



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

**MEETING:  
November 15, 2016**

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**Sussex County Council  
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MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
ROBERT B. ARLETT  
GEORGE B. COLE  
JOAN R. DEAVER



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# Sussex County Council

## AGENDA

NOVEMBER 15, 2016

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Consent Agenda

1. Wastewater Agreement No. 984-9  
Sussex County Project No. 81-04  
Coastal Club – Land Bay 3 – Phase A-1  
Goslee Creek Planning Area
2. Wastewater Agreement No. 984-10  
Sussex County Project No. 81-04  
Coastal Club – Land Bay 3 – Phase A-2  
Goslee Creek Planning Area
3. Wastewater Agreement No. 1056  
Sussex County Project No. 81-04  
Maryland Avenue Sewer Relocation  
Bethany Beach Sanitary Sewer District

### Public Comments

### Todd Lawson, County Administrator

1. Administrator's Report



**Gina Jennings, Finance Director**

1. Third Quarter Employee Recognition Awards
2. First Quarter Financial Report for Fiscal Year 2017

**Lawrence Lank, Director of Planning and Zoning**

1. Request for Time Extension - Subdivision No. 2007-9, application of Thompson Schell, LLC for the Woodfield Preserve Subdivision
2. Report – Change of Zone No. 1802 filed on behalf of J. G. Townsend, Jr. & Co.

**Old Business**

Change of Zone No. 1759  
Osprey Point D, LLC

**Hans Medlarz, County Engineer**

1. General Labor & Equipment Contract, Project 17-01
  - A. Change Order No. 1
2. T-Hangar Replacement, Project 17-07
  - A. Recommendation to Award
3. Sussex County Landfills 2016 Site Maintenance
  - A. Recommendation to Award

**Joe Wright, Assistant County Engineer**

1. Estates of Sea Chase, Project 16-32
  - A. Change Order No. 1 and Substantial Completion

**Grant Request**

1. Boys & Girls Clubs of Delaware for Masquerade Ball scholarship fundraiser
2. Town of Blades for community event

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

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**1:00 p.m. – Comprehensive Land Use Plan Workshop**

**Location: Sussex County West Complex**

**Adjourn**

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 7, 2016 at 4:20 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 25, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 25, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 646 16  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting the agenda item entitled "Wastewater Agreement No. 925-1, Sussex County Project No. 81-04, Deerbrook, Long Neck Sanitary Sewer District"; and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of October 11, 2016 were approved by consent.

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**DELAWARE LIONS FOUNDATION, CAMDEN, DELAWARE.  
RE: Letter in appreciation of grant.**

**MILFORD HOUSING DEVELOPMENT CORPORATION, MILFORD,  
DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

Paul Reiger referenced an article in the *Cape Gazette* relating to definitions, i.e. number of horses/mules and stables, garages, and pole barns; he also referenced a Facebook post and comments on that post.

**Comments (continued)**      **Dan Kramer commented on the adoption of the Ordinance relating to signs and the need to enforce it.**

**U of D Cooperative Extension Programs**      **Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of all of the programs at 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: Extension Programs, Poultry Research, Lasher Lab, Crop Programs, Safety Programs and Internship Program. The Council presented a check to Mr. Isaacs for the University of Delaware Carvel Research and Education Center. Mr. Isaacs noted that all funds are used in Sussex County to support the agricultural community.**

**Government Affairs Manager Selection**      **Mr. Lawson announced that Mike Costello has been selected to serve as the County's Government Affairs Manager. Mr. Costello currently serves as the County's Chief Constable and will transition into this new position by the end of the year.**

**Planning and Zoning Commission Nominee**      **Mr. Lawson reported that Mr. Wilson has submitted the name of Keller Hopkins as a nominee for the Planning and Zoning Commission. In accordance with the County's Rules of Procedure and County Code, a public interview process will be held at the November 1st meeting to consider Mr. Keller's appointment to the Commission. Mr. Lawson distributed copies of Mr. Hopkins' resume.**

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

- 1. Delaware Solid Waste Authority Reports**

**There were 31,622 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of July, August, and September. Attached are reports received for each month.**

- 2. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Silver Woods received Substantial Completion effective October 14th.**

- 3. Delaware State Police Town Hall Meeting**

**The Delaware State Police will host a Town Hall meeting this Thursday, October 27, 2016, at 7:00 PM at the Indian River High School Auditorium. This Town Hall meeting is being held to address Police-Community Relations in Sussex County. It is a joint venture between Law Enforcement, Legislators and the Indian River School District. A copy of their flyer is attached, which states the Town Hall is an opportunity for "an open, honest dialogue between Law Enforcement and our communities across Sussex County".**

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

**Robert Stuart, the County's Director of Paramedics, will join the panel of local elected officials, law enforcement officers and school officials for this very important discussion.**

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

**Mike Costello, Chief Constable, thanked the Council for the opportunity to serve as the Government Affairs Manager.**

**Anti-  
Dumping  
and  
Anti-  
Littering  
Task  
Force  
Report**

**Mike Costello, Chief Constable, updated the Council on the Anti-Dumping and Anti-Littering Task Force established by House Concurrent Resolution No. 40. Mr. Costello advised that the Task Force consists of eighteen members from local, state, private and non-profit organizations, including several legislators and he noted that he represented Sussex County on the Task Force. Mr. Costello reported that the Task Force was directed to quantify and define the residential and commercial aspects of illegal dumping issues, explore what actions are currently taking place within the State to address the issues, and identify and review anti-dumping and anti-littering strategies employed by other states. The Task Force filed a report that included the scope and nature of littering and dumping in Delaware, actionable recommendations for reducing littering and dumping in the State, a strategy for coordinating the efforts of state agencies to combat littering and illegal dumping, and identifying legislation and funding needed to implement these strategies.**

**Mr. Costello reported that the Task Force identified a multitude of approaches and he outlined the recommended strategies and tactics. He noted that each actionable item has been assigned to a task force member for preparation, evaluation, and implementation. Mr. Costello also reported that, on September 30th, the findings and actionable recommendations were forwarded to the General Assembly and to the Governor. It was recommended that the Task Force remain in place through the implementation period. Mr. Costello noted that the Task Force will expire with the 148th General Assembly on November 8, 2016. It has been recommended that a new Task Force be created by the 149th General Assembly so that there will be continuity throughout the implementation of the recommendations.**

**Service  
Reciprocity  
Agreement/  
Delmar  
Fire  
Department**

**Robert Stuart, Director of EMS; Robbie Murray, EMS Operations Manager; and Rob Thompson, President of the Delmar Fire Department, presented a Proposed Service Reciprocity Agreement between Sussex County EMS and the Delmar Fire Department. They explained that this agreement has been needed since 1978 when the law was enacted to put paramedic service in Delaware; at that time, Delmar was not included. Delmar Fire Department is the primary provider of pre-hospital advanced life support care and transportation to the Delmar, Maryland area; Sussex County EMS covers the 35 mile area with one paramedic unit. Mr. Stuart advised that the proposed agreement will allow for them to provide treatment to the people of**

**Agreement (continued)**      **Delmar. It was noted that Delmar is in a unique situation since they serve Maryland and Delaware and a lot of their paramedics obtain their license in Maryland.**

**M 647 16**      **A Motion was made Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Council approves the Service Reciprocity Agreement between Sussex County EMS and the Delmar Fire Department, as presented on October 25, 2016.**

**Approve Service Reciprocity Agreement**

**Motion Adopted:      5 Yeas.**

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

**CZ 1759/**      **Lawrence Lank, Director of Planning and Zoning, reported on Change of Report on Receipt of Public Comments**      **Zone No. 1759 filed on behalf of Osprey Point D, LLC, including the Planning and Zoning Commission's recommendation of approval and the receipt of information and public comments (including a letter from James A. Fuqua, Jr., Esquire, on behalf of Osprey Point D, LLC with attachments, and 38 letters/emails) prior to the closing of the record on August 22, 2016.**

**M 648 16**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to close the record on Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC.**

**Close Record/ CZ 1759**

**Motion Adopted:      5 Yeas.**

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

**Love Creek Woods/ Final Approval of Sewer Participation Agreement**      **Hans Medlarz, County Engineer, presented a proposed Sewer Participation Agreement between NSBM, LLC, Sussex County, and the Love Creek Woods Homeowners Association. Mr. Medlarz explained that the Love Creek Woods subdivision is located in the Angola North Expansion Area, the project where the County needed to obtain the last easement to get the certification for the right-of-way to proceed to bidding. Mr. Medlarz reported that the issues have been resolved; a signed easement document has been obtained; and the result is the proposed participation agreement being presented on this date. Mr. Medlarz explained that the County will make every attempt to keep the project under the \$180,000 contributed by the third party; however, the County assumes no liability above and beyond the \$180,000.**

**M 649 16**      **A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, based upon the recommendation of the County Engineering Department, that the Sussex County Council approves the Sewer Participation Agreement between Sussex County and NSBM, LLC and the Love Creek Woods Homeowners Association.**

**Approve Sewer Participation Agreement**



**M 649 16  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**SCRWF  
Approve  
Contract  
Amendment  
for Con-  
ceptual  
Design  
Develop-  
ment**

**Hans Medlarz, County Engineer, discussed the South Coastal Regional Wastewater Facility (SCRWF) expansion. He reported that SCRWF is a 7 MGD facility and is currently operating under an Administratively Extended Permit and that the County would like to extend its permit to 10 MGD within the next permit cycle (5 years). Mr. Medlarz referenced Council's approval of the Engineer of Record; stated that Council reaffirmed that Engineer, which is GHD, Inc.; and stated that the Council authorized the negotiation of Amendment No. 11 (Base Contract preparation of Conceptual Design Development – 30% Design Stage).**

**M 650 16  
Approve  
Amendment  
to SCRWF  
Contract**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the County Engineering Department, that Amendment No. 11 to the South Coastal Regional Wastewater Facility Expansion No. 2, Contract with GHD, Inc., be approved in the amount not to exceed \$242,114.00.**

**Motion Adopted: 5 Yeas.**

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

**Road,  
Drainage,  
and Code  
Updates  
& Modifi-  
cations/  
Working  
Group  
Update**

**Hans Medlarz, County Engineer, and Vince Robertson, Assistant County Attorney, presented the Working Group's update regarding road, drainage and County Code updates/modifications. They explained that proposed changes have been developed to the Ordinance and chapters of the Code:**

- 1. Amend Chapters 90, 99 and Chapter 115 regarding Bulk Grading Plans, Detailed Grading Plans (by phase) and Individual Lot Grading Plans.**
- 2. Update street design requirements including road right of way drainage for subdivisions.**
- 3. Update bonding requirements for residential projects, including an unbonded provision where no properties are being transferred.**
- 4. Establish amenities as a separate phase with separate bonding.**
- 5. Clarify "Notice to Proceed" and Project Closeout requirements.**
- 6. Introduce expiration dates for construction plan approvals with regard to infrastructure and roads within subdivisions.**
- 7. Clarify that all fees required in Chapters 99, 110 and 115 are established as part of the annual Sussex County Budget.**
- 8. Establish a period of validity for Commercial Site Plans.**

**Working Group Update (continued)** **Mr. Medlarz referenced an extra item that was not added to the list relating to sidewalks.**  
**It was noted that the next step would be the drafting of an ordinance and the introduction of that ordinance.**

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

**M 651 16 Countywide Youth Grant** **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to Delaware Community Foundation for a Delaware Children in Nature Coalition event.**

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

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

**M 652 16 Councilmanic Grant** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Cape Henlopen High School for the Advancement Via Individual Determination (AVID) System for trip expenses.**

**MOTION DIED** **Questions were raised regarding the grant request.**

**No vote was taken and the Motion Died.**

**M 653 16 Defer Action on Grant Request** **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the grant request submitted by the Cape Henlopen High School.**

**Motion Adopted: 5 Yeas.**

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

**No Action on Grant Request** **There was no action on the grant request from the Milton Police Department.**

**M 654 16 Councilmanic Grant** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to grant \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Pinetown Civic Association for Community Center repairs.**

**Motion Adopted: 5 Yeas.**

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

**M 655 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to grant \$500.00 from Mr. Cole's Councilmanic Grant Account to First State Community Action Agency for a Long Neck Community Day event.**

**Motion Adopted: 5 Yeas.**

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

**M 656 16  
Council-  
manic  
Grant/  
MOTION  
DIED**

**A Motion was made by Mr. Wilson to give \$2,500.00 (\$500.00 from each Councilmanic Grant Account) to the Town of Georgetown for the Mayor's Return Day Celebration.**

**The Motion Died for the lack of a Second.**

**M 657 16  
Council-  
manic  
Grant/  
MOTION  
DIED**

**A Motion was made by Mr. Wilson to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to the Town of Georgetown for the Mayor's Return Day Celebration.**

**The Motion Died for the lack of a Second.**

**Introduction  
of Proposed  
Ordinances**

**Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CRAFT DISTILLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Conditional Use No. 2065) filed on behalf of Keith Properties, Inc. (Tax I.D. No. 533-19.00-753.00) (911 Address: 38016 Fenwick Shoals Blvd., Selbyville).**

**Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (THREE (3) UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.15 ACRES, MORE OR LESS" (Conditional Use No. 2066) filed on behalf of Albert J. Bierman (Tax I.D. No. 232-13.00-62.01) (911 Address: 13287 Shiloh Church Road, Laurel).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL LANDSCAPING MATERIAL SALES AND STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS" (Conditional Use No. 2067)**

**Introduction of Proposed Ordinances (continued)** filed on behalf of Stockley Materials, LLC. (Tax I.D. No. 334-5.00-192.00) (911 Address: 32402 Lewes Georgetown Highway, Lewes).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.005 ACRES, MORE OR LESS” (Change of Zone No. 1814) filed on behalf of Stockley Tavern, LLC (Tax I.D. No. 133-6.00-41.00) (911 Address: 26072 DuPont Blvd., Georgetown).

The Proposed Ordinances will be advertised for Public Hearing.

**Council Members' Comments**

**Council Members' Comments**

Mr. Vincent recognized Mr. Arlett for his involvement with the Roxana Fire Department’s and Indian River School District’s pilot program (GEM program) to recruit and retain volunteers, starting with school children.

Mr. Vincent commented on the Sussex County Health Coalition and the importance of the Attack Addiction Program.

**M 658 16 Go Into Executive Session**

At 11:50 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session.

**Motion Adopted: 5 Yeas.**

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

**Executive Session**

At 11:54 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation, personnel, and land acquisition. The Executive Session concluded at 12:40 p.m.

**M 659 16 Reconvene Regular Session**

At 12:41 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**E/S Action**

There was no action on Executive Session matters.

**M 660 16**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to revert back on**  
**Revert**      **the Agenda to Grant Requests.**

**Back to**  
**Agenda**      **Motion Adopted:      3 Yeas, 2 Absent.**  
**Item**

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

**M 661 16**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00**  
**Council-**      **(\$400.00 from each Councilmanic Grant Account) to the Town of**  
**manic**      **Georgetown for the Mayor's Return Day Celebration.**  
**Grant**

**Motion Adopted:      3 Yeas, 2 Absent.**

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

**M 662 16**      **At 12:44 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**  
**Recess**      **recess until 1:30 p.m.**

**Motion Adopted:      3 Yeas, 2 Absent.**

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

**M 663 16**      **At 1:30 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**  
**Reconvene**      **reconvene.**

**Motion Adopted:      5 Yeas.**

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

**Rules of**  
**Procedure**      **Mr. Moore read the Rules of Procedure for Public Hearings.**

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled "AN**  
**Hearing/**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**CU 2057**      **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN**  
**ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN**  
**PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED,**  
**SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS"**  
**(Conditional Use No. 2057) filed on behalf of Delaware Electric Cooperative,**  
**Inc. (Tax I.D. No. 234-21.00-138.00 (Part of) (911 Address: None Available).**

**Public  
Hearing/  
CU 2057  
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting dated September 22, 2016.)

Janelle Cornwell, Planning and Zoning Director Appointee, provided a summary of the Commission's Public Hearing and recommendation of approval.

The Council found that Terry Jaywork, Esquire, was present with Jack Jester, Professional Engineer with Delaware Electric Cooperative, Inc. They stated that the application is for a new substation on a site across Zoar Road (Route 48) from an existing substation; that the existing substation has reached its lifespan and needs to be updated in order to serve the expanding load growth and development in the greater Georgetown–Millsboro and beach areas; that after the new facility is built, the existing site will be retired; that the new site consists of 4 acres; that no materials or equipment will be stored on the site; that the proposed use will not generate additional traffic; and that personnel will visit the site approximately twice a month.

