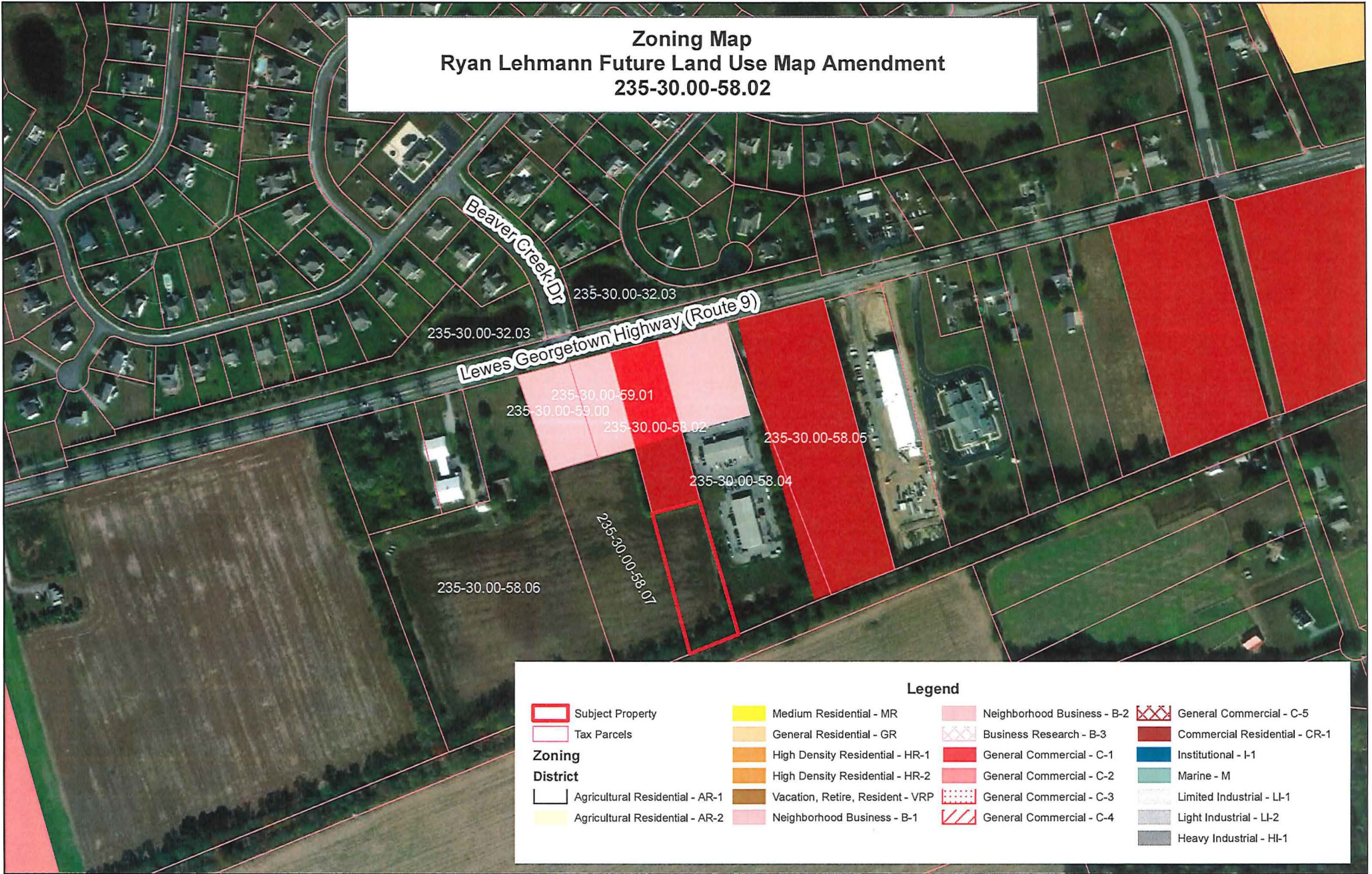




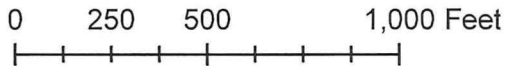
Sussex County



Zoning Map
Ryan Lehmann Future Land Use Map Amendment
235-30.00-58.02



Legend			
Subject Property	Medium Residential - MR	Neighborhood Business - B-2	General Commercial - C-5
Tax Parcels	General Residential - GR	Business Research - B-3	Commercial Residential - CR-1
Zoning District	High Density Residential - HR-1	General Commercial - C-1	Institutional - I-1
Agricultural Residential - AR-1	High Density Residential - HR-2	General Commercial - C-2	Marine - M
Agricultural Residential - AR-2	Vacation, Retire, Resident - VRP	General Commercial - C-3	Limited Industrial - LI-1
	Neighborhood Business - B-1	General Commercial - C-4	Light Industrial - LI-2
			Heavy Industrial - HI-1

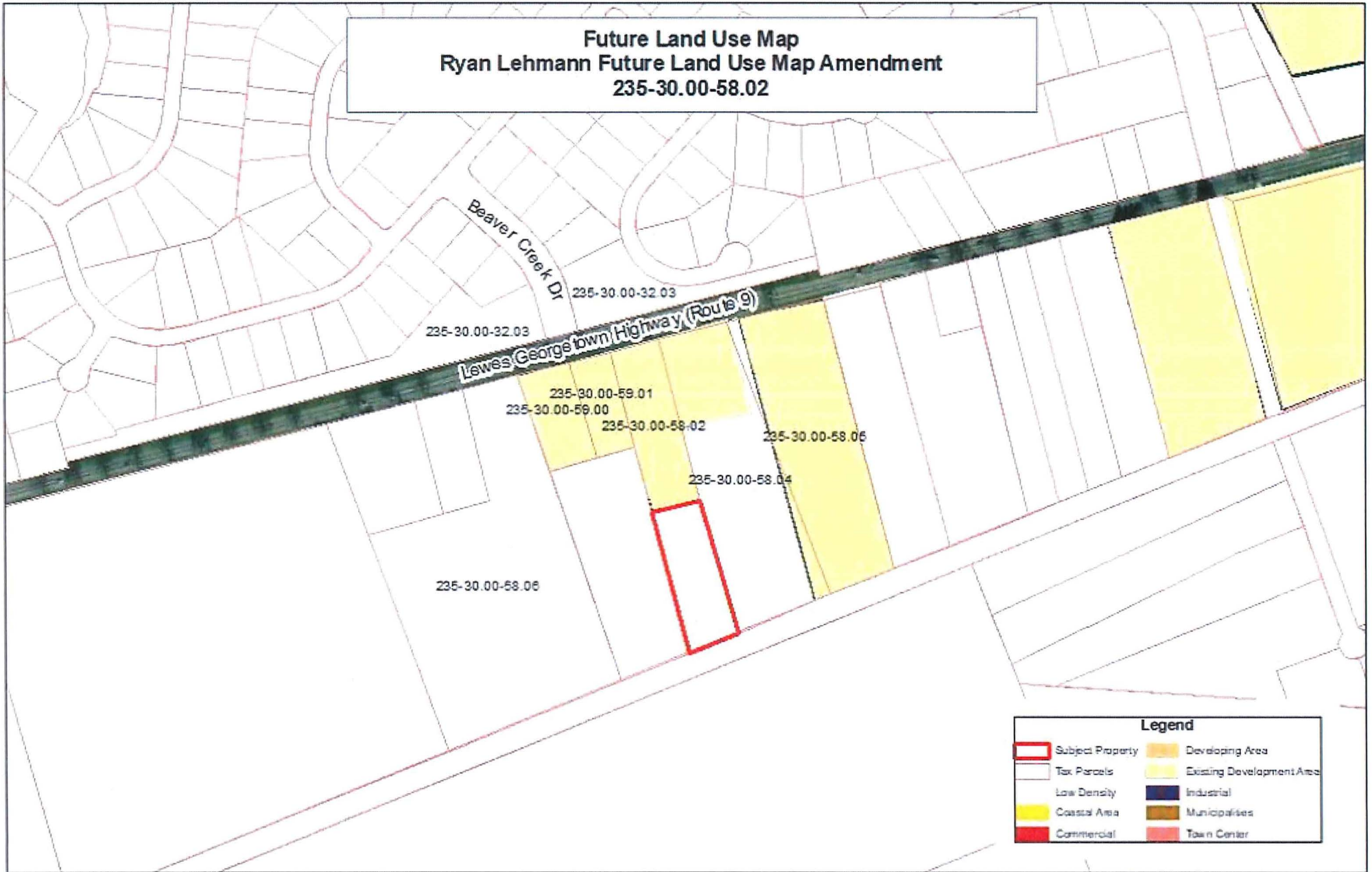




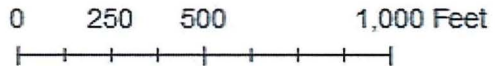
Sussex County



Future Land Use Map
Ryan Lehmann Future Land Use Map Amendment
235-30.00-58.02



Legend	
	Subject Property
	Tax Parcels
	Coastal Area
	Commercial
	Developing Area
	Existing Development Area
	Industrial
	Municipalities
	Town Center



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)

WHEREAS, on November 26th, 2019, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1910,

WHEREAS, the Sussex County Council will consider Change of Zone No. 1910 from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 5.03 acres, more or less (A portion of Tax Parcel No. 132-2.00-264.00) (the "Property"); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Low Density Area does not permit such GR Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 132-2.00-264.00 from the Low Density Area to the Developing Area. The portion of Sussex County Parcel. No. 132-2.00-264.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



Sussex County



Exhibit A Brickyard Apartments Future Land Use Map Amendment 132-2.00-264.00

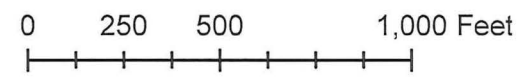
Sussex Highway (Route 13)

Brickyard Rd

132-2.00-272.00
132-2.00-272.01
132-2.00-272.02
132-2.00-272.03
132-2.00-272.04
132-2.00-272.05
132-2.00-272.06
132-2.00-263.00
132-2.00-264.00
132-2.00-527.00
132-2.00-526.00
132-2.00-525.00
132-2.00-524.00
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132-2.00-522.00
132-2.00-596.00

