



Sussex County Council Public/Media Packet

**MEETING:
December 3, 2013**

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



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Sussex County Council

AGENDA

DECEMBER 3, 2013

1:00 P.M.

Call to Order

Approval of Agenda

Approval of 11/19/13 Minutes

Reading of Correspondence

Recognition of the Cape Henlopen High School Field Hockey Team

Recognition of the Indian River High School Boys' Soccer Team

Rich Collins – Positive Growth Alliance Update

Todd Lawson, County Administrator

1. Employee of the Quarter – Anthony DiGiuseppe
2. Administrator's Report

Gina Jennings, Finance Director

1. Dog Control Contract Renewal

Michael Izzo, County Engineer

1. Pump Station 30 Improvements – Change Order

Julie Cooper, Project Engineer

1. Greenwood Library Project – Change Order



Grant Requests

1. Town of Blades for upgrades to the Blades Park
2. Millsboro Art League for programs and projects.
3. Greater Georgetown Chamber of Commerce for Christmas parade expenses.
4. Town of South Bethany for purchase of All-Terrain Vehicle for beach patrol.
5. Seaford Community Food Closet for operating expenses.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

1:30 p.m. - Public Hearings

Conditional Use No. 1971 filed on behalf of Greg N. Johnson

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COUNTERTOP MANUFACTURING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.145 ACRES, MORE OR LESS” (land lying south of Route 64 (Whitesville Road) 500 feet east of U.S. Route 13 (Sussex Highway) (Tax Map I.D. 532-6.00-87.02)

911 Address: 11244 Whitesville Road, Laurel, DE 19956

Conditional Use No. 1972 filed on behalf of Harry E. Miller

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS” (land lying south of Iron Branch Road (Road 331) 150 feet east of Thorogoods Road (Road 333) (Tax Map I.D. 233-5.00-189.05)

911 Address: 30296 Iron Branch Road, Dagsboro, DE 19939

Change of Zone No. 1737 filed on behalf of Robert and Julie Norwood

“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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS” (land lying at the northwest corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) (Tax Map I.D. 334-12.00-25.00 & 26.00)

911 Address: 34428 Retz Lane, Lewes, DE 19958

Change of Zone No. 1738 filed on behalf of Atlantic Community Thrift Shop

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS” (land lying south of Route 26 (Atlantic Avenue) 100 feet southeast of Road 348 (Irons Lane) (Tax Map I.D. 134-11.00-184.02 and 185.00)

911 Address: 34660, 34650, 34648 Atlantic Avenue, Millville, DE 19967

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 26, 2013 at 4:00 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, NOVEMBER 19, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 19, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

Mr. Vincent announced that Mr. Wilson was not in attendance and that he had a procedure performed in the hospital on Monday.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 540 13
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the Agenda, as posted.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 12, 2013 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE HOSPICE, DOVER, DELAWARE.
RE: Letter in appreciation of grant.**

**Agenda
Item**

Anthony DiGiuseppe, Employee of the Quarter, was not in attendance and recognition was delayed pending his arrival.

**Adminis-
trator's
Report**

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

A. Federal Emergency Management Agency Flood Map Meeting

As previously announced, Sussex County will join the Federal Emergency Management Agency in hosting a public meeting in early

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

December for property owners and residents to review proposed changes to federally-mandated flood plain maps that could have implications on future construction and homeowner insurance rates. At that meeting, representatives of County government, the Delaware Department of Natural Resources and Environmental Control, FEMA, and their mapping partners will be on hand to explain the proposed Flood Insurance Rate Maps (FIRM) for Sussex County.

The maps, which identify flood-prone areas within the County and have been updated for the first time since 2005 using modern mapping technology and improved information, are used by insurance companies to determine flood insurance rates for buildings and contents.

Sussex County is required to adopt updated maps to continue participating in the National Flood Insurance Program (NFIP) and make flood insurance available to the community.

The open house meeting will be held from 4 to 6 p.m. Monday, Dec. 2, at the CHEER Community Center, 20520 Sand Hill Road, in Georgetown.

Information is available now on the County's website at www.sussexcountycle.gov/firm. Interactive mapping is also available at www.r3coastal.com. For more information, contact Sussex County Environmental and Flood Plain Manager Jeff Shockley at (302) 855-7884 or jcshockley@sussexcountycle.gov.

B. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Millville by the Sea – Sub-Phase 2B-2 North received Substantial Completion effective November 14, 2013.

C. William L. Reed

It is with sadness we inform you that former County employee William Reed passed away on November 12, 2013. Mr. Reed worked for Sussex County from March 2, 2006 until November 13, 2012. He worked in the Security Department as a part-time Security Guard. We would like to express our condolences to the Reed family.

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

**FEMA
Flood
Maps**

Mrs. Deaver raised a question on the first item in the Administrator's Report, FEMA Flood Maps. She asked if the County will be required to adopt maps to match FEMA's maps. Mr. Lawson responded that the

**FEMA
Flood
Maps
(continued)**

County will be required to amend ordinances to meet or reflect the new FEMA rules. Lawrence Lank, Director of Planning and Zoning, has contacted both the State and FEMA to have them review the County's current flood regulations and ask them for their suggestions. In conjunction with DNREC and FEMA, the County will draft ordinances for the Council's review and consideration; ordinances must be passed by August 2014.

**Financial
Report
for the
First
Quarter
Ending
9/30/13**

Mrs. Jennings presented the Financial Report for the First Quarter ending September 30, 2013. Revenues are 8 percent over budget (\$1 million). Regarding expenses, most departments are under budget; however, Mrs. Jennings noted that most of this due to timing/contracts. Year-to-date, the County is running a \$2 million surplus. Over the last 2 years, the County has seen a substantial increase in building related revenues as activity has picked up in Sussex County.

**Discussion
on Gun
Shops
as a
Special
Use
Exception**

Lawrence Lank, Director of Planning and Zoning, reviewed a history of ordinances relating to gun shops in Sussex County. Guns are considered sporting goods and sporting goods stores are permitted uses in B-1 Neighborhood Business, B-1 General Commercial, CR-1, Marine and LI-2 Districts, all permit uses listed under B-1 and C-1; therefore, sporting goods (guns/archery, etc.) are permitted uses as retail sales. There is also a provision in the Code that allows for home occupations for a salesman and in a lot of cases, there are individuals that offer catalog sales (no shop or displays). Gun shops as Conditional Uses would be allowed under AR, GR, B-1, C-1, CR-1, and Marine. Special Use Exceptions do not list retail as an option; however, something similar is referenced, i.e. archery ranges, rifle/pistol ranges, trap/skeet shooting (all of which are listed as Special Use Exceptions – but not in every District).

Mr. Cole stated that the main concern is the location of a gun shop, i.e. Conditional Uses, and that some areas may not be appropriate. He also noted that stand-alone gun shops may be more of a concern than guns sold in a Walmart type business or in gun shops in shopping centers. Mr. Lank noted the possibility of an application being approved for a sporting goods store and the fact that guns could be sold in that store.

The Council directed Mr. Lank and Mr. Moore to look at ways the County can address this issue for presentation at a future Council meeting.

**Public
Hearing/
Proposed
Ordinance
Relating
to Height
Regulations**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED "HEIGHT REGULATIONS" IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS".

This Ordinance would modify Section 115-179B of the Sussex County Zoning Code to only allow government buildings, hospitals, institutions and schools to be built to a maximum height of 60 feet when those structures are

**Public
Hearing/
Proposed
Ordinance
Relating
to Height
Regulations
(continued)**

permitted in the underlying zoning district. Churches and Temples are unaffected by this amendment. It applies to any new building not currently approved with a valid Sussex County Building Permit.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on November 14, 2013 at which time the Commission deferred action. (See the minutes of the meeting dated November 14, 2013.)

Lawrence Lank, Director of Planning and Zoning, reviewed some of the comments made and questions raised by the Commission members: that buildings 60 feet tall have more recently become attractive for construction consideration by developers; that there is a mechanism for the consideration of increased height through the Board of Adjustment; that there is not a loop-hole in the Code to allow buildings to be built to 60 feet; that the referenced section of the Code has just not been utilized; questioning how the height of a building will impact public sewer; questioning uses v. measurements in reference to Equivalent Dwelling Units; questioning why a 60 foot motel creates such controversy; that there may be a better solution, but one has not yet been determined; that further study may be necessary; that the most floors in a 60 foot tall building will be a tight six (6) floors; that there are a lot of cost issues for increased height; that a 60 foot height might help reduce sprawl; that the County should take a more comprehensive look at the issue, including appropriate locations for taller buildings, separation from roadways and waterways and other factors; and that more time might be necessary prior to making a recommendation on this ordinance amendment. Planning and Zoning Commission Chairman Wheatley questioned if a workshop of the Commission and the County Council would be appropriate.

Mr. Lank noted that the paragraph that is being considered for amendment has been in the Code since January 1979 and that its existence in the Code has been known; however, for the most part it has not been used with the exception of being used for a couple of motels and the project known as The Vineyards.

Mr. Cole questioned the past interpretation of the 42 foot height limit as being the County's policy.

Vince Robertson, Assistant County Attorney, explained that Section 115-179B of the Code establishes a separate height limit for certain buildings; that the section says that, except in airport approach zones defined by the FAA, "public and semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet..." Mr. Robertson then explained that public and public services uses include storage facilities, offices, trash disposal companies, propane services, water towers, boat storage, etc. – a wide variety of things. Mr. Robertson stated that he does not want there to be an impression or interpretation regarding the County's height regulations. Mr. Robertson stated that the question for the Council to consider in

**Public Hearing/
Proposed Ordinance
Relating
to Height Regulations
(continued)**

regards to the Draft Ordinance is does the County want to limit the 60 foot height regulation to government buildings, hospitals, institutions and schools, and to take out the existing myriad of uses. Mr. Robertson noted that setback requirements would still have to be met.

Mr. Cole stated that, even with a 42 foot height limit, there is a method by which applicants can seek a higher height limit - application can be made to the Board of Adjustment.

Mr. Phillips noted that applications for a variance (Board of Adjustment) require that a hardship exists and that there may be a legal impediment for applications seeking buildings with a height up to 60 feet.

Mr. Phillips referenced complaints received in opposition to sprawl and he stated that the 60 foot height allowance can help address that, as well as address the need for mass transit since greater heights allow for more people to live in a close geographic area.

Mr. Robertson noted that by requesting a workshop with the County Council, it is not the Planning and Zoning Commission's intention to delay making a recommendation on this Proposed Ordinance.

Public comments were heard.

Kathleen Baker, a resident of Sterling Crossing, spoke in favor of the Proposed Ordinance and she stated that over 100 residents of Sterling Crossing endorse her statement. She stated that living across from a 6-story apartment building, hotel, or shopping center is "to be affronted, visually, sonically, viscerally". She stated that 60 is not the new 42 and she asked that the Council approve the amendment and to let developers make their individual cases for a 60' high building.

Dan Kramer of Greenwood stated that sprawl will cover everything up and that land will be saved if you build up. Mr. Kramer spoke in support of property rights.

In response to questions raised by Mr. Cole regarding structures being permitted up to a height of 60 feet, a possible proliferation of 60 foot buildings, and how that might affect sewer planning studies, Michael Izzo, County Engineer, stated that if commercial lots develop out at 12 EDUs per acre and AR lots develop out at 4 EDUs per acre, upgrades will have to be made to sewer systems, i.e. new lines and new pump stations.

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

M 541 13

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF

M 541 13
Defer
Action on
Proposed
Ordinance
Relating to
Height
Regulations

SUSSEX COUNTY, ENTITLED “HEIGHT REGULATIONS” IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Public
Hearing/
Extend
Timeframe
to Perform
Work
Without
Posting a
Bond

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND” IN ORDER TO EXTEND THE TIMEFRAME IN WHICH LANDOWNERS MAY PERFORM SITE WORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY”.

This Proposed Ordinance would modify Section 99-32 of the Sussex County Code in order to extend the time period to January 1, 2015 in which landowners may perform site work and construct certain improvements without posting a bond or other guaranty, subject to the conditions contained therein.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on November 14, 2013 and recommended approval with a further recommendation that the time frame be extended to January 1, 2016 (instead of January 1, 2015) in order to match the current time extension ordinance (which relates to subdivisions, Residential Planned Communities, and Conditional Uses). (See the minutes of the Planning and Zoning Commission dated November 14, 2013.)

The Council discussed the Proposed Ordinance. Mrs. Deaver spoke in opposition. Mr. Robertson clarified that the only way a No Bond Process can be used is if a Developer does not sell anything (lots or homes) in the development to a Third Party. Mr. Robertson also stated that, in any situation, there will always be the same level of inspection by the County.

In response to questions regarding infrastructure in a No Bonding situation, Michael Izzo, County Engineer, stated that, once the County finds that a project is substantially completed and the Developer can begin selling the lots, the County must obtain a Warranty Bond, which will cover all improvements. Mr. Izzo noted that a Warranty Bond is only for a year.

Mrs. Deaver noted that Hal Godwin, Deputy County Administrator, distributed information on what other Counties do with bonds and she questioned why this information is not being considered.

It was noted that the Proposed Ordinance would only extend the timeframe.

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

M 542 13 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the
Amend Proposed Ordinance by changing the sunseting/expiration date from
Date in January 1, 2015 to January 1, 2016.
Proposed
Ordinance

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

M 543 13 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt
Adopt Ordinance No. 2325 “AN ORDINANCE TO AMEND CHAPTER 99 OF
Ordinance THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF
No. 2325 LAND” IN ORDER TO EXTEND THE TIMEFRAME IN WHICH
LANDOWNERS MAY PERFORM SITE WORK OR CONSTRUCT
CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR
PERFORMANCE GUARANTY”, as amended.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

Public A Public Hearing was held on the Proposed Ordinance entitled “AN
Hearing/ ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF SUSSEX
Bonding COUNTY, ENTITLED “SEDIMENT CONTROL AND STORMWATER
Guaranties MANAGEMENT” AND CHAPTER 99 OF THE CODE OF SUSSEX
Required COUNTY, ENTITLED “SUBDIVISION OF LAND” IN REGARD TO
by the THE BONDING AND GUARANTIES REQUIRED FOR SURFACE
Sussex DRAINAGE FACILITIES AND EROSION AND SEDIMENTATION
Conser- CONTROL FACILITIES UNDER THE JURISDICTION OF THE
vation SUSSEX CONSERVATION DISTRICT”.
District

This Proposed Ordinance modifies Sections 90-8 and 99-32 of the Sussex County Code in order to remove the provision that Sussex County will require bonding and guaranties for surface drainage facilities and erosion and sedimentation control facilities required by the Sussex Conservation District.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on November 14, 2013 and the Commission recommended approval. (See the minutes of the meeting of the Planning and Zoning Commission dated November 14, 2013.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Hearing.

**Public Hearing/
Bonding Guaranties
Required by the
Sussex Conservation
District
(continued)**

Mr. Lank and David Rutt, Assistant County Attorney, discussed the Proposed Ordinance and answered questions raised by the Council.

Mr. Rutt stated that, regarding the approval of plans, the County sees that all plans for stormwater drainage, roadways, and landscaping are part of Final Site Plan approval; however, under Delaware Code, DNREC has the obligation to approve all stormwater management and erosion and sediment control and that statute has set up a procedure whereby they establish Soil Conservation Districts and DNREC can delegate that obligation to the Soil Conservation Districts. The County itself has no authority to approve erosion or sediment control outside of the right-of-ways. Mr. Rutt stated that the County should not be holding a bond for work that it has no control over and therefore, should not assume that obligation. It was noted that the County held these bonds in the past since the Sussex Conservation District did not have a bonding process. Mr. Rutt stated that it is recommended that the bonding process be separated and that the Soil Conservation District should hold and enforce their own bonds.