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

**M 664 16  
Adopt  
Ordinance  
No. 2471  
(CU 2057)**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Ordinance No. 2471 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS" (Conditional Use No. 2057) filed on behalf of Delaware Electric Cooperative, Inc., with the following conditions:

- A. The perimeter of the substation will be fenced.
- B. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
- C. Any security lighting shall be screened away from neighboring properties and County roads.
- D. Landscaping shall be provided to screen the facility from adjacent properties and roadways.
- E. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2058**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (DUPLEX) DWELLING STRUCTURES (24 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.33 ACRES, MORE OR LESS” (Conditional Use No. 2058) filed on behalf of Old Orchard Ventures, LLC, c/o Barry Baker (Tax I.D. No. 335-8.00-25.00) (911 Address: 16773 Old Orchard Road, Lewes).**

**The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time action was deferred. On October 13, 2016, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated September 22 and October 13, 2016.)**

**Janelle Cornwell, Planning and Zoning Director Appointee, provided a summary of the Commission’s Public Hearing and recommendation of approval.**

**The Council found that Mark Dunkle, Attorney, was present on behalf of the Applicant with Mike Riemann, Professional Engineer, and Jeff Bross, Professional Engineer. They stated that this application is the same as an application submitted in 2010 and approved by the Council; that the prior Conditional Use expired although the Change of Zone remains; that they are proposing to develop the site with 24 multi-family units; that the site is a Certified Brownfield site; that most of the Brownfield site has been cleaned up; that groundwater monitoring has been done and there will be additional monitoring; that monitoring wells exist and are monitored by DNREC; that the brownfield designation will be part of a disclosure to future buyers; that rigorous environmental investigation has taken place; that the site will have public water and central sewer; and that a playground area is proposed at the front of the site.**

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

**M 665 16  
Adopt  
Ordinance  
No. 2472/  
CU 2058**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2472 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (DUPLEX) DWELLING STRUCTURES (24 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.33 ACRES, MORE OR LESS” (Conditional Use No. 2058) filed on behalf of Old Orchard Ventures, LLC, c/o Barry Baker, with the following conditions:**

- A. There shall be no more than 24 residential dwelling units.**

**M 665 16  
Adopt  
Ordinance  
No. 2472/  
CU 2058  
(continued)**

- B. The removal, disposal and monitoring of waste from the project site shall be in compliance with all DNREC requirements.**
- C. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, and other common areas.**
- D. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's destination.**
- E. The project shall be served by central sewer by the City of Lewes and/or Sussex County. Sewer service shall be available at the site prior to the issuance of the first residential building permit.**
- F. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these features.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Sidewalks shall be installed along at least one side of all streets.**
- I. There shall be a vegetated buffer along the entire perimeter of the site pursuant to Sections 115-21 8E and 99-4 of the Sussex County Code. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design for the site, including the buffer areas.**
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.**
- K. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Departments.**
- L. The applicant shall cooperate with the local school district's transportation manager to establish a school bus stop area. The bus stop area shall be shown on the Final Site Plan.**
- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- N. The Final Site Plan shall depict an easement for access to the property at the rear of the site.**
- O. All Site Plans and condominium documents shall contain a notice that the site is a Brownfield Site. The Final Site Plan shall identify the methods of monitoring the site before, during and after cleanup.**
- P. The Final Site Plan and condominium documents shall contain a notice similar to the agricultural use protection notice that the site is in the vicinity of a concrete plant, and the dust, noise, traffic, etc. associated with that plant.**
- Q. No Certificate of Occupancy shall be issued for any dwelling unit within the project until a Certificate of Completion of Remedy or**



**M 665 16  
Adopt  
Ordinance  
No. 2472/  
CU 2058  
(continued)**

similar certification is issued by DNREC confirming that all Brownfield remediation on the entire site has been completed to the agency's satisfaction. This requirement shall be included as a Note on the Final Site Plan for the development.

**R. The Final Site Plan for the development shall be subject to approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Years.**

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

**Public  
Hearing/  
CU 2059**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2059) filed on behalf of Julie Norwood (Tax I.D. No. 334-12.00-25.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time action was deferred. On October 13, 2016, the Commission deferred action again.**

**(See the minutes of the Planning and Zoning Commission dated September 22 and October 13, 2016.)**

**Janelle Cornwell, Planning and Zoning Director Appointee, provided a summary of the Commission's Public Hearing.**

**The Council found that Pete Norwood was in attendance on behalf of the application. He stated that their application is for a salon that will start with only two employees and may grow to four employees; that the cleaning business will continue on the property; that he has requested a site plan to be done; that the Sussex Conservation District has provided an exempt letter which he has presented to the Planning and Zoning Department; and that he understands he still has to obtain approvals from DelDOT and the State Fire Marshall.**

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

**M 666 16  
Defer  
Action/  
CU 2059**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205**

**M 666 16**      **SQUARE FEET, MORE OR LESS” (Conditional Use No. 2059) filed on**  
**(continued)**      **behalf of Julie Norwood.**

**Motion Adopted:      5 Yeas.**

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

**Public**  
**Hearing/**  
**CZ 1809**

**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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.24 ACRES, MORE OR LESS” (Change of Zone No. 1809) filed on behalf of MOCA Properties, LLC / Solid Image (Tax Map I.D. No. 532-6.00-87.02) (911 Address: 11244 Whitesville Road, Laurel).**

**The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time the Commission recommended that the application be approved.**

**(See the minutes of the Planning and Zoning Commission dated September 22, 2016.)**

**Janelle Cornwell, Planning and Zoning Director Appointee, provided a summary of the Commission’s Public Hearing and recommendation of approval.**

**The Council found that Blake Carey, Attorney, was present with Warren Reid of MOCA Properties, LLC and Solid Image. They stated that, currently, the retail store for Solid Image is located on the westerly side of Sussex Highway which creates a logistical problem for the business since the counter top displays are kept at a different site (the site of this application); that with the expansion of his business, the Applicant wishes to move the retail sales to the same location as the displays; that no changes are proposed with respect to the buildings located on the property; that the interiors of the buildings will be improved; that there will be no adverse impact on neighboring properties; that other businesses and commercial uses are located in the area; and that there is a proposed entrance/ingress from DuPont Highway and an ingress/egress off of Whitesville Road.**

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

**M 667 16**  
**Adopt**  
**Ordinance**  
**No. 2473**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Ordinance No. 2473 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1**

**M 667 16**      **COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL**  
**Adopt**            **OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX**  
**Ordinance**      **COUNTY, CONTAINING 6.24 ACRES, MORE OR LESS” (Change of Zone**  
**No. 2473/**        **No. 1809) was filed on behalf of MOCA Properties, LLC / Solid Image.**  
**CZ 1809**

**(continued)**

**Motion Adopted:      5 Yeas.**

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

**M 668 16**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at**  
**Adjourn**        **2:25 p.m.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Yea; Mr. Wilson, 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.}*

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 1, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 1, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 669 16  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting “Approval of Minutes”, “Introduction of Proposed Zoning Ordinances”, “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: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**CLOTHING OUR KIDS, MILLSBORO, DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

Bill Kinnick, President of the Delaware Manufactured Homeowners Association, spoke on behalf of the approximately 40,000 people that live in manufactured homes; he stated that new policies need to be established in Sussex County to protect the residents.

Leonard Sears stated that he would like to see a County Code similar to the State’s Landlord-Tenant Code. Mr. Sears submitted a copy of the State’s Landlord-Tenant Code. Mr. Sears referenced taxation without

**Public  
Comments  
(continued)**

representation, the eviction process, and affordable housing.

**Paul Reiger commented on the differences between AR Residential Zoning and GR General Residential Zoning, i.e. setbacks, special use variances, etc.**

**Public  
Hearing/  
Sweet  
Meadow  
Lane  
Expansion/  
Johnsons  
Corner  
Area**

**A Public Hearing was held on the Proposed Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area). The proposed expansion, consisting of 5.00± acres, was requested by the property owner (Shelly Lynn Wright) of Parcel No. 533-11.00-27.04. The property owner will be responsible for the System Connection Charge of \$5,775 .00.**

**John Ashman, Director of Utility Planning, reported that no calls have been received “for” or “against” the annexation.**

**Mr. Ashman noted that the adjacent parcel may be on a sub-standard on-site system and with the possibility of utilizing a combined lateral, the Engineering Department recommends including the parcel at the same time; thereby, when the connection is needed it will be available.**

**Hans Medlarz, County Engineer, stated that if the additional parcel recommended for the addition is subject to a sale, it would be subject to the inspection of the onsite system and if it failed, it would have to go through the process.**

**Public comments were heard.**

**Paul Reiger questioned the age of the septic system on the additional parcel and any previous inspections.**

**Mr. Medlarz stated that since the property is located in the Inland Bays Drainage District, the septic system would have to meet the nutrient reduction requirements. He further stated that this proposal will bring in a lateral for both properties, if needed.**

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

**M 670 16  
Adopt  
R 018 16**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Resolution No. R 018 16 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS ON THE NORTH SIDE OF COUNTY ROAD 388 (DEER RUN ROAD); THE PARCELS ARE LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (SWEET MEADOW LANE EXPANSION).**

**M 670 16**  
**(continued)**      **Motion Adopted:      5 Yeas.**

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

**P&Z**

**Commission Nominee**      **The Council conducted a public interview for Planning and Zoning Commission nominee Keller Hopkins.**

**M 671 16**      **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Keller Hopkins to the Sussex County Planning and Zoning Commission, effective November 1, 2016 for the balance of the seat's current term, until June 30, 2017.**

**P&Z**

**Commission**      **Motion Adopted:      4 Yeas, 1 Nay.**

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

**Public Hearing/  
Proposed Ordinance/  
Rental Program**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 ("HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS; AFFORDABLY PRICED"), ARTICLE II ("AFFORDABLY PRICED RENTAL UNITS")".**

**Brandy Nauman, Fair Housing Compliance Officer, and Stephanie Hansen, Attorney, reviewed the Proposed Ordinance and outlined the major points of revision in comparison to the existing program (Ordinance No. 1821). They reported that the Proposed Ordinance will encourage the development of affordable rental housing in Sussex County; will further incentivize developers to participate in the program; and will boost interest and involvement and make the program attractive to tenants. Ms. Hansen advised that a copy of the Proposed Ordinance has been supplied to HUD (Department of Housing and Urban Development) and to DOJ (Department of Justice); however, no response has been received.**

**The Council discussed the Proposed Ordinance.**

**Public comments were heard.**

**Joe Conaway spoke in support of the Proposed Ordinance; he commented on past development projects and he noted that a development project is ready to proceed; however, the development cannot be built under the existing ordinance. He stated that the Proposed Ordinance will protect taxpayers and the Council, and at the same time will allow people to rent in an area where they currently cannot find affordable rentals. Mr. Conaway commented on incentives, expedited review, and bonus density.**

**Public Hearing/  
Proposed Ordinance/  
Rental Program  
(continued)**

Ms. Hansen reported that one comment was received by email from Kent Schoch referencing a project for which the program is not workable. Mr. Schoch stated that he believes it would be helpful if the duration of the commitment (30 years) is reduced. Additionally, Mr. Schoch referenced a local range of “x” number of miles be applied to the rental calculation.

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

Mr. Vincent passed the gavel to Mr. Wilson.

**M 672 16  
Adopt Ordinance  
No. 2474/  
Rental Program**

A Motion was made by Mr. Arlett, seconded by Mr. Vincent, to Adopt Ordinance No. 2474 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 (“HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS; AFFORDABLY PRICED”), ARTICLE II (“AFFORDABLY PRICED RENTAL UNITS”)”.

**Motion Adopted: 5 Yeas.**

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

Mr. Wilson passed the gavel back to Mr. Vincent.

**Draft Ordinance  
Relating to  
Compu-  
tation  
of Pension  
Benefits**

Mr. Lawson presented for discussion a Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”. The Draft Ordinance was discussed previously on September 20, 2016 at which time Mrs. Jennings gave a presentation on the initiative. Additionally, the County’s Personnel Board has recommended approval of the proposed changes. Mr. Lawson reviewed the two major (proposed) changes to pension calculations.

**Introduction  
of Proposed  
Ordinance**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

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

**Adminis-  
trator’s  
Report**

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

**1. Election Year Scholarship Contest**

A reminder that there is only one week left for students to participate in the Election Year Scholarship Contest. As in elections past, students are asked to predict which candidates will win office in the 2016 general election on November 8<sup>th</sup>. Students 18 and younger who

Adminis-  
trator's  
Report  
(continued)

live in Sussex County are eligible to participate. The student with the most correct predictions will win a \$200 scholarship, while five runners-up will each win \$100 scholarships.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Millville by the Sea – Lakeside Village Ext. received Substantial Completion effective October 26<sup>th</sup>.

**3. Holiday and County Council Meeting Schedule**

County offices will be closed on Tuesday, November 8<sup>th</sup>, for Election Day and Thursday, November 10<sup>th</sup>, for Return Day. Offices will also be closed on Friday, November 11<sup>th</sup>, in honor of Veterans Day.

The Sussex County Council will not meet on November 8<sup>th</sup>. The next regularly scheduled Council meeting will be held on November 15<sup>th</sup> at 10:00 a.m.

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

Human  
Service  
Grants

Mrs. Jennings presented an overview of the County's Human Service Grant Program which provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, and which contributes to a safe, healthy and self-sufficient community. This program provides grants that assist organizations with resources in support of programs or capital purchases.

Mrs. Jennings explained the process which is similar to last year's process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts. She noted that, new this year, all organizations must agree to the grant guidelines for submittal and an affidavit of understanding that funding shall be used exclusively for non-religious purposes and shall not be used to advance or inhibit religious activities; for organizations with religious affiliations, they must provide support documentation of the expenditure prior to funds being released.

Mrs. Jennings presented the recommended Human Service Grants for Fiscal Year 2017 (87 recipients of funds totaling \$200,000.00).

M 673 16  
Approve  
Human  
Service  
Grants

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Fiscal 2017 Human Service Grants as recommended in the amount of \$200,000.00.



**M 673 16  
(continued)**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Downtown  
Develop-  
ment  
District  
Program  
Proposal**

**Mrs. Jennings presented an overview of a new proposed program – the Downtown Development District Program; a matching local incentive program that will complement Delaware’s Downtown Development District initiative, which provides rebates of up to 20 percent of construction costs for qualifying residential, commercial and industrial redevelopment projects in designated districts throughout the State. Mrs. Jennings reported on the State’s Downtown Development District Act; the State’s Downtown Development District Grant; examples of projects and funding; designated cities/towns in Sussex County; and a proposal for a County Downtown Development District Grant. This program was created to leverage State resources in designated areas in Delaware’s cities and towns; to spur private investment in commercial business districts and other neighborhoods; to improve commercial vitality; and to build a stable community.**

**The Council discussed the proposed grant program.**

**M 674 16  
Authorize  
Downtown  
Develop-  
ment  
District  
Grant  
Program**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, that Sussex County Council authorizes the Sussex County Finance Director to administer a Downtown Development District (DDD) Grant Program that pays \$.50 per \$1.00 of State grant, up to \$10,000, per qualified State awarded DDD project; total allocation in FY17 is limited to \$100,000.**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**North  
Coastal  
Planning  
Area  
Contract  
Amendment**

**Hans Medlarz, County Engineer, presented Amendment No. 8 to the Base Contract with Whitman, Requardt & Associates for the North Coastal Planning Area. The proposed Contract Amendment No. 8 is in a “not to exceed” amount of \$102,649.00 for aerial mapping and issues surrounding the environmental assessment such as archeological services and wetlands delineations. Mr. Medlarz stated that, additionally, they will be jointly approaching the “service lateral optimizations” of the entire Herring Creek expansion area. Mr. Medlarz advised that, once this phase concludes, they will seek Council’s approval for professional engineering services through the bid process.**

**M 675 16  
Contract  
Amendment**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Amendment No. 8 to the Base Engineering Contract for the North Coastal Planning Area with**

**M 675 16**  
**Approve**  
**Contract**  
**Amendment**  
**for North**  
**Coastal**  
**Planning**  
**Area**  
**(continued)**

**Whitman, Requardt & Associates be approved in the amount not to exceed \$102,649.00 for aerial mapping and environmental assessment of the Herring Creek area**

**Motion Adopted: 5 Yeas.**

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

**Bridgeville**  
**Landfill**  
**Building**  
**Demolition**  
**Project/**  
**Bid**  
**Award**

**Hans Medlarz, County Engineer, presented the bid results for the Bridgeville Landfill Building Demolition Project (Contract No. 17-08). A total of six bids were received. Mr. Medlarz explained that the low bid was well below the estimated amount and an offer was made to the vendor to withdraw the bid, which they accepted. The next lowest, responsive and responsible bidder was Brightfields, Inc. with a total base bid amount of \$132,362.50. The Engineering Department recommends awarding the project.**

**M 676 16**  
**Award Bid/**  
**Bridgeville**  
**Landfill**  
**Building**  
**Demolition**  
**Project**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Contract No. 17-08, Sussex County Bridgeville Landfill Building Demolition, be awarded to Brightfields, Inc. of Wilmington, Delaware at the base bid amount of \$132,362.50.**

**Motion Adopted: 5 Yeas.**

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

**Proposed**  
**Resolution/**  
**Chapel**  
**Branch**  
**Sanitary**  
**Sewer**  
**District**

**John Ashman, Director of Utility Planning, and Hans Medlarz, County Engineer, discussed the Proposed Chapel Branch Sanitary Sewer District, including the communities of Chapel Green and Oak Crest Farms. The two communities are currently operating their own on-site facilities.**

**On August 9th, the Council adopted the proposed boundaries and on October 14th, the Engineering Department held a referendum on the proposed boundaries. The result of the referendum was 311 in favor and 11 in opposition.**

**M 677 16**  
**Adopt**  
**R 017 16**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 017 16 entitled “CHAPEL BRANCH AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE”.**

**Motion Adopted: 5 Yeas.**

**M 677 16  
(continued)**

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

**Grant  
Request**

**Mrs. Jennings presented a grant request for the Council's consideration.**

**M 678 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$500.00 from Mr. Arlett's Councilmanic Grant Account to The Christian Storehouse for repairs to their food pantry's freezer.**

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

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

**Council  
Members'  
Comments**

**Council Members' Comments**

**Mr. Cole read a letter from William Mailander, William Marshall, and Fred Oswald of Bayfront at Rehoboth in appreciation of Michael Brady and his staff in the Public Works Department for information and assistance received.**

**Mr. Arlett commented on his participation in "No Shave November" which raises awareness of cancer.**

**Mr. Arlett reminded everyone to vote on Election Day, November 8th.**

**M 679 16  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 12:03 p.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, 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.}*

## 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](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 28, 2016

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
COASTAL CLUB - LAND BAY 3 - PHASE A-1  
AGREEMENT NO. 984 - 9

#### DEVELOPER:

Mr. Preston Schell  
Coastal Club LLC  
20184 Phillips Street  
Rehoboth Beach, De 19971

#### LOCATION:

+/-3,000' South east of intersection between  
Beaver Dam Rd. & Jimtown Road

#### SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

#### TYPE AND SIZE DEVELOPMENT:

20 single family lots

#### SYSTEM CONNECTION CHARGES:

\$115,500.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
08/30/16

Department of Natural Resources Plan Approval  
10/03/16

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60  
Construction Admin and Construction Inspection Cost – \$7,644.75  
Proposed Construction Cost – \$50,965.00



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

## 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



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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 28, 2016

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
COASTAL CLUB - LAND BAY 3 - PHASE A-2  
AGREEMENT NO. 984 - 10

#### DEVELOPER:

Mr. Preston Schell  
Coastal Club LLC  
20184 Phillips Street  
Rehoboth Beach, De 19971

#### LOCATION:

+/-3,000' South east of intersection between  
Beaver Dam Rd. & Jimtown Road

#### SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

#### TYPE AND SIZE DEVELOPMENT:

44 Single Family Lots

#### SYSTEM CONNECTION CHARGES:

\$254,100.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
08/30/16

Department of Natural Resources Plan Approval  
10/03/16

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90  
Construction Admin and Construction Inspection Cost – \$14,292.00  
Proposed Construction Cost – \$95,280.00



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 28, 2016

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MARYLAND AVE. SEWER RELOCATION  
AGREEMENT NO. 1056

#### DEVELOPER:

Town of Bethany Beach  
P.O. Box 109  
Bethany Beach, DE 19930

#### LOCATION:

Town of Bethany Beach. Garfield Ext. and  
Maryland Ave.

#### SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

new alignment for sanitary sewer to be designed  
around historical building

#### SYSTEM CONNECTION CHARGES:

\$0.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
08/23/16

Department of Natural Resources Plan Approval  
N/A

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 5  
Construction Admin and Construction Inspection Cost – \$2,850.00  
Proposed Construction Cost – \$19,000.00



GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

(302) 855-7741 T

(302) 855-7749 F

gjennings@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

MEMORANDUM:

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable Robert B. Arlett  
The Honorable George B. Cole  
The Honorable Joan R. Deaver

FROM: Gina A. Jennings  
Finance Director

RE: ***FINANCIAL REPORT FOR THE QUARTER  
ENDING SEPTEMBER 30, 2016***

DATE: November 7, 2016

Attached is the Unaudited Estimated Revenue and Expense Report for the quarter ending September 30, 2016 which I will be presenting to Council on Tuesday, November 15, 2016.

GAJ/nc

Attachment

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2016**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>REVENUES</b>				
<b>TAXES</b>				
Property tax *	\$ 3,733,166.75	\$ 14,932,668.00	\$ 3,733,166.75	0.00%
<b>TOTAL TAXES</b>	3,733,166.75	14,932,668.00	3,733,166.75	0.00%
<b>REALTY TRANSFER TAX</b>	6,705,978.16	19,000,000.00	4,750,000.00	41.18%
<b>SERVICES - BUILDING AND CONSTRUCTION</b>				
Fire service fee (pass through)	370,615.11	1,100,000.00	275,000.00	34.77%
Building permit and zoning fee	479,686.39	1,447,000.00	361,750.00	32.60%
Building inspections	371,286.78	1,028,000.00	257,000.00	44.47%
Private road - review/inspection	218,616.33	899,000.00	224,750.00	-2.73%
Mobile home placement tax (pass through)	34,976.93	98,000.00	24,500.00	42.76%
<b>TOTAL SERVICES - BUILDING AND CONSTRUCTION</b>	1,475,181.54	4,572,000.00	1,143,000.00	29.06%
<b>SERVICES - GOVERNMENTAL FEES</b>				
General government fee (911 system fee)	139,909.14	559,630.00	139,907.50	0.00%
Other department fees	5,337.24	21,500.00	5,375.00	-0.70%
<b>TOTAL SERVICES - GOVERNMENTAL FEES</b>	145,246.38	581,130.00	145,282.50	-0.02%
<b>INTERGOVERNMENTAL</b>				
Federal operating grants	55,978.34	465,000.00	116,250.00	-51.85%
State operating grants	1,294,670.36	4,530,200.00	1,132,550.00	14.31%
Community development	19,709.19	1,932,962.00	483,240.50	-95.92%
<b>TOTAL INTERGOVERNMENTAL</b>	1,370,357.89	6,928,162.00	1,732,040.50	-20.88%
<b>CONSTITUTIONAL OFFICES</b>				
Clerk of the peace	42,062.50	140,000.00	35,000.00	20.18%
Recorder of deeds	1,298,144.43	3,373,000.00	843,250.00	53.95%
Register of wills	278,239.04	1,000,000.00	250,000.00	11.30%
Sheriff	560,270.51	2,000,000.00	500,000.00	12.05%
<b>TOTAL CONSTITUTIONAL OFFICES</b>	2,178,716.48	6,513,000.00	1,628,250.00	33.81%

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.



**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2016**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>RENT</b>				
Airport fuel sales	5,542.95	16,000.00	4,000.00	38.57%
Industrial airpark rent	221,581.90	460,000.00	115,000.00	92.68%
Land rent	1,446.67	3,710.00	927.50	55.98%
Emergency operations center (SUSCOM)	17,500.00	17,500.00	4,375.00	300.00%
Miscellaneous rentals	6,500.13	16,800.00	4,200.00	54.77%
<b>TOTAL RENT</b>	<b>252,571.65</b>	<b>514,010.00</b>	<b>128,502.50</b>	<b>96.55%</b>
<b>MISCELLANEOUS</b>				
Investment earnings	134,378.65	350,000.00	87,500.00	53.58%
Fines	6,164.80	23,000.00	5,750.00	7.21%
Prothonotary	-	-	-	100.00%
Other charges	68,092.93	257,410.00	64,352.50	5.81%
Appropriated project reserves	-	1,000,000.00	250,000.00	0.00%
<b>TOTAL MISCELLANEOUS</b>	<b>314,058.12</b>	<b>1,630,410.00</b>	<b>407,602.50</b>	<b>-22.95%</b>
Transfers in from sewer and water	66,788.00	300,000.00	75,000.00	-10.95%
<b>TOTAL REVENUES</b>	<b>\$ 16,242,064.97</b>	<b>\$ 54,971,380.00</b>	<b>\$ 13,742,844.75</b>	<b>18.19%</b>
* Accruals				

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2016**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>EXPENDITURES</b>				
General Government				
County council	\$ 134,947.76	\$ 626,921.00	156,730.25	-13.90%
County administration	134,966.31	2,040,734.00	510,183.50	-73.55%
Legal	158,213.62	600,000.00	150,000.00	5.48%
Finance	481,768.00	1,927,072.00	481,768.00	0.00%
Assessment	384,121.87	1,727,264.00	431,816.00	-11.05%
Building code	195,010.96	853,483.00	213,370.75	-8.60%
Mapping	212,055.78	856,536.00	214,134.00	-0.97%
Human resources	134,553.87	594,500.00	148,625.00	-9.47%
General employment and retirement	66,950.00	267,800.00	66,950.00	0.00%
Boards and Commissions	15,742.19	111,917.00	27,979.25	-43.74%
Building and grounds	405,380.92	1,763,902.00	440,975.50	-8.07%
Security	104,985.79	457,482.00	114,370.50	-8.21%
Information Technology/ Data Processing	471,262.61	1,633,967.00	408,491.75	15.37%
Constable	246,256.65	1,038,354.00	259,588.50	-5.14%
Grant-in-aid programs	3,084,621.85	9,832,254.00	2,458,063.50	25.49%
Planning and zoning	383,903.18	1,688,274.00	422,068.50	-9.04%
Paramedic	3,787,838.21	14,786,984.00	3,696,746.00	2.46%
Emergency operations center administration	193,091.57	621,883.00	155,470.75	24.20%
Emergency operations center dispatchers	629,486.60	2,198,790.00	549,697.50	14.52%
Communications	73,208.20	359,489.00	89,872.25	-18.54%
Local emergency plan program	18,622.54	81,769.00	20,442.25	-8.90%
Economic development	41,206.05	213,070.00	53,267.50	-22.64%
Industrial airpark	195,356.86	969,204.00	242,301.00	-19.37%
Community development	470,723.18	2,248,069.00	562,017.25	-16.24%
Engineering - administration	215,028.65	940,446.00	235,111.50	-8.54%
Engineering - public works	189,876.06	715,686.00	178,921.50	6.12%
Engineering - solid waste	18,662.40	232,500.00	58,125.00	-67.89%
Records management	46,741.59	192,624.00	48,156.00	-2.94%
Library	659,606.79	2,799,694.00	699,923.50	-5.76%
Marriage Bureau	47,561.03	194,246.00	48,561.50	-2.06%
Recorder of deeds	229,724.21	1,101,970.00	275,492.50	-16.61%

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2016**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
Register of wills	162,276.30	586,150.00	146,537.50	10.74%
Sheriff	134,864.26	622,847.00	155,711.75	-13.39%
Interfund transfers	-	85,500.00	21,375.00	-100.00%
<b>TOTAL EXPENDITURES</b>	<b>13,728,615.86</b>	<b>54,971,380.00</b>	<b>13,742,845.25</b>	<b>-0.10%</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>2,513,449.11</b>	<b>-</b>	<b>-</b>	

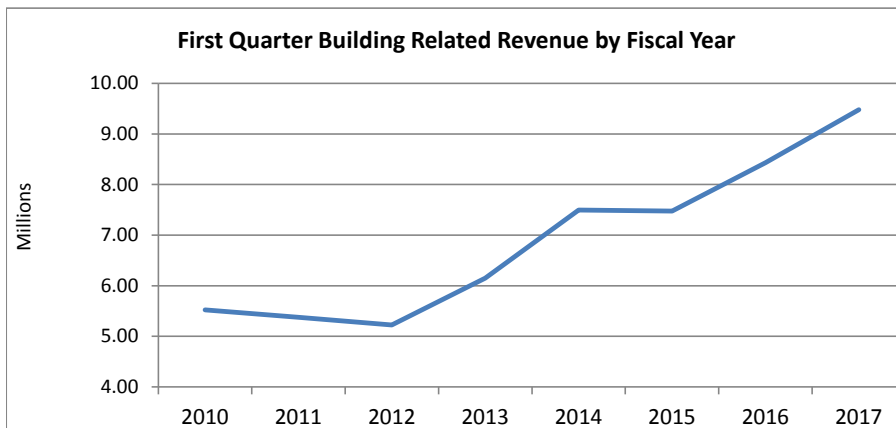
Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2016**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>CAPITAL IMPROVEMENT REVENUES</b>				
Federal airport grant	187,153.21	-	-	0.00%
State airport grant	11,799.64	-	-	0.00%
State library grant	-	-	-	0.00%
State paramedic grant	-	-	-	0.00%
State capital grant	84,811.70	1,300,000.00	325,000.00	0.00%
Proceeds of Fixed Assets	140,723.91	-	-	100.00%
Realty Transfer	-	4,000,000.00	1,000,000.00	-
Investment earnings	16,733.64	20,000.00	5,000.00	234.67%
Operating Transfers	-	-	-	-
Appropriated reserves	-	5,938,100.00	1,484,525.00	-100.00%
<b>TOTAL CAPITAL IMPROVEMENT REVENUES</b>	<b>441,222.10</b>	<b>11,258,100.00</b>	<b>2,814,525.00</b>	<b>-84.32%</b>
<b>CAPITAL IMPROVEMENT EXPENDITURES</b>				
General government	29,223.20	3,700,000.00	925,000.00	-96.84%
Paramedics	7,640.91	1,250,000.00	312,500.00	-97.55%
Emergency Preparedness	44,525.30	1,900,000.00	475,000.00	-90.63%
Engineering	-	350,000.00	87,500.00	-100.00%
Library	-	-	-	-
Airpark	82,532.97	4,058,100.00	1,014,525.00	-91.86%
<b>TOTAL CAPITAL IMPROVEMENT EXPENDITURES</b>	<b>163,922.38</b>	<b>11,258,100.00</b>	<b>2,814,525.00</b>	<b>-94.18%</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>277,299.72</b>	<b>-</b>	<b>-</b>	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

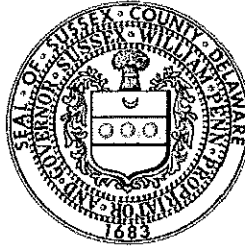
Building Related Revenue	First Quarter Building Related Revenue by Fiscal Year							
	2010	2011	2012	2013	2014	2015	2016	2017
Building inspections	\$ 242,893.56	\$ 206,962.64	\$ 133,921.06	\$ 221,139.64	\$ 405,296.25	\$ 309,132.46	\$ 361,770.86	\$ 371,286.78
Building permit and zoning fee	319,506.82	283,736.42	311,960.39	312,971.09	426,251.30	398,641.76	481,985.08	479,686.39
Fire service fee (pass through)	232,212.78	193,541.76	217,633.90	224,107.93	324,154.23	310,069.96	364,852.43	370,615.11
Mobile home placement tax (pass through)	33,705.87	18,200.75	18,685.21	13,827.67	19,357.75	21,347.63	27,392.32	34,976.93
Private road - review/inspection	63,016.75	66,192.69	30,066.20	144,239.27	64,718.95	40,848.19	233,301.17	218,616.33
Recorder of Deeds	900,895.34	768,966.63	710,820.50	930,075.86	947,466.26	815,274.26	917,698.82	1,298,144.43
	1,792,231.12	1,537,600.89	1,423,087.26	1,846,361.46	2,187,244.74	1,895,314.26	2,387,000.68	2,773,325.97
Realty Transfer Tax	3,732,082.39	3,836,735.75	3,800,778.24	4,301,059.50	5,307,355.69	5,580,876.35	6,047,350.31	6,705,978.16
<b>Total Building Related Revenue</b>	<b>\$ 5,524,313.51</b>	<b>\$ 5,374,336.64</b>	<b>\$ 5,223,865.50</b>	<b>\$ 6,147,420.96</b>	<b>\$ 7,494,600.43</b>	<b>\$ 7,476,190.61</b>	<b>\$ 8,434,350.99</b>	<b>\$ 9,479,304.13</b>



Revenue	Percent increase over Previous Year
Building inspections	3%
Building permit and zoning fee	0%
Fire service fee	2%
Mobile home placement tax	28%
Private road - review/inspection	-6%
Recorder of Deeds	41%
Realty Transfer Tax	11%
<b>Total</b>	<b>13%</b>

	Total Dwelling Permits Issued through October 16th			
	2013	2014	2015	2016
Dwelling Permits	597	566	636	622
Percent increase over the previous year		-5%	12%	-2%

LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
llank@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov

MEMORANDUM

TO: Todd Lawson  
County Administrator

FROM: Lawrence Lank  
Director of Planning and Zoning

RE: Subdivision No. 2007-9  
Woodfield Preserve

DATE: November 2, 2016

I recently received a request for an extension of time period for Subdivision No. 2007-9, the application of Thompson Schell, LLC for the Woodfield Preserve Subdivision.

The subdivision was recorded in Plot Book 165 Page 32 on December 1, 2011 and is therefore subject to sunset on December 1, 2016, unless a time extension is granted for additional time to get the project substantially underway.

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

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
  - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
  - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.
  - (c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the



subdivision plat will be “substantially constructed” within six (6) months of the expiration of the current approval.

2) The Director, after consultation with any input from other County departments or public agencies as the Director sees fit, shall consider any written request and the accompanying documentation submitted pursuant to 99-40F. Time extensions shall be recommended to the Council by the Director only upon a finding that all of the following criteria have been met:

(i) That the approval constitutes one of the approvals defined in the first paragraph of 99-40F; (ii) that the request for said extension was timely filed; (iii) that all of the information herein has been supplied; (iv) that necessity for the extension is due primarily to reasons beyond the reasonable control of the applicant, such as undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant’s key stakeholders; (v) with respect to subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40, that there is a reasonable plan and schedule demonstrating that the improvements set forth on the subdivision in accordance with Chapter 99 Article VI of the Sussex County Code will reach “substantial construction” within six (6) months.

3) After consideration of the relevant factors in accordance with 99-40F the Director shall make a written recommendation whether to grant an extension to the applicant. This recommendation will be provided to the Council, who shall render the final decision whether to grant an extension to the applicant for up to six (6) months from the expiration date of the current approval.

I have quoted the needed text from the Code for your review and reference.

Following please find my recommendation on the project for consideration by Council, and attached please find copies of the referenced request for consideration.

The Code does not reference that a public hearing is required for the project, only that the Council shall render the final decision on the granting of a six (6) month extension.

It is my opinion that this project meets the relevant factors referenced in 99-40F of the Subdivision Code for the process of granting an extension of a time period for a subdivision. The Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have substantially constructed the project prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Woodfield Preserve Subdivision shall be granted a six (6) month time extension until June 1, 2017, which is six (6) months from December 1, 2016, the original termination date for the subdivision.

Should you have any questions, please do not hesitate to contact me at this Department.



THE  
OCEAN ATLANTIC  
COMPANIES

**RECEIVED**

OCT 14 2016

**PLANNING & ZONING  
COMM. OF SUSSEX COUNTY**

October 12, 2016

Mr. Lawrence Lank  
Sussex County Planning & Zoning  
P.O. Box 589  
Georgetown, DE 19947

**RE: Subdivision #2007-9 – Thompson Schell, LLC  
Woodfield Preserve Subdivision**

Dear Mr. Lank:

On behalf of Thompson Schell, LLC, I would like to request a temporary six month extension on the Woodfield Preserve subdivision. The subdivision was recorded in Plot Book 165, Page 32 on December 1, 2011, so it is slated to sunset on December 1, 2016. Once the FEMA flood map was amended in 2015, the flood zone designation of this property changed to a Flood Zone AE, which placed all of the lots within the 100 year flood elevation. We elected to revise the plans and seek re-approval from all of the review agencies to raise the elevations of the lots to bring the finished floor elevations of the proposed homes out of the flood zone. During this process, the sewer provider, Artesian Wastewater Management, Inc., also requested that we redesign the wastewater system, so the sewer mains are not as deep as proposed on the original approved plans, which we agreed to do.

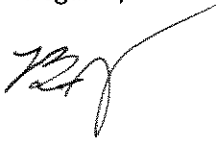
We have submitted, addressed comments, and resubmitted the revised plans to all of the review agencies, including Sussex County Engineering, Sussex Conservation District, DelDOT, DNREC, Fire Marshal, Artesian, Tidewater Utilities, and Delaware Health and Social Services. We received revised approvals from the Fire Marshal on July 11, 2016, the Sussex Conservation District on September 13, 2016 and from Delaware Health and Social Services on September 29, 2016. Final plans were resubmitted for approval to DelDOT on September 16, 2016, Tidewater Utilities on October 7, 2016 and to Sussex County Engineering on October 11, 2016. Once we receive signed plans back from Sussex County Engineering, which we expect to take approximately one to two weeks, we will send those plans to Artesian and DNREC for their approvals. A revised record plan will also be submitted to your office for approval and will be subsequently recorded. This revised record plan revises some property lines and reduces the number of lots from 254 to 253.



Our intention is to immediately proceed with the bonding and pre-construction requirements with the various agencies, and start construction as soon as we complete those requirements. Our hope is to have substantial construction on the project prior to the current sunset date, but we are requesting the extension in the event we experience unforeseen delays during the pre-construction stage or experience construction delays due to the weather. We expect to have the base paving of the first phase completed and homes under construction in the spring of 2017.