Legend

- Subject Property
- Tax Parcels

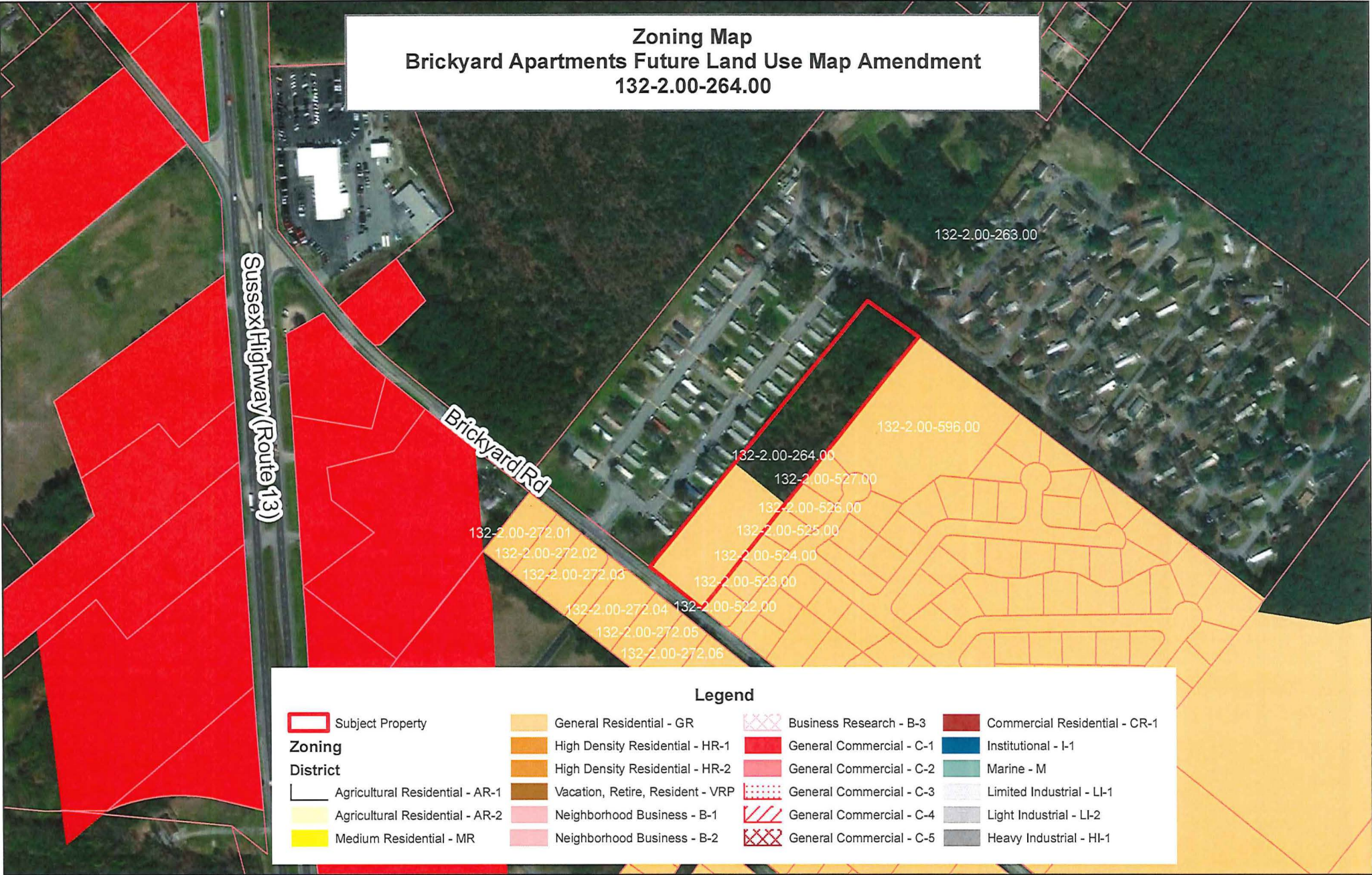




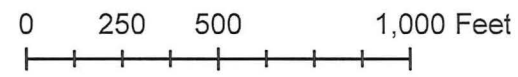
Sussex County



Zoning Map
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00



Legend			
Subject Property	General Residential - GR	Business Research - B-3	Commercial Residential - CR-1
Zoning	High Density Residential - HR-1	General Commercial - C-1	Institutional - I-1
District	High Density Residential - HR-2	General Commercial - C-2	Marine - M
Agricultural Residential - AR-1	Vacation, Retire, Resident - VRP	General Commercial - C-3	Limited Industrial - LI-1
Agricultural Residential - AR-2	Neighborhood Business - B-1	General Commercial - C-4	Light Industrial - LI-2
Medium Residential - MR	Neighborhood Business - B-2	General Commercial - C-5	Heavy Industrial - HI-1

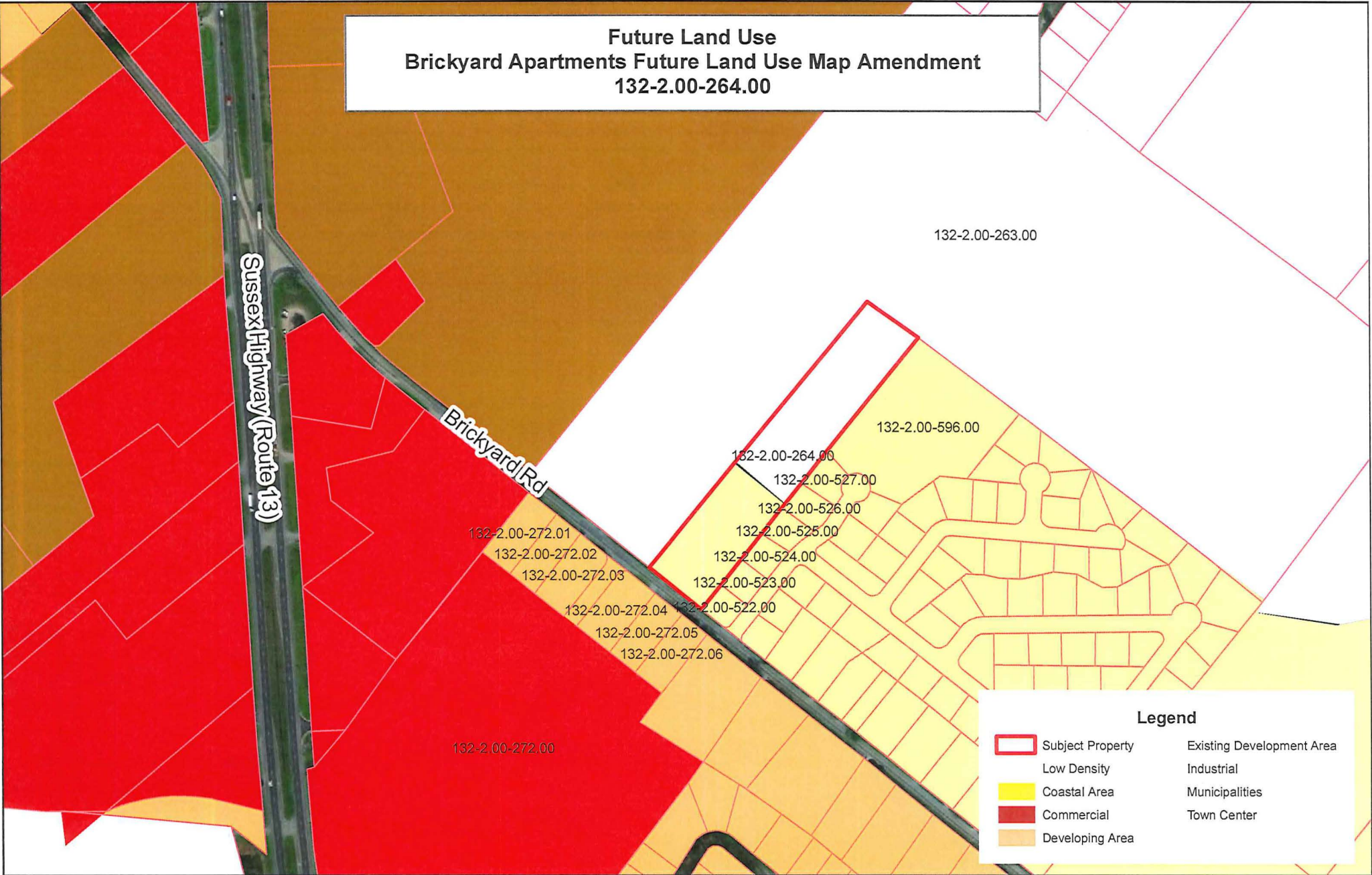




Sussex County

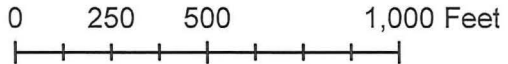


**Future Land Use
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00**



Legend

	Subject Property		Existing Development Area
	Low Density		Industrial
	Coastal Area		Municipalities
	Commercial		Town Center
	Developing Area		



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 4, 2020

RE: County Council Report for CU 2234 filed on behalf of James Jones

The Planning and Zoning Department received an application (CU 2234 filed on behalf of James Jones) for a Conditional Use for parcel 234-28.00-67.00 to allow for a fiberglass swimming pool and spa display and landscaping business at 28984 Cordrey Rd, Millsboro. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 2.7 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on October 8, 2020. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 7 reasons and subject to the 14 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of October 8, 2020 and the draft minutes of the October 22, 2020 Planning & Zoning Commission meeting.

Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting

C/U 2234 James Jones

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a fiberglass swimming pool and spa display and landscaping business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.70 acres, more or less. The property is lying on the south side of Cordrey Rd. (S.C.R. 308), approximately 0.12 miles east of William Street Rd. (S.C.R. 309). 911 Address: 28984 Cordrey Road, Millsboro. Tax Parcel: 234-28.00-67.00.

Mr. Whitehouse advised the Commission that submitted into the record is a survey, an exhibit book,



a copy of the DelDOT service level evaluation response, and comments from the Sussex County Engineering Department Utility Planning Division.

Mr. James Jones was present on behalf of his Application; that the swimming pool display is approximately 25 ft. from the road on the northeast portion of the subject property; that there is a sign currently on the property; that a sign is requested; that the Applicant also resides on the property and runs his business from this location.

Mr. Mears asked the Applicant to describe his business operations.

Mr. Jones stated that he has a landscape business but also installs and services swimming pools and hot tubs; that he has a store in Lewes where customers can visit but occasionally a customer will visit this location to see the pool displayed at this site; that he has owned the property since 2015 and the display has been in place for approximately one year.

Mr. Hopkins asked how many employees, trucks, and trailers, etc. for the business. Mr. Jones stated that there are four employees; that there are three landscaping trailers and six work vehicles; that trucks are parked in the rear of the property and that equipment is stored in the pole building in the rear of the building; the hours of operation are from 7:00 am – 6:30 pm; that there are times during inclement weather the hours may vary; that maintenance on the work vehicles is performed within the pole building.

The Commission found that no one was present in Chambers to speak in favor of or in opposition to the Application. There was a technical issue with the volume on the teleconference call-in.

The Commission took a five-minute recess while the IT Department corrected the issue.

The Commission found that there were no further comments from the public. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2234 James Jones. Motion by Mr. Mears, second by Ms. Stevenson, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of October 22, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Commission recommend approval for Condition Use 2234 James Jones based upon the record made during the Public Hearing and for the following reasons:

1. This use is limited in nature. It is a location for model swimming pools and spas to be viewed for purchase from the manufacturer. It is not a location where swimming pools or spas are stockpiled for sale from the site. Once purchased, spas and pools are delivered directly from the manufacturer to the purchaser's property.