Public comments were heard.

William Carroll of Bethany Beach stated that he attended a meeting in Long Neck about flooding (when there was flooding in the area) and that at that meeting, State legislators and representatives from DeIDOT, DNREC and Soil Conservation were in attendance. At that meeting, all of the agencies said that the floods were because of inaction by Sussex County Council. Mr. Carroll noted that the County Council was the only entity without representation at the meeting. Mr. Carroll also stated that there is a greater issue here than the bonding and that is there has to be more communication between Sussex County Council and the elected officials in Dover because the elected officials are unaware of the fact of how subdivisions get approved and they don't know that DNREC has a responsibility for flooding problems. He stated that, while it makes sense to not have the bonding in the name of the Council, there is a responsibility that the Council has to take because it is "being laid at your feet".

David Baird of the Sussex Conservation District reported on the District's position regarding the Proposed Ordinance and that is, the District is supportive of it. He stated that, in regards to the District's role on plan review and stormwater management, the District reviews the plans that are submitted to determine compliance with regulations; however, the District does not design the plans or prepare the plans. Further, in regards to drainage, the District does not have any formal authority – that stays within DNREC's purview. The District does assist with technical assistance on drainage issues in the County, mostly at the County's request.

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

**M 544 13
Adopt
Ordinance
No. 2326**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2326 entitled “AN ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SEDIMENT CONTROL AND STORMWATER MANAGEMENT” AND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND” IN REGARD TO THE BONDING AND GUARANTIES REQUIRED FOR SURFACE DRAINAGE FACILITIES AND EROSION AND SEDIMENTATION CONTROL FACILITIES UNDER THE JURISDICTION OF THE SUSSEX CONSERVATION DISTRICT”.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

**M 545 13
Council-
manic
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 Clear Space Productions for programming and development costs.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 546 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 from Mr. Cole’s Councilmanic Grant Account to the Town of Ocean View for Homecoming Event expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 547 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00 from Mr. Cole’s Councilmanic Grant Account to the Rehoboth Beach Historical Society for renovations to the museum building.

Motion Adopted: 4 Yeas, 1 Absent.

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

- Workshop Suggestions** Under Additional Business and as a follow-up to the discussion during the Public Hearing relating to height regulations, Mr. Cole suggested that a workshop of the Sussex County Council, the Planning and Zoning Commission, and the Board of Adjustment be scheduled in early 2014 to discuss the following topics: height regulations, permitted uses in the AR District for livestock, campgrounds (definition), stormwater, etc. Mrs. Deaver requested that the following topic also be added: definition of a manufactured home as a dwelling.
- Agenda Item** Mr. Lawson referenced the Agenda item “Employee of the Quarter” and he stated that Anthony DiGiuseppe will be recognized at the December 3, 2013 meeting.
- Proposed Change in Time of Meeting on December 3** Mr. Lawson referenced the lack of agenda items for the December 3rd meeting and the fact that four (4) Public Hearings are scheduled at 1:30 p.m. on that date. With no objection from Council, it was decided that the meeting on December 3rd would begin at 1:00 p.m., unless it becomes necessary to add more agenda items.
- M 548 13 Go Into Executive Session** At 11:56 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to go into Executive Session for the purpose of discussing matters relating to pending/potential litigation and land acquisition.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea
- Executive Session** At 11:58 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 12:30 p.m.
- M 549 13 Reconvene** At 12:32 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea
- Action** There was no action on Executive Session items.
- M 550 13 Recess** At 12:32 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess to 1:30 p.m.
- Motion Adopted:** 4 Yeas, 1 Absent.

**M 550 13
(continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

**M 551 13
Reconvene** **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to reconvene at
1:37 p.m.**

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

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

**Public
Hearing/
C/U
No. 1970**

**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 AN AUTO
REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX
COUNTY, CONTAINING 1.033 ACRES, MORE OR LESS (Tax Map I.D.
1-35-10.00-56.03) (Conditional Use No. 1970) filed on behalf of Matthew A.
Carr.**

**The Planning and Zoning Commission held a Public Hearing on this
application on October 10, 2013; on that date, the Commission deferred
action. On October 24, 2013, the Commission recommended that the
application be approved with the following conditions:**

- A. The use shall be limited to an automobile repair facility, with repairs to agricultural equipment, as needed. There shall not be any boat repair or large truck repairs permitted on the site.**
- B. No towing operations shall occur from the site.**
- C. No junked, permanently inoperable, or unregistered vehicles shall be stored on the site.**
- D. No more than four (4) vehicles awaiting repair shall be stored outside on the site at any one time, other than the owner’s personal vehicles. Any vehicles awaiting repair shall be either in the building or located behind it.**
- E. All repairs shall occur within the building.**
- F. The application shall comply with all State and Federal requirements regarding the storage, use and disposal of all fluids associated with the use.**
- G. One lighted sign shall be permitted, not to exceed 32 square feet per side.**
- H. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 Noon on Saturday.**
- I. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- J. The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this**

**Public
Hearing/
C/U
No. 1970
(continued)**

- approval.**
- K. No used car sales or retail operations shall be conducted from the site.**
 - L. The Final Site Plan will be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated October 10 and 24, 2013.)

Lawrence Lank, Director of Planning and Zoning, provided a summary of the Commission's Public Hearing.

The Council found that Tim Willard, Attorney, was present with Matthew A. Carr on behalf of the application. Mr. Willard distributed Exhibit Booklets including an updated site plan and photographs. They stated that the application is for a small car repair business out of an existing garage; that previously, Richard Lankford operated a sign business on the property; that since purchasing the property, he has added a dwelling; that the size of the building is now 56.4 by 30.2 – so 16 feet was added to one end of the building, as reflected on the updated site plan; that the addition became a dwelling for Mr. Carr; that the garage building can house five vehicles; that all work on the vehicles will take place inside the building; that no more than four (4) vehicles awaiting service will be stored; that there is ample parking for at least four (4) vehicles; that the parking area is not visible from the road; that the use would not adversely affect the neighborhood as it is surrounded by woods; that the use will not change the character of the neighborhood; that although the Commission recommended approval of one unlighted sign, the Applicant does not intend to have a sign at this time; that the Applicant does own the lot to the north and that, long range, he intends to move or construct a house on that one-acre parcel; that he proposes to operate the business part-time; that all conditions recommended by the Commission are acceptable to the Applicant; and that an outside dumpster is not proposed as everything will be contained inside.

Mr. Cole suggested that the conditions recommended by the Commission be amended to restrict any signage to "unlighted".

There were no public comments in support of the application.

Patricia Huff, Sandhill Road, was present in opposition to the application. She expressed the following concerns: setting a precedent, causing a negative impact on property values in the area; signage; and that the site is located in a rural area and that the use would be out of character with the area. Ms. Huff referenced that there is existing shrubbery that helped conceal the previous business. Ms. Huff referenced the petition, containing three signatures, which was submitted into the record at the Public Hearing before the Planning and Zoning Commission.

**Public
Hearing/
C/U
No. 1970
(continued)**

Mr. Phillips asked Ms. Huff if she was comfortable with the application going forward with the conditions recommended and Ms. Huff stated that “yes, I feel better about that”.

Mrs. Deaver recommended an additional condition that the existing landscaping buffer be maintained.

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

**M 552 13
Amend
Condition**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition G to read as follows: One un-lit sign shall be permitted, not to exceed 32 square feet per side.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 553 13
Amend
Condition**

A Motion was made by Mrs. Deaver, seconded by Condition J to read as follows: The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this approval. The existing landscape screening shall be maintained and replaced as necessary.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 554 13
Adopt
Ordinance
No. 2327/
C/U
No. 1970**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2327 entitled “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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.033 ACRES, MORE OR LESS (Tax Map I.D. 1-35-10.00-56.03) (Conditional Use No. 1970 filed on behalf of Matthew A. Carr, with the following conditions, as amended:

- A. The use shall be limited to an automobile repair facility, with repairs to agricultural equipment, as needed. There shall not be any boat repair or large truck repairs permitted on the site.**
- B. No towing operations shall occur from the site.**
- C. No junked, permanently inoperable, or unregistered vehicles shall be stored on the site.**
- D. No more than four (4) vehicles awaiting repair shall be stored**

M 554 13
Adopt
Ordinance
No. 2327/
C/U
No. 1970
(continued)

outside on the site at any one time, other than the owner's personal vehicles. Any vehicles awaiting repair shall be either in the building or located behind it.

- E. All repairs shall occur within the building.**
- F. The application shall comply with all State and Federal requirements regarding the storage, use and disposal of all fluids associated with the use.**
- G. One un-lit sign shall be permitted, not to exceed 32 square feet per side.**
- H. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 Noon on Saturday.**
- I. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- J. The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this approval. The existing landscape screening shall be maintained and replaced as necessary.**
- K. No used car sales or retail operations shall be conducted from the site.**
- L. The Final Site Plan will be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Public
Hearing/
C/Z
No. 1736

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS" (Tax Map I.D. 3-34-10.00-199.00) (Change of Zone No. 1736) filed on behalf of Judith B. Demeno, Trustee.

The Planning and Zoning Commission held a Public Hearing on this application on October 10, 2013 at which time the Commission recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 10, 2013.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

**Public
Hearing/
C/Z
No. 1736
(continued)**

Mr. Lank noted that this site has been approved for two previous Conditional Uses – one to create a gift shop and one to expand it (within the same year – 1974).

Exhibit Books were distributed to Council members.

The Council found that Eugene Bayard, Attorney, was present with the Applicant, Judith Demeno. They stated that, according to the State Strategies Map, the site is located in an Investment Level 4 Area, just outside of an Investment Level 3 Area; that the neighborhood is an active neighborhood business area and the site has a history of commercial and business uses (since 1974); that they believe that the position of PLUS is inflexible and unreasonable; that the character and trend of development along Route 9 in this area has been changing to business and commercial uses; that Ms. Demeno purchased the property in 2005; that no improvements to the property are planned; that she has been in the retail clothing business for over 25 years; that the Applicant proposes to lease the house on the property for the operation of a day spa; that DelDOT limited the use to 200 vehicle trips per day; that her business may have 25 trips per day; that DelDOT did not request any entrance improvements; that there are no wetlands on the property; that the site is served by an on-site septic system and a private well; that the Applicant wrote letters to her neighbors regarding the proposed rezoning and that she received only one response which was in support of her proposal; that the use will not have a negative impact on property values; that the use is in character with the developing nature of the area; that the use will have no adverse impact on neighboring or adjacent properties in the area; and that the area has had neighborhood commercial uses for many years. Mr. Bayard reviewed other uses in the area and distributed copies of zoning classifications in the area.

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

**M 555 13
Adopt
Ordinance
No. 2328/
C/Z
No. 1736**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2328 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS (Change of Zone No. 1736) filed on behalf of Judith B. Demeno, Trustee.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 556 13
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:21 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

DRAFT



A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2013 DIAA CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Cape Henlopen High School field hockey team for winning the Delaware Interscholastic Athletic Association title as State Champions for the 2013 season; and

WHEREAS, the Cape Henlopen High School field hockey team capped yet another impressive season in beating Delmar High School by a score of 1 to 0 during the state championship game on Saturday, November 16, 2013, ending with an 18-0-1 record; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is the third consecutive state title for the school's field hockey program, and the fifth field hockey state championship title for the school since 1979; and

WHEREAS, the Cape Henlopen High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the state of Delaware during the 2013 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is a source of tremendous pride for the Cape Henlopen School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Cape Henlopen High School field hockey team upon winning the 2013 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, December 3, 2013, as a day for all Sussex County residents to honor the team's remarkable achievement.



Joan R. Deaver, Councilwoman



A PROCLAMATION TO HONOR THE INDIAN RIVER HIGH SCHOOL BOYS' SOCCER TEAM UPON WINNING THE 2013 DIAA DIVISION II CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Indian River High School boys' soccer team for winning the Delaware Interscholastic Athletic Association Division II title as State Champions for the 2013 season; and

WHEREAS, the Indian River High School boys' soccer team capped an impressive and unprecedented season in beating St. Elizabeth High School by a score of 3 to 0 during the state championship game on Saturday, November 16, 2013, ending with a 15-3-1 record; and

WHEREAS, the Indian River High School boys' soccer team's accomplishment is the first-ever state title for the school's soccer program in its 26-year history; and

WHEREAS, the Indian River High School boys' soccer team played as a formidable opponent in facing squads from across Sussex County and throughout the state of Delaware during the 2013 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Indian River High School boys' soccer team's accomplishment is a source of tremendous pride for the Indian River School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Indian River High School boys' soccer team upon winning the 2013 Delaware Interscholastic Athletic Association Division II championship title, and proclaims Tuesday, December 3, 2013, as a day for all Sussex County residents to honor the team's remarkable achievement.



Vance Phillips, Councilman

SUSSEX COUNTY COUNCIL



—△—
TRIBUTE

*Be it hereby known to all that the
Sussex County Council
commends*

ANTHONY DIGIUSEPPE

***SUSSEX COUNTY
EMPLOYEE OF THE QUARTER***

~Fourth Quarter 2013~



*The Sussex County Council extends its thanks and
congratulations and directs this Tribute to be presented to
Anthony DiGiuseppe on the 3rd day of December 2013.*



Michael H. Vincent, President

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 George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance Phillips

FROM: Gina A. Jennings
Finance Director

RE: **DOG CONTROL CONTRACT AWARD**

DATE: November 27, 2013

On Tuesday, December 3, 2013, staff will be recommending to award an extension of our dog control contract to First State Animal Center and SPCA (formally known as Kent County SPCA) for a one-year period, January 1, 2014 to December 31, 2014.

The extension includes a two percent, or \$13,385, increase from \$669,231 to \$682,616. A budget versus actual report from First State Animal Center shows most of the increase is to meet the contract's direct costs of veterinary expenses. The contract renewal does not include enforcing the Barking Dog Ordinance. First State Animal Center says they will need to hire one additional employee with benefits. This will add \$35,000 bringing the new contract to \$717,616.

The current contract provides four full-time officers and one supervisor working from 8 a.m. to 8 p.m. seven days a week. To justify the continuation of the contract, County staff completed an analysis that shows it could cost the County an additional \$300,000 if dog control services were provided in-house. Attached you will see the annual activity of animal control in Sussex for calendar year 2013.

If you have any questions, please contact me or Eddy Parker.