If you should have any questions, do not hesitate to contact me at 302-227-3573 or via email at [ben@oacompanies.com](mailto:ben@oacompanies.com).

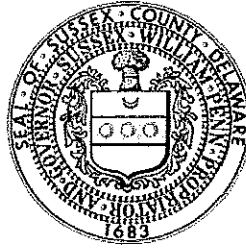
Regards,

A handwritten signature in black ink, appearing to read 'Ben Gordy', with a long, sweeping horizontal stroke extending to the right.

Ben Gordy  
Project Manager for Thompson Schell, LLC

cc: Ms. Janelle Cornwell, Sussex County Planning & Zoning

LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
llank@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

MEMORANDUM

TO: Todd Lawson *Todd*  
County Administrator

FROM: Lawrence Lank *Lawrence*  
Director of Planning and Zoning

REF: Old Business Item  
Change in Zone No. 1802 – J. G. Townsend, Jr. & Co.

DATE: November 3, 2016

Be reminded that on August 23, 2016 the Sussex County Council held a public hearing on the application of J. G. Townsend, Jr. & Co. for the Village Center rezoning from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District).

At the conclusion of the public hearing, the Council did defer action and left the record open for written comments for one week with the possibility of further extensions of the record remaining open.

On August 30, 2016 the Council discussed the application under Old Business. There was a motion that the time period for the receipt of written comments will close as of 4:30 p.m. on August 30, 2016. There was also a motion that Councilmembers may ask questions of staff or agencies until the close of business on September 30, 2016 (all questions being funneled through the Director for a record); once answers have been received and reported at a Council meeting, the record will then remain open for the public to comment (in writing) on the information requested (only).

Two sets of questions were raised from Councilmembers. The questions were referenced in my memorandum of September 30, 2016.

On October 4, 2016, in an Old Business Item discussion, the Council was advised of the questions raised by Councilmembers and I advised the Council that staff will obtain responses from the appropriate agencies and then prepare a report for presentation to the Council at a future Council meeting.

On October 12, 2016 Janelle Cornwell, Planning and Zoning Manager, wrote to Kevin F. Coyle of the Delaware Department of Natural Resources and Environmental Control (DNREC) and William Brockenbrough, Jr. of the Delaware Department of Transportation (DelDOT) with questions based on the questions raised by the Councilmembers.



On October 25, 2016 Mr. Brockenbrough provided responses to the questions relating to DeIDOT.

On November 2, 2016 Mr. Coyle provided responses to the questions relating to DNREC.

Both Mr. Brockenbrough and Mr. Coyle went to their appropriate contacts within their agencies to get the responses provided.

Attached please find copies of the emails providing said responses.

I am providing this documentation so that we can provide the Council with an update on this application and then leave the record open for the public to comment (in writing) on the responses to the questions that were raised by Council. The Council will have to establish a deadline for receipt of the written comments.

Should you have any questions, please do not hesitate to contact me at this Department.

Cc: Everett Moore, Esquire/County Attorney  
Robin Griffith, Clerk of Council

## Lawrence Lank

---

**From:** Janelle Cornwell  
**Sent:** Wednesday, November 02, 2016 6:10 PM  
**To:** Lawrence Lank  
**Subject:** FW: Gills Neck Village Center (CZ 1802)  
**Attachments:** 161025 Gills Neck Village Center Q & A.doc

Attached are the responses from DeIDOT.

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**From:** Brockenbrough, Thomas (DeIDOT) [mailto:Thomas.Brockenbrough@state.de.us]  
**Sent:** Tuesday, October 25, 2016 1:49 PM  
**To:** Janelle Cornwell <janelle.cornwell@sussexcountyde.gov>  
**Cc:** Cote, Marc (DeIDOT) <Marc.Cote@state.de.us>; Sammons, Todd (DeIDOT) <Todd.Sammons@state.de.us>  
**Subject:** RE: Gills Neck Village Center (CZ 1802)

Janelle,

Attached please find DeIDOT's answers to your questions below. Please contact me again if you have further questions.

Bill

T. William Brockenbrough, Jr., P.E., AICP  
County Coordinator  
Division of Planning  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903  
(302)760-2109  
[Thomas.Brockenbrough@state.de.us](mailto:Thomas.Brockenbrough@state.de.us)



---

**From:** Janelle Cornwell [mailto:janelle.cornwell@sussexcountyde.gov]  
**Sent:** Wednesday, October 12, 2016 12:38 PM  
**To:** Brockenbrough, Thomas (DeIDOT)  
**Subject:** Gills Neck Village Center (CZ 1802)

Bill,

As part of the Public Hearing process for the change of zone application for the J.G Townsend Jr. & Co. property located on Gills Neck Rd. and Kings Hwy., the County Council has a few questions for DeIDOT before making a decision. Would you or someone else in DeIDOT be able to answer the following questions by Friday Oct. 21<sup>st</sup>?

- If DelDOT is not requiring an updated TIS, please explain DelDOT's position as why the current TIS is sufficient for the purposes of considering this application.
- Is the current TIS sufficient with details supporting their response?
- Given the amount of time that has passed since the last TIS, why does DelDOT believe current information is not required?
- What is the DelDOT Level of Service rating and functional classification of both Gills Neck Rd. and Kings Hwy?
- Will the Level of Service rating change due to the current and future work being done by the application in cooperation with DelDOT?

Please feel free to contact me with any questions.

Thanks,  
Janelle

Sincerely,  
Janelle M. Cornwell, AICP  
Planning & Zoning Manager  
Sussex County  
2 The Circle  
P.O. Box 417  
302-855-7878  
302-854-5079 fax

- **If DelDOT is not requiring an updated TIS, please explain DelDOT's position as [to] why the current TIS is sufficient for the purposes of considering this application.**

Briefly, we find that DelDOT's 2008 review (copy attached) of the 2006 TIS, in conjunction with DelDOT's 2009 agreement (copy attached) with the developer, the 2016 Wescoats Road Area Traffic Analysis (copy attached) and the fact that DelDOT would require a Traffic Operational Analysis (TOA) in the plan review process, provides sufficient information for the County to know what off-site road improvements are being required of the developer. An updated TIS could provide additional information but as we understand the County's obligation in the rezoning process, that additional information is not essential.

To expand on DelDOT's position, what a TIS does is to examine how adding the traffic from a specific development proposal would affect future traffic conditions at specific locations during specific peak traffic times. If those conditions are considered to be unsatisfactory, the TIS may examine the effects of a specific remedy.

If the County had an Adequate Public Facilities Ordinance similar to those that Kent and New Castle Counties have, they would need to determine that a certain minimum Level of Service criterion would be met at specified intersections in the future year when the subject development would be complete. To apply such an ordinance, a current TIS, specific to the current land development plan would be essential to determine whether the criteria in the ordinance would be met. In Kent County, the Adequate Public Facilities Ordinance only applies to subdivision and land development plans, not to rezonings. In New Castle County, the Adequate Public Facilities Ordinance applies to rezonings but all rezonings there necessarily have an associated conceptual subdivision or land development plan.

Absent such an ordinance, our understanding is that the County's responsibilities with regard to transportation in making zoning decisions are the much broader and less definite criteria found in Title 9 of the Delaware Code, Section 6904. Title 9 Delaware Code Section 6962 mandates an agreement between the County and DelDOT regarding intergovernmental coordination on rezonings but both Section 6962 and the agreement mandated thereby are concerned with process. The agreement identifies Level of Service (LOS) D as the lower limit of desirable conditions, i.e. what the agreement terms "the threshold level of service," but Item 9 in the agreement reads

"When DelDOT determines, on the basis of a traffic impact study, that a rezoning could cause the threshold level of service to be exceeded, the County will not rezone the property unless the developer takes appropriate measures to maintain operations at the threshold level or unless Sussex County finds that the benefits to the general public outweigh the detriment caused by the decline in level of service. Sussex County, in the latter case, shall set forth in writing their reasons for approving the rezoning."

As discussed below, we believe the written record is sufficient for the County to find that the developer is taking the "appropriate measures."

The 2006 TIS examined how adding traffic from a then-proposed 330,000 square foot shopping center, 456 dwellings and a 1,000-seat performing arts center would affect 2014 traffic conditions at 11 existing intersections and three proposed entrances (including one at an existing entrance) during weekday morning and evening and summer Saturday midday peak hours. In 2008, responding to a change in the developer's plans, a DelDOT consultant analyzed a 2014 scenario based on a 521,000 square foot shopping center and a 472 dwellings, without the performing arts center

To summarize what our consultant found in their 2008 review letter, 4 of the 11 intersections examined in the TIS either had an existing LOS E or F or were projected to have a future LOS E or F during two or more of the three peak hours examined. Per DelDOT's 2009 agreement with LT Associates, the developer will address two of these intersections and DelDOT will address the other two. The developer is responsible for improving the Kings Highway intersections with Clay Road and Gills Neck Road. These intersections will be re-evaluated in a Traffic Operational Analysis (TOA) that DelDOT will require the developer to provide as part of the plan approval process. The developer has already built some improvements at the Gills Neck Road intersection and those may be sufficient but if not, we can require more work there and we certainly expect to require improvements at the Clay Road intersection based on the results of the TOA.

DelDOT is responsible for improving the intersection of Savannah Road and Old Orchard Road and the intersection of Kings Highway and Dartmouth Drive. The Savannah Road intersection will be remedied by a DelDOT project (realignment of Old Orchard Road) currently under design and scheduled for completion in Fiscal Year 2023. DelDOT does not presently have an active project to improve the Kings Highway intersection but we acknowledge the need for us to initiate one there in the future.

It could be argued that some of the other seven intersections included in the 2006 TIS would now need improvement if a new TIS were done. The 2016 Wescoats Road Area Traffic Analysis, prepared by another DelDOT consultant, examined five of those intersections. It included traffic from a 235,000 square foot shopping center proposal on the Village Center site and found acceptable LOS at all of those five intersections. It also confirmed the need to improve the intersection of Savannah Road and Old Orchard Road, mentioned above.

This leaves two intersections, SR 1 and Dartmouth Drive and Freeman Highway and Kings Highway. In 2015, DelDOT completed a project to add a third left turn lane on westbound Dartmouth Drive at SR 1 and we are presently working with private developers to provide relief to the eastbound approach. Recognizing that during the tourist season congestion along SR 1 is unavoidable, we believe there is little room for further improvement there. At the intersection of Freeman Highway and Kings Highway, assuming the cooperation of the Delaware River and Bay Authority, widening would be possible if it were needed, but it would run counter to the Corridor Management Plan for the Lewes, Gateway to the Nation, Byway and the associated Master Plan for Kings Highway and Gills Neck Road.

It could also be argued that a TIS done to meet DelDOT's current regulations would include additional intersections, beyond those examined in the 2006 TIS. Those regulations require,

in part, that the study area be based on how DeIDOT's Travel Demand Model (TDM) predicts that the site traffic would distribute. More specifically, they require that any intersection of State-maintained roads, within three intersections of the site, be included if at least 50 site-generated trips would pass through it. DeIDOT has not used the TDM to examine the trip distribution but it does seem possible that some additional intersections could be included.

Those intersections would be in one of two areas, downtown Lewes and the SR 1 corridor. In downtown Lewes, even relatively minor intersection widenings would have social, economic and environmental consequences such that DeIDOT likely would not require them even if a TIS identified a need with regard to congestion relief. In the SR 1 corridor, any further improvements that could be done are beyond the ability of this project to fund and we believe the developer's resources can be used better closer to the site. Indeed, the idea of concentrating the developer's expenditures closer to the site was a factor for DeIDOT in the 2009 agreement.

Finally, while we recognize that the time and expense involved in the preparation of a TIS are necessary costs of doing business, they are real costs that are passed on to consumers and taxpayers. Preparing and reviewing a TIS involves significant time and expense. The time involved is typically 6 to 12 months. DeIDOT typically spends \$15,000 to \$35,000 on a TIS review and we understand that the cost of preparing a TIS is comparable. Consequently, once a TIS is done, DeIDOT makes as much use of it as possible. We do not see that a new TIS is necessary in this instance.

- **Is the current TIS sufficient with details supporting their response?**

Yes. See our answer to the previous question.

- **Given the amount of time that has passed since the last TIS, why does DeIDOT believe current information is not required?**

As detailed in our answer to the first question, absent an Adequate Public Facilities Ordinance, the purpose of a TIS and the LOS information contained therein is to determine where road improvements are needed to support the development for which the TIS is done and what those improvements should be. We believe the 2006 TIS, in conjunction with the attached Wescoats Road Area Traffic Analysis and the fact that a Traffic Operational Analysis (TOA) would be required in the plan review process, is sufficient to determine those things.



- What is the DeIDOT Level of Service rating and functional classification of both Gills Neck Rd. and Kings Hwy?

To answer the simple question first, the functional classification of Gills Neck Road is a Local Road. The functional classification of Kings Highway varies. From SR 1 to Dartmouth Drive, it is a Minor Arterial Road. From Dartmouth Drive to Freeman Highway, it is a Principal Arterial Road. From Freeman Highway to Savannah Road, it is a Major Collector Road.

As discussed below, we would need some clarification to properly answer the Level of Service question. However, our answer would likely be that we don't know. That is because DeIDOT has not counted traffic on either road or at the intersection of the two roads for some time. If the County approves the rezoning, we will require them to provide traffic counts and Level of Service Analysis as part of a TOA provided during the plan approval process.

Because Level of Service is a technical term, we will begin with some explanation. To quote a national standard, the 2010 Highway Capacity Manual (HCM) Level of Service (LOS) is defined as "A quantitative stratification of a performance measure or measures that represent quality of service, measured on an A-F scale, with LOS A representing the best operating conditions from the traveler's perspective and LOS the worst."

The performance measure necessarily varies with the type of facility and mode being evaluated. With sufficient information about the particular facility and the volumes of traffic using it, one can calculate the value of the performance measure and determine the LOS. Typically this calculation is done for a specific hour of the day or week. For example, in TIS, LOS is typically calculated for intersections and for the automobile mode, as opposed to pedestrians, bicyclists or transit. In that regard, the performance measure is the average delay per vehicle.

DeIDOT's practice with regard to TIS for commercial developments is to consider the weekday morning and evening and Saturday midday peak hours. In resort areas, we specify the summer Saturday peak hour as opposed to an annual average Saturday peak hour. Thus, before we could properly answer the question we would need to know more precisely what aspect(s) of Kings Highway and Gills Neck Road are of interest and the year, time of year, day of week and time of day that are of interest.

- **Will the Level of Service rating change due to the current and future work being done by the application in cooperation with DeIDOT?**

As discussed in our answer to the previous question, we would need some clarification from the County about what they want to know. The work done by the applicant will necessarily improve the performance of the intersection of Kings Highway and Gills Neck Road. It is a significant amount of work and will make a significant improvement. Whether it will cause a LOS to change is difficult to say without specific calculations.

As explained in our answer to the previous question, LOS is a stratification of a continuously variable performance measure into six discrete levels. Therefore a small improvement might change a LOS and a large improvement might not. For example, at a signalized intersection, average delays per vehicle ranging from 80.0 to 55.1 seconds are considered LOS E and an average delay per vehicle of 55.0 seconds is LOS D. Thus an improvement that reduced the average delay per vehicle by 34.9 seconds per vehicle might not change the LOS and an improvement that changed it by 0.1 seconds per vehicle might change the LOS. Unless one knows that the current LOS is close to the threshold, one cannot reliably say without calculating whether an improvement will change the LOS. Unless one knows that the current LOS is close to the threshold, one cannot reliably say without calculating whether an improvement will change the LOS.

Audio file 0823316.9.MP3

## Lawrence Lank

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**From:** Janelle Cornwell  
**Sent:** Wednesday, November 02, 2016 6:10 PM  
**To:** Lawrence Lank  
**Subject:** FW: Gills Neck Village Center (CZ 1802)


Below are the responses from DNREC.


Janelle


**From:** Coyle, Kevin F. (DNREC) [mailto:Kevin.Coyle@state.de.us]  
**Sent:** Wednesday, November 02, 2016 1:14 PM  
**To:** Janelle Cornwell <janelle.cornwell@sussexcountysde.gov>  
**Cc:** Love, Susan E. (DNREC) <Susan.Love@state.de.us>  
**Subject:** FW: Gills Neck Village Center (CZ 1802)

Janelle – FYI. Thanks, again, for presenting at our Comp Plan 101 training session today. I hope folks have a better understanding of just how difficult your job is! Will I see you tomorrow at the DE APA Annual Meeting?

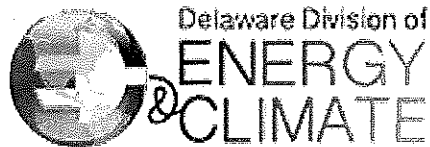
Kevin F. Coyle, AICP CEP  
Principal Planner

 DNREC, Division of Energy and Climate  
100 W. Water Street, Suite 5A  
Dover, DE 19904

 302.739.9071

 302.739.1840

 [Kevin.Coyle@state.de.us](mailto:Kevin.Coyle@state.de.us)



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**From:** Mundel, Anne (DNREC)  
**Sent:** Monday, October 31, 2016 9:28 AM  
**To:** Coyle, Kevin F. (DNREC); Beckel, Anita (DNREC)  
**Cc:** Tholstrup, Michael S. (DNREC)  
**Subject:** RE: Gills Neck Village Center (CZ 1802)

Kevin,

Our response to the questions proposed by Sussex County is as follows. Should you have any additional questions, comments or concerns, please contact me.

Is the state's source water protection area map up to date? When was it last updated?

DNREC Source Water Protection and Assessment Program reviews and assesses public water systems that are regulated by Delaware Public Health, Office of Drinking Water (ODW). The State's wellhead protection area map is a product of these assessment reports. The Delaware Geological Survey mapped excellent groundwater recharge potential areas. Together these elements comprise source water protection areas for Sussex County.

The wellhead protection area data found on \*FirstMap is up to date with all active public water systems that have been reviewed and a source water assessment report (assessment) completed. The map was last updated on October 3, 2016.

Is there a timeframe for updating the map?

Pursuant 7 Del. C. §6082 (d), the state's source water protection area map is updated as new assessments are completed.