2. The use as location for model swimming pools and spas will not require extensive deliveries to or from the site, and the use does not generate a significant amount of traffic from customers.
3. This limited use, as a display area for spas and pools, is appropriate for this location.
4. The applicant also seeks to operate a small landscaping business from the site, which will use the existing pole building on the site. All landscaping equipment will be located within the pole building.
5. The limited use will not have an adverse impact upon traffic, roadways or area properties.
6. The applicant has stated that he resides on the property. As a result, he will have control over the use and maintenance of the property at all times.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a landscaping business and the display of model swimming pools and spas that are for sale. No other sales shall occur on the property.
 - b. No pools or spas shall be constructed, stockpiled or inventoried on the property. As stated by the applicant, all swimming pools and spas on the property shall be display models, used by customers to inspect prior to ordering the structures for delivery from the off-site manufacturer directly to their properties.
 - c. No more than one pool and one spa shall be displayed on the site at any one time. The location of these displays shall be shown on the Final Site Plan.
 - d. As stated by the applicant, the home on the property shall be the owner's primary residence which may include a small office for the business.
 - e. The landscaping business shall be located at the rear of the property, with all vehicles and trailers parked at the rear of the premises. The parking area for the business vehicles and trailers shall be shown on the Final Site Plan and clearly shown on the site itself. All other equipment shall be stored within the existing pole building on the site.
 - f. All vehicle and equipment maintenance shall only occur within the existing pole building.
 - g. The hours of operation shall be limited to 7:00 am until 7:00 pm, unless the applicant is providing services for snow removal, storm damage or from similar causes.
 - h. No grinding, shredding, mulching or dyeing of materials shall occur on the site.
 - i. No landscaping materials shall be brought onto the site for dumping.
 - j. As stated by the applicant, signage shall be limited to one lighted sign along the roadway not to exceed 32 square feet in size.
 - k. Any lighting directed at the display models shall be screened so that it does not shine on neighboring properties or roadways. Any such lighting shall be turned off no later than 10:00 pm each day.
 - l. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
 - m. All entrances shall be subject to all DeDOT requirements.
 - n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8th, 2020

Application: CU 2234 James Jones

Applicant/Owner: James Jones
28984 Cordrey Rd
Millsboro, DE 19966

Site Location: 28984 Cordrey Rd. On the south side of Cordrey Rd (S.C.R. 308),
approximately 0.12 miles east of William Street Rd (S.C.R. 309)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Fiberglass Swimming Pool & Spa Display/ Landscaping Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Volunteer Fire Company

Sewer: Septic

Water: Private

Site Area: 2.70 Acres +/-

Tax Map ID.: 234-28.00-67.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2234 James Jones

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2234 James Jones to be reviewed during the October 8, 2020 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 Tax Parcel 234-28.00-67.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a fiberglass swimming pool and spa display and landscaping business. The parcel is located on the south side of Cordrey Rd. (S.C.R. 308) in Millsboro, Delaware. The size of the property is approximately 2.70 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Low Density". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the southwest, west, and northwest are all zoned AR-1 (Agricultural Residential Zoning District).

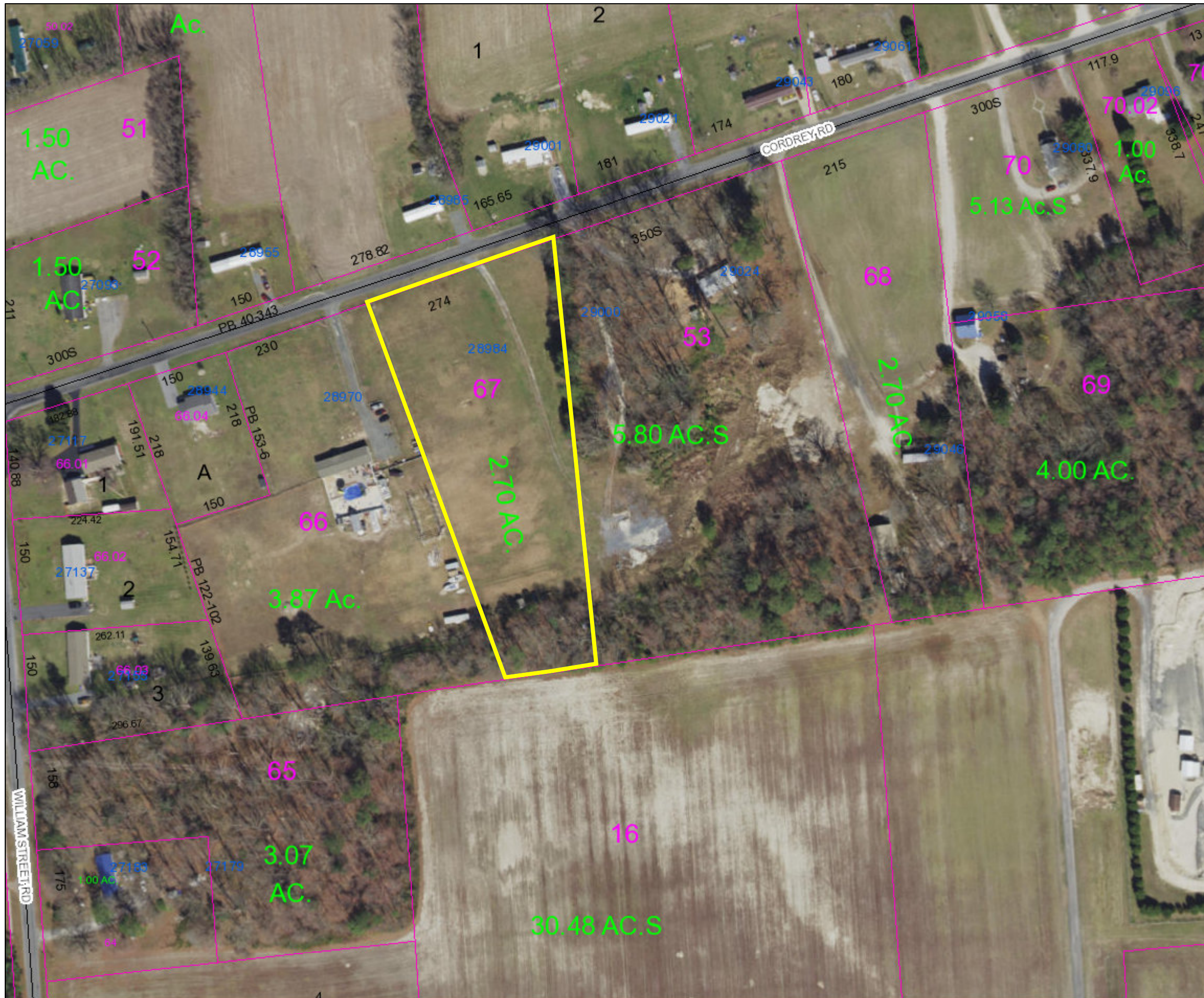
Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a public utility elevated storage tank, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





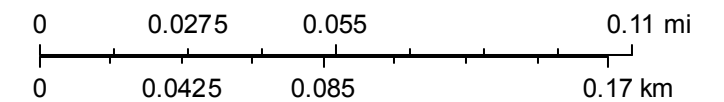
Sussex County



PIN:	234-28.00-67.00
Owner Name	JONES YVONNE R
Book	4459
Mailing Address	10A CEDAR LANE
City	FRANKFORD
State	DE
Description	S SD CO RD
Description 2	WAPLES MILL TO O OR
Description 3	2.70 ACRES
Land Code	

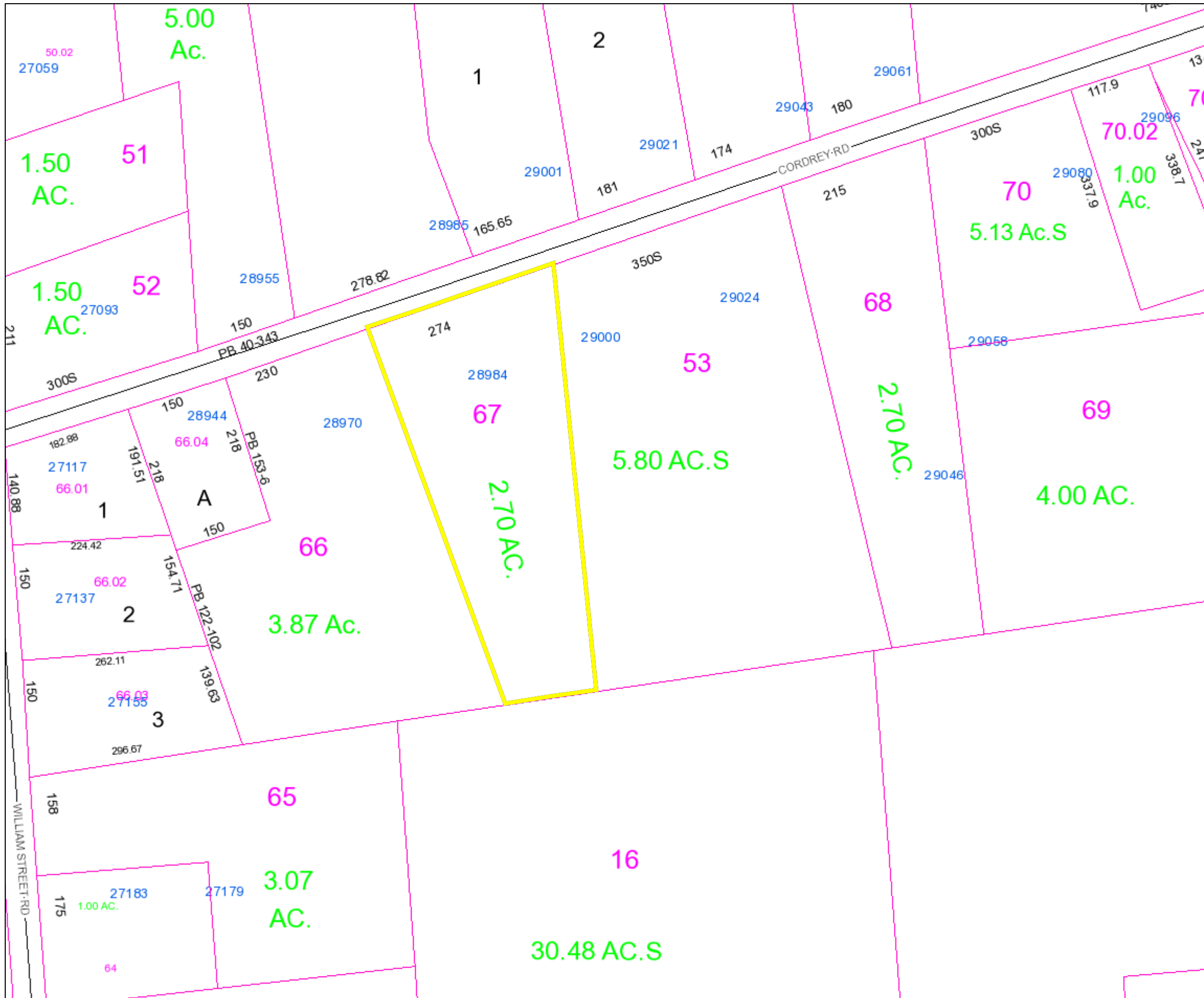
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- Streets
- County Boundaries
- Subdivisions
- Municipal Boundaries