Attachment

**SPCA Animal Control Contract - Sussex County, Delaware
2013 Budget Vs. Actual**

	FY13 Budget Submitted	FY13 Projected Actuals	Variance
AC Personnel Expenses			
Salaries	\$206,000	\$197,115	\$8,885
OEC	\$72,000	\$68,990	\$3,010
Total Personnel Expenses	<u>\$278,000</u>	<u>\$266,105</u>	<u>\$11,895</u>
Operation Expenses			
Physical Facilities	\$93,300	\$93,860	-\$560
Vehicles	\$80,000	\$82,182	-\$2,182
Cruelty Investigation	\$10,000	\$8,070	\$1,930
Communications	\$75,000	\$70,200	\$4,800
Veterinary	\$65,230	\$92,770	-\$27,540
Total Operation Expense	<u>\$323,530</u>	<u>\$347,082</u>	<u>-\$23,552</u>
Total Program Expense	<u>\$601,530</u>	<u>\$613,187</u>	<u>-\$11,657</u>
Indirect Costs 12%*	\$67,700	\$73,582	-\$5,882
Total	<u>\$669,230</u>	<u>\$686,769</u>	<u>-\$17,539</u>

*11.3% total in 2013

Cost Narrative:

Salaries: Actual Salary for ACOs dedicated to Sussex County

OECs: 35% of Gross Salary

Physical Facilities: 100% of Shelter based in Sussex County which handles local cases only plus pro-rated % of Kent County Shelter

Vehicles: 100% of fuel for vehicles dedicated to Sussex County

Cruelty Investigation: Pro-rated % of Vet and Meds for Sussex County

Communications: Pro-rated % of Dispatch salary and OECs plus IT/Hardware costs

Veterinary: Pro-rated % of Vet salary and OEC's plus pro-rated % of meds for canine only

Animal Control Activity Totals:
Sussex County Officer Totals
Submitted BY: Chief Brian Whipple



Service Calls		Bite Case Calls		Court Results			
Agency Assist	53	Cat Bite: Human	108	Court Convictions	16		
Aggressive Animals	35	Cat Bite: Animal	2	Fail to Appear	2		
Patrols	194	Dog Bite: Human	255	Arraignment	5		
Dog At-Large	959	Dog Bite: Animal	6	Continued	1		
Pick-Up Contained	385	Unknown Origin Wound	0	Dismissed	0		
Livestock At-Large	4	Wildlife Bite: Human	8	Active Title 11 Cases	21	BCR	
Animals Injured/Distress: Dog	100	Bite Case TOTAL	379	Court TOTAL:	45	SCR	14
Animals Injured/Distressed Cat	10	Bite Follow-Up	122			MJB	8
Sick: Dog	4	Bite Case Grand TOTAL	501	All Other Service Call Results		MIB	470
Sick: Cat	3	Service/Bite Grand TOTAL	3219	Arrest Warrants	6	BM	10984
Sick: Other Animal	7	Service Call/Animal Results		License Checks	1769	RAB	12
Owned-Surrender: Dogs	35	In for Testing Specimen	8	Rabies Checks	1871		
Owned-Surrender: Cats	2	Dogs to Shelter	834	Rabies Citations	79		
Owned-Surrender: Other	0	Dogs/RTO in Field	166	DE State Citations.	116		
DE Code§1325 Cruelty/Neglect/Abandon: Dog	70	Dogs/RTO in Shelter	35	Sussex County Cite.	25		
DE Code§1326 Cruelty: Dog Fighting	3	Cats to Shelter	43	Correction Notice	59		
DE Code§1325 Cruelty/Neglect/Abandon: Cat	3	Cats/RTO in Field	1	Kennel Inspections	67		
DE Code§1325 Cruelty/Neglect/Abandon: Other Domestic/Wildlife	4	Cats/RTO in Shelter	0	Traps: Dogs	47		
Nuisance: Dog	37	Other Animals to Shelter	56	Traps: Cat	4		
Nuisance: Cat	0	Quarantine In-House Quarantine. @ Shelter.	185	Traps:Other	0		
Nuisance: Wildlife	4		44	Call Transfer	0		
Dog Husbandry	333			ACV Mileage	110763		
Rabies/License Documentation	48	OTHER ANIMALS TO SHELTER 154 On-call Complaints handled since March					
Property Inspection	0						
Service Totals (First Contact)	2293						
Call Follow-Ups	425						
SERVICE GRAND TOTALS	2718						

Change Order

No. 3 - Final

Date of Issuance: November 7th, 2013 Effective Date: November 7th, 2013

Project: P.S. #30 Improvements	Owner: Sussex County	Owner's Contract No.: 09-17
Contract: South Coastal Regional Wastewater Facilities (SCRWF)		Date of Contract: April 2 nd , 2012
Contractor: Bearing Construction, Inc.		Engineer's Project No.: 14207-003

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

Description: Final Contract 09-17 "adjustments and balancing" (Overrun/Underrun) of Contract Bid Items (Part A) and Unit Price, Contingent Bid Items (Part B)

Attachments (list documents supporting change): Balancing Change Order Cost Summary Sheet

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>3,449,460.00</u>	Original Contract Times: <u>365</u> Calendar days Substantial Completion (days or date): <u>365 days</u> Ready for final payment (days or date): _____
[Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ (<u>-16,672.20</u>)	[Increase] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion (days): <u>114 days</u> Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>3,432,787.80</u>	Contract Times prior to this Change Order: Substantial Completion (days or date): <u>479 days</u> Ready for final payment (days or date): _____
Decrease of this Change Order: \$ (<u>-60,104.00</u>)	Increase of this Change Order: <u>0</u> calendar days Substantial Completion (days or date): <u>479 days</u> Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>3,372,683.80</u>	Contract Times with all approved Change Orders: Substantial Completion (days or date): <u>479 days</u> Ready for final payment (days or date): _____

RECOMMENDED: By: <u>Michael J. Gilbert</u> Engineer (Whitman, Requardt & Assoc.) Date: <u>11/7/13</u> Approved by Funding Agency (if applicable): _____	ACCEPTED: By: _____ Owner (Sussex County) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Bearing Construction, Inc.) Date: <u>11/11/2013</u> Date: _____
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Contract 09-17

South Coastal Regional Wastewater Facilities (SCRWF) P.S. #30 Improvements

Change Order No. 3 - Final: Balancing Change Order Cost Summary Sheet with WR&A Verified Quantities

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - (SCRWF) P.S. #30 Improvements							
A-1	Mobilization	1	LS	\$ 150,000.00	1	\$ -	\$ -
A-2	Furnish & Install PVC Force Main - 20"	1	LS	\$ 18,000.00	1	\$ -	\$ -
A-3	P.S. #30 Improvements	1	LS	\$ 2,974,660.00	1	\$ -	\$ -
A-4	New Generator Storage Building at SCRWF	1	LS	\$ 235,000.00	1	\$ -	\$ -

Subtotals for Part A: \$ - \$ -

Part B - Stipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
B-1	Contingent Unclassified Excavation	1,300	CY	\$ 11.00	421.00	\$ -	\$ (9,669.00)
B-2	Contingent Aggregate - Graded Type "B" Crusher Run	200	Ton	\$ 35.00	0.00	\$ -	\$ (7,000.00)
B-3	Contingent Pourous Fill - No. 57 Stone	500	Ton	\$ 38.00	0.00	\$ -	\$ (19,000.00)
B-4	Contractor Down Time	30	HR	\$ 300.00	0.00	\$ -	\$ (9,000.00)
B-5	Furnish and Place 4,000 PSI Concrete	50	CY	\$ 150.00	5.00	\$ -	\$ (6,750.00)
B-6	Contingent Borrow - Type "C" (Backfill)	1,000	CY	\$ 15.00	421.00	\$ -	\$ (8,685.00)

Subtotals for Part B: \$ - \$ (60,104.00)

Grand Total = Parts (A + B): \$ - \$ (60,104.00)

Balancing of Used/Unused Quantities Change Order No. 3 - Final Decrease **\$ (60,104.00)**

Summary of Contract Change Orders - Contract 09-17

Original Contract Amount		\$ 3,449,460.00
Amount of Previous Change Order (No. 1)		\$ (9,794.10)
Amount of Previous Change Order (No. 2)		\$ (6,878.10)
Contract Total Including Previous Change Orders No. 1 and No. 2		\$ 3,432,787.80
Amount of Change Order No. 3 - Final	(Credit)	\$ (60,104.00)
Revised Final Contract No. 09-17 Total		\$ 3,372,683.80



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE

1. Project Name: **GREENWOOD LIBRARY**
2. Sussex County Contract No. 07-05
3. Change Order No. 3
4. Date Change Order Initiated 11/25/2013
5.
 - a. Original Contract Sum \$2,768,572.00
 - b. Net Change by Previous Change Orders \$5,331.81
 - c. Contract Sum Prior to Change Order \$2,773,903.81
 - d. Requested Change \$2,072.40
 - e. Net Change (No. of days) -
 - f. New Contract Amount \$2,775,976.21
6. Sussex County Contact Person Michael A. Izzo, P.E.
Telephone (302) 855-7718

B. REASONS 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
6. Factors Affecting Time of Completion

7. Other (explain below)

C. **BRIEF DESCRIPTION OF CHANGE ORDER**

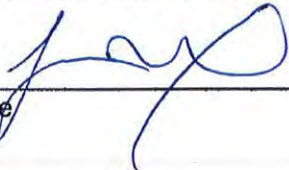
Changes proposed to improve the final quality of the project.

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

Yes No

E. **APPROVALS**

1. Richard Y. Johnson & Son, Inc., Project General Contractor

	<u>11/25/13</u>
Signature	Date

Jesse L. Dixon
Representative's Name in Block Letters

2. Sussex County Engineer

_____ Signature	_____ Date
--------------------	---------------

3. Davis, Bowen & Friedel, Inc., Project Consultant

_____ Signature	_____ Date
--------------------	---------------

<u>GREENWOOD LIBRARY CHANGE ORDER #3</u>	Original Contract Amt	\$	2,768,572.00
	Change Order #1	\$	5,110.36
	Change Order #2	\$	221.45
Add book drop inserts to circulation desk	\$	385.00	
Add interior wall blocking for hangings support	\$	1,687.40	
Change Order #3 Total	\$	2,072.40	\$ 2,072.40
Contract Total with Change Order #3			\$ 2,775,976.21

RICHARD Y. JOHNSON & SON INC.
 General Contractor/Construction Mgrs
 P.O. Box 105
 LINCOLN, DELAWARE 19960
 (302) 422-3732
 (302)422-4696 fax

Change Order Proposal 16

Job Phone	Date	November 5, 2013
Job Location:		
Greenwood Public Library		
Greenwood, Delaware		
Job Number:	Architect:	
DBF # 1897B003	Davis, Bowen & Friedel, Inc.	

TO:

Sussex County
2 The Circle
Georgetown, Delaware 19947

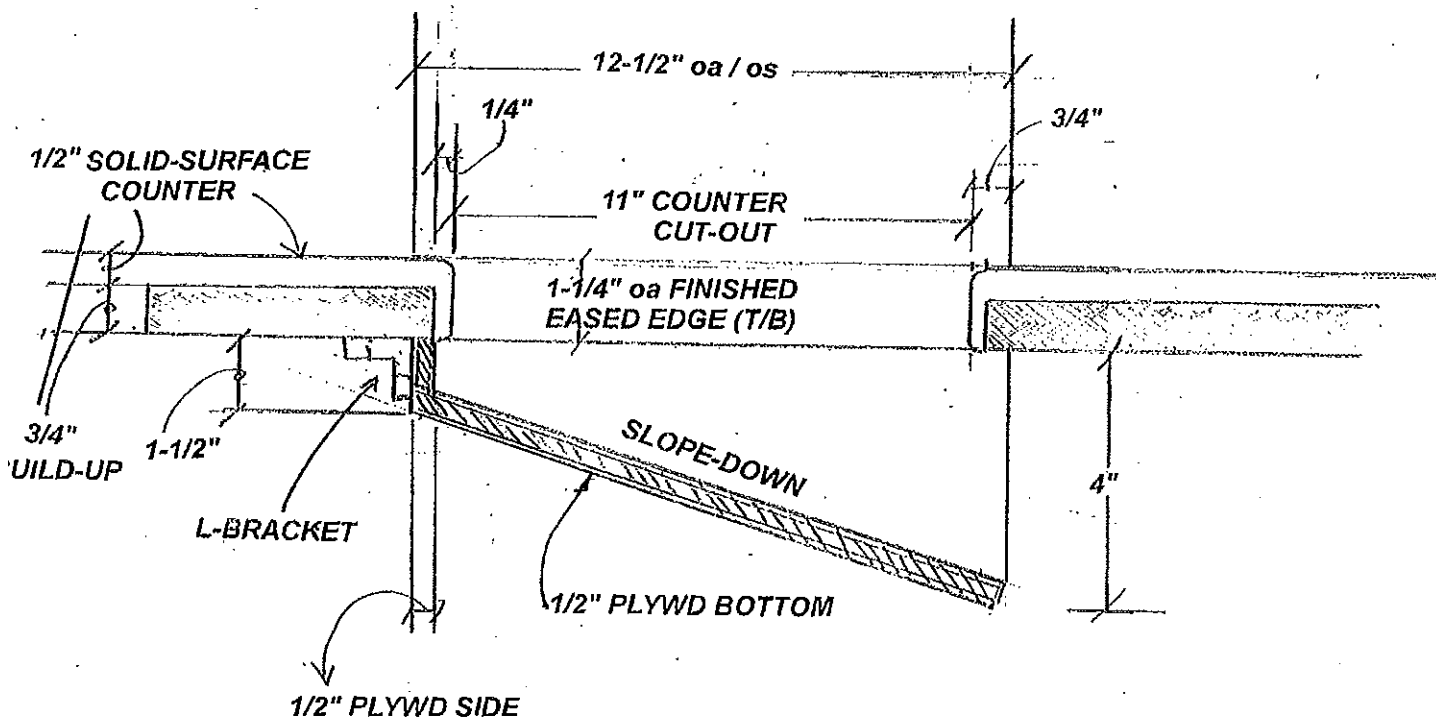
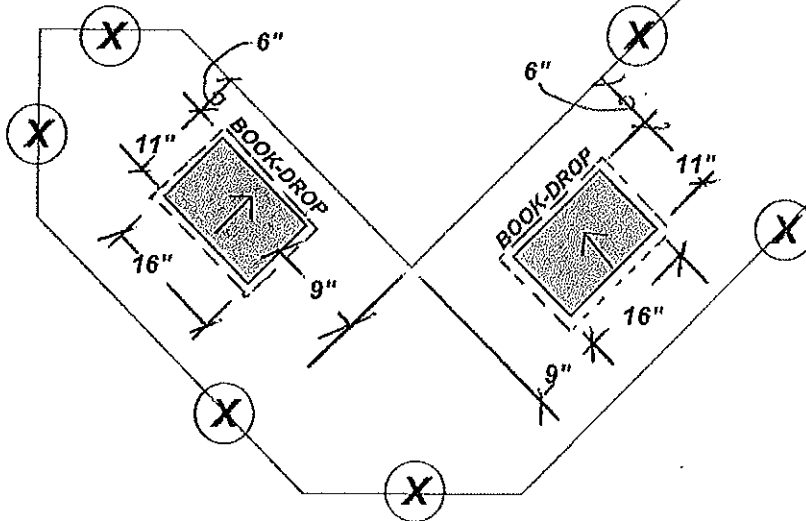
We hereby submit specifications and estimates for:

Add Book Drop Inserts for Circulation Desk	
Round Corners for Solid Surface Counter and Build Wood Inserts	\$350.00
RYJ (10% OH&P)	\$35.00
Total:	\$385.00

For the Sum of: <u>Three Hundred & Eighty-Five Dollars 00/100</u>	<u>\$385.00</u>
<p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. This proposal may be withdraw by us if not accepted within Thirty (30) days.</p>	
Accepted By: _____	_____
Date: _____	Jesse Dixon – Project Manager