Has the wellhead-protection area surrounding the Lewes Board of Public Works wells changed in size, location or depth? Has the purity of the water changed and have any new pollutants been detected?

Given the complex nature of the area DNREC requested DGS develop a three dimensional model to delineate well fields in the Rehoboth-Lewes area. The Delaware Geological Survey (DGS) delineated the wellhead protection area for Lewes's wellfield in 2003. DNREC compiled the assessment for Lewes Water using the model provided by DGS in December of 2003. The system has not been reassessed or updated since then. Public water systems are reassessed when a well is added or wells are sealed.

Modeled wellhead protection areas are based on the source water's 5-year time of travel (TOT) to the well. The wellhead protection area for Lewes Water included a 100-meter buffer at the recommendation of DGS. Recent draft model runs of the regional model indicate that the increased volume of pumping in the last five years at the Lewes well field shows the existing capture zone has extended to meet and in some areas exceed beyond the current delineation.

Based on the sample results from the last 5-10 years made available to DNREC by ODW there has been no change in water quality. No new contaminants/pollutants were identified.

\* <http://firstmap.gis.delaware.gov/>

Anne

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Anne Mundel  
Hydrologist  
GROUNDWATER PROTECTION BRANCH  
SOURCE WATER PROTECTION PROGRAM  
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
89 Kings Highway  
Dover, DE 19901  
(302) 739-9945  
(302) 739-2296 (FAX)  
[Anne.Mundel@state.de.us](mailto:Anne.Mundel@state.de.us)

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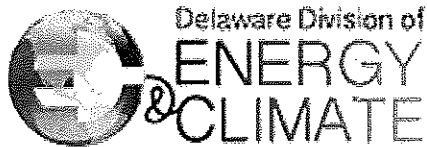
**From:** Coyle, Kevin F. (DNREC)  
**Sent:** Wednesday, October 12, 2016 2:31 PM  
**To:** Beckel, Anita (DNREC)  
**Cc:** Rambo, Douglas E. (DNREC); Mundel, Anne (DNREC); Tholstrup, Michael S. (DNREC)  
**Subject:** FW: Gills Neck Village Center (CZ 1802)

Good afternoon, Anita. We received the following e-mail from Sussex County regarding source water protection in the Greater Lewes area. Can we answer the questions posed in the e-mail by October 21, and would you like me to respond or would you like to correspond directly with Janelle? Thanks for your assistance.

Kevin F. Coyle, AICP CEP

Principal Planner

☰ DNREC, Division of Energy and Climate  
100 W. Water Street, Suite 5A  
Dover, DE 19904  
☎ 302.739.9071  
☎ 302.739.1840  
✉ [Kevin.Coyle@state.de.us](mailto:Kevin.Coyle@state.de.us)



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**From:** Janelle Cornwell [<mailto:janelle.cornwell@sussexcountyde.gov>]  
**Sent:** Wednesday, October 12, 2016 12:42 PM  
**To:** Coyle, Kevin F. (DNREC)  
**Subject:** Gills Neck Village Center (CZ 1802)

Kevin,

As part of the Public Hearing process for the change of zone application for the J.G Townsend Jr. & Co. property located on Gills Neck Rd. and Kings Hwy., the County Council has a few questions for DNREC before making a decision. Would you or someone else in DNREC be able to answer the following questions by Friday Oct. 21<sup>st</sup>?

- Is the State's Source Water Protection Area map up to date? When was it last updated?
- Is there any timeframe for updating the Area map?
- Has the Well Head Protection Areas surrounding the Board of Public Works wells changes in size, location, or depth? Has the purity of the water changed and/or have any new pollutants been detected?

Please feel free to contact me with any questions.

Thanks,  
Janelle

Sincerely,  
Janelle M. Cornwell, AICP  
Planning & Zoning Manager  
Sussex County  
2 The Circle  
P.O. Box 417  
302-855-7878  
302-854-5079 fax

OLD BUSINESS

November 15, 2016

This is to certify that on January 8, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for a Change of Zone. At the conclusion of the public hearing, the Commission moved and passed that this application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties during the public hearing.

**Change of Zone #1759 Osprey Point D, LLC**

Application of **OSPREY POINT D, LLC** to amend the Comprehensive Zoning Map of Sussex County, from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 126.8795 acres, more or less, land lying west of Old Landing Road (Road 274) 1.2 mile south of Warrington Road (Road 275) (911 Address: 20836 Old Landing Road, Rehoboth Beach, DE) (Tax Map I.D. #3-34-18.00-83.00).

The Commission found that this application was filed on July 17, 2014 with the necessary form and survey/site plan; that the Applicants provided an Exhibit Booklet on October 13, 2014 describing the application; and that the Applicants provided two (2) Exhibit Booklets for consideration of the Traffic Operational Analysis, dated October 22, 2014. The Exhibit Booklet contains: a Presentation Guideline; a Data Sheet; Preliminary Site Plans; and Map Exhibits showing a Location Aerial Map; a FEMA FIRM Map of the area; a copy of the Future Land Use Map of the area; a copy of the State Strategies Map of the area; a Zoning Map of the Area; Sewer District Maps of the area; a copy of the Preliminary Land Use Service (PLUS) application for the property, and the Applicants responses to the PLUS comments; the Applicants responses to the Technical Advisory Committee comments; the Applicants responses to standards of Chapter 99-9C of the Subdivision Ordinance; a Willing and Able to Serve letter from Tidewater Utilities, Inc.; and an Environmental Assessment and Public Facility Evaluation Report for consideration.

The Commission found that a letter was received from DeIDOT, dated October 27, 2014, referencing that DeIDOT received the Traffic Operational Analysis on October 22, 2014; that the Department understands that the Consulting Engineer for Davis, Bowen & Friedel, Inc. reports that the Traffic Operational Analysis recommends that DeIDOT consider the installation of a traffic signal at the intersection of Old Landing Road, Warrington Road, and Strawberry Way; extension of the left turn lane on Warrington Road at Old Landing Road; and investigating as to whether additional auxiliary lanes are necessary or feasible; and that after DeIDOT reviews the Traffic Operational Analysis they will provide recommendations on the Analysis.

Mr. Lank advised the Commission that this application was originally scheduled for public hearing on October 23, 2014 before the Commission and on December 2, 2014 before the Sussex County Council, and that there were issues reported that several property owners in the area did not receive public notices; that it was determined that the application would be re-advertised; and that tonight's date was the first available for consideration of this application.

Mr. Lank advised the Commission that 634 public notices were sent out and that 20 mail returns have been received to-date.

Mr. Lank advised the Commission that, to date, one email in support has been received and 143 letter/emails were received in opposition; that there are some duplications of letters and emails since some parties sent both an email or emails and a letter. Copies of the letters and emails would be made available later, since staff had problems with the copier. Some of the letters and emails included copies of photographs of the property during rainfalls and flooding tides.

The Commission found that Robert Marshall, the landowner, was present with James Fuqua, Jr., Esquire with Fuqua, Yori & Willard, P.A., Zac Crouch, Professional Engineer, and D.J. Hughes, Professional Engineer, both of Davis, Bowen & Friedel, Inc., and that they stated in their presentations and in response to questions raised by the Commission that the parcel contains approximately 126 acres of land and that they are proposing to develop the site with a 350 unit mix of single family dwellings and multi-family units; that there are no commercial uses intended; that the site has been utilized as a public golf course since the 1960s; that the site has been owned by the Marshall family for over a century; that to the south is Old Landing Subdivision; that to the north is the Woods at Old Landing; and that the east is Rehoboth Bay Manufactured Home Park and Sawgrass South Residential Planned Community; that the Sawgrass South community is developing with a mix of single family homes and multi-family units; that they are proposing to provide 50 foot wide buffers from all tidal waters and wetlands; that Federal wetland buffers are not required by Code; that the Sawgrass South project has some lots that are immediately adjacent to Federal wetlands; that the developer is voluntarily proposing 25 foot buffers from all Federal wetlands; that Tidewater Utilities will be providing central water for drinking and fire protection; that Sussex County will be providing central sewer; that sewer connection fees will exceed \$1,000,000.00; that sewer capacity is available to serve the project; that Delaware Electric Cooperative will provide electricity; that the site is in Cape Henlopen School District; that the site is located in the Rehoboth Beach Volunteer Fire Department service area; that no rare/endangered species are registered on this site; that the project meets the legal basis per the Sussex County Code and State regulations; that this

application is not a popularity contest; that it is established that the County must make a land use decision based on the County laws and ordinances; that the regulations fully support this application; that the State Quality of Life Act required that the County establish a Land Use Plan; that the developer must comply with said Land Use Plan and Map; that it has been estimated that 60% to 75% of the site is in the Mixed Residential Area; that the site is located in two growth areas according to the Land Use Plan, the Environmentally Sensitive Developing Area and the Mixed Residential Area; that the Future Land Use Plan is probably the most influential part of the Comprehensive Plan; that the County's Zoning regulations are intended to carry out the Future Land Use Plan; that the Future Land Use Plan also designates which parts of the County are to be considered growth areas; that the Land Use Plan references that permitted uses in an Environmentally Sensitive Developing Area allow for a range of housing types including single-family, townhouses, and multi-family units; that central water and sewer facilities are strongly encouraged, and that if central utilities are not possible, permitted densities should be limited to 2 units per acre; that the Land Use Plan references that permitted uses in a Mixed Residential Areas allow for a full range of housing types in these residential areas, including single-family homes, townhouses and multi-family units; that non-residential development is not encouraged; that the current densities in these areas range from a maximum of 4 homes per acre for single-family detached housing to a maximum of 12 dwelling units per acre for multi-family housing; that central water and sewer facilities are strongly encouraged in Mixed Residential Areas, and that if central utilities are not possible, densities should be limited to 2 units per acre; that the Purpose of the MR Medium Density Residential District references that the purpose of this District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that the area is urban in character with single-family homes, multi-family units, and townhouses; that the site is the only remaining large tract in the area; that the Purpose of the Residential Planned Community District references that in order to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Land Use Plan, the Residential Planned Community District is hereby established; that this application is consistent with the intent of the Residential Planned Community District designation; that the density of this project is 2.67 units per acre gross, which is substantially less than that suggested in the Land Use Plan; that 403 units would be permitted by the Residential Planned Community calculation; that the site is surrounded by other MR Zoning classifications, and should be considered an MR infill in an MR area; that the Sawgrass South project was established in 2003 by obtaining a rezoning from AR-1 Agricultural Residential to MR-RPC Medium Density Residential District – Residential Planned Community; that this is the same type of request, a mixed use residential community; that by comparison Sawgrass South contains 282 units, 62% being townhouses; that this proposal is similar with 350 units, 51% being townhouses; that this request has a lower percentage of townhouses and a lower density of dwelling units; that the project is proposed to contain 170 single-family dwellings and 180 townhouses; that 43% open space is being provided; that 50 foot wide buffers are proposed along all State wetlands; that 25 foot wide buffers are proposed along all Federal wetlands; that 20 foot wide buffers are proposed



around the perimeter; that private streets, built to County specification, are proposed and will include sidewalks on both sides and street lighting; that two (2) access entrances are proposed along Old Landing Road; that the townhouses will be centrally located; that no single-family homes or townhouses will back up to Old Landing Road; that berms with landscaping are proposed to be installed along Old Landing Road; that a pool, clubhouse, tennis courts, game courts, and a dog park are proposed; that 24 boat slips are proposed to serve the community; that no boat launch area is proposed, only docking facilities; that they anticipate developing the project in three (3) phases, central, south, and north; that some flooding has occurred on the golf course during rains and storms; that the golf course started in the early 1960s with 9 holes, and then expanded in 1968 to 18 holes; that there is no stormwater management plan for the golf course since none was required when the golf course was built; that the developer will be required to design the project to DNREC and Sussex Conservation District requirements; that a hydrologic model is proposed with interconnecting ponds and other stormwater features; that soil borings will have to be performed; that a Traffic Impact Study was not required by DelDOT; that DelDOT did require a Traffic Operational Analysis, which is being reviewed by DelDOT; that the developer may contribute a fee to the area-wide study in lieu of a Traffic Impact Study; that townhouses generate less traffic than single-family homes; that the Traffic Operational Analysis included addressing eight (8) developments and a 10 year build out; that several developers are involved in establishing the necessary improvements to the intersection of Warrington Road and Old Landing Road; that a 12 hour traffic count was performed on June 20, 2014; that it has been determined that the left turn lane on Warrington Road is too short and needs to be extended; that additional turn lanes and bike lanes are needed; that local road improvements will include paved shoulders/bike lanes; and a shared use path; and that a traffic signal may be required; that in the last three (3) years there have been three (3) crashes along the site frontage, all being single vehicle crashes; that the application was rescheduled due to a mailing error; that all units will front onto an interior street; that due to setbacks, the road widths, the open space berm and landscaping the closest homes across Old Landing Road will be approximately 250 feet from another dwelling or unit; that there should not be any negative impact on the Sawgrass South project due to the similarity of the two projects; that the proposed density is basically the same as other projects in the area and complies with the Land Use Plan; that adequate sewer capacity is available for the project; that the Sawgrass South project has a greater density; that the opponents should be upfront and state that they prefer looking at and across a golf course and open space, rather than looking at a project that is similar; that there is no right of view or to impact the rights of a landowner to develop his property; that the site is located in a flood plain area, similar to the areas around it; that all developments in a flood plain have to comply with FEMA regulations that are enforced by the County; that stormwater management will be addressed and complied with; that the developers will have to pay for all infrastructure cost; that the stormwater management features will be subject to the review and approval of the Sussex Conservation District and the State DNREC; that the application complies with all statutory requirements; that the Marshall family has watched all of the projects develop along Old Landing Road; that setbacks/buffers are not required from Federal wetlands; that setbacks are subject to the discretion of the Planning and Zoning Commission; that the goal of a Residential Planned Community is to provide more open space than a standard subdivision; that there are two (2) out-

parcels on the site, one is the location of the Marshall dwelling, and one is the location of the landscaping business; that the superior living environment is created by the amount of open space, additional buffers, recreational amenities, the trail along Old Landing Road, and the lack of a cookie cutter design; that the application should be considered an infill since the site is surrounded by MR Zoning, and since central sewer and water are available; that several Residential Planned Communities exists along Old Landing Road, i.e. Sawgrass South, Sawgrass at White Oak Creek; the Villages at Old Landing, and others; that Redden Ridge, a cluster subdivision, was recently approved with Bonus Density provisions; that the developers will have to comply with all stormwater management regulations for activities during and after construction, along with all Inland Bays and State DNREC regulations; that a jurisdictional determination has been approved by the Army Corps. of Engineers; that there shall be no water runoff onto neighboring properties; that the proposed project will improve drainage in the area; that runoff will be contained on-site; and that the developers will have to comply with water quality and water quantity, and the runoff will be treated prior to discharge into wetlands.

Bill Brockenbrough and Marc Cote' of DeIDOT came forward to respond to questions raised and advised the Commission that DeIDOT have almost completed the review of the Traffic Operational Analysis; that over the last few years, developers along Old Landing Road have agreed to pay for the cost of improvements; and that four or five signal agreements have been signed for improvements along Old Landing Road.

The Commission found that the developers representatives continued to respond to questions raised by the Commission and stated that 20 foot wide buffers are intended; that the berms along Old Landing Road will be from 3 feet to 5 feet tall with landscaping; that the proposed entrances will line-up with existing entrances with other projects; that Phase 1 of the project will be the northern entrance, the clubhouse and amenities, and some single family dwellings and townhouses; that the site is a well head protection area because of the golf course well, and will be removed as a well head protection area once central water is provided; that they are proposing 24 boat slips/docks; that the majority will be leased to residents in the community; that they have met with the Sussex Conservation District and the project will be based on their old regulations; that a Nutrient Management Plan exists for the golf course, and that those plans will be updated for this project; and that it is not economically feasible to establish a commercial component in this project due to the location.

The Commission found that Mr. Fuqua provided 10 suggested proposed Findings for consideration which included the following:

1. The proposed MR/RPC development meets the purpose of the MR and RPC Zoning Designations since it provides medium-density residential development in a developed area where County sewer and central water is available by creating a superior living environment and development design.
2. The proposed MR/RPC development is in accordance with the Sussex County Comprehensive Plan in that it is located in designated "Growth Areas" where development is directed and planned.

3. The site is located in two “Growth Areas”, the Environmentally Sensitive Developing Area and the Mixed Residential Area where a full range of housing types are appropriate including single-family homes, townhouses, and multi-family units.
4. Approximately 60 to 75 percent of the site is located in a Mixed Residential Area. According to the Comprehensive Plan, current densities in the Mixed Residential Area range from a maximum of 4 homes per acre for single family housing and 12 units per acre for multi-family housing. The proposed gross density of 350 units on 126.8 acres is 2.76 units per acre, significantly less than the density deemed appropriate by the Comprehensive Plan.
5. Central sewer will be provided as part of Sussex County’s West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and adequate wastewater capacity is available.
6. Central water for domestic use and fire protection will be provided by Tidewater Utility, Inc.
7. The proposed development will comply with all DeIDOT requirements including entrance locations, roadway improvements and contribution toward area wide study and intersection signalization.
8. The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy.
9. The proposed development is consistent with the nature of the area, which consists of a variety of residential developments including single-family, multi-family and manufactured home developments.
10. With the conditions placed on the development, the MR/RPC designation is appropriate and in accordance with the Comprehensive Plan since it creates a large scale development with a superior living environment and the use of design ingenuity at an appropriate density.

The Commission found that Mr. Fuqua provided suggested proposed Conditions of Approval for consideration which includes the following:

- A. The maximum number of dwelling units shall not exceed 350, comprising of 170 single family detached dwellings and 180 townhouse units.
- B. Site Plan review shall be required for each phase of development.
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT’s requirements, or in accordance with any further modifications required by DeIDOT.
- D. The central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100<sup>th</sup> Certificate of Occupancy. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, a tot lot and a dog park.

- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- F. The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting. Owners of lots fronting on Fairway Drive shall contribute to the maintenance of Fairway Drive in a manner equal to other owners of other lots fronting on Fairway Drive.
- I. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed street and shrub landscape design.
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- K. The Applicant shall cause to be formed a homeowners' or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal and State permits. The wetland areas shall be clearly marked on the site with permanent markers. A voluntary 25 foot non-disturbance buffer shall be provided from all Federal Non-Tidal Wetlands and a 50 foot non-disturbance buffer shall be provided from all State Tidal Wetlands.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

The Commission found William Dunne, Esquire, was present on behalf of himself and several individuals and families in opposition to this application; stated that he owns property in the Sawgrass South community; requested that the record be kept open for more time for area residents to review the record; and stated that area residents will be negatively affected by the application; that the residents request that the application should be denied; that the Commission, at a minimum, should act to: strictly control density; preserve the character of the area; require adequate buffers; prevent flooding and adverse impacts on adjacent properties; minimize adverse environmental impacts; mitigate increased traffic and provide for community safety; that any

proposed plans or construction should be subject to all requirements of Sussex County, State and Federal environmental laws, as well as all sediment and stormwater management regulations and best practices; that the Commission should require restrictive covenants and disclosures in accordance with applicable laws; that the residents are not opposed to development, if it is well planned; that the residents strongly object to this application; that they disagree with the Counsel of the Applicant that the application meets all legal requirements; that the PLUS Report notes many deficiencies and was incomplete; that the residents request that the Commission and the County Council protect this sensitive area by mandating a project designed with lower density, greater open space, appropriate stormwater management, consideration of environmental elements, and mitigation of traffic and safety concerns; that the residents have hired a geotechnical engineer to assess the stormwater management, flooding, and environmental problems with this site; that the proposed project is located in a Growth Area, the Environmentally Sensitive Developing Area and a Mixed Residential Area according to the Comprehensive Plan; that the proposed project is located in a Level 3 according to the Delaware Strategies for State Policies and Spending; that the County cannot expect the State to support development here with needed infrastructure spending in the near term; that special scrutiny should be applied to spending decisions and development proposals within these areas to assure these activities are consistent with State and local development and preservation policies; that a stormwater assessment study needs to be completed and submitted to the State DNREC; that the majority of the site is located in a flood plain; that the site is an excellent groundwater recharge area; that the project, which borders Arnell Creek, contains State and Federal wetlands; that under applicable laws, the goal is to protect critical natural resources, such as the Inland Bays, by guarding against over-development and permanently preserving selected lands; that the County should consider designating this parcel as a watershed stewardship area; that the increased density proposed has a very real potential to destroy the unique environmental value of the site; that the Applicant has yet to provide complete information and documentation pertaining to various issues concerning the flood plain, wetlands, buffer requirements, and other essential requirements: i.e. a summary of proposed deed restrictions; a buffer around the entire perimeter; stormwater and erosion and sedimentation maintenance restrictions; and wetlands disclosures; that the site plan is not in compliance since forested and/or landscape buffers are not depicted; that there is no soils report; that the soils are poorly drained; that the Applicant's response to the PLUS comments are inadequate; that the County should not continue the process without an adequate project plan; that traffic will increase on Old Landing Road and DelDOT should require a Traffic Impact Study since the last traffic report from 2011 is inadequate and outdated; that the Commission should: 1. Prohibit commercial uses; 2. Require design that actually results in permanent preservation of a substantial percentage of the site; 3. Limit dwellings to 100 single-family homes on one-half acre lots; 4. Prohibit townhouses, or alternatively, prohibit townhouses sited near Old Landing Road, limit the total number of townhouses, prohibit stacked townhouse rows, and increase green space between sections; 5. Require a 50-foot forested buffer around the entire perimeter; 6. Prohibit any construction of any improvements in any water resource protection area and on any hydric soil; 7. Require a wetlands disclosure in deed restrictions; 8. Require a 100-foot buffer around wetlands as recommended by DNREC; 9. Require a recorded restrictive covenant to increase the amount of open space; 10. Require a limit to the number of

deciduous trees that are removed; 11. Prohibit any parcels from facing Fairway Drive; 12. Realign site entrances to avoid creating dangerous intersections with Sawgrass South entrances; 13. Require the owner to assign ownership of Fairway Drive and Clubhouse Drive to existing residents; 14. Increase the buffer between Old Landing Road and site development to 50 feet; 15. Require application to FEMA requirements per FIRM effective March 16, 2015; 16. Require use of pervious surfaces for paving of all sidewalks, bike paths, driveways, nature trails, and parking areas; 17. Require walking, biking, and nature trails; 18. Require site improvements that do not increase the likelihood of stormwater breaching Old Landing Road, Arnell Road, Clubhouse Drive, or Fairway Drive; 19. Require Applicant to provide fully developed hydrologic and hydraulic engineering analyses for all phases of site improvements; and 20. Require the Applicant to provide a bond, admit liability, indemnify, and accept personal financial responsibility for any adverse impact on any adjacent property or any well in any adjacent property due to: construction activities, site improvements, including grading of lots or other areas on parcel, stormwater damage, and any alteration to a watercourse; that the residents ask that the application be reviewed on its own merits; that the County will need to weigh the need for tax revenue, the lack of available State funds for roads and other improvements, and the health and welfare of the residents; that the County should see the deficits of building 350 dwellings on an environmentally sensitive developing area; that the remedial action the residents seek recognizes the Applicant's right to develop his property, and balance that right with the rights of his neighbors to ensure that their property is not adversely impacted by uncontrolled flood waters, that the quality of their water is not affected; and that the environment they love is not despoiled and the wetlands are left undisturbed; and that the residents believe that restraining the density will put less strain on Old Landing Road and better protect the safety of the traveling public.

Bill Brockenbrough of DeIDOT came forward at the request of the Commission and advised them that the 2011 Traffic Study was performed for the Hood property; that the Department did not see a need for additional studies; and that other developments have been included in the process.

The Commission found that George Barstar, Professional Engineer, was present and presented a Power Point presentation on this application by referencing the existing site; a project overview of the number of units and the open space acreage; allowable uses; allowable site development; the zoning change; environmental sensitive exclusions; wetlands; hydric soils; stormwater management; stormwater plan approval; stormwater project application meeting; DNREC Stormwater Assessment Report; soils; runoff potential; water resource protection; discharge points; and conclusions which reference that: the site's potential for development is limited by environmental constraints; that the proposed rezoning is incompatible with the environmental constraints and should be rejected; that a significant portion of the site may be suitable for development of single family units without a zoning change with approximately 100 units compatible with local lot sizes and existing development; that recommended geotechnical investigation and soil surveys should be conducted to determine the full extent of hydric soils and infiltration in preparation of the Stormwater Assessment Study; and that prior to submission of the subdivision plan, a sediment and stormwater program project application meeting with the

Sussex Conservation District is necessary; and that review of the Stormwater Assessment Report is required prior to subdivision or rezoning approval.

Mr. Crouch came forward at the request of the Commission to respond and advised the Commission that he can provide a letter from the Sussex Conservation District referencing that they will be permitted to submit the project under the old stormwater management regulations since they had already been working with the District on this project.

The Commission found that Richard Morgante, President of Old Landing Woods Owners Association, was present in opposition on behalf of the Board of Directors and stated that Old Landing Woods consist of 41 lots on two streets; that the streets surround a substantial portion of the golf course; that Old Landing Woods will be the one most directly impacted by the rezoning and development of the site; that the subdivision was established in the 1970s; that the residents request that the Commission closely examine this application; that the residents feel that the plans are seriously flawed and do not meet the Code requirements; that many of the residents reviewed the existing zoning prior to purchasing their lots; that increasing the density is contrary to the residents reasonable expectations for the development of the property, and should be rejected; that the residents urge the County to consider the character of the area; that this is not a rural, undeveloped landscape, rather it is a settled community; that it is not open farmland, it is a well-developed community surrounding a golf course; that AR-1 zoning is reasonable with respect to this land, and is in keeping with the character of the adjoining community; that the residents are concerned about environmental and flooding impacts, the density of the proposed community, the worsening of traffic congestion and safety, and the quality of life for the residents, and the surrounding community; the residents are concerned about adding 12 of the 350 homes onto Fairway Drive; that the 12 lots will be isolated from the rest of the proposed community; that there would be no buffer between these 12 lots and the existing lots along Fairway Drive; that the Code requires the inclusion of forested buffers or landscape buffers, which are not intended; that the proposal may destroy an existing forested buffer; that the lots will be out of character with the size of the lots and homes on Fairway Drive; that the Code requires proper alignment with the surrounding development; that Fairway Drive is a shared roadway with the Woods at Arnell Creek; that adding another development will impose further complications and hardship in determining control and maintenance of the narrow residential street; that they have not yet reached an agreement with the developer of the Woods at Arnell Creek; that complicating the roads management issue is the fact the Robert Marshall actually owns the roads, but does not maintain them, nor does he contribute to their upkeep; that the roads should be turned over to the Old Landing Woods Owners Association; that drainage problems already exist throughout much of the year and would be aggravated by the additional lots along Fairway Drive; that if the project is approved, the residents request that the Commission require the developer to leave the existing forested buffer along Fairway Drive and eliminate the 12 lots and avoid future problems for those 12 future homeowners and certainly the Old Landing Woods community; that eight of the proposed lots are in an area that frequently floods; that locating homes in a flood prone area will exacerbate problems in an already poor drainage area and be contrary to the Code; that the addition of eight lots will prove problematic for not only those lots, but also the property owners that already reside there; that those lots should also be eliminated;

that the residents request that this application be rejected, or at a minimum, postponed until the County is assured that the project meets Code, and that the developer should be required to provide the required investigations, studies and technical data, and makes critically needed adjustments to the plan. Mr. Morgante provided a copy of his testimony and two exhibit boards containing 28 photographs of existing conditions and flooding of the area. The photographs were reportedly taken during Hurricane Sandy and on December 9, 2014, which had a moderate rainfall.

The Commission found that Charlotte A. Reid was present in opposition and submitted and summarized comments relating to this application; that the comments include the character of the area; flood control; the Environmentally Sensitive Developing Area; special scrutiny; flood plains, wetlands, soils and the Inland Bays; new requirements concerning Flood Prone Districts; safety; that in conclusion, a decision by the Commission on this pending application and plan would be premature at this point, as there are many important open issues and unanswered questions presented by the Applicant's plan; that the Applicant's submissions fail to comply with various submission requirements under the Code; that the residents urge the Commission to strictly adhere to the PLUS review recommendations, in advance of commencing any development activity; that the Commission should delay this process long enough to extract the developer's concessions; that it is well to note that the Applicant has made no effort to discuss how to avoid inundating contiguous/nearby property with any of the neighbors whose properties would be affected by the construction of the dwellings and impervious surfaces inherent to the developer's plan; and that the Commission should require an independent geotechnical report on the effects of building on hydric soils, which do not have adequate bearing capacities to support such structures.

The Commission found that Sandra Oropel was present in opposition and submitted and summarized comments relating to this application referencing traffic and safety issues that will have a grave impact on all homeowners along Old Landing Road; that DeIDOT has identified Old Landing Road as facing high volumes of traffic for over a decade; that headlines in the Cape Gazette in 2004 read "Old Landing Road Traffic A Big Concern"; that DeIDOT had assigned the Old Landing Road, Warrington Road, and Strawberry Way intersection a Level of Service "F", which means that the traffic demand exceeds the design of the intersection and results in an average delay of more than 50 seconds per vehicle; that nothing has been done on the plans to improve the intersection; that vehicle traffic will only increase the traffic congestion at the intersection; that DeIDOT permitted the Applicant to pay for a Traffic Operational Analysis report, a less detailed study, in lieu of DeIDOT performing a new more intensive Traffic Impact Study; that the last Traffic Impact Study was performed in 2011 and is insufficient because it does not take into account the development off Old Landing Road since then; that the residents believe that the Traffic Impact Study should be mandated; that a Traffic Impact Study would have required improvement of Old Landing Road to meet State standards and would address the Traffic and Safety issues the residents will be faced with; that a review of the DeIDOT Crash Analysis Report from October 2009 to October 2014 indicates that 18 accidents have occurred on Old Landing Road; that seven of those accidents occurred along a stretch of road that runs parallel to the golf course with four of them occurring in 2014; that the creation of this project



will create additional traffic and related safety issues for which the State Police will be unable to deliver quality and competent law enforcement services due to their already low staffing levels and will undoubtedly jeopardize public safety; that if there is an accident at the intersection of Old Landing Road, Warrington Road, and Strawberry Way that disrupted traffic flow and then there would be another emergency anywhere south of the intersection it would be almost impossible for EMTs or Fire apparatus to get to the second emergency; and that it is a great concern that Old Landing Road is the only outlet should there be an ordered evacuation in the case of a major storm event or flooding. Ms. Oropel submitted her testimony with related excerpts from the Delaware Annual Traffic Statistical Report and related links, the Delaware Crash Analysis Reporting System, the Delaware Department of Safety and Homeland Security Division of Police Strategic Plan for 2014 through 2018, a Memorandum from Gary J. Norris, AICP, and a copy of the referenced Cape Gazette 2004 headline.

The Commission found that Donna Voigt was present in opposition and submitted and summarized her testimony by stating that the site design is not aligned with the Code; that the County has a moral obligation to current and future residents to carefully consider the opposition arguments and reject this request; that the design is clearly not aligned with the Comprehensive Plan for Future Land Use, and falls short of addressing critical questions tied to the Code and concerns of existing landowners; that the rights of those living adjacent or nearby this property are as important as the Applicant's right to develop his land; that land is an investment asset as much as any other; that each of us makes decisions regarding investments with the desire to see that investment increase in value; that sometimes taking a "wait and see" approach pays off handsomely, and sometimes not; that the Applicant chose to retain his property as a golf course instead of seeking re-zoning and building prior to the Sawgrass and other developments; that all of the developments approved and built, or are building, has created significant challenges along Old Landing Road; and that assuming that another project can be built without consideration of the current situation is foolish. Ms. Voigt submitted her testimony, which included an aerial photograph, a conceptual site plan for the project, photographs of flooding on the site, and a promotional document relating to the Sawgrass South project.

The Commission found that Jeanne Goldy-Sanitate was present in opposition and stated that she has concerns about run-off from the berms proposed along Old Landing Road causing run-off onto Old Landing Road and into Sawgrass South; that paved roads are not open space; that she is a bicyclist that rides on Old Landing Road which needs improvements for bicyclist and pedestrian safety; and that she is opposed to stacked townhouses.

The Commission found that Deborah Qualey was present in opposition and stated that she has concerns that there are no townhouses along Old Landing Road in Sawgrass South; that the developers are proposing rows of townhouses along Old Landing Road which changes the appearance of Old Landing Road; that the project may impact the Inland Bays; and that roads and flooding are also a concern.

The Commission found that Evelyn Simmons was present in opposition and stated that she is concerned about flooding; that Mr. Marshall owns the roads and the existing marina in the Old Landing Development; that she is concerned about the boat docks; that the waters are muddy; that the existing boat ramp is also owned by Mr. Marshall; and that the Old Landing Development does not need any more traffic or parking along Arnell Road.

The Commission found that Henry Glowiak, Vice President of the Inland Bays Foundation, was present in opposition and stated that this project impacts negatively all of the past work performed by the Center for the Inland Bays, the State, and the County; that this area is one of the most stressed areas in the Inland Bays; that the quality of life in this area is deteriorating; that the Inland Bays Watershed drainage area contains approximately 300 square miles or 1/3 of the County, with approximately 80,000 residents; that impervious surfaces are a concern and are so noted in the Comprehensive Plan; that the application is not compliant with the Federal Clean Water Act; that nutrients will be going into the Inland Bays; that this property is a prime piece of property to preserve; that the State does not have the funds to purchase the property; that if the property is to be developed, it should be based on the current AR-1 zoning; and suggested that the application should be denied as submitted.

The Commission found that Steve Britz, a member of the Board for Webbs Landing and Vice Chair of the Citizens Advisory Committee for the Center for the Inland Bays; presented a Power Point presentation and testimony referencing the size of the project; that there is insufficient justification to change the zoning; that the project is out of character with the surrounding communities; that Old Landing Road is at a choke point for ingress/egress; that the land does not support high density development; expressed soils and stormwater concerns; expressed concerns about the cost of construction and insurance in a flood plain; that the soils are very limited for homes with basements; that the ground may be water saturated, has a high seasonal groundwater, is prone to ponding, is unstable for foundations, that impervious surfaces are exacerbated, that the soils are low-lying and difficult to remediate, and that there is a need to increase the buffers; that the Subdivision Ordinance references that lands compromised by improper drainage or flooding may pose significant threats to the safety and general welfare of residents and should not be developed; that the DNREC Watershed Assessment Section believes that permitting development on such soils would be inconsistent with the County Code; that the run-off generated by the project may cause run-off onto the Sawgrass South project; that the County should require the developer to contact a Certified and Licensed Soil Scientist to conduct a more thorough site-specific field delineation of the hydric soils on the site; and suggested that the County should deny this request pending a more environmentally responsible plan.

The Commission found that Ed Ryner was present in opposition and stated that he is concerned about traffic, that the roads in the area are inadequate for the possible traffic volume; and that the residents in the area are losing a public golf course.

The Commission found that Linda Frese was present in opposition and stated that the application is not a popularity contest as stated by the developers Attorney; that the residents in attendance are concerned citizens; that the residents live in the area; that the residents know the flooding issues; that the residents know traffic; that the residents are concerned about the environment and

the area; that some of the residents are doctors and lawyers and are expressing concerns; that the residents are in attendance hoping for a better way of life for the area; that the residents are concerned about safety; that the residents are hoping for a future for their children in the area; and that the residents are only trying to express how they feel.

The Commission found that George Love, a resident of the Rehoboth Bay Manufactured Home Community, was present in opposition, submitted comments and expressed concerns that the developers have not responded to recommendations from science-based agencies, i.e. the recommended 100-foot buffering from wetlands; that the developers have stated that they will meet or exceed the recommendations of the Pollution Control Strategies; that the developers have not specifically referenced the treatment method, the plan for on-going maintenance, and/or the source of funding for the maintenance; that the plan should be incorporated into the covenants and/or permit conditions; that surface water runoff is affected by construction and re-contouring of land surfaces, and can adversely affect adjacent/downstream properties through flooding and erosion; that the natural soils are going to be impacted by the expansive impervious surfaces; that the facilities for runoff collection and treatment should be isolated from the shallow ground water table; that a schedule to routinely monitor the quality of the water impounded in the runoff retention ponds will demonstrate that no long-term chemical loading will impact groundwater, and that the water quality does not violate discharge quality conditions that may be imposed on any point discharge from the project into the tidal waters and/or Arnell Creek; that a study should be required to determine what, if any, impact the disturbance of the soils by re-grading and re-shaping will have on surrounding water wells; and that the study should include an inventory of all wells, both private and public, within a reasonable distance from all areas where the infiltration rate for groundwater discharge are modified. Mr. Love's comments included his text, and maps from the Delaware Geologic Information Resource referencing subsurface aquifer and water depth points results; an area map indicating wellhead protection areas, digital and aerial maps, a map of groundwater recharge potential areas, and an unconfined aquifer transmissivity map.