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Sussex County

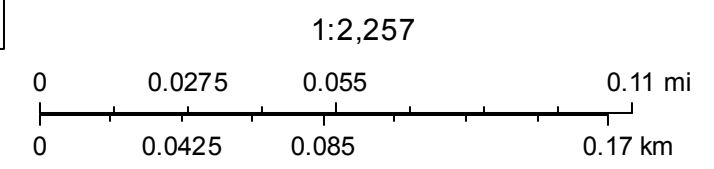


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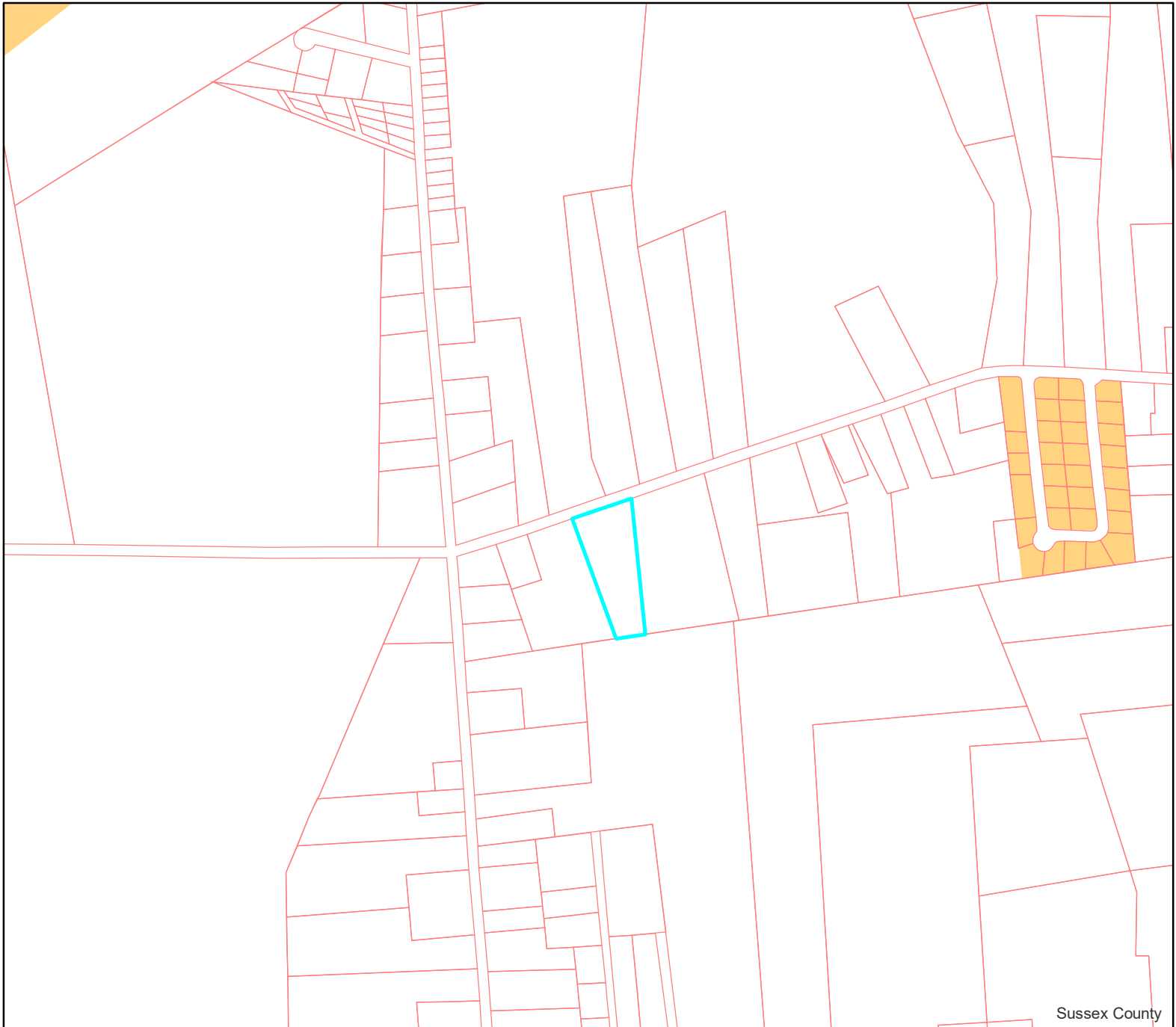
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 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
 - Subdivisions
 - Municipal Boundaries



CU 2234 James Jones



Sussex County

Legend

Zoning

District

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

Marine - M

Limited Industrial - LI-1

Limited Industrial - LI-2

Heavy Industrial - HI-1

Introduced 06/30/20

**Council District 4 - Hudson
Tax I.D. No. 234-28.00-67.00
911 Address: 28984 Cordrey Rd, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR LESS

WHEREAS, on the 18th day of June 2020, a conditional use application, denominated Conditional Use No. 2234 was filed on behalf of James Jones; and

WHEREAS, on the ____ day of _____ 2020, 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. 2234 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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. 2234 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Cordrey Rd (S.C.R. 308), approximately 0.12 miles east of William Street Rd (S.C.R. 309) and being more particularly described in the attached legal description prepared by The Lawson Firm, LLC, said parcel containing 2.70 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.

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 4, 2020

RE: County Council Report for CU 2240 filed on behalf of Tidewater Utilities, Inc.

The Planning and Zoning Department received an application (CU 2240 filed on behalf of Tidewater Utilities, Inc.) for a Conditional Use for parcel 334-12.00-107.00 (portion of) to allow for a public utility elevated storage tank at 19483 John J. Williams Highway, Lewes. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 0.3 acre, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on October 8, 2020. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 6 reasons and subject to the 9 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of October 8, 2020 and the draft minutes of the October 22, 2020 Planning & Zoning Commission meeting.

Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting

C/U 2240 Tidewater Utilities, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a public utility elevated storage tank to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.32 acres more or less. The property is lying on the southeast side of John J. Williams Highway (Rt. 24) approximately 1.52 miles southwest of Coastal Highway (S.R. 1). 911 Address: 19483 John J. Williams Highway, Lewes. Tax Parcel: 334-12.00-107.00 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book,



a staff analysis, a copy of the DelDOT service level evaluation response, comments from the Sussex County Engineering Department Utility Planning Division, a letter from Cape Henlopen School District, and a copy of a letter from Delaware Health and Social Services.

The Commission found that Mr. James Fuqua, Esquire was present on behalf of the applicant, Tidewater Utilities, Inc.; that also present are Brian Carbaugh, Director of Engineering with Tidewater Utilities, Inc. and Robert Palmer, Senior Engineer with Beacon Engineering; that the Application is a request for a Conditional Use for an elevated water storage tank to be located on lands owned by the Cape Henlopen School District in the rear of Beacon Middle School located on Route 24; that an exhibit book has been submitted to the Commission; that Tidewater Utilities, Inc. is a public water provider regulated by the Delaware Public Service Commission and was established in 1964; that it operates a combination of wells, water treatment plants and storage facilities; that under the 2020 Delaware Strategies for State Policies and Spending this site and a large area surrounding it is designated as being in Investment Level 2; that under Investment Level 2 a wide range of residential and commercial uses are encouraged and are growing areas in the County which will have public water and waste water systems and utilities; that under the 2019 Sussex County Comprehensive Plan this site is totally surrounded by the Coastal area and the Commercial area which are two of the growth areas under the plan; that the plan encourages most concentrated forms of new development in these growth areas including higher density residential and most commercial development and central water and sewer are highly encouraged in these areas; that chapter seven of the Comprehensive Plan addresses utilities and the Plan explains that the Delaware Public Service Commission reviews and approves requests for water utilities to serve an area; that the utility company is required to receive a Certificate of Public Convenience and Necessity (CPCN); that the Public Service Commission encourages compact and contiguous service territories in order to provide efficient delivery of water without redundancy in infrastructure; that in the Plan, map 7.2-1 shows a maps of the water service of Sussex County and shows the area serviced by Tidewater Utilities which is where the proposed tank will be located; that one of the stated goals of chapter seven of the Comprehensive Plan is to support the availability of a safe and adequate water supply that can meet the needs of future demand; that the County Ordinance states that a conditional use provide for certain uses which are not permitted uses in a certain zoning district, conditional uses are generally of a public or semi-public character, they are essential and desirable for the public convenience and welfare but because of the nature of the use, its relationship to the Comprehensive Plan and its possible impact it requires the review of the Planning and Zoning Commission and approval of County Council; that this Application is of a true public character for a water utility storage facility; that the proposed location on a centrally located site in an approved service area where growth is anticipated and is occurring now is appropriate by both the State Plans and County Plans; that when Beacon Middle School was constructed Tidewater Utilities, Inc. entered into a water service agreement with Cape Henlopen School District for an easement to place a water storage facility on the site when the need would arise; that the proposed tank will provide a second water pressure center in the southern portion of the service area to complement the northern tank and ensure water availability well into the future; that the location of the tank will be on a 14,125 sf easement area located to the rear of the school building; that the easement site borders the west side of Mulberry Knoll Road and access to the facility will be from that road; that the entrance will be designed and built in accordance with DelDOT regulations; that the water tower is a water spheroid design and it's appearance will be similar to the Rehoboth Beach water tank; that the circular base is approximately 52 ft. in diameter and the elevated water tank is approximately 74 ft. in diameter; that the capacity of the tank is one million gallons; that the height from the ground to the top of the tank is approximately 150 ft.; that the tank will meet the design standards of the American Waterworks Association; that the cost of the facility will be approximately four million dollars; that the tank will

be built on pilings that will be driven to a depth of between 50 – 100 ft. depending on soil conditions; that there will be no outside ladders or stairs and all access will be internal; that antennas will be located on the tank for Tidewater Utilities to monitor their equipment and for the Cape Henlopen School district for communications; that the color of the tank will be sky neutral (light blue); that there will be two logos on the tank, one for Tidewater Utilities, Inc. and one for the Cape Henlopen School District or Beacon Middle School; that lighting will be security lights at the base of the facility and lighting on the tank as required by the Federal Aviation Agency (FAA); that the easement area will be enclosed with a six-foot security fence; that no wells; water treatment facilities or pumps will be located at this facility; that there are no odors or noise associated with this use; that there is no use of chemicals; that there will be no sewer connection or water hookup; that there is negligible traffic impact, as there is one employee who will inspect the facility three times per week; that maintenance is minimal and the outside has a twenty-year life before repainting; that there are letters of support from the Cape Henlopen School District and the Office of Social Services for the State of Delaware; that the Applicant has submitted some proposed conditions and findings; and that the Applicant is requesting a recommendation of approval subject to appropriate conditions.

Mr. Wheatley asked if there would be an arrangement to lease antennas on this tower.

Mr. Fuqua responded that there are no arrangements at the present time but that it could be an option in the future.

Mr. Hopkins asked if there would be a lightning rod on the tower.

Mr. Palmer stated there will not be a lightning rod on top of the tower but will have a ground ring around the base so that when the tower is struck by lightning the energy will be safely dissipated.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2240 Tidewater Utilities, Inc. Motion by Mr. Mears, second by Ms. Wingate, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of October 22, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 8, 2020.