**CUSTOM-BUILT RED-OAK BOOK-DROP (x2)
UNDER-MOUNT @ LOW WORK COUNTER**

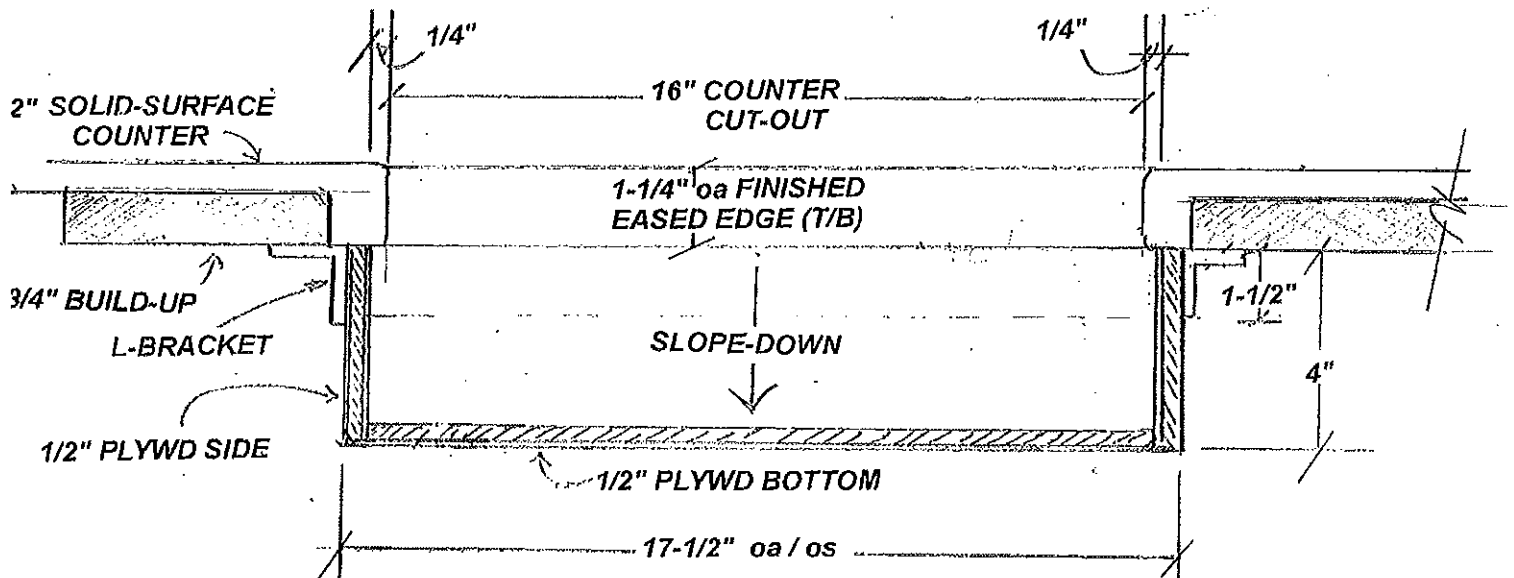
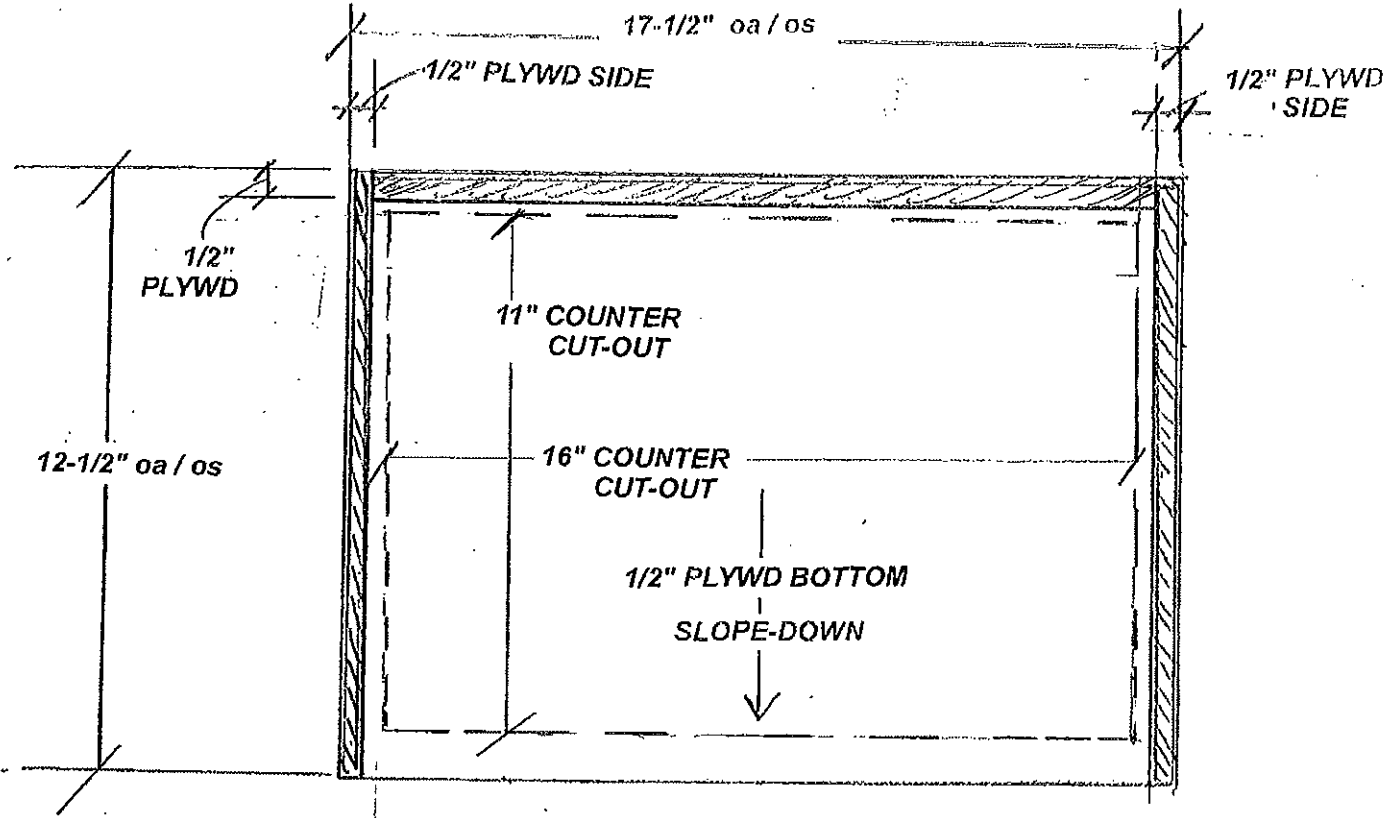
**FIELD MEASURE VERIFY
LOCATION FOR GROMMETS (x3)
LOCATION FOR BOOK-DROP (x2)**



<p>All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.</p>	<p>Cabinetry Unlimited</p>	<p>This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.</p>	<p>Designed: 11/4/2013 Printed: 11/4/2013</p>
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**CUSTOM-BUILT RED-OAK BOOK-DROP (x2)
UNDER-MOUNT @ LOW WORK COUNTER**

FIELD MEASURE VERIFY
LOCATION FOR GROMMETS (x3)
LOCATION FOR BOOK-DROP (x2)



All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.

Cabinetry Unlimited

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 11/4/2013
Printed: 11/4/2013

Proposal

CABINETRY UNLIMITED LLC

#7 HOOSIER ST, P.O. BOX 687
SELBYVILLE, DE. 19975
(302) 436-8696

MHIC #126404

RICHARD Y. JOHNSON & SON, INC.	DATE 11/22/2013	PAGE 1
302-422-3732	JOB NAME GREENWOOD PUBLIC LIBRARY	
LINCOLN DE 19960	JOB LOCATION 100 MILL STREET GREENWOOD DE	
PHONE 302/422-3732	DATE OF PLANS 11/22/2013	JOB PHONE

We hereby submit specifications and estimates for:

BELOW IS THE LABOR VS. MATERIAL BREAKDOWN FOR THE UPDATED
BOOK DROP INSERTS FOR THE GREENWOOD PUBLIC LIBRARY. BROKEN DOWN INTO BOOK DROP
1 & BOOK DROP 2 WITH MATERIAL AND LABOR FOR EACH BOOK DROP.

LABOR BOOK DROP #1	\$	85.00
LABOR BOOK DROP #2	\$	85.00
MATERIAL BOOK DROP 1	\$	90.00
MATERIAL BOOK DROP 2	\$	90.00

TOTAL ----->	350.00
# OF UNITS ----->	1
SUBTOTAL ----->	350.00
FREIGHT----->	0.00
TAX ----->	0.00
GRAND TOTAL ----->	350.00

ANY APPLICABLE FEDERAL, STATE OR LOCAL TAXES WILL BE ADDED. ANY CHANGES MADE AFTER THE EXECUTION OF THIS AGREEMENT WILL BE DONE AT THE EXPENSE OF THE CUSTOMER.

We Propose hereby to furnish material and/or labor - in accordance with the above specifications, for the sum of :
three hundred fifty .00/100----- DOLLARS (\$ 350.00) .

Payment to be made as follows:
2% DISCOUNT TEN DAYS FROM THE DATE OF INVOICE, NET 30 DAYS. 2% FINANCE CHARGE PER MONTH FOR AMOUNTS OVER 30 DAYS.
PURCHASER IS RESPONSIBLE FOR ALL COST OF COLLECTION OF PAST DUE AMOUNT INCLUDING ATTORNEY FEE OF UP TO 33% OF AMOUNT DUE. TURN AROUND TIMES ARE CALCULATED FROM RECEIPT OF LAST INFORMATION NECESSARY FOR ORDER.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE PERFORMED IN A WORKMAN LIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COST WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. THE COMPANY IS NOT RESPONSIBLE FOR DELAYS CAUSED BY STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNAADO AND OTHER NESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMEN COMPENSATION INSURANCE. ALL WARRANTIES BECOME NULL AND VOID IF AMOUNTS REMAIN UNPAID FROM THIS CONTRACT AND ANY FUTURE CHANGE ORDERS ON THIS CONTRACT. WE RESERVE THE RIGHT TO REASSIGN THIS CONTRACT.

AUTHORIZED
SIGNATURE _____
MHIC# 98058 DIETER BAIER
NOTE: THIS PROPOSAL MAY BE WITHDRAWN
BY US IF NOT ACCEPTED WITHIN 30 DAYS

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

SIGNATURE:

APPROXIMATE START AND END DATES FOR MHIC WORK:

DATE OF ACCEPTANCE:

START:

END:

P.O. Box 105
 LINCOLN, DELAWARE 19960
 (302) 422-3732
 (302)422-4696 fax

Change Order Proposal 18

Job Phone	Date	November 22, 2013
Job Location:		
Greenwood Public Library		
Greenwood, Delaware		
Job Number:	Architect:	
DBF # 1897B003	Davis, Bowen & Friedel, Inc.	

TO:

Sussex County
2 The Circle
Georgetown, Delaware 19947

We hereby submit specifications and estimates for:

For Additional Blocking as per Drawing	
Material Cost (Danback blocking) \$7.00 per 4' length @ 248'	\$434.00
Labor Cost (1 man x 2.50 days/ x \$55/hour)	\$1,100.00
Subtotal	\$1,534.00
RYJ (10% OH&P)	\$153.40
Total:	\$1,687.40

For the Sum of: <u>One-Thousand & Six Hundred & Eighty Seven Dollars 40/100</u>	<u>\$1,687.40</u>
<p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. This proposal may be withdraw by us if not accepted within Thirty (30) days.</p>	
Accepted By: _____	_____
Date: _____	<u>Jesse Dixon – Project Manager</u>

Danback® Flexible Wood Backing Plate (D16, 24)

Reduce steel stud backing installation time by up to 90%.

Backing steel studs has always been a difficult, costly and time-consuming job. The Danback® Flexible Wood Backing System, featuring Dricon® fire-retardant treated wood (FRT), has made wood backing installation easy and economical—eliminating cutting, notching, ripping and routing.

Danback provides superior connection shear and pullout strength to support and meet even some of the heaviest loading conditions. Simply snap, flex and screw Danback into place. The patented hinge design actually flexes around the stud and snaps into place for a perfect fit—every time.

Dricon FRT is pressure-treated wood that is chemically treated to reduce the flamespread and smoke development. Dricon is a Class A fire retardant; it is EPA registered, NER approved (NER-303) and complies with all national codes including the 2003 International Building Code (IBC) and the 2003 International Residential Code Council (ICC).

Danback flexible wood backing is available with FSC-certified lumber and may contribute LEED® points to your project.

Danback® FLEXIBLE WOOD BACKING PLATES

Product code	Width (in)	Length (in)	Packaging Pcs./Skid
D16F*	5-1/8	48	250
D24F*	5-1/8	48	250
D16C**	5-1/8	48	250
D24C**	5-1/8	48	250

*F = fire-treated plywood. D16 = 16" o.c. spacing. D24 = 24" o.c. spacing.

Trimables available for off-module spacing in small bucket or bulk quantities.

**FSC-certified lumber available on request, which can contribute to LEED® points on your project.

Contact ClarkDietrich LEED professionals at 888-437-3244 for more information.

FSC chain-of-custody # BV-COC-008121

ULTIMATE LOAD VALUE

Product code	Shear load max. (lbs)	Norm. load max. (lbs)
D16F	814	516
D24F	725	418
D16C	814	516
D24C	725	418

Notes:

- 1 Listed load values are maximum test load values.
- 2 Designers must apply design safety factors appropriate for intended use.
- 3 Tabulated loads do not include the contribution of gypsum board or other wall sheathing.

U.S. Patent No. 6,705,056 of Daniel W. Tollenaar

Danback® is a trademark of Daniel W. Tollenaar. Dricon® is a registered trademark of Arch Wood Protection, Inc.

Easy installation.



Snap starter edge into the open side of the stud flange.



HINT: Start with the first full bay. Use Danback Trimables for off-module bays.



Flex Danback flexible wood backing around stud flange using the flexible connector plate.



Repeat the process.



Overlap connector plates when using in long backing runs.



Secure each plate to the stud flange using two small pan or wafer head screws.

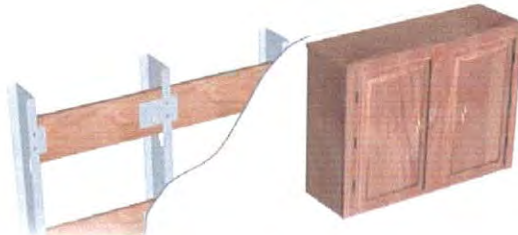
Commonly used in: hospitals, medical centers, schools, hotels/motels, assisted living, condominiums, and others.



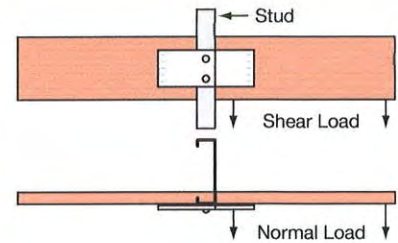
Danback trimables for off-module backing.



Connector plates included with trimables.



The perfect backing solution for: cabinets, shelves, counters, sinks, handrails, chalkboards, towel and shower bars, or other wall-mounted fixtures that require heavy-duty backing.



Use Danback trimables for off-module bays:

Cut to required length. Secure connector plate to the trimmed edge. Leave 1-1/4" extended over the trimmed edge. Fasten the plate to Danback using three small pan or wafer-head screws.