The Commission found that Josephine Hamilton was present in opposition, submitted comments and expressed concerns that there is a known archeological site on this parcel; that the Division of Historical & Cultural Affairs recommends that the developers have a qualified archaeological consultant investigate the project area to see if there is any unmarked cemetery, graves, or burial sites; that the Division also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development; that the developer responded that the State Historical Preservation Office provided the developer with some information regarding a known archaeological site, and that Terrance Burns of the Bureau of Archaeology and Historic Preservation provided information determining that the sites are not located within the Osprey Point property.

The Commission found that a petition was submitted in opposition to this application containing signatures of approximately 140 residents of the area. The petition included a summary and background for the opposition, a copy of the PLUS application, a copy of the Conceptual Site

Plan for Osprey Point, and color maps of the area indicating the boundaries of the State Strategies for Policies and Spending, and the land uses in the area.

The Commission found that Mr. Fuqua and Mr. Crouch responded to questions raised by the Commission by stating that the owners contribute to maintenance of Fairway Drive by deed restrictions; that the owners along the road contribute funding for maintenance; that there is no buffering proposed along Fairway Drive since Mr. Marshall owns the roadway.

The Commission found that Mr. Morgante stated that Mr. Marshall does not contribute to the maintenance of Fairway Drive or maintain Fairway Drive; and that the residents along Fairway Drive have not yet reached an agreement with the developer of the Woods of Arnell Creek for participation in the maintenance of Fairway Drive.

Prior to closing the public hearing, the Chairman asked for a show of hands and found that there were still 24 residents in opposition to the application present of the approximately 110 parties that were present at the start of the public hearing.

The Commission discussed the application.

Mr. Robertson stated that the record should be left open for at least the Sussex Conservation District comments about the appropriate regulations to apply to this application (i.e. whether it is grandfathered under the old regulations), and DelDOT comments relating to the Traffic Operational Analysis.

On January 8, 2015 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for the Sussex Conservation District reference to grandfathering of the project, and for DelDOT comments on the Traffic Operational Analysis, the applicants response to the DelDOT comments, and that public written comments relating to those comments will be accepted for 20 days after the announcement of receipt of those comments by the Planning and Zoning Commission. Motion carried 4 – 0.

The Planning and Zoning Commission had received a similar response from the Sussex Conservation District on grandfathering of the project; and on March 24, 2016 it was announced that the Department had received DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments; and that it was then announced that public written comments relating to those comments will be accepted for 20 days.

On April 14, 2016 the Commission was advised that the deadline for written comments in response to the DelDOT comments and the applicant's comments was April 13, 2016; that 48 comments had been received by the Department on or before April 13, 2016; that there was some duplication, however all were provided for the Commissions review and consideration; that the staff was in receipt of a revised site plan for 217 single-family residential lots; and the record was closed and the Commission was to take the information submitted under advisement and schedule for Old Business in the future.

On May 26, 2016 the Commission discussed this application under Old Business, and deferred action for further consideration.

On June 23, 2016 the Commission again discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1759 for Osprey Point D, LLC for a change in zone from AR-1 Agricultural Residential to MR-RPC Medium Density Residential – Residential Planned Community based upon the information contained in the record and for the following reasons:

- 1) This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the applicant submitted a revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road. In my 11.5 years on the Commission typically changes are made from Preliminary to Final approval.
- 2) The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.
- 3) The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents “infill” development.
- 4) Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
- 5) Central water will be provided to the project.
- 6) With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.
- 7) A revised Traffic Operational Analysis was prepared and reviewed by DelDOT as a result of the reduction in residential units. The applicant will be required to comply with all DelDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the

signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.

- 8) The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.
- 9) There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District's and DNREC's review to accommodate an appropriate and workable storm water management design.
- 10) The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.
- 11) This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.
  - B. Site Plan review shall be required for each phase of development.
  - C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road/Warrington Road/Strawberry Way intersection and signalization improvements.
  - D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100<sup>th</sup> building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.
  - E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
  - F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
  - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best

Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.

- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this C/Z #1759 for Osprey Point D, LLC to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Ross did not participate in the vote since he was not present for the public hearing. Mr. Hudson did not participate in the vote since he was not a Commissioner at the time of the public hearing.

**Introduced 08/05/14**

**Council District: Cole – District 4**

**Tax I.D. No. 334-18.00-83.00**

**911 Address: 20836 Old Landing Road, Rehoboth Beach, DE**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of July 2014, a zoning application denominated Change of Zone No. 1759 was filed on behalf of Osprey Point D, LLC; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, 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. 1759 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, 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 MR-RPC Medium Density Residential District – Residential Planned Community 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 west of Old Landing Road (Road 274) 1.2 miles south of Warrington Road (Road 275) and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc, said parcel containing 126.8795 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.**



Lands N/F of  
MAIN STREET HOMES

Lands N/F of

Lands N/F of  
BEST

Lands N/F of  
LONGVIEW SANDPENS

Lands N/F of  
MARSHALL

Lands N/F of  
LODGE

Lands N/F of  
DELAWARE

CATALINA CIR

LAGUNA DR

CARMEL TER

VENICE CT

Lands N/F of  
SANGRASS SCOUTS

ARNELL RD

MARINA DR

OLD LANDING RD

Lands N/F of  
BELISLE

Lands N/F of  
BEACH

Lands N/F of  
ERIEG

B ST

C ST

D ST

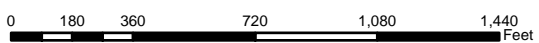
Lands N/F of  
YI

# Change of Zone Application #1759



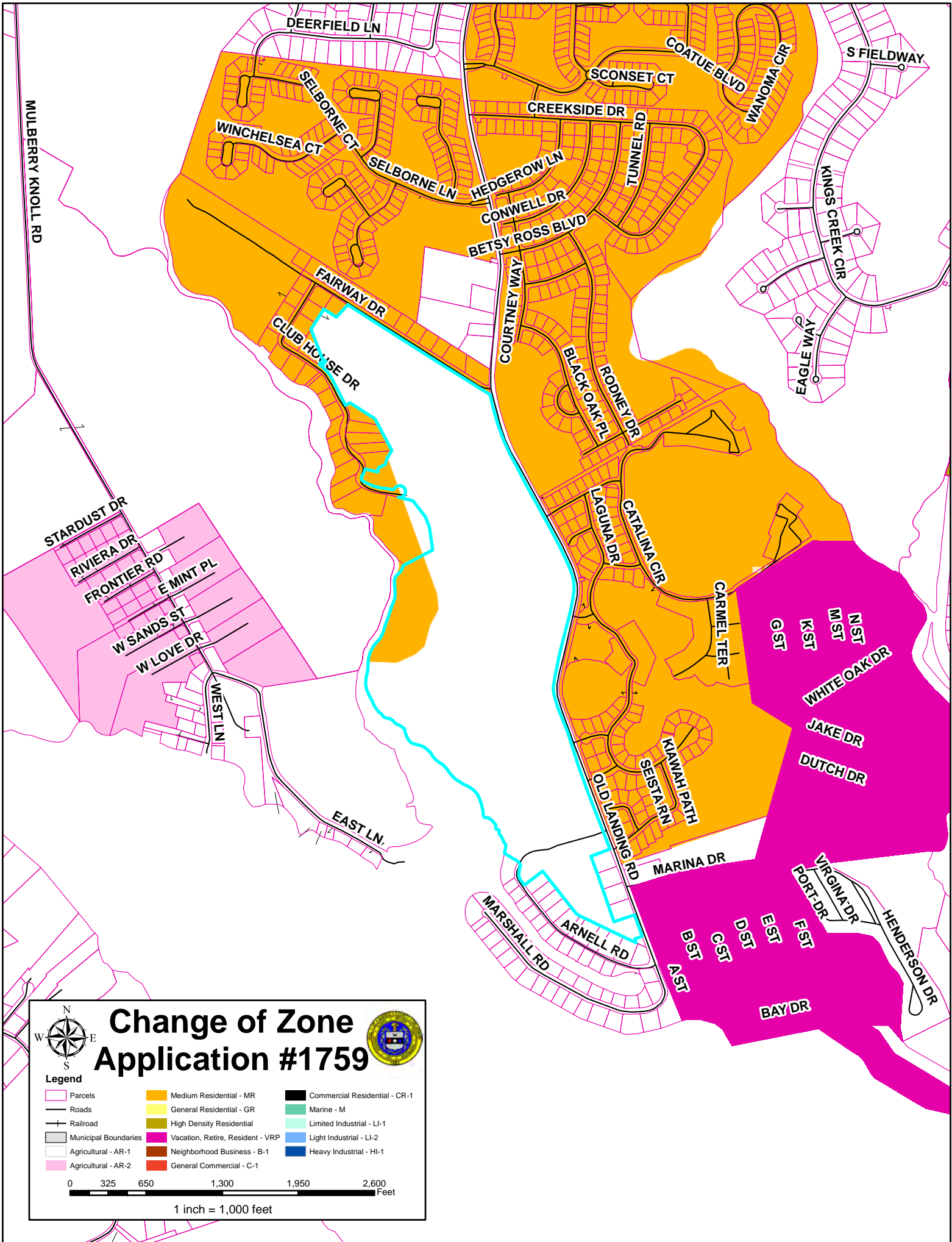
### Legend

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



1 inch = 566 feet



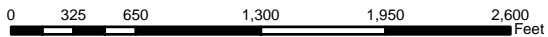


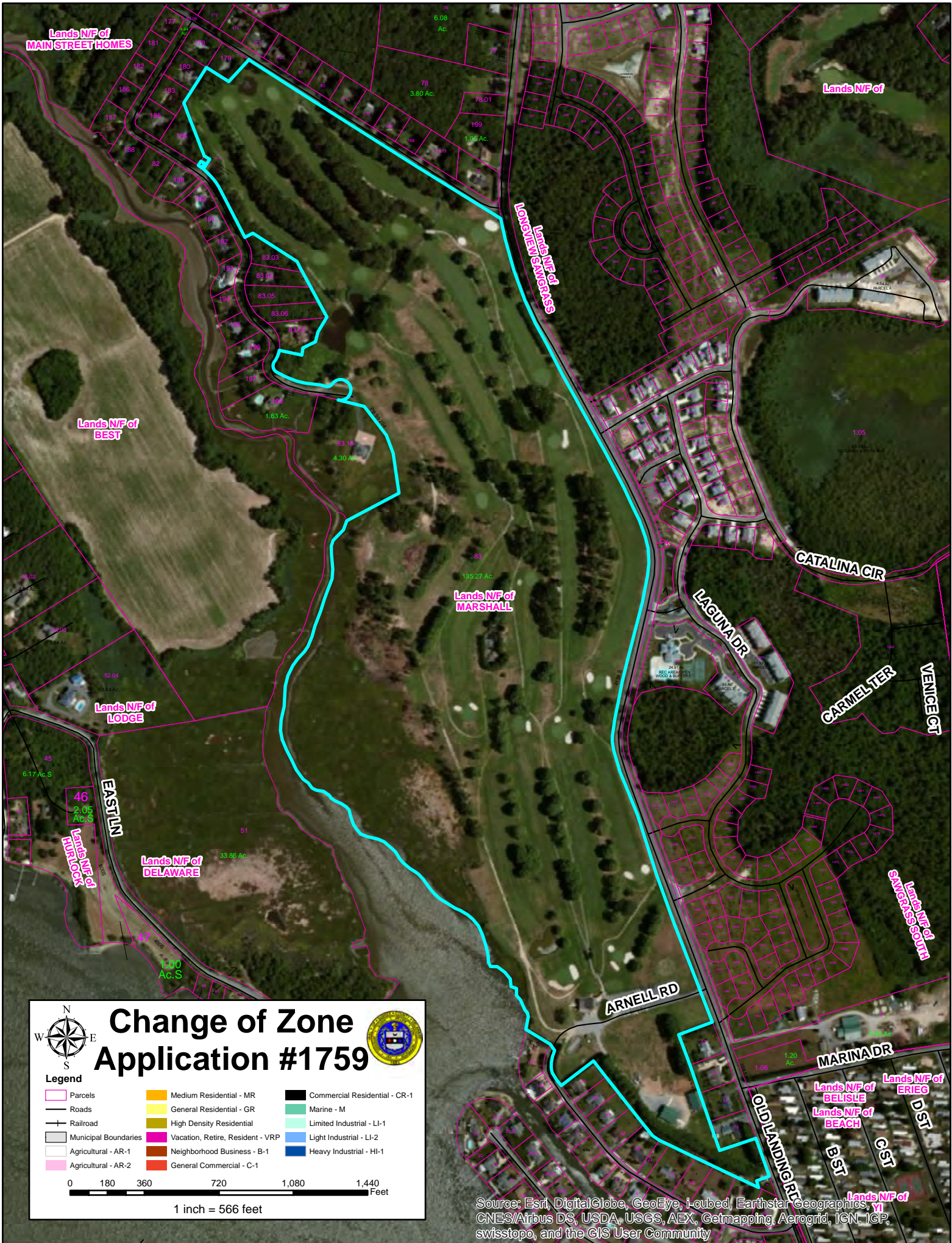
# Change of Zone Application #1759



**Legend**

- Parcels
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- Railroad
- Municipal Boundaries
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- Agricultural - AR-2
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# Change of Zone Application #1759



**Legend**

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

0 180 360 720 1,080 1,440 Feet

1 inch = 566 feet

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER  
JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

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

RE: **GENERAL LABOR CONTRACT & EQUIPMENT CONTRACT  
CHANGE ORDER NO. 1; PROJECT NO. 17-01**

DATE: November 15, 2016

During the Fiscal Year 2017 Budget Process the Engineering Department introduced the concept of a time and material contract approach in an effort to reduce the capital project backlog. The backlog had grown over time due to the increased minor and major capital project load associated aging infrastructure. The Engineering Department, in close consultation with legal Counsel, developed a bid package for a publicly advertised time and material contract consistent with County Procurement Policy. On June 21, 2016 Council awarded the competitively bid General Labor & Equipment Contract - Project #17-01 to George & Lynch, Inc. in the initial amount of \$2,097,869.00. The initial scope covered capital projects mostly requested by the Environmental Services Division in the 2017 budget as approved by Council.

On July 18, 2016, the contractor was issued the Notice to Proceed to begin the execution of the contract. From the onset of the contract, additional, mostly smaller out-of-scope construction items affecting operation of the sanitary sewer and water systems were identified by the Environmental Services' District Managers as well as the Engineering Department Staff. Also in response to public concerns, trench hot mix patching at miscellaneous locations in Oak Orchard associated with previous County sewer projects were evaluated and found to be in need of repair.

The out-of-scope tasks require Council to approve a change order associated with the scope modifications which carries a cost increase in the overall contract amount for Project #17-01. However, unlike a lump sum contract change order this does not necessarily mean all the funds will be expended. At the end of Fiscal Year 2017 the Engineering Department may make a recommendation to utilize the contract extension option based on the experience to date and at that time request unexpended capital funds to be carried over into the next fiscal year.



The following work items are to be included as part of Change Order No. 1:

- South Coastal Treatment Facility miscellaneous piping modifications
- Magnolia Shores installation of three (3) grinder pump systems
- Replacement of water meter vault at the Airpark
- Piney Neck Treatment Plant modifications to the influent screen
- Justin Fiberglass deep sewer lateral repair at the Sussex Business Park
- Interconnection with Artesian Resources at Vincent Overlook as per Agreement
- Pine Town Road emergency sewer repair following utility contractor damage
- Miscellaneous Oak Orchard sewer trench pavement patching as per citizen requests
- Urgent Pump Station 299 repairs
- Urgent Rt. 1A gravity sewer casing and pipe repair

As pointed out previously these items are either emergency type projects or urgent repairs. I will be happy to discuss these projects with you on Tuesday. In summary, the Engineering Department requests Council's approval of the scope modification and associated change order no.1 for Project #17-01 in the amount of \$577,334.80.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **FY 17 GENERAL LABOR & EQUIPMENT**
2. Sussex County Contract No. 17-01
3. Change Order No. 1
4. Date Change Order Initiated - 11/01/16
5.
  - a. Original Contract Sum \$2,097,896.00
  - b. Net Change by Previous Change Orders -0-
  - c. Contract Sum Prior to Change Order \$2,097,896.00
  - d. Requested Change \$577,334.80
  - e. Net Change (No. of days) -0-
  - f. New Contract Amount \$2,675,230.80
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

X 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Various work incorporated into the General Labor & Equipment Contract as needed. Please see attachments.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes   X   No           

**E. APPROVALS**

1. George & Lynch, Project General Contractor

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

\_\_\_\_\_  
Signature Date

<b>FY 17 GENERAL LABOR &amp; EQUIPMENT CONTRACT CHANGE ORDER #1</b>	
<b>DESCRIPTION</b>	<b>ESTIMATED COSTS</b>
South Coastal Treatment Facility	\$25,000.00
Magnolia Shores Grinder Pumps (3)	\$21,788.00
Water Meter Vault - Airpark	\$6,000.00
Trucking of Soil to and from the South Coastal Plant	\$1,924.80
Piney Neck Treatment Plant	\$6,300.00
Justin Fiberglass Lateral Repair - Sussex Business Park	\$15,000.00
Vincent Overlook FM Interconnection	\$50,000.00
Rt. 1A Pipe Repair	\$346,822.00
Pine Town Road Emergency Repair	\$3,500.00
Miscellaneous Oak Orchard Sewer Trench Hot Mix Patching	\$95,000.00
PS 299 Repairs	\$6,000.00
<b>Total Change Order #1</b>	<b>\$577,334.80</b>



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JOSEPH WRIGHT, P.E.  
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## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

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

RE: *Coastal Airport T-Hangar Demolition Replacement – Bid Award  
Project No. 17-07*

DATE: November 15, 2016

On May 10, 2016 the Engineering Department presented the bid results for the repair of the storm damage to the vintage T-hangar at Delaware Coastal Airport. After careful consideration Council determined it was in the County's best interest to reject all bids and authorize the Engineering Department to rebid a construction contract for a new T-hangar in accordance with the airport master plan. The damage-related expenses can be recovered from the insurance company under either approach. The new T-hangar will house nine (9) planes representing a 50% increase over the existing capacity.