Mr. Mears moved that the Commission recommend approval for Condition Use 2240 Tidewater Utilities, Inc. based upon the record made during the Public Hearing and for the following reasons:

1. This project benefits the health, safety and welfare of the residents in the area.
2. The elevated water storage tower will provide for water supply to the Love Creek Elementary School, Beacon Middle School and current and future area residents.
3. Fire protection capabilities will be further enhanced to the area.
4. The project will not have an adverse impact on neighboring properties or the community.
5. Water utility operations like those in this project are subject to substantial regulation by the Public Service Commission, DNREC, Public Health, State Fire Marshall, FAA, among others.

6. There was no opposition to this application, and the record contains letters of support from the Cape Henlopen School District and the Office of Social Services of the State of Delaware.
7. This recommendation for approval is subject to the following conditions:
 - a. The maximum capacity of the tower shall not exceed 1,000,000 gallons.
 - b. The maximum height of the tower shall be 160 feet.
 - c. The lighting at the tower shall be limited to normal security lights which shall be shielded from nearby neighbors and roadways and safety lights required by the Federal Aviation Administration on the tower.
 - d. The tower shall be painted white or a sky neutral color and may include signage for both Tidewater and the Cape Henlopen School District or Beacon Middle School.
 - e. The water facilities shall be surrounded by a security fence at least eight (8) feet in height.
 - f. Structural design and operation of the water facility shall comply at a minimum with industry standards such as The American Water Works Association.
 - g. The applicant will allow placement of antenna on the tower by the Cape Henlopen School District, and other government and public safety agencies.
 - h. One lighted ground-level sign shall be permitted identifying the owner and providing emergency contact information.
 - i. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all applicable agency approvals.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jennifer Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2240 Tidewater Utilities LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2240 Tidewater Utilities, LLC to be reviewed during the October 8, 2020 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 Tax Parcel 334-12.00-107.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a public utility elevated storage tank. The parcel is located on the southeast side of John J. Williams Hwy (Rt.24) in Lewes, Delaware. The size of the property is approximately 2,124 SF +/-.

The 2018 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 in the plan indicates that the subject property has a Commercial designation. The adjacent properties in each direction are also a part of the Commercial and Coastal Area.

The Commercial Area is designated to encourage commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics.

This parcel is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, south, east and west of the parcel are zoned Agricultural Residential (AR-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application in a one-mile radius. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a public utility elevated storage tank, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8th, 2020

Application: CU 2234 Tidewater Utilities, Inc

Applicant/Owner: Tidewater Utilities, Inc
1100 South Little Creek Road
Dover, DE 19901

Site Location: 1270 Kings Highway. Located on the southeast side of John J. Williams Highway (Rt. 24) approximately 1.52 miles southwest of Coastal Highway (Route 1)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Elevated Storage Tank

Comprehensive Land Use Plan Reference: Commercial

Councilmatic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Fire Company

Sewer: Tier 2 - Sussex County Planning Area

Water: Tidewater Utilities

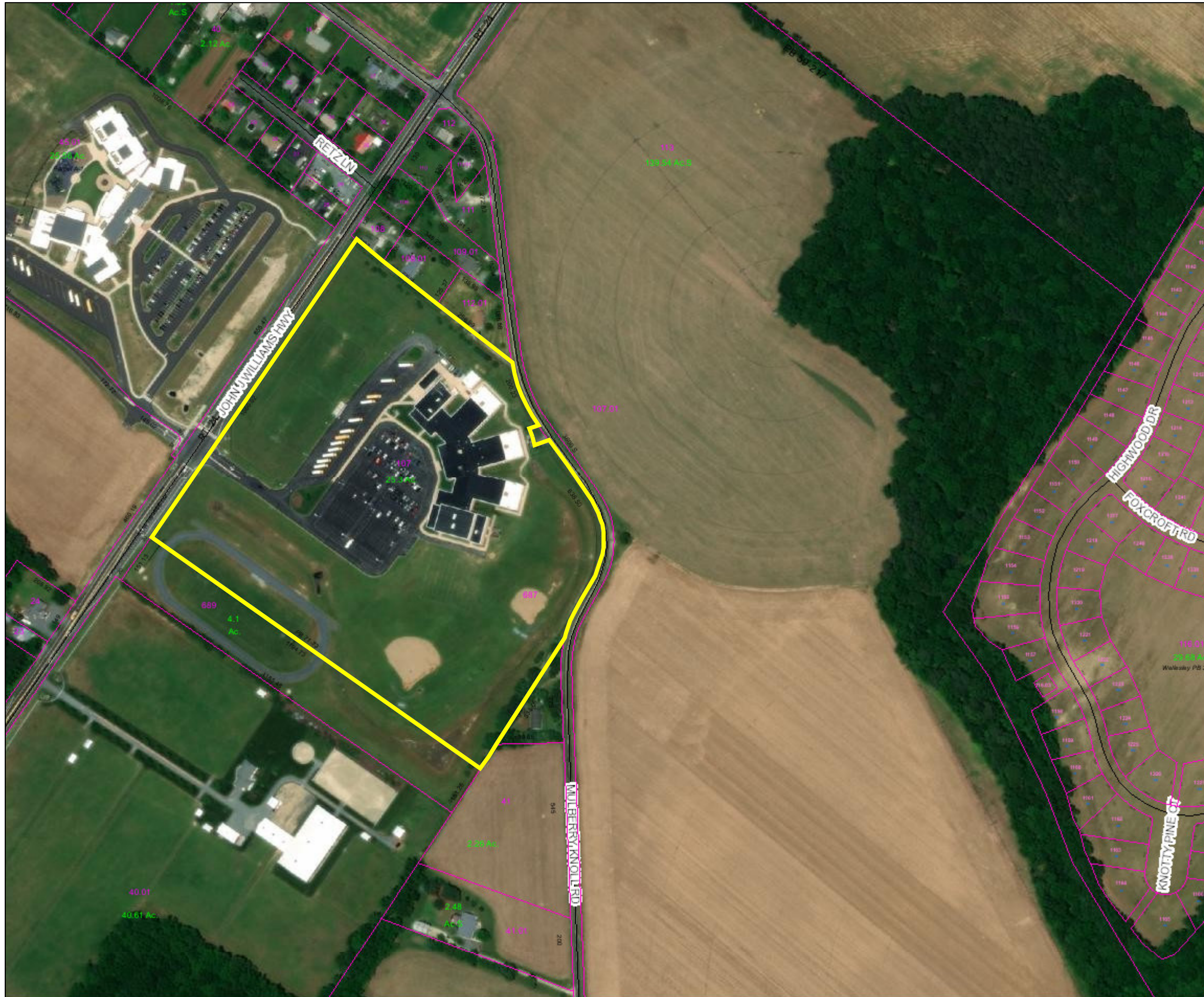
Site Area: 2124 Square Feet +/-

Tax Map ID.: 334-12.00-107.00 (Portion of)





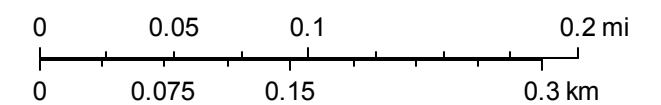
Sussex County



PIN:	334-12.00-107.00
Owner Name	CAPE HENLOPEN SCHOOL DISTRICT
Book	2549
Mailing Address	1270 KINGS HWY
City	LEWES
State	DE
Description	ON RD 24
Description 2	CAPE HENLOPEN MIDDLE
Description 3	SCHOOL 2759700
Land Code	

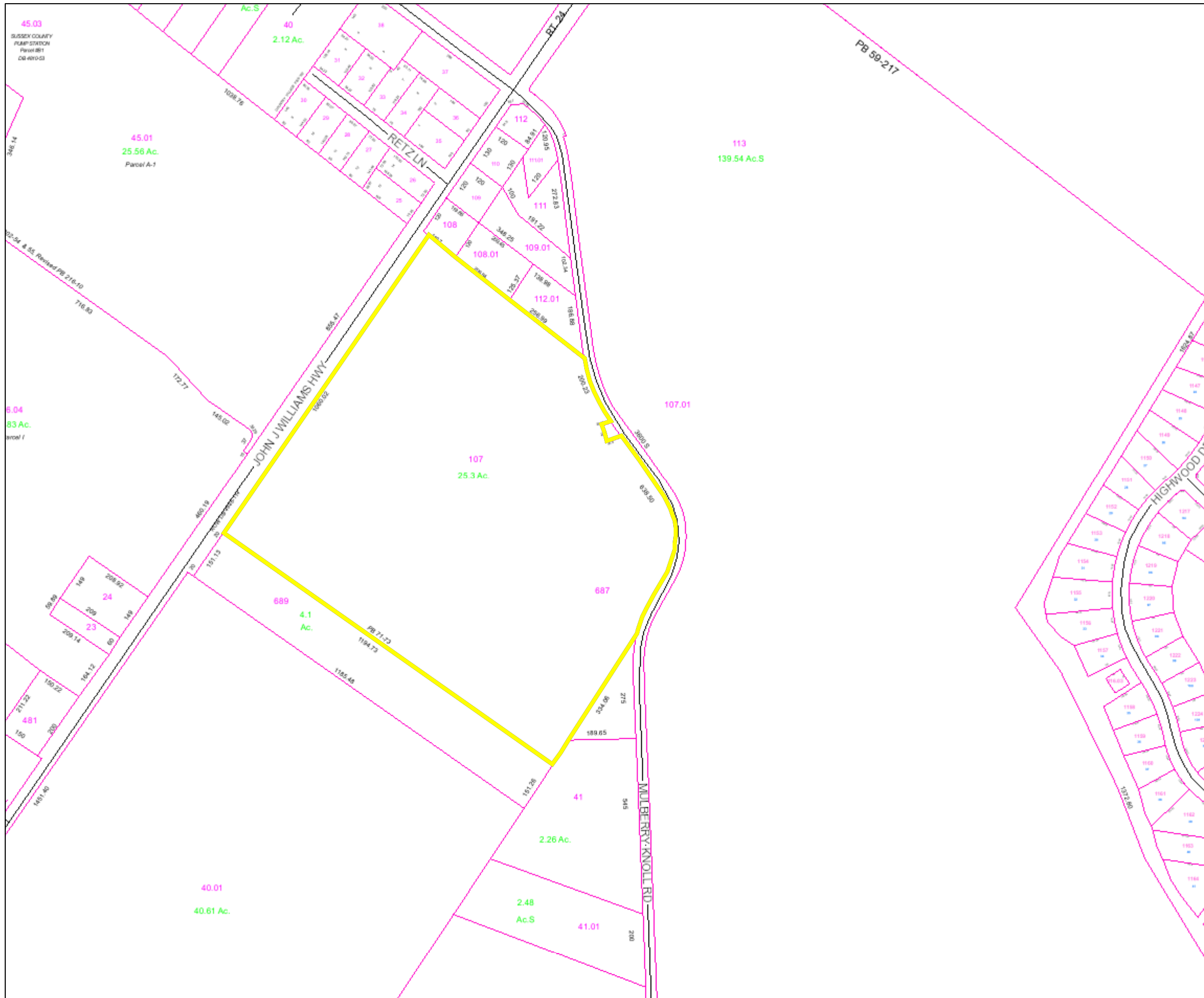
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- Streets
- County Boundaries
- Municipal Boundaries