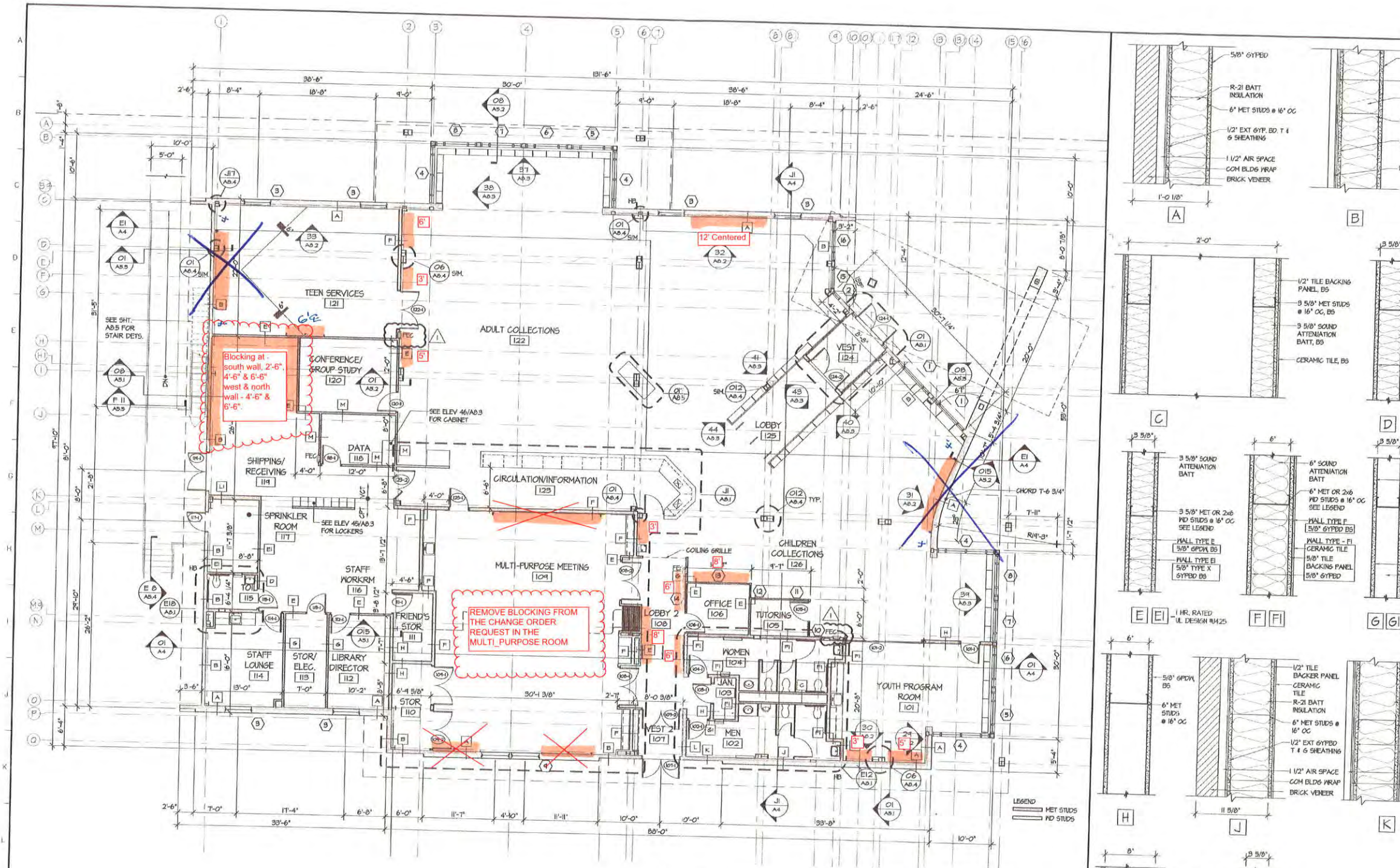
Dricon® FRT Wood complies with or has been granted the following:

- AWPA C20/C27
- AWPA P17 (FR-1)
- FR-S
- NER-303 (BOCA, ICBO, SBCCI)
- EPA Registration (62190-9)
- UL Building Materials Directory

- UL Recognized Component
- NYC MEA 199-81-M
- NYC MEA 200-81-M
- Factory Mutual Class I Roof Deck
- City of Los Angeles (RR 25122)
- FHA Minimum Property Standard #2600

- HUD Materials Release (1261)
- California State Fire Marshal
- State of Wisconsin
- QPL

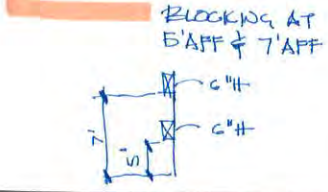
All are subject to revision, reexamination.



Blocking at south wall - 2'-6" 4'-6" & 6'-6" west & north wall - 4'-6" & 6'-6"

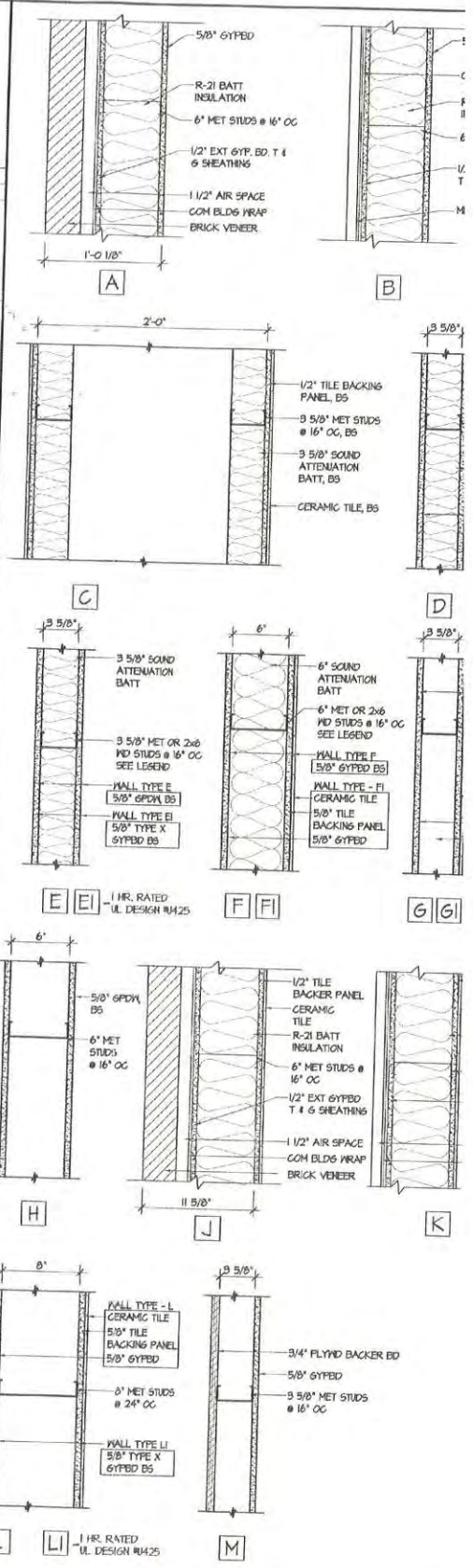
REMOVE BLOCKING FROM THE CHANGE ORDER REQUEST IN THE MULTI-PURPOSE ROOM

NOTE: ALL INTERIOR COLUMNS SHOWN WITH A SURROUND ARE TO BE CONSTRUCTED SIMILAR TO DETAILS OF 06, 012, 013 & J11 SHOWN ON SHEET A04.



COLD FORM STUD SIZE & GAGE BASED ON HEIGHT & SPACING

COLD FORMED STD WALL					COLD FORMED STD WALL CONT				
Wall Height	Stud	Gage	Flange	Spacing	Wall Height	Stud	Gage	Flange	Spacing
Exterior Wall (20 psf)					Interior Wall (5 psf, L/260)				
15'-4"	6"	12	2"	16"	12'-11"	3 5/8"	18	1 1/4"	24"
11'-4"	6"	14	1 5/8"	24"	15'-4"	3 5/8"	20	1 5/8"	24"
					14'-1"	3 5/8"	20	2"	24"
No Brick Veneer (L/260)					Interior Wall (5 psf, L/260)				
15'-4"	6"	12	2"	24"	15'-7"	3 5/8"	16	1 5/8"	24"
15'-4"	6"	12	2"	24"	16'-6"	3 5/8"	14	1 5/8"	24"
11'-4"	6"	10	1 5/8"	24"	18'-6"	3 5/8"	12	2"	24"
					22'-0"	6"	16	1 5/8"	24"
					12'-0" to 15'-0"	6"	16	1 5/8"	24"



01 FLOOR PLAN
1/8"=1'-0"

017 WALL TYPES
N.T.S.



Julie Cooper

From: Chris Cullen <clc@dbfinc.com>
Sent: Friday, November 15, 2013 1:43 PM
To: Jesse Dixon
Cc: Julie Cooper
Subject: Blocking CO Revised
Attachments: Blocking CO Revised.pdf

Jesse,

Please review the revised CO Proposal request regarding the blocking.
This replaces the drawing accompanying the request on 11/8/2013.

Add an additional row of blocking on the south wall of Shipping and Receiving and revise the heights of the blocking per the new drawing.

Delete the blocking that had been shown in the Multi-Purpose Room.

Thank you,

Christopher Lee Cullen AIA | Associate | Salisbury Office
One Plaza East, Suite 200 | Salisbury, MD 21801 | www.dbfinc.com
Office: 410-543-9091 | Fax: 410-543-4172 | Email: clc@dbfinc.com



Julie Cooper

From: Chris Cullen <clc@dbfinc.com>
Sent: Tuesday, November 19, 2013 4:08 PM
To: Julie Cooper
Subject: FW: Greenwood Library CO Requests
Attachments: Change Order Proposal 18 Additional Blocking as per Owner.pdf; Change Order Proposal 17 for added framing and sheathing as per Sheet E6.pdf

Julie,

CO 18: I have verified the amount of block required and it is correct, there is no subcontractor and RYJ marled it up 10%.

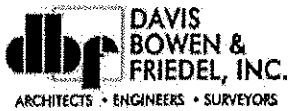
Co 17: The contractor is asking for a change order for framing and sheathing for the two angled walls at the edge of the slope roof and mechanical roof. The design documents did not detail the area. The steel building manufacturer cut a section on their shop drawings and our structural team red marked to show studs and sheathing under the siding. The reason he did this was because the steel building shop drawing had typically been showing studs and sheathing and noting it as by others.

DBF, Inc. takes the stand that all exterior wall panels shown on the job have been backed up with sheathing and metal studs, a similar cut between the high roof and the low roof has been detailed and it notes sheathing, studs, roof flashing, insulation, and metal wall panels with the associated accessories.

The contractor has not asked for a change order for the insulation, low sloped roof flashing, or metal building panels.

For these reason we believe the Contractor does not have a case for the change order.

Christopher Lee Cullen AIA | Associate | Salisbury Office
One Plaza East, Suite 200 | Salisbury, MD 21801 | www.dbfinc.com
Office: 410-543-9091 | Fax: 410-543-4172 | Email: clc@dbfinc.com



From: Jesse Dixon [mailto:jdixon@ryjson.com]
Sent: Tuesday, November 19, 2013 1:32 PM
To: Chris Cullen
Subject: Greenwood Library CO Requests

Please see attached CO requests, I will send you the Change order for the added receptacles shortly

Thanks

Jesse Dixon 

Richard Y Johnson & Son
18404 Johnson Rd
Lincoln, DE 19960
☎ 302.422.3732
☎ 302.422.4696
www.ryjson.com



Town of Blades
OFFICE OF MAYOR & COUNCIL
20 W Fourth Street
Blades, Delaware 19973-4122
(P) 302.629.7366 (F) 302.629.0199

November 6, 2013

The Honorable Mr. Michael Vincent
County Council President
Sussex County Council
2 The Circle
Georgetown, Delaware 19947

Dear Mr. Vincent,

The Town of Blades is requesting your support and donations as the town is trying to raise the needed funds for the upgrade to the Blades Park. The town has an opportunity to obtain matching funds from the State of Delaware to upgrade the park playground equipment, add a new fitness area, new fencing, and a new park pavilion. We are trying to raise enough money to make this happen. A few years ago we were able to obtain a new piece of equipment for the small children to play on. This new program layout is being designed to promote health and fitness with older children and adults. With this new design the park will be transformed, with a variety of types of fitness and play type equipment.

As many of you are already aware the Blades Park throughout the year provides a pavilion with picnic tables, bar-b-que grills, and bathroom facilities. There are many days during the year that the pavilion is reserved for family reunions, birthday parties, or just good family cookouts.

We have a monument that has been dedicated to the many Men and Women that have served in the Armed Forces of the United States. We have recently, through help from a private donation, obtained flag poles and flags of the armed services and a POW flag to fly proudly around our Veterans Monument.

Blades Night Out is also hosted by the Blades Police Department to coincide with the National Night Out Program and is held in our park. Several hundred people attend this event each year.

This year we received a grant from the Criminal Justice Council for a camera system that has been installed in the park.

We respectfully request your support to help make our goals a reality. I have included the plans and layouts of the two sets of new equipment. Please help us reach our goals and help us promote healthy outdoor activities for our citizens!

With Gratitude and on behalf of the Blades Town Council and its Citizens,


David Ruff, Parks & Cemetery Commissioner


Vikki Prettyman, Town Administrator



A 501(c3) Non Profit Organization
203 Main Street
PO Box 1443
Millsboro, DE 19966
302.934.6440
www.MillsboroArtLeague.com
MillsboroArtLeague@gmail.com

November 18, 2013

Dear Mr. Phillips

I am currently the Treasurer of the Millsboro Art League. As you may know, the Millsboro Art League has been a cultural center for the arts here in the town of Millsboro for over two decades from its genesis in the heart of its founder Alice Hudson in 1988 to the present. I am passionate about the Art League's mission. It brings together artists, students and people interested in supporting the arts. In that regard, I want thank you and the Council for your generous grant in July 2012. It enabled us to upgrade our gallery with new flooring.

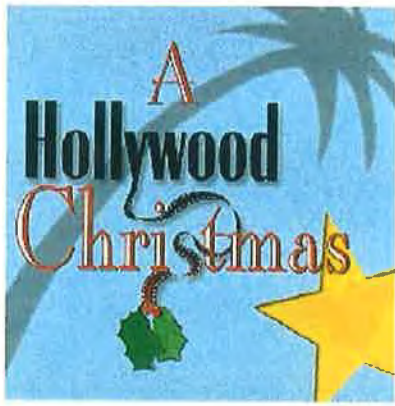
The past year has been an exciting time in the life of the art league and its members. Change has happened in many special ways. Here art just a few. We are happy to have completed a long term lease with the Town of Millsboro assuring us of a home to grow in. The interior and exterior of our league facility has undergone many improvements to include new flooring, track lighting, and plumbing improvements. We continue to be committed to an ambitious community outreach effort in 2014. On our calendar is our annual Kids Summer Camp, our after school program, our association with the Salvation Army's Developmental Disabilities Program and our annual exhibit of local High School and Middle School students artwork. In this past year, we hosted and an art exhibit of those incarcerated at the Sussex Correctional Institution art program and will do so again in 2014. Needless to say, all of the goals require funds that are not totally supported by our membership. However, we are still pursuing other funding sources to enable these improvements to be completed in the coming year.

We would appreciate whatever monetary support you may be able to provide so that we may continue to fulfill our mission "to bring the arts to life in Millsboro and surrounding communities. Should you have any other questions about the Millsboro Art League feel free to email me at ronlightcap.millsboroartleague@gmail.com or give me a call at 302-249-3865. Thank you once again for your consideration and I look forward to hearing from you.

Sincerely,

Ronald W. Lightcap
Millsboro Art League Treasurer





GREATER GEORGETOWN
CHAMBER OF COMMERCE
Georgetown Delaware
LINKING BUSINESS & THE COMMUNITY

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

November 13, 2013

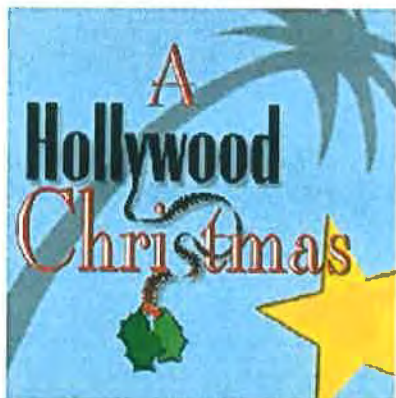
RE: 2013 Georgetown Christmas Parade
To be held December 5, 2013

To the Sussex County Council:

Thank you for taking the time to consider your ongoing partnership with the Greater Georgetown Chamber of Commerce in its annual *Georgetown Christmas Parade*. This year's theme is "A Hollywood Christmas" and we hope the parade will have all the glitz, glamor and glee of any red carpet event, and participants will decorate with the idea of a beloved holiday movie or TV show in mind.