In order to solicit the best price, allowing Council an economically based decision the following three (3) base bid alternatives were pursued:

- A. Fully designed structural steel hangar with new floor slab
- B. Pre-engineered steel hangar with new floor slab
- C. Fully designed structural steel hangar on the existing tie-down apron

Bids for the T-Hangar Replacement project were opened on November 3, 2016. Four (4) bids were received, as shown on the attached bid summary. Common Sense Solutions, LLC provided the lowest responsive bid of \$537,219.57 based on Alternate B for a pre-engineered T-Hangar with a new concrete floor slab and associated foundation system. The addition of Bid Additive Schedule D in the amount of \$29,838.60 for demolition of the existing T-Hangar, will bring the total bid to \$567,058.17. The cost of the T-hangar was significantly impacted by the addition of two (2) floor-to-roof fire walls in the hangar as well as the need for a trench drain on one side to divert sheet flow from the taxiway.



Common Sense Solutions, LLC did not offer a bid on Schedule E for the electrical work. We will secure this portion separately under a targeted quotation process with at least three (3) interested electrical contractors. The value is estimated to be +/- \$43,000.00.

The new T-Hangar lease income for nine (9) planes at market rate will allow a payback of the project in approximately 15 years. The life expectancy of the structure is fifty (50) years. The Airport Manager has confirmed that at least nine customers are interested to execute long term leases for the use of the hangar space assuring the County of a positive payback. Given the circumstances the Engineering department recommends award of the project to Common Sense Solutions, LLC in the amount of \$567,058.17.

## ENGINEERING DEPARTMENT

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JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## T-HANGAR REPLACEMENT

BID OPENING, 10:00 a.m., THURSDAY, November 3, 2016

BIDDER	Alt. A	Alt. B	Alt. C	Additive D
Common Sense Solutions *	\$882,184.02	\$537,219.57	\$691,822.25	\$29,838.60
Willow Construction	\$915,800.00	\$930,800.00	\$742,000.00	\$30,000.00
Kent Construction	\$975,050.00	\$983,650.00	\$768,150.00	\$45,000.00
John L. Briggs	\$958,540.00	No Bid	\$784,030.00	\$22,440.00

\*Apparent Low Bidder

Award based on Base Bid Alternate B + Additive D



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER  
JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

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

**RE:** **Sussex County Annual Landfill Maintenance**  
*Award of 2016 Request for Proposals*

**DATE:** November 15, 2016

Historically Sussex County operated up to six (6) municipal landfills beginning as early as 1968. One by one each site was converted to a transfer station upon reaching its original landfill capacity. The last active County operated site, Landfill No. 1 in Bridgeville, closed in 1984, when the Delaware Solid Waste Authority (DSWA) assumed solid waste disposal operations Statewide and opened the Jones Crossroads Landfill in Sussex County. Subsequently the number of County transfer stations was steadily reduced until the last one closed in 1994.

The sites were later identified pursuant to Title 7, Chapter 91 of the State of Delaware Code, The Delaware Hazardous Substance Cleanup Act (HSCA) and are regulated by the State of Delaware's Department of Natural Resources and Environmental Control (DNREC). DNREC's Division of Waste & Hazardous Substances, along with its Division of Water, administers and oversees regulatory management of the sites under authority granted by the US Environmental Protection Agency (USEPA).

Weston Solutions Inc., the County's long term environmental consultant, and the Engineering Department's Special Projects Director continue to manage the legacy landfill sites in conjunction with the DNREC. The State and the County mutually agreed on an Operations & Maintenance (O&M) plan, as well as, a formally recorded Environmental Covenant document for each site. In addition, Sussex County Landfill No.5 in Laurel is a delisted USEPA Federal Superfund Program site. It is governed by supplementary regulatory directives, as specified in a Notice of Conciliation agreement (NOC) made between the EPA, DNREC and Sussex County. As part of the approved O&M plan, and the agreed upon NOC, a groundwater monitoring program was established and groundwater sampling is conducted annually from monitor, residential, irrigation, and agricultural wells, as well as, from surface water bodies, located on or in proximity to the sites, to measure groundwater quality and water table fluctuations.



Each landfill has a series of pathways accessing the groundwater monitoring wells installed at, or near the sites. The pathways are maintained annually in order to obtain the samples. This maintenance work includes removal of all vegetative overgrowth by the use of mechanical and manual removal methods. It also involves inspection for, and removal of any refuse along all pathways, gated entrances, as well as, fenced areas along specified boundary lines. Lastly it includes correction of any significant settlement areas along the access pathways at the discretion of Engineering Department.

A request for proposals was prepared and provided to six (6) local contractors engaging in this type of work. The individual proposal amounts are due on November 14, 2016 and we will make a recommendation to County Council at the November 15, 2016 meeting to award this work based on the lowest cost base proposal received. Alternate proposal prices have been requested for the provision of crusher run, topping stone and filter fabric, if necessary.

Funding for this project has been approved in the Fiscal Year 2017 budget. In addition to the award recommendation of the 2016 annual landfill maintenance contract the Engineering Department requests Council's approval to advertise for a comprehensive, multi-year landfill maintenance agreement.

## 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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# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

FROM: Joe Wright, P.E., Assistant County Engineer

RE: *The Estates of Sea Chase  
Balancing Change Order and Substantial Completion  
Project No. 16-32*

DATE: November 15, 2016

Please see the attached Balancing Change Order (change order no. 1) for The Estates of Sea Chase Subdivision Project, Chapter 96-Sussex Community Improvement Project. This change order reduces the contract amount by \$11,911.10 and adjusts all quantities to their final amounts; thereby lowering the total contract amount to \$74,145.50.

We would also like to recommend Substantial Completion for the project. Construction started September 12, 2016 and was substantially complete on October 4, 2016.



# CHANGE ORDER NO. 1

---

## SUSSEX COUNTY CHANGE ORDER REQUEST

### A. ADMINISTRATIVE:

1. Project Name: **THE ESTATES OF SEA CHASE SUBDIVISION**
2. Sussex County Contract No. 16-32
3. Change Order No. 1
4. Date Change Order Initiated - 11/1/16
5.
  - a. Original Contract Sum \$86,056.60
  - b. Net Change by Previous Change Orders \$ 0.00
  - c. Contract Sum Prior to Change Order \$86,056.60
  - d. Requested Change -\$11,911.10
  - e. Net Change (No. of days) -0-
  - f. New Contract Amount \$74,145.50
6. Contact Person Joseph Wright, P.E.  
Telephone No. (302) 855-7718

### B. REASON(S) FOR CHANGE ORDER

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

# CHANGE ORDER NO. 1

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\_\_\_ 6. Factors Affecting Time of Completion

\_\_\_ 7. Other (explain below):


**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

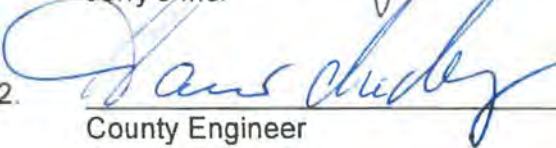
Adjust contract items to final quantities.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED:**

Yes \_\_\_ X \_\_\_ No \_\_\_

**E. APPROVALS**

1.  11/4/16  
Jerry's Inc. Date

2.  11/4/16  
County Engineer Date



The Estates of Sea Chase Subdivision  
 Sussex County Project 16-32 - Jerry's Inc.  
 Balancing Change Order (C. O. #1)

WORK ITEMS				As Bid		As-Built			OVER/UNDER TOTAL ITEM PRICE	
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE	FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE		
1	WMA, SP, Ty C, 160 Gyra. PG 64-22, Patching	SYIN	100	\$ 4.74	\$ 474.00	22	\$ 4.74	\$ 104.28	\$ (369.72)	
2	WMA, SP, Ty C, 160 Gyra. PG 64-22	Ton	820	\$ 78.93	\$ 64,722.60	684	\$ 78.93	\$ 53,988.12	\$ (10,734.48)	
3	Hot Mix Patching	SYIN	100	\$ 4.00	\$ 400.00	22	\$ 4.00	\$ 88.00	\$ (312.00)	
4	Joint/Crack Cleaning & Sealing	LF	200	\$ 1.50	\$ 300.00	209	\$ 1.50	\$ 313.50	\$ 13.50	
5	Topsoil	SY	400	\$ 3.75	\$ 1,500.00	329	\$ 3.75	\$ 1,233.75	\$ (266.25)	
6	Seeding	SY	400	\$ 2.10	\$ 840.00	329	\$ 2.10	\$ 690.90	\$ (149.10)	
7	Mulching	SY	400	\$ 2.05	\$ 820.00	329	\$ 2.05	\$ 674.45	\$ (145.55)	
8	Paint White Symbol	LS	1	\$ 450.00	\$ 450.00	1	\$ 450.00	\$ 450.00	\$ -	
9	Adjust Water Valve Box	EA	9	\$ 40.00	\$ 360.00	10	\$ 40.00	\$ 400.00	\$ 40.00	
10	Adjust San. Sewer Manhole Frame & Cover	EA	15	\$ 180.00	\$ 2,700.00	15	\$ 180.00	\$ 2,700.00	\$ -	
11	Adjust San. Sewer Cleanout Frame & Cover	EA	37	\$ 85.00	\$ 3,145.00	37	\$ 85.00	\$ 3,145.00	\$ -	
12	Driveway Tie-In Preparation	EA	45	\$ 67.00	\$ 3,015.00	45	\$ 67.00	\$ 3,015.00	\$ -	
13	Pavement Milling	SY	380	\$ 5.50	\$ 2,090.00	387	\$ 5.50	\$ 2,128.50	\$ 38.50	
14	Butt Joints, Hot Mix	SY	30	\$ 13.00	\$ 390.00	28	\$ 13.00	\$ 364.00	\$ (26.00)	
15	Saw Cutting, Hot Mix	LF	75	\$ 6.00	\$ 450.00	75	\$ 6.00	\$ 450.00	\$ -	
16	Maintenance of Traffic	LS	1	\$ 900.00	\$ 900.00	1	\$ 900.00	\$ 900.00	\$ -	
17	Mobilization	LS	1	\$ 3,500.00	\$ 3,500.00	1	\$ 3,500.00	\$ 3,500.00	\$ -	
TOTAL BID					\$ 86,056.60	FINAL PRICE			\$ 74,145.50	\$ (11,911.10)

Original contract price

\$ 86,056.60

Balancing Change Order (C. O. #1) Amount

(\$11,911.10)

Final Contract Price

\$ 74,145.50



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Boys & Girls Clubs of Delaware

PROJECT NAME: Masquerade Ball... "Unmask a Child's Future!"

FEDERAL TAX ID: 51-0068712 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 inspire and enable all young people, especially those who need us most, to reach their full potential as productive, responsible, and caring citizens.

ADDRESS: 310 Virginia Ave.  
Seaford DE 19973  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Zaida I. Guajardo  
TITLE: Regional Development Director  
PHONE: 302.841.9639 EMAIL: ZGuajardo@bgclubs.org

TOTAL FUNDING REQUEST: 1,000

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? \$20,250

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? 0.0167

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

- Health and Human Services  
 Other youth services

- Cultural  
 Educational

### BENEFICIARY CATEGORY

- Disability & Special Needs  
 Elderly Persons  
 Minority

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

- Homeless  
 Youth

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
3,500

## SECTION 3: PROGRAM SCOPE

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

The Boys & Girls Clubs of Delaware is celebrating their 3rd Annual Masquerade Ball..."Unmask a Child's Future!" ; a black tie fundraising event to raise funds for the Sussex County Club's scholarship program; currently serving over 3,000 children and their families annually. The Clubs provide a safe, positive place for youth to socialize with peers and engage in a variety of educational and recreational programs. i

The ball is scheduled to take place on March 11, 2017 at the Rehoboth Beach Country Club from 6:00pm – 11:00pm. We expect to attract 300 individuals/leaders and their counterparts from companies and organizations throughout the state.

We are requesting your support by becoming a sponsor or making a cash donation to help us continue serving more children and accomplish our mission: to inspire and enable all young people, especially those who need us the most, to reach their full potential as productive, caring, responsible citizens.

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

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	60,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Venue (food & beverage)	-\$ 10,000.00
Entertainment (Fabulous Greaseband)	-\$ 3,325.00
Print Materials (invitations, save the dates, signage, event program, etc.)	-\$ 1,250.00
Awards	-\$ 570.00
Postage (invites)	-\$ 360.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 15,505.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 44,495.00</b>

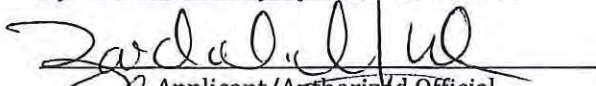
### SECTION 5: STATEMENT OF ASSURANCES

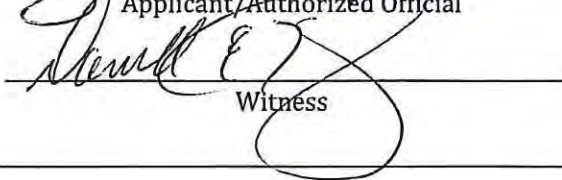
If this grant application is awarded funding, the Boys & Girls Clubs of Delaware agrees that:  
(Name of Organization)

- 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

  
\_\_\_\_\_  
Witness

10/25/2016

Date

10/25/2016

Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

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

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

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

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

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

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


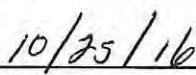
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

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

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

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

  
\_\_\_\_\_  
Applicant/Authorized Official  
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Regional Dev. Dir.  
Title  
  
\_\_\_\_\_  
Date



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Town of Blades**  
PROJECT NAME: **Kid's Christmas Party**  
FEDERAL TAX ID: **51-6001393** NON-PROFIT:  YES  NO  
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.  
ORGANIZATION'S MISSION: **Local Government/Municipality**

ADDRESS: **20 W Fourth Street**

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

CONTACT PERSON: **Vikki Prettyman**  
TITLE: **Town Administrator**  
PHONE: **302-853-0997** EMAIL: **vikiprettyman@bladesde.com**

**TOTAL FUNDING REQUEST: 500.00**

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

If YES, how much was received in the last 12 months? **500.00**

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? **10%**



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

## 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.

This event is held for kids from Blades, Bridgeville, Seaford, Laurel, and in the general the whole local area. No one is turned away. There are gifts, crafts, games, lunch, and of course a visit with Santa. Funding is vital for continued success! This community event is 100% funded and supported by donations.

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	4,500.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
	-\$ 4,500.00
<b>TOTAL EXPENDITURES</b>	-\$ 4,500.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

### SECTION 5: STATEMENT OF ASSURANCES

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

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

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

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
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- 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.**

*Vicki Stuyvesant*  
Applicant/Authorized Official

*November 4th, 2016*  
Date

*Karen Rainey*  
Witness

*Nov 4th, 2016*  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.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.

Ulrike PreHyman  
Applicant/Authorized Official

Karen Quinn  
Witness

Town Administrator  
Title

11-4-2016  
Date

**To Be Introduced 11/15/16**

**Council District No. 4 - Cole  
Tax I.D. No. 234-28.00-146.00  
911 Address: 30226 Cordrey Road, Millsboro**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 24.9784 ACRES, MORE OR LESS**

**WHEREAS, on the 29th day of September 2016, a conditional use application, denominated Conditional Use No. 2068 was filed on behalf of Charles J. Short; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2068 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2068 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 southeast of Cordrey Road (Road 308) 0.72 mile southwest of Mount Joy Road (Road 297) and being more particularly described as:**

**BEGINNING at an iron pipe on the southeasterly right-of-way of Cordrey Road (Road 308) 0.72 mile southwest of Mount Joy Road (Road 297) a corner for these subject lands and lands of R. S. Cordrey Farms, LLC; thence South 34°40'29" West 230.00 feet along the southeasterly right-of-way of Cordrey Road to a point; thence southwesterly along the curve of the southeasterly right-of-way of Cordrey Road 99.70 feet to a concrete monument; thence South 34°32'42" west 551.49 feet along lands, now or formerly, of Messick Investments, LP to**

a concrete monument; thence South 37°57'20" East 1,420.76 feet along the aforesaid Messick lands to a metal axle; thence North 26°46'39" East 872.54 feet along the rear line of lots within Indian Summer Village Subdivision to an iron pipe; thence North 35°47'36" west 1,254.03 feet along lands of R. S. Cordrey Farms, LLC to the point and place of beginning, said parcel containing 24.9784 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.

TO BE INTRODUCED

**To Be Introduced 11/15/16**

**Council District No. 3 - Deaver**

**Tax I.D. No. 135-11.00-78.00**

**911 Address: 24616 Lewes Georgetown Highway, Georgetown**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS**

**WHEREAS, on the 12th day of October 2016, a zoning application, denominated Change of Zone No. 1815 was filed on behalf of Two Farms, Inc.; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1815 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

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

**ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying at the southeasterly corner of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway (U.S. Route 9) and being more particularly described as follows:**



**BEGINNING at an iron rod on the southerly right-of-way of Lewes Georgetown Highway (U.S. Route 9), a corner for these subject lands and lands, now or formerly, of James L. and Janet L. Mitchell; thence South 21°50'01" East 326.08 feet along said Mitchell lands to a point; thence North 65°20'50" East 158.90 feet along said Mitchell lands to a concrete monument; thence South 23°15'28" East 96.52 feet along lands, now or formerly, of Willard T. Hill to an iron pipe; thence South 65°08'56" West 421.20 feet along lands, now or formerly, of Norman C. Barnett to the easterly right-of-way of Gravel Hill Road (Route 30); thence North 23°11'05" West 288.54 feet along the easterly right-of-way of Gravel Hill Road to an iron rod; thence North 16°19'27" East 98.38 feet along the corner easement of Gravel Hill Road and Lewes Georgetown Highway to an iron rod on the southerly right-of-way of Lewes Georgetown Highway; thence easterly along the southerly right-of-way of Lewes Georgetown Highway, 205.46 feet to the point and place of beginning, and containing 2.8573 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.**