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Sussex County



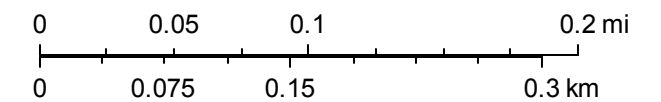
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Owner Name	CAPE HENLOPEN SCHOOL DISTRICT
Book	2549
Mailing Address	1270 KINGS HWY
City	LEWES
State	DE
Description	ON RD 24
Description 2	CAPE HENLOPEN MIDDLE
Description 3	SCHOOL 2759700
Land Code	

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Override 1
- Tax Parcels
- Streets
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- Municipal Boundaries

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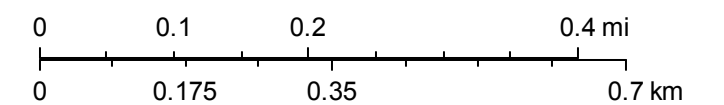
Sussex County



PIN:	334-12.00-107.00
Owner Name	CAPE HENLOPEN SCHOOL DISTRICT
Book	2549
Mailing Address	1270 KINGS HWY
City	LEWES
State	DE
Description	ON RD 24
Description 2	CAPE HENLOPEN MIDDLE
Description 3	SCHOOL 2759700
Land Code	

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 - Override 1
- Tax Parcels
- Streets

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Introduced 09/22/2020

**Council District 4 - Hudson
Tax I.D. No. 334-12.00-107.00 (Portion Of)
911 Address: 19483 John J. Williams Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY ELEVATED STORAGE TANK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.32 ACRE, MORE OR LESS

WHEREAS, on the 18th day of August 2020, a conditional use application, denominated Conditional Use No. 2240 was filed on behalf of Tidewaters Utilities, Inc; and

WHEREAS, on the ____ day of _____ 2020, 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. 2240 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2240 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of John J. Williams Highway (Route 24) approximately 1.52 miles southwest of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by Beacon Engineering, LLC, said parcel containing 0.32 acre, 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 4, 2020

RE: County Council Report for CU 2241 filed on behalf of Jonathan J. Bowman

The Planning and Zoning Department received an application (CU 2241 filed on behalf of Jonathan J. Bowman) for a Conditional Use for parcel 333-7.00-32.00 to allow for a truck and trailer repair business at 34647 Millsboro Highway, Millsboro. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 2.69 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on October 8, 2020. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 5 reasons and subject to the 13 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of October 8, 2020 and the draft minutes of the October 22, 2020 Planning & Zoning Commission meeting.

[Approved Minutes of the October 8, 2020 Planning & Zoning Commission Meeting](#)

C/U 2241 Jonathan J. Bowman

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a truck and trailer repair business to be located on a certain parcel of land lying and being in Gumboro Hundred, Sussex County, containing 2.69 acres, more or less. The property is lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 ft. north of Bradford Road (S.C.R. 426). 911 Address: 34647 Millsboro Highway, Millsboro. Tax Parcel: 333-7.00-32.00



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

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's survey, an exhibit book, a copy of the DelDOT service level evaluation response, and comments from the Sussex County Engineering Department Utility Planning Division.

The Commission found that Ms. Mackenzie Peet, Esquire was present on behalf of the applicant, Jonathan J. Bowman; that also present was Mr. Jonathan Bowman; that the Applicant, Jonathan and his wife, Veronica reside on this property with their family; that both Mr. and Mrs. Bowman have full time jobs outside of the home; that the use of a truck and trailer repair business began in 2018 as a hobby for

Mr. Bowman; that two notices of violation have been issued regarding the business on the subject property; that one of the violations was for having unregistered and inoperable vehicles on the property; that Mr. Bowman intends to extend the pole barn to remedy this issue should the conditional use be granted; that the second violation was for operating a truck and trailer repair business on site without a conditional use approval; that for Mr. Bowman this business is a hobby, however, he has a friend who works on the site who does garner a small profit from the repairs; that there are no formal hours of operation; that a traffic impact study is not required; that there is a dumpster on site for waste and all oil is disposed of at a nearby oil burner company; that the repairs can create noise on the property, the Applicant is proposing to add Cypress around the perimeter of the property to help reduce the noise to neighboring properties; that the subject property is in a rural area with few neighbors; that the Applicant has discussed the use with neighbors and received no complaints; that the subject property is zoned AR-1 and the surrounding properties are also zoned AR-1; that there no other conditional uses within a one-mile radius; that the location of the business is compatible with the surrounding use; that there are businesses in the area, a chicken farm, Reynolds Garage and a similar truck repair business; that the Applicant will take steps to keep the property neat and presentable; and that the staff memo states that the proposed could be consistent with land use zoning and surrounding uses.

Ms. Wingate asked if the proposed pole barn would be an area to store the inoperable vehicles.

Ms. Peet stated that the Applicant wants to get the inoperable vehicles under a covered structure while they are being worked on.

Ms. Stevenson asked if there is a precedent in the County for this type of business with varied hours of operation.

Mr. Robertson stated that there is not, that each application is different, and conditions can be set by the Commission.

Ms. Wingate stated that the Commission would need more clarity on the hours of operation being requested.

Mr. Bowman stated that there are times when he works late into the night and then days can go by when no work is being performed; that the busiest time is between 3:00 pm – 10:00 pm and all day on weekends; and that a sign is not being requested.

Mr. Robertson asked about the vehicles that the Applicant is working on.

Mr. Bowman stated that two of the vehicles belong to him and that he buys inoperable jockey trucks, repairs the vehicles and sells them at auction.

Mr. Hopkins asked if the Applicant has spoken to his neighbors and how close are the nearest neighbors to the subject property.

Mr. Bowman pointed to the nearest residential neighbor on the map and stated that he has spoken with his neighbors and they have no complaints about the use of his property.

Ms. Stevenson asked about the complaints that were submitted.

Mr. Whitehouse stated that one of the Constables was working in the area when someone mentioned this property, then the Constable stopped by and found the violations and issued the violation letters.

Mr. Wheatley stated that the action taken on this property travels with this property and if the current Applicant sold the property, if there are no conditions then the new owner could do something far different than the current proposed use.

The Commission found that no one spoke in favor of or in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2241 Jonathan J. Bowman. Motion by Ms. Wingate, second by Ms. Stevenson, to defer action for further consideration. Motion carried 5-0.

Draft Minutes of October 22, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 8, 2020.

Ms. Stevenson moved that the Commission recommend approval for Condition Use 2241 Jonathan J. Bowman based upon the record made during the Public Hearing and for the following reasons:

1. The proposed truck and trailer repair facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.
2. The use began as a hobby on the Applicant's property, and the need for a conditional use arose as the use expanded.
3. The location is mostly surrounded by farms and other large tracts of land.
4. The Applicants live on the site and the Applicants intend to keep the residential appearance of the property.
5. No parties appeared in opposition to this application.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - a. Before Final Site Plan approval occurs, the Applicant shall clean up the property and remove any inoperable trucks, trailers or vehicles. This cleanup shall be verified by a Sussex County Constable.
 - b. No sign shall be permitted.
 - c. Security lighting shall be shielded and downward screened and shall be directed away from

- neighboring properties and roadways.
- d. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - e. No junked, unregistered or permanently inoperable vehicles, trucks or trailers shall be stored on the site.
 - f. There shall be no more than five (5) trucks or trailers on the site at any time.
 - g. There shall not be any parking in the front yard setback.
 - h. The parking and repair areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers shall only be parked and worked on within these designated areas.
 - i. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.
 - j. The site shall be subject to all DelDOT entrance and roadway requirements.
 - k. As stated by the Applicant, there shall be a perimeter buffer of cypress trees or similar vegetation that shall be planted and maintained to screen the use from neighboring properties and roadways and to suppress noise coming from the truck repairs. The location and details of this perimeter buffer shall be shown on the Final Site Plan.
 - l. Any violation of these conditions may be grounds for termination of this conditional use.
 - m. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8, 2020.

Application: (CU 2241) Jonathan J. Bowman

Applicant: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Owner: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Site Location: 34647 Millsboro Highway
Millsboro, DE 19966

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Truck and Trailer Repair Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Riley

School District: Indian River School District

Fire District: Gumboro Fire District

Sewer: Septic

Water: Well

Site Area: 2.69 acres +/-

Tax Map ID.: 333-7.00-32.00



JAMIE WHITEHOUSE, AICP, MRTPI
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jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2241 Jonathan J. Bowman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2241 Jonathan J. Bowman to be reviewed during the October 8, 2020 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 Tax Parcel 333-7.00-32.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a truck and trailer repair business. The parcel is located on the east side of Millsboro Hwy. (Rts. 26/30) in Millsboro, Delaware. The size of the property is approximately 2.69 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Low Density". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the north, south and west are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a truck and trailer repair business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

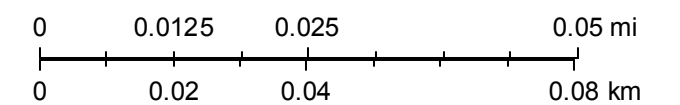




PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
Book	4500
Mailing Address	34647 MILLSBORO HIGHWAY
City	MILLSBORO
State	DE
Description	E/RT 26 110'
Description 2	N/RT 426
Description 3	N/A
Land Code	