The Chamber's Christmas Parade in Georgetown is a holiday tradition in Sussex County, and there are many good reasons for the County Council to continue to help sponsor this event:

- ❖ **The Georgetown Christmas Parade grows in size and celebrity every season, yet always maintains its small-town charm and character. This parade in particular, brings a community of great cultural diversity together in peace & joy- the true spirit of Christmas.**
- ❖ **Public and private organizations in Sussex County including schools, civic groups, churches, etc. participate in this parade- often at significant cost. Their time, energies and monies are generously spent to make the Georgetown parade the great event it is. County sponsorship helps the Chamber provide the spotlight for them to really shine.**
- ❖ **Georgetown is the county seat, and as such, many thousands of Sussex Countians come to Georgetown to see its Christmas parade and celebrate the season. Council's sponsorship in the Georgetown Christmas Parade demonstrates its support of a special community event that serves a special community in a special county.**



Sussex County Council
November 13, 2013
Page 2

As we have these past several years, the Chamber has budgeted quite conservatively in 2013 and made deliberate effort to hold down costs for this year's parade. Nevertheless, there is still significant expense associated with it (balloon decorations, school bands' transportation costs, food for volunteers, prizes awarded, etc.) So, we would be very grateful to the Council if it joined with the Georgetown Chamber and the other distinguished organizations and businesses that make a financial commitment to support the parade, and matched last year's contribution (\$1,000.00) towards this community program.

Your sponsorship will be recognized as the highest level of Parade Sponsorship, and as such, the County will enjoy all of the benefits of a **Diamond Sponsorship**, as detailed in the attached material. Please join the production this year a let Council be the Star. We'll all experience a splash of Hollywood in Sussex County!

Sincerely,

Karin Joensen, Chairperson,
GGCOC 2012 Christmas "Balloon" Parade

Karen Duffield, Executive Director
GGCOC

Enclosure

229 East Market Street

Georgetown, DE 19947

T) 302-856-1544; (F) 856-1577

www.georgetowncoc.com

info@georgetowncoc.com



TOWN OF SOUTH BETHANY

**402 Evergreen Road
South Bethany, DE 19930**

**PH: (302) 539-3653
FAX: (302) 539-7576
E-Mail: townhall@southbethany.org**

November 13, 2013

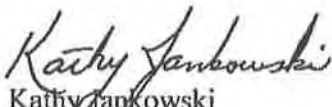
The Honorable Vance C. Phillips
Sussex County Council
Sussex County Administrative Office Building
2 The Circle – P.O. Box 589
Georgetown, DE 19947

Dear Councilman Phillips:

The Town of South Bethany is seeking your assistance with the purchase of an All-Terrain Vehicle (ATV) for the South Bethany Beach Patrol. As you may remember, in 2007 the beach replenishment project in South Bethany created a 16 ft. dune system for storm protection. This made it much more difficult for the Beach Patrol to get injured people off of the beach. An ATV was purchased to facilitate this process including the ability to immobilize patients on a backboard for transport over the dune. The vehicle carries medical and rescue supplies and is used to get lifeguards to other areas of the beach when needed for rescue. The unit is also used to assist with rescues on the state beach to the south of town and sometimes to assist the Middlesex Beach Patrol to the north of town. It proved to be extremely valuable in saving a heart attack victim on our beach in 2012 since the ATV is equipped with an Automatic Electronic Defibrillator (AED). The victim returned to the beach later that summer to thank all of the lifeguards for saving his life.

We are now in need of a replacement ATV for our Beach Patrol. A new ATV will cost between \$13,000.00 and \$15,000.00. Any assistance you can provide to the Town of South Bethany Beach Patrol would be greatly appreciated.

Sincerely,


Kathy Jankowski
Mayor

KJ/phs:11.13.13

SEAFORD COMMUNITY FOOD CLOSET
Located in St. John's United Methodist Church
300 N. Pine St.
P.O. Box 299
Seaford, DE 19973
302-629-9466

November 17, 2013

Mr. Michael Vincent, President
Sussex County Council
734 E. Ivy Dr.
Seaford, DE 19973

Dear Mr. Vincent:

The Seaford Community Food Closet continues to experience an overwhelming demand for food. Our mission is to provide enough emergency food to feed a family for approximately a week. The economic situation in our area has had a huge impact on the number of people needing food assistance. For example, in 2007, 398 clients were served and \$1,692.31 was spent on food for the year. To date in 2013, we have served 1,395 clients and have spent \$28,500.53. As you can see, the numbers have greatly increased. Food stamps have been cut, food prices keep rising and food donations are down.

Unlike other agencies feeding the hungry, donations made to the Seaford Community Food Closet go directly to the purchase of food and supplies. Thanks to St. John's United Methodist Church and its members, there are no overhead expenses in operating this much-needed service. The Closet is maintained strictly by volunteers and operates only through donations of food, money and time.

We are very thankful for the services provided by the Shipley State Service Center staff and Susan Kent of Love, INC. They work diligently referring clients in need to our facility.

We ask for your support of the Seaford Community Food Closet. If you have any questions, please call me at 629-9618. I look forward to hearing from you in the near future. Thank you for your consideration.

Sincerely,



Linda Hollis and the Seaford Community Food Closet Committee
Cheryl Coffin, Arsie Burton, Clementine Parker, Sue Manlove

PUBLIC HEARINGS
December 3, 2013

This is to certify that on October 24, 2013 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

Conditional Use #1971 – Greg N. Johnson

Application of **GREG N. JOHNSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a countertop manufacturing business to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 8.145 acres, more or less, lying south of Route 64 (Whitesville Road) 500 feet east of U.S. Route 13 (Sussex Highway) (Tax Map I.D. 5-32-6.00-87.02).

The Commission found that on August 2, 2013 the Applicant submitted a survey/site plan with his application, and on October 14, 2013 he submitted an Exhibit Booklet for consideration. The Exhibit Booklet contains a copy of the application form; a copy of the survey/site plan; an aerial photograph of the property; a copy of the Tax Map for the area depicting the parcels and zoning in the area; a copy of DelDOT's comments; a copy of the Deed to the property; a description of the activities on the site from Warren Reid of Solid Image, Inc.; suggested proposed Findings of Fact; and suggested proposed Conditions of Approval.

The Commission found that DelDOT provided comments on July 23, 2013 referencing that the property is adjacent to U.S. Route 13 and is subject to the Department's Corridor Capacity Preservation Program; that U.S. Route 13 is a limited access highway; that the property is located within an Investment Level 4 according to the State Strategies; that the property owner has a recorded ingress/egress easement to Whitesville Road (Route 64), therefore full site access will be permitted via the easement.

The Commission found that the County Engineering Department Utility Planning Division provided comments on October 22, 2013 in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #4; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Greg N. Johnson was present with Mike Smith, Attorney with The Smith Firm, LLC, and Warren Reid with Solid Image, Inc., and that they stated in their presentations and in response to questions raised by the Commission that the site has frontage along U.S. Route 13, but no direct access to U.S. Route 13; that access is via an entrance easement from Whitesville Road (Route 64); that there are two buildings on the premise, one being 86' x 116', and one being 86' x 144'; that the total square footage of the two buildings is 22,230 square feet; that the smaller building is used for the processing, manufacturing and fabrication of countertops; that there are eight (8) employees, one of which is part-time; that they are providing nine (9) parking spaces; that three (3) loading spaces are required and will be provided; that slabs of granite are cut and polished for installation; that the main office/showroom is located off-site on the westerly side of U.S. Route 13 on a C-1 General Commercial site; that normal working hours are 7:00 a.m. to 4:00 p.m. Monday through Friday; that granite, when needed, is received on Tuesday and Thursday; that the noisiest equipment would be the air-compressors which are maintained indoors; that the building is fully insulated and no noise should be heard outside; that the smaller building will be used for the processing; that the larger building will be used for storage; that Hale Trailer and other commercial uses exist in close proximity; that the buildings were formerly used for an aquaculture business growing shrimp; that access is only from Whitesville Road, by way of a recorded easement; that the use has been operating from the site since October 2012; that on-site septic and water exists; that a dumpster is used for disposal of materials; that the dumpster area can be screened; that there is no current security lighting; that company vehicles can be stored on-site in parking areas; that an unlighted sign is requested; that some of the granite slabs are stored on a concrete pad south of the building; that there will be no retail sales at this site; and that deliveries of the finished countertops are performed during regular business hours.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use #1971 for Greg N. Johnson for a countertop manufacturing business based upon the record made during the public hearing and for the following reasons:

- 1) The use is on a site that was previously used as a shrimp farm. This is the redevelopment of that commercial shrimp facility.
- 2) The use will be within the existing buildings on the site.
- 3) The location near the intersection of U. S. Route 13 and Whitesville Road is appropriate for this use. The property has frontage on U.S. Route 13, but vehicular access is via Whitesville Road.
- 4) The use will have no adverse impacts on traffic, neighboring properties or the community. In addition, all countertop fabrication will occur inside, and there will not be any excessive noise generated from the use.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation is subject to the following conditions and stipulations:
 - A) The use shall be for the fabrication of countertops. No retail sales shall occur on the site.
 - B) The hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.
 - C) Deliveries shall occur only during hours of operation.
 - D) There shall not be any formal displays of countertops on the site. There shall not be any outside storage of countertops within 200 feet of U.S. Route 13.
 - E) Any dumpsters on the site shall be screened from view of neighboring properties of roadways.
 - F) One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - G) Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - H) All parking areas shall comply with the Zoning Code, and the parking areas, and material storage areas, shall be shown on the Final Site Plan.
 - I) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0.

Conditional Use #1972 – Harry E. Miller

Application of **HARRY E. MILLER** to consider the Conditional Use of land in a GR General Residential District for an auto repair shop to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.20 acres, more or less, lying south of Iron Branch Road (Road 331) 150 feet east of Thorogoods Road (Road 333) (Tax Map I.D. 2-33-5.00-189.05).

The Commission found that the Applicant submitted a survey/site plan with his application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated April 24, 2013, referencing that the existing Level of Service “B” of Iron Branch Road will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 21, 2013, referencing that the site is located in the Dagsboro/Frankford Planning Area; that sewer service has not been extended to the area at this time; that an on-site septic system is proposed; that conformity to the Dagsboro/Frankford Planning Study will be required; that the parcel is in a planning area for sewer service; that when sewer service is provided to the area, connection is mandatory; that the County does not have a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank read the conditions of use proposed by the Applicant on his survey/site plan, which included references to 1) Business hours are to be from 8:00 a.m. to 5:00 p.m., Monday through Saturday; 2) There will be no employees other than the owner; 3) Proposed sign to be a one-sided non-illuminated lettered sign not to exceed 32 square feet placed on the side of the building; and 4) All work on vehicles is to be done inside of the building to minimize the noise and/or disturbance of the adjacent property owners.

The Commission found that Harry E. Miller was present and stated in his presentation and in response to questions raised by the Commission that he proposes an auto repair shop on the same property as his residence; all repairs to be inside of the one-story pole building; that he will be performing mechanical and brake work; that security lighting already exists on the building; that all oils and fluids relating to the business will be recycled by a licensed recycler; that a dumpster will be placed to be rear of the building; that he will not be offering any retail automobile sales; that he will have no more than 3 or 4 vehicles on site at any one time for repairs; that all parts storage will be contained indoors; that there are several business uses in the area, i.e. beauty shop, concrete plant, auto/truck repairs, roofing company, etc.; that he will not be doing any auto body work; and that he lives on the property.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use #1972 for Harry E. Miller for an auto repair shop based upon the record made at the public hearing and for the following reasons:

- 1) The site is currently the residence of the applicant. Based upon the testimony of the applicant, the use will be a family-run business and the size and scope of the auto repair business will be very consistent with that of a home occupation.
- 2) The applicant will be required to comply with all waste disposal regulations and requirements associated with oils, lubricants, etc. associated with the use.
- 3) The use will not have any adverse impact on traffic on area roadways.
- 4) The use, with the conditions and stipulations placed on it, will not have any adverse impact on neighboring properties or the community.
- 5) The use as an auto repair facility is of a public or semi-public character that promotes the convenience of providing an auto repair service to Sussex County residents.
- 6) The applicant has stated that all repair work will be performed within the building located on the site.
- 7) This recommendation is subject to the following conditions and stipulations:
 - A. The use shall be limited to an automobile repair facility. There shall not be any boat repair or large truck repairs permitted on the site.
 - B. No towing operations shall occur from the site.
 - C. No junked, permanently inoperable, or unregistered vehicles shall be stored on the site.
 - D. No more than 4 vehicles awaiting repair shall be stored outside on the site at any one time, other than the owner's personal vehicles.
 - E. All repairs shall occur within the building.
 - F. The applicant shall comply with all State and Federal requirements regarding the storage, use and disposal of all fluids associated with the use.
 - G. One un-lighted sign shall be permitted, not to exceed 32 square feet and to be located on the side of the building per the applicant's request.

- H. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Saturday.
- I. All dumpsters or trash receptacles shall be screened from view of neighboring roadways or properties. All scrapped automobile parts shall also be stored in containers or behind screening fences so that they cannot be viewed from neighboring properties or roadways.
- J. The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this approval.
- K. No used car sales or retail operations shall be conducted from the site.
- L. The Final Site Plan will be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0.

Change of Zone #1737 – Robert & Julie Norwood

Application of **ROBERT & JULIE NORWOOD** to amend Comprehensive Zoning Map from AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less, lying at the northwest corner of Route 24 and Retz Lane (a private Road) 280 feet southwest of Road 284 (Mulberry Knoll Road) (Tax Map I.D. 3-34-12.00-25.00 & 26.00).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated August 9, 2013, referencing that the existing Level of Service “E” of Route 24 (John J. Williams Highway) will not change as a result of this application; and that a Traffic Impact Study was not recommended.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 21, 2013, referencing that the site is located in the Goslee Creek Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

The Commission found that Robert Norwood was present and stated in his presentation that he is requesting rezoning to CR-1 Commercial Residential so that he may operate a window cleaning business; that he is planning on converting a portion of the dwelling into an office and to utilize

the existing garage for storage; that within a one mile radius of the property there are sixteen (16) businesses, i.e. a school, Apple Electric, Sussex Tree, Robinson Eye Care, Maplewood Dentistry, and many other business and commercial uses; that he will have two to five employees; that adequate space is available on the site for parking for the employees; that there will be one employee on-site as an office worker; that there will be no noise on the site; that he has spoken with his neighbors and there are no known objections; that access to the site is from Retz Lane; that his attorney advised him to apply for CR-1 Commercial Residential zoning, not a Conditional Use; that deeds for the development reference that Lots 13 and 14 are appropriate for commercial uses, not any other lots in the development, and since they front only Route 24; and that he owns both lots.

The Commission found that the applicant submitted 16 photographs of area business/commercial uses in the general area along Route 24.

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

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

On October 24, 2013 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On November 14, 2013 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend denial of C/Z #1737 for Robert and Julie Norwood seeking a change of zone from AR-1 to CR-1 based on the record made during the public hearing and for the following reasons:

- 1) He does not believe that the application is consistent with the character of the surrounding property. All of the adjacent properties on the same side of Route 24 are zoned AR-1. The only uses are active farmland and single family homes.
- 2) While there is some B-1 zoned land across Route 24 from this site that is not a basis for rezoning this property to CR-1, which permits more intensive uses than B-1.
- 3) The applicant has stated that his deed and/or restrictive covenants permit the property to be used for commercial purposes. However, that does not dictate the County to change the zoning for the property to accommodate commercial enterprises.
- 4) Rezoning this small parcel of land to CR-1 in an otherwise residential and agricultural area where no other CR-1 zoning exists would be an improper example of “spot zoning”.
- 5) The rezoning to CR-1, with all of the potential permitted uses in that zoning district could have an adverse impact on the residential properties to the rear of the site along Retz Lane.

- 6) He does not believe that the applicant has made an adequate record in support of the rezoning request.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5 – 0.

Change of Zone #1738 – Atlantic Community Thrift Shop, Inc.

Application of **ATLANTIC COMMUNITY THRIFT SHOP, INC.** to amend Comprehensive Zoning Map from a MR Medium Density Residential District and an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.46 acres, more or less, lying south of Route 26 (Atlantic Avenue) 100 feet southeast of Road 348 (Irons Lane) (Tax Map I.D. 1-34-11.00-184.02 & 185.00).

The Commission found that the Applicants submitted surveys and survey/site plans with the application. The site plan depicts the existing buildings and paved parking area within the existing B-1 Neighborhood Business District, and the proposed reconfigured driveway and parking on the AR-1 and MR portions of the site proposed for rezoning.

The Commission found that DelDOT provided comments in the form of a letter, dated August 5, 2013, referencing that the Department has reviewed the site plan and has no objection to its recordation.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 21, 2013, referencing that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that sewer service has not been extended to the parcels at this time; that the County is coordinating with DelDOT and the project has been bid and a contractor identified; that sewer service could be available as early as the Spring of 2015; that a sanitary sewer lateral is proposed to be installed to each parcel's property line along Route 26; that conformity to the South Coastal Area Planning Study – 2005 Update and Route 26 West Technical Memorandum will be required; that connection is mandatory; that improvements on parcels are required to connect within one year of sewer service becoming available; and that a concept plan is required.

The Commission found that two letters and an email were received in opposition to this application expressing concerns about traffic and drivers lack of consideration in their attempt to get into the site; that the site should have a commercial entrance for the safety of the drivers that travel Route 26; that other businesses have proper entrances; that many accidents have occurred at this location because of the improper access to the property; that the Route 26 construction has added to the traffic concerns; that the location of the entrances are a concern; that a safety study should be made concerning the location of the entrances; that the safest entrance and exit would

be on the site of the proposed rezoning; that drainage for the parking areas need to be addressed; that the proposed parking area needs to be for customers, not employees; that the employees should park in the rear; that something needs to be done to improve the safety around the large propane tank in the front yard; that trash needs to be controlled; questioning why they are requesting rezoning since it is rumored that they are proposing to only park employees on the new site; and that the existing use of the site is a very unhealthy and unsafe situation.

The Commission found that Karen Lesperance, President of Atlantic Community Thrift Shop, Inc. (ACTS) was present with Tom Ford of Land Design, Inc. and that they stated in their presentations and in response to questions raised by the Commission that ACTS is a recorded 501-C3 organization; that the organization is maintained by all volunteers; that ACTS has been in operation for 24 years; that ACTS was originally supported by four churches in the area and is now supported by 20 churches; that ACTS contributes to many charitable organizations; that the building utilized has had a minimal growth in the past; that they do not desire to expand the operation, only to improve efficiency and to improve the site for the safety and protection of their clientele; that the requested rezoning will permit them to expand their parking layout and improve circulation; that Ms. Lesperance has been President of ACTS for seven years and works with nine (9) Board members and 65 volunteers; that the business is operational five (5) days per week for three (3) hours each day; that volunteers work approximately 15 hours per week in two (2) shifts from 8:00 a.m. to 12:00 Noon, and 12:00 Noon to 3:00 p.m.; that they have found that they serve predominantly young families; that they receive goods at the rear of the building; that they goods received are processed by the volunteers; that they are proposing to rezoning two parcels as extensions to the existing ACTS parcel; that they have been working with DelDOT on the Mainline Route 26 project; that DelDOT created a master plan for circulation and will be closing three (3) existing entrances; that an existing entrance will be redesigned and a new entrance on the easterly side of the site will be created; that the rezoning will allow for parking and driveways; that DelDOT has granted a letter of approval; that there are no wetlands on the property; that a Sediment/Erosion Control permit has been issued for a pipe to cross the ditch between the sites; that several business and commercial uses exist in close proximity, i.e. funeral home, lumber yard, car wash, auto supplies and repairs; gift shops, etc.; that Route 26 circulation will be improved; that the existing ACTS site is zoned B-1 Neighborhood Business and they are asking for the same B-1 zoning for these parcels; that the commercial entrances will be built by DelDOT during construction of the Mainline Route 26 project; that the design of the project should alleviate the current traffic circulation problems that exist; that the two lots will be primarily used for driveways and parking; and that normally only 15 volunteers are on premise at any one time.

The Commission found that Dorothy Somerville was present, not to the rezoning, to express concerns about the dangerous entrances that already exist; the narrow driveways, and inadequate parking; that DelDOT took 30 feet of the front yard, reducing the setback to the ACTS building to almost 10 feet from the proposed Route 26 right-of-way; that there have been many accidents

at this intersection; suggested that the access door to the shop should be moved from the front to the side of the building; that the lot has been raised, creating run-off concerns; that she is being impacted by water run-off onto her property; and that she is concerned about pedestrian safety to people walking to the site and those standing waiting to get into the shop.

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

On October 24, 2013 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

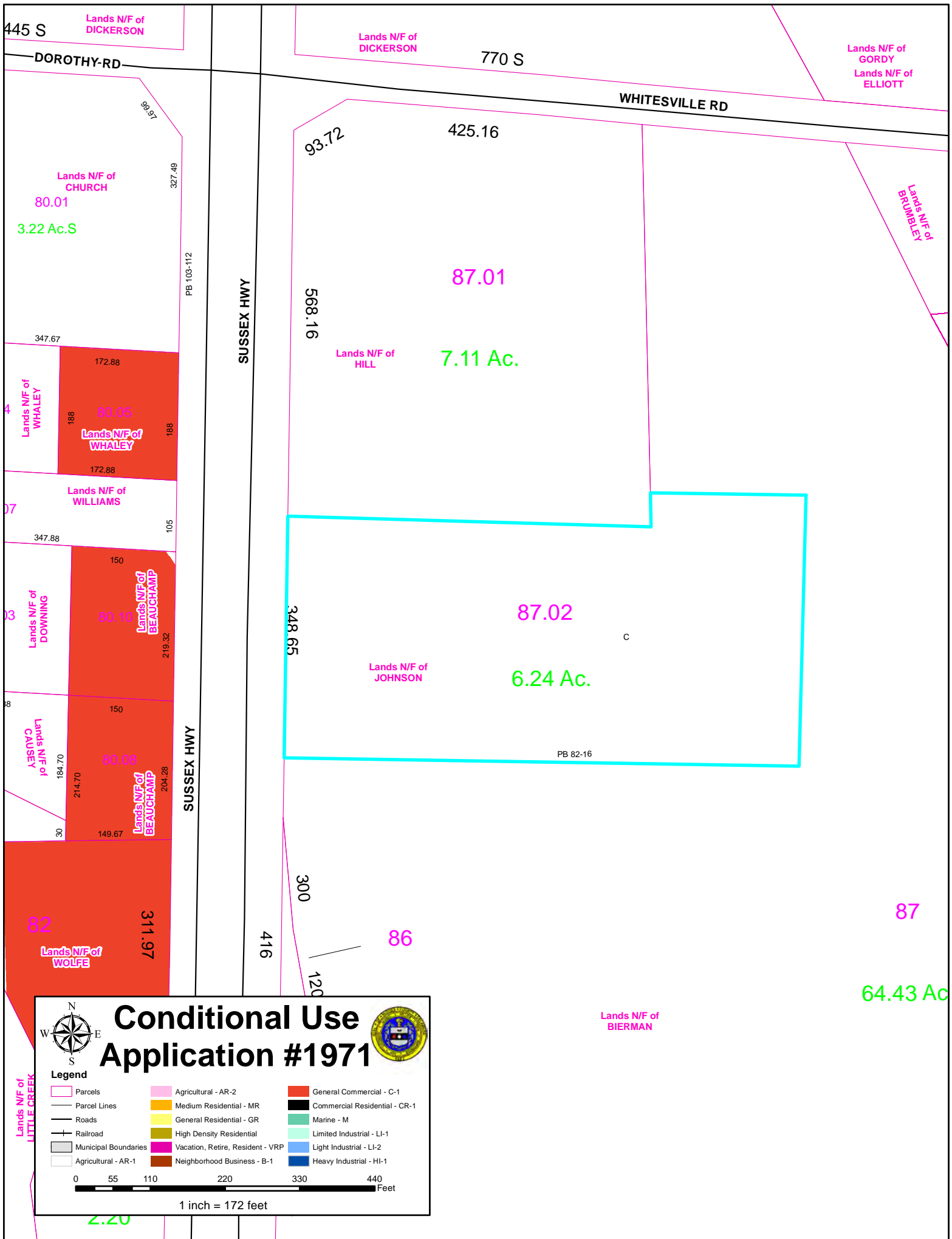
On November 14, 2013 the Commission discussed this application under Old Business.

The Commission discussed this application which has been deferred since October 24, 2013.

Mr. Ross stated that he would move that the Commission recommend approval of C/Z #1738 for Atlantic Community Thrift Shop, Inc. from AR-1 Agricultural Residential to B-1 Neighborhood Business based upon the record and for the following reasons:

- 1) The site is appropriate for a change of zone to B-1 Neighborhood Business. It is located on the south side of Route 26. It is a reasonable expansion of the Applicant's use on its adjacent property that is already zoned B-1.
- 2) The B-1 zoning is consistent with the orderly growth of the County. There are a number of business and commercial uses located in the immediate vicinity. Several properties are also zoned C-1 General Commercial and B-1 in close proximity to the site.
- 3) B-1 zoning has more limited uses than CR-1 zoning, which will limit the intensity of any development on the property.
- 4) The change of zone will not adversely affect neighboring or adjacent properties or nearby communities.
- 5) The site will have sewer service as part of a Sussex County sewer district.
- 6) The Delaware Department of Transportation has no objection to the rezoning, and has also reviewed the reconfigured and improved entrances to the Applicant's existing operations that will occur as a result of this rezoning.
- 7) The change of zone is in accordance with the Comprehensive Plan Update.
- 8) Site Plan approval for any use of the property will be subject to review and approval by the Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

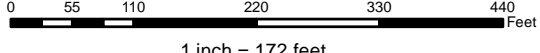


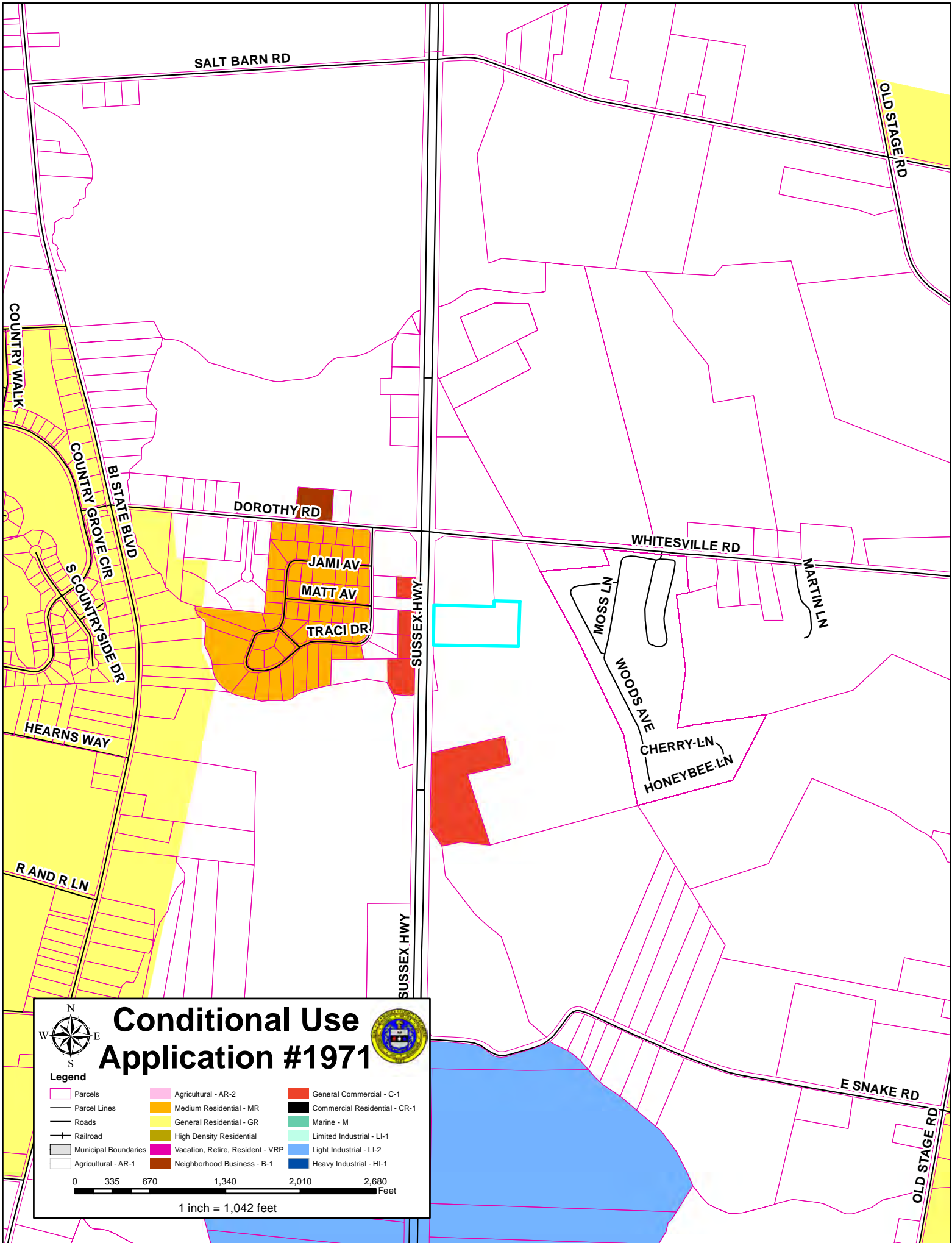
Conditional Use Application #1971



Legend

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



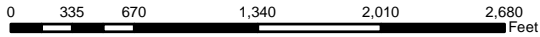


Conditional Use Application #1971



Legend

- Parcels
- Parcel Lines
- 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 = 1,042 feet

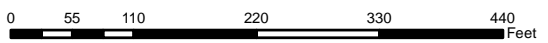


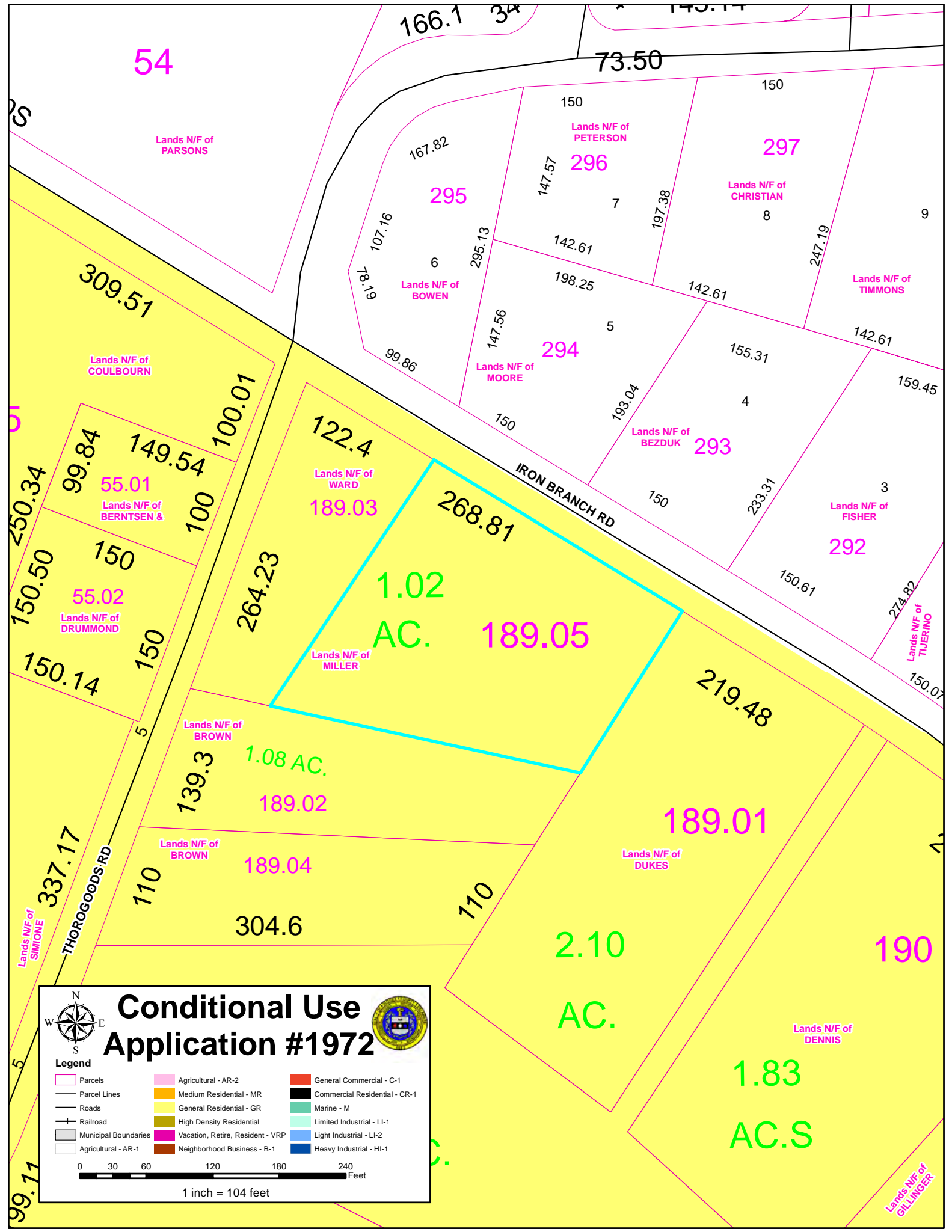
Conditional Use Application #1971



Legend

- Parcels
- Parcel Lines
- 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





54

Lands N/F of PARSONS

73.50

Lands N/F of PETERSON

297

Lands N/F of CHRISTIAN

166.1 34

167.82

295

Lands N/F of BOWEN

296

147.57

7

197.38

247.19

Lands N/F of TIMMONS

309.51

Lands N/F of COULBOURN

294

Lands N/F of MOORE

142.61

155.31

142.61

159.45

250.34

55.01

Lands N/F of BERTSEN &

122.4

Lands N/F of WARD

189.03

268.81

IRON BRANCH RD

293

Lands N/F of BEZDUK

Lands N/F of FISHER

292

150.50

55.02

Lands N/F of DRUMMOND

264.23

1.02 AC.

Lands N/F of MILLER

189.05

4

193.04

150.61

274.82

Lands N/F of TIJERING

150.14

Lands N/F of BROWN

1.08 AC.

189.02

219.48

189.01

Lands N/F of DUKES

337.17

Lands N/F of BROWN

189.04

304.6

2.10

AC.


190

Lands N/F of DENNIS

1.83

AC.S

Conditional Use Application #1972



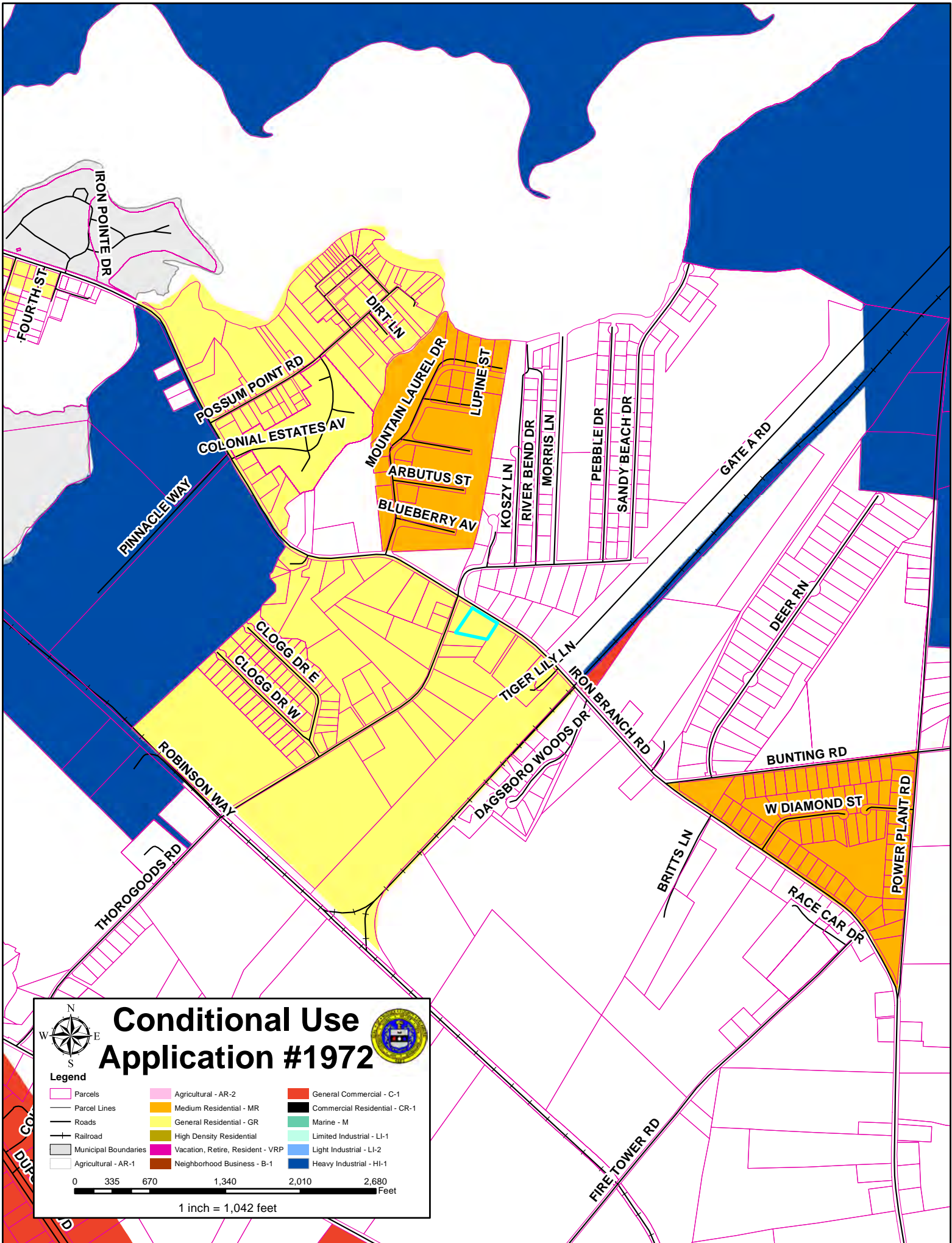
Legend

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

0 30 60 120 180 240 Feet

1 inch = 104 feet

Lands N/F of GILLINGER

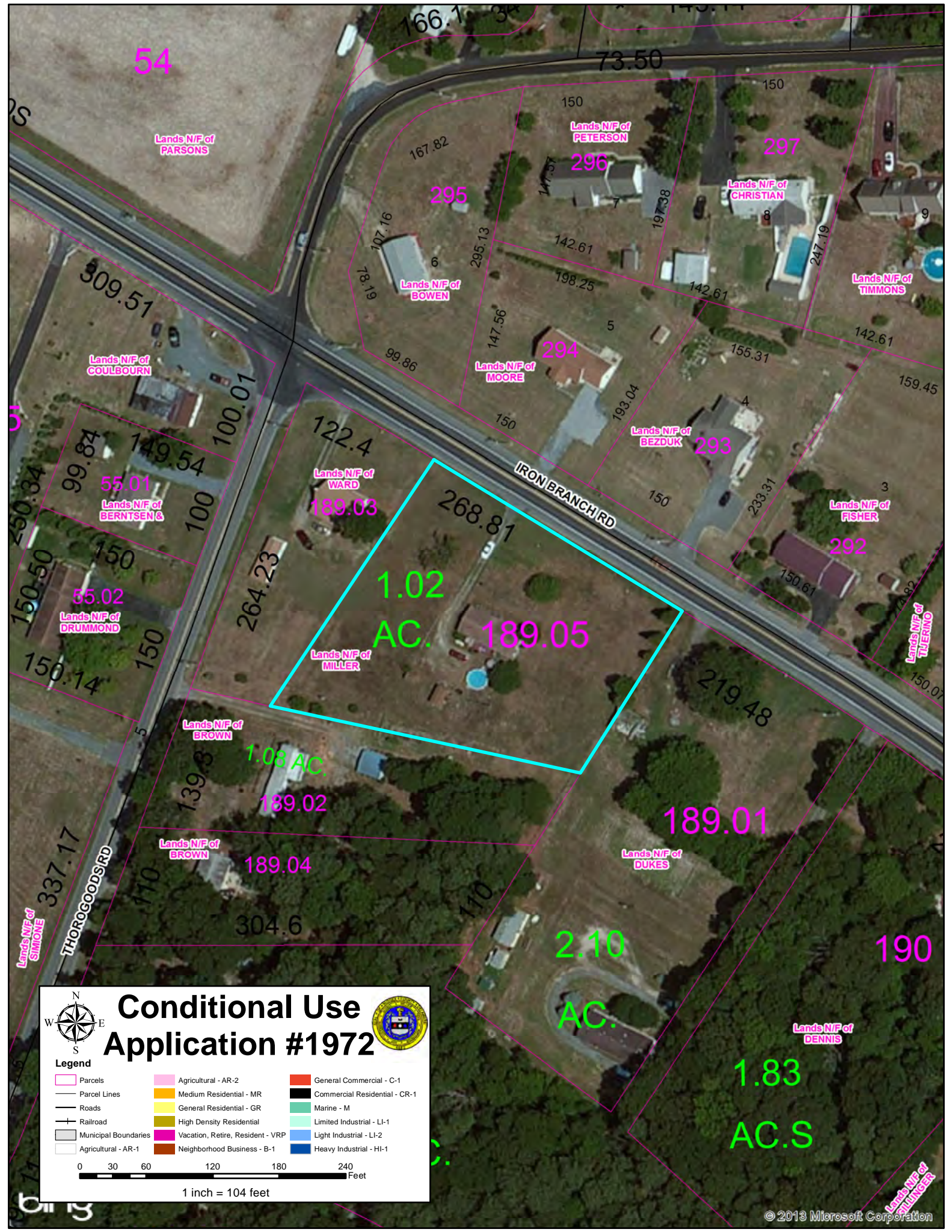


Conditional Use Application #1972

Legend

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

1 inch = 1,042 feet

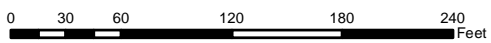


Conditional Use Application #1972

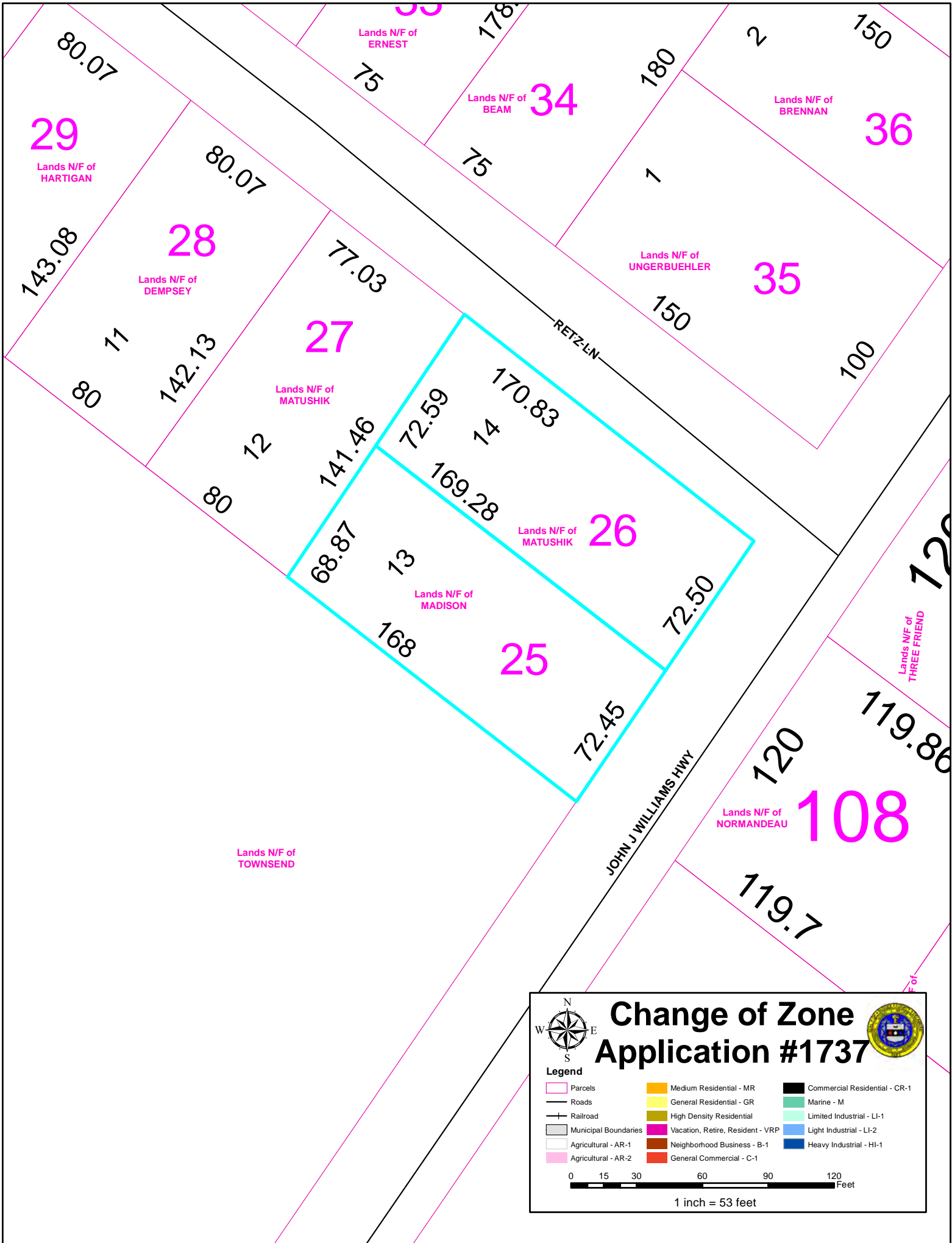


Legend

- Parcels
- Parcel Lines
- 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 = 104 feet



29

Lands N/F of HARTIGAN

28

Lands N/F of DEMPSEY

27

Lands N/F of MATUSHIK

26

Lands N/F of MATUSHIK

25

Lands N/F of MADISON