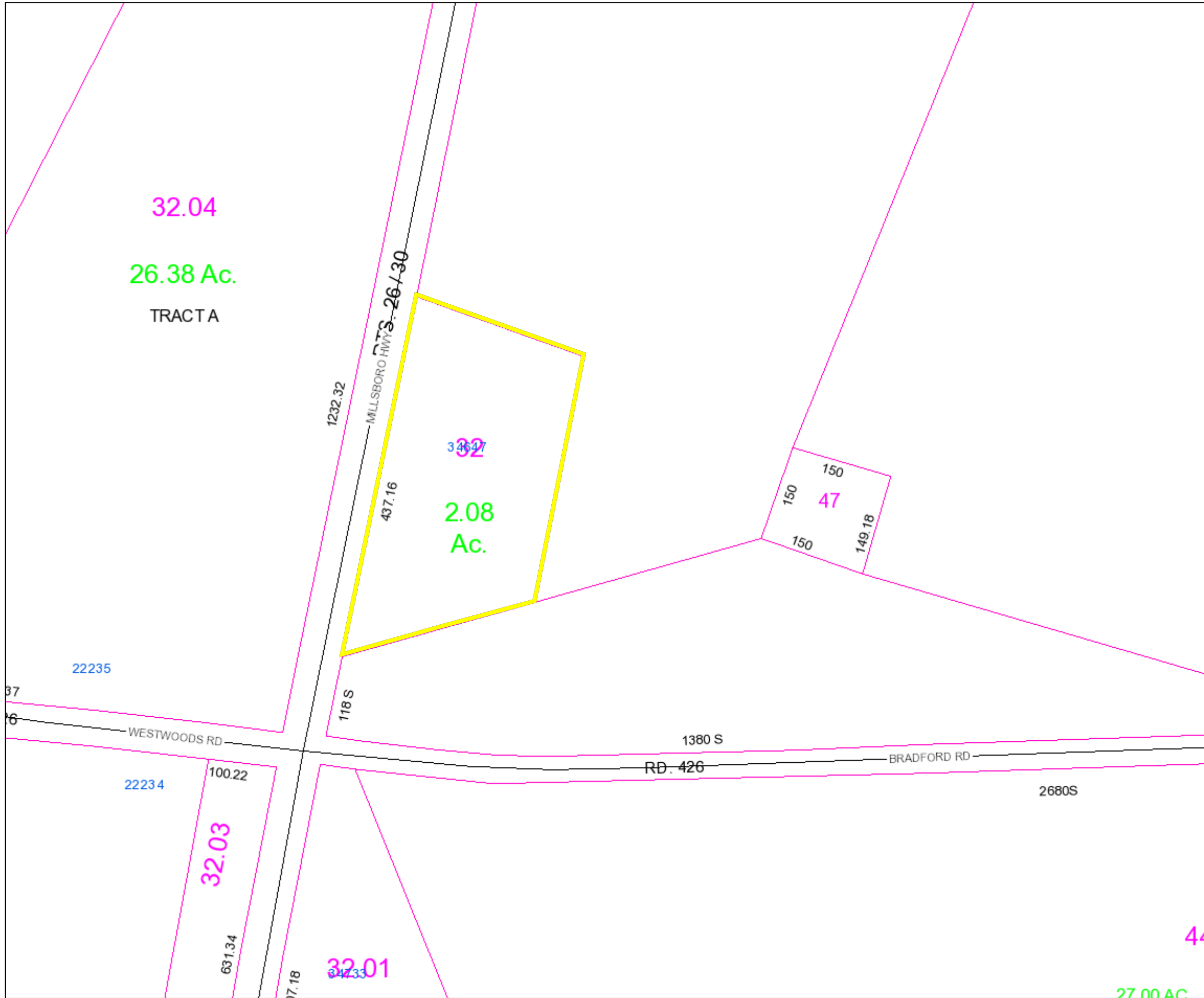
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries

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Sussex County

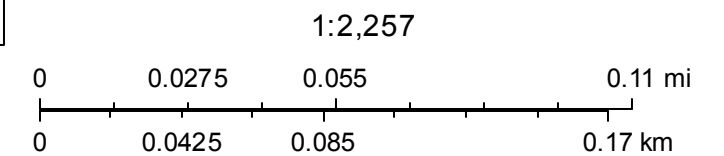


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- polygonLayer

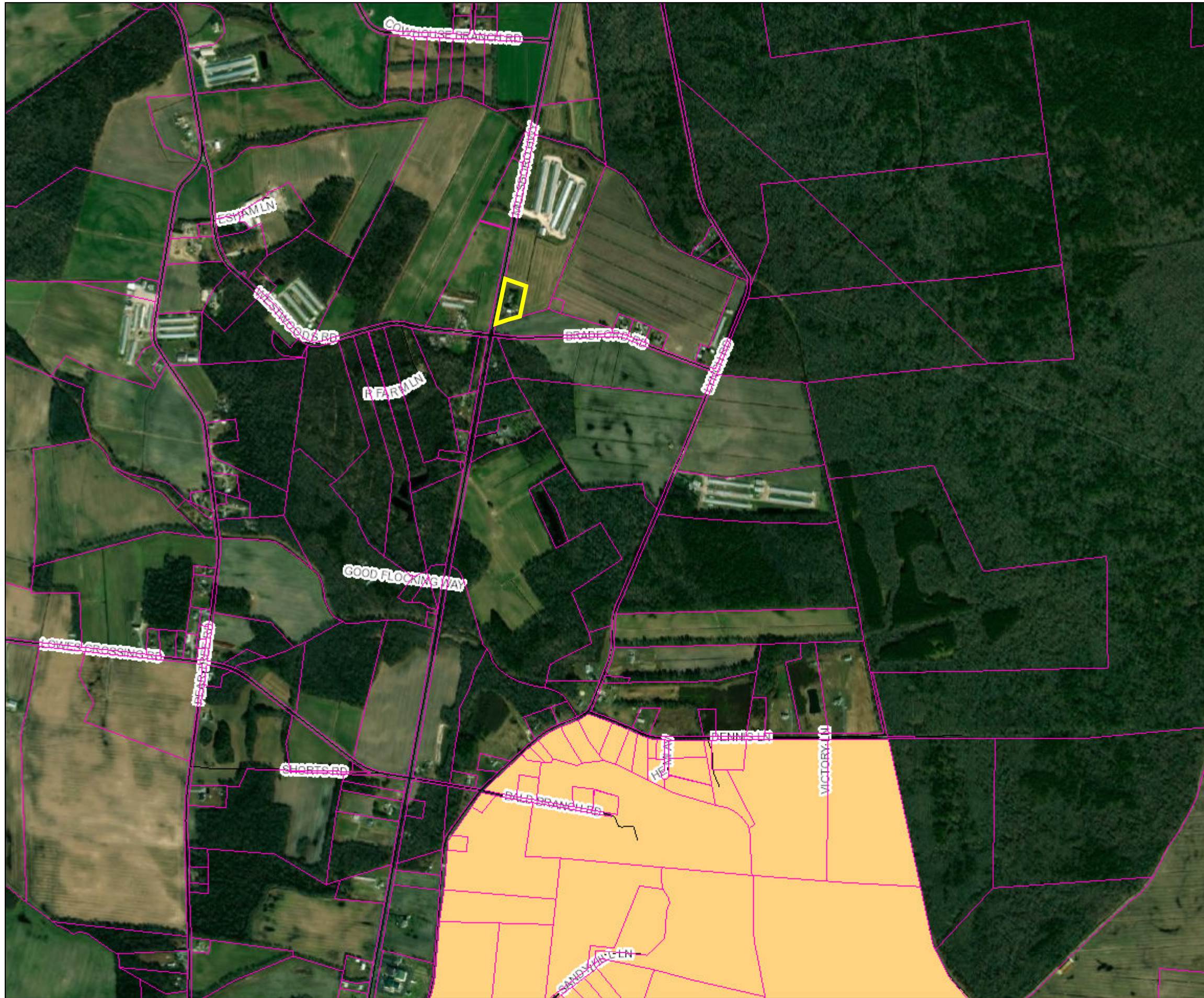
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- polygonLayer

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- Tax Parcels
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Sussex County



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polygonLayer

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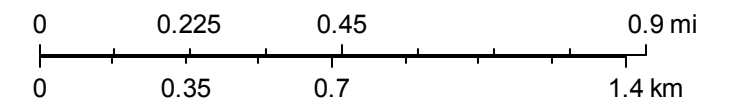
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Override 1

Tax Parcels

Streets

1:18,056



Introduced 09/22/20

**Council District 5 - Rieley
Tax I.D. No. 333-7.00-32.00
911 Address: 34647 Millsboro Highway, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND TRAILER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.69 ACRES, MORE OR LESS

WHEREAS, on the 25th day of August 2020, a conditional use application, denominated Conditional Use No. 2241 was filed on behalf of Jonathan J. Bowman; and

WHEREAS, on the ____ day of _____ 2020, 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. 2241 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2241 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 Gumboro Hundred, Sussex County, Delaware, and lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 feet north of Bradford Road (S.C.R 426) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A, said parcel containing 2.69 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 4, 2020

RE: County Council Report for CZ 1925 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

The Planning and Zoning Department received an application (CZ 1925 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut) for a Change of Zone of parcel 134-19.00-22.00 from Agricultural Residential (AR-1) Zoning District to B-2 Business Community District for a 25.63 acres parcel lying on the northeast corner of Bayard Road and Double Bridges Road.

The Planning and Zoning Commission held a public hearing on October 8, 2020. At the meeting of October 22, 2020, the Commission recommended approval of the application for the 8 reasons outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of October 8, 2020 and the draft minutes from the Planning & Zoning Commission meeting of October 22, 2020.

Approved Minutes of the Planning & Zoning Commission Meeting of October 8, 2020

C/Z 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.63 acres, more or less. The property is lying on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363). 911 Address: N/A. Tax Parcel: 134-19.00-22.00 (portion of).

Mr. Whitehouse advised the Commission that submitted into the record is an exhibit book, a copy of the Applicant's site plan, a staff analysis, a copy of the DelDOT service level evaluation response,



comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that eight letters of support have been received.

The Commission found that Mr. Russell Archut and Mr. Brenton Archut were present on behalf of their Application. Mr. Brenton Archut stated that they are requesting to rezone a 2.99-acre portion of the property which is approximately 25.63 acres at the intersection of Bayard Road and Double Bridges Road from AR-1 to B-2, Business Community District; that it will provide a convenient location for services needed by this growing area; that having these small type of local businesses will reduce congestion on area roads and streets by providing a variety of services to local residents; that it will also provide opportunities for employment and small businesses to grow their businesses; that there is not enough commercial property in this area to keep up with growing residential needs; and that this rezoning meets the goal of the Sussex County Land Use Plan as it is in the Coastal Area which is considered a growth area where additional consideration should be given.

Mr. Russell Archut stated that currently the entire property is being farmed; that the proposal is that the front portion of the property on the northern most part will be zoned B-2; that the Woodlands at Bethany is the closest subdivision; that there are proposed subdivisions across the street; that there will be a natural buffer of dedicated open space which is wetlands and is covered with trees between the subdivision and the subject property; that the nearest dwelling is approximately 180 ft. away through the woods and to the east the nearest dwelling is approximately 220 ft.; that this property has been owned by family since 1943; that the property is adjacent to the County sewer district; that the developer of the

Woodlands has provided an easement for sewer connection; that Tidewater Utilities have provided an Ability to Serve letter and water lines are currently located along the property frontage; that at this time a Traffic Impact Study (TIS) is not required but if the rezoning is granted and a site plan submitted, a TIS may be required at that time and the Applicant may have to give some land to DelDOT for road improvements; that the property is centrally located in the growth area just below the towns of Millville and Ocean View; that that there are two commercial zoned areas in the vicinity in addition to a number of properties with conditional use approvals; that historically this location has always had businesses that provided general services for the area; that H.H. Hickman store was in this location from the late 1800's to the mid-1900's; that the Applicant envisions that this property could host businesses such as a small restaurant, some office space and small retail stores; that many properties in the area are being bought by developers; that the Applicant does not want to sell off and divide the land but would like to be able to use this portion for community business and continue to farm the remainder of the property; and that the Staff Analysis states that based on the surrounding zoning and uses a change of zone to a Community Business could be considered as being consistent with land use, area zoning and surrounding areas.

Mr. Brenton Archut gave a summary of the requested rezoning; that is only 12% of the property is requested to be rezoned; that the remainder of the property will continue to be farmed; that the Comprehensive Plan stated that in the growth area there should be careful mixtures of homes with light commercial office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home and in addition to being in the Coastal Area this location is also in a low-density rural area which emphasizes that retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents; that within one mile radius of this property are 1000 plus new and approved homes since 2008 and another 135 potential in near future; and stated that this is an ideal location as it is located 3.1 miles from Route 54 and 3.5 miles

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 8th, 2020

Application: CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

Applicant/Owner: Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

Site Location: Northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: B-2 (Business Community District)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: This parcel is split between Millville Fire Company and Roxana Fire Company, with the subject portion of the site falling within the jurisdiction of the Millville Fire Company

Sewer: Currently on private septic with proposed connection to the Sussex County Central Sewer System in the future

Water: Private (On-site)

Site Area: 25.63 acres +/-

Tax Map ID.: 134-19.00-22.00





Memorandum

To: Sussex County Planning Commission Members

From: Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: September 15, 2020

RE: Staff Analysis for CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut to be reviewed during the October 8, 2020 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 Tax Parcel 134-19.00-22.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) District. The parcel is located on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363). The parcel is divided by Double Bridges Road and is located at 35910 Double Bridges Road. The size of the property is approximately 25.63 acres +/-.

The 2018 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 in the plan indicates that the subject property has the land use designation of "Coastal Area." Each property to the north, south, east, and west also have the "Coastal Area" designation. The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Community Business (B-2) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District.

Since 2011, there have been two Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1841 was a previous Change of Zone application for the subject site (i.e. this same tax parcel). It was denied by the Sussex County Council on January 30, 2018. Change of Zone No. 1761, which proposed a change from a General Commercial (C-1)



District to an Agricultural Residential (AR-1) District, was approved by the Sussex County Council on November 18, 2014. It was adopted through Ordinance No. 2373.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to a Community Business (B-2) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.



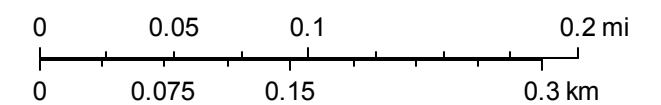
Sussex County



PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
Book	3648
Mailing Address	36219 OLD CHURCH CEME
City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
Description 2	TO DOUBEL BR
Description 3	T#55018
Land Code	

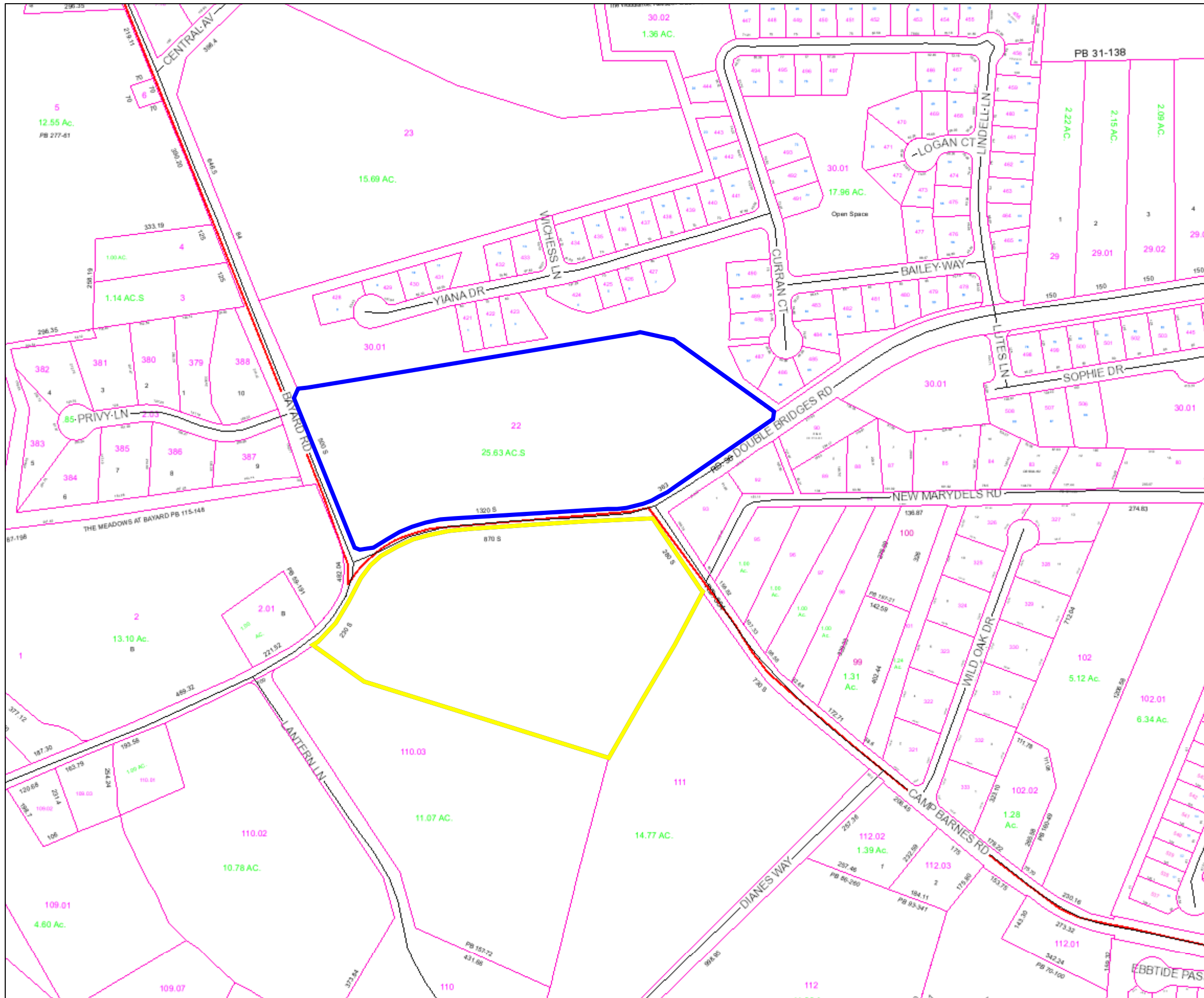
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- Override 1
- Tax Parcels
- Streets
- Fire Districts
- County Boundaries

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Sussex County



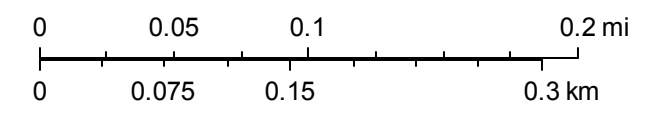
PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
Book	3648
Mailing Address	36219 OLD CHURCH CEME
City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
Description 2	TO DOUBEL BR
Description 3	T#55018
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

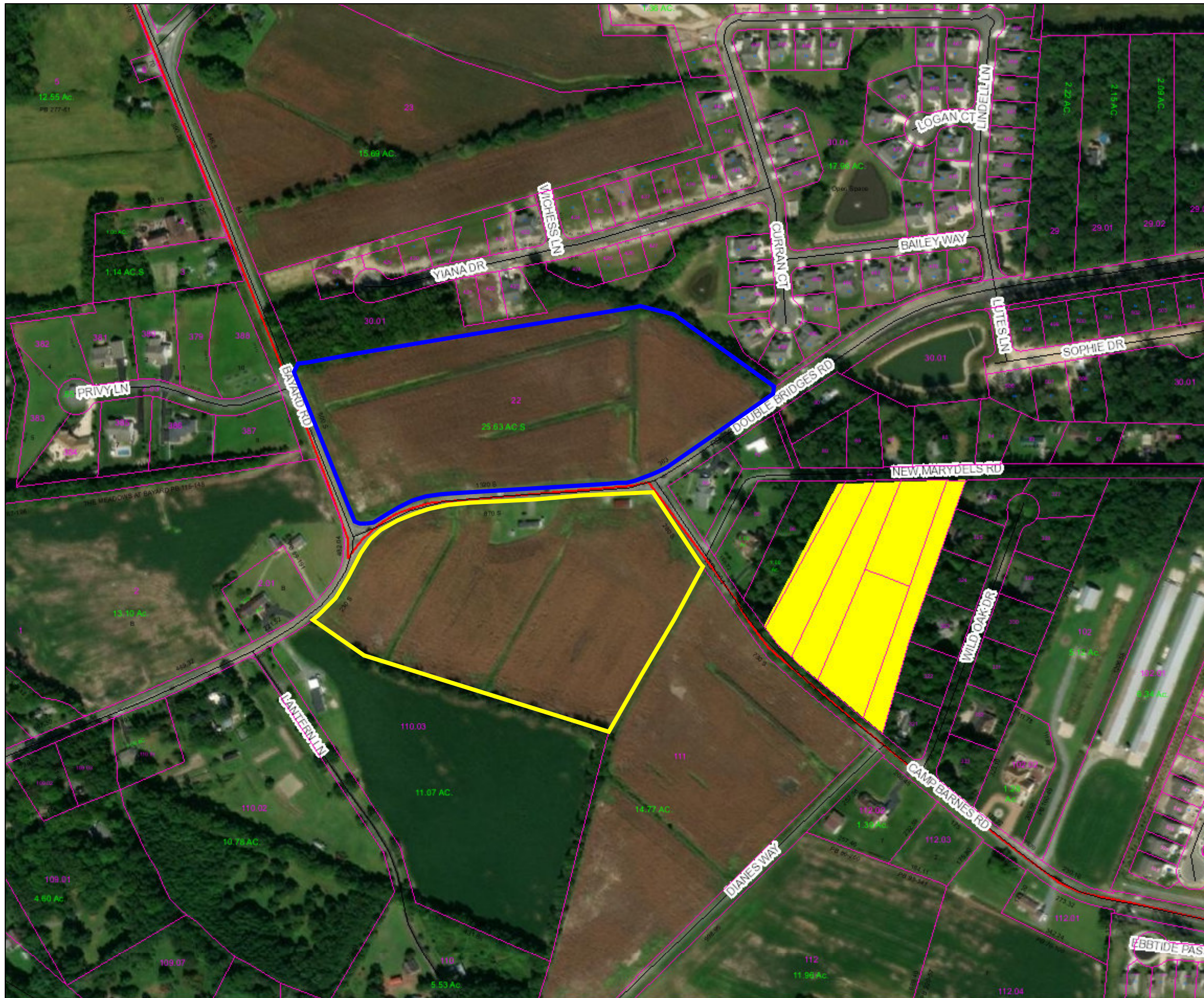
Override 1
- Tax Parcels
- Streets
- Fire Districts
- County Boundaries

1:4,514





Sussex County



PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
Book	3648
Mailing Address	36219 OLD CHURCH CEME
City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
Description 2	TO DOUBEL BR
Description 3	T#55018
Land Code	

polygonLayer

Override 1

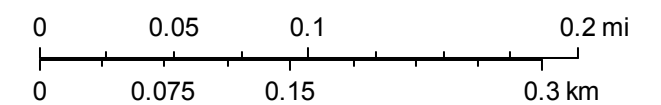
polygonLayer

Override 1

Tax Parcels

Streets

1:4,514



Introduced 09/22/20

**Council District 5 - Rieley
Tax I.D. No. 134-19.00-22.00 (portion of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.63 ACRES, MORE OR LESS

WHEREAS, on the 10th day of July 2020, a zoning application, denominated Change of Zone No. 1925 was filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut; and

WHEREAS, on the ____ day of _____ 2020, 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. 1925 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-2 Business Community 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 northeast corner of the intersection of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363) and being more particularly described in the attached legal description, said parcel containing 25.63 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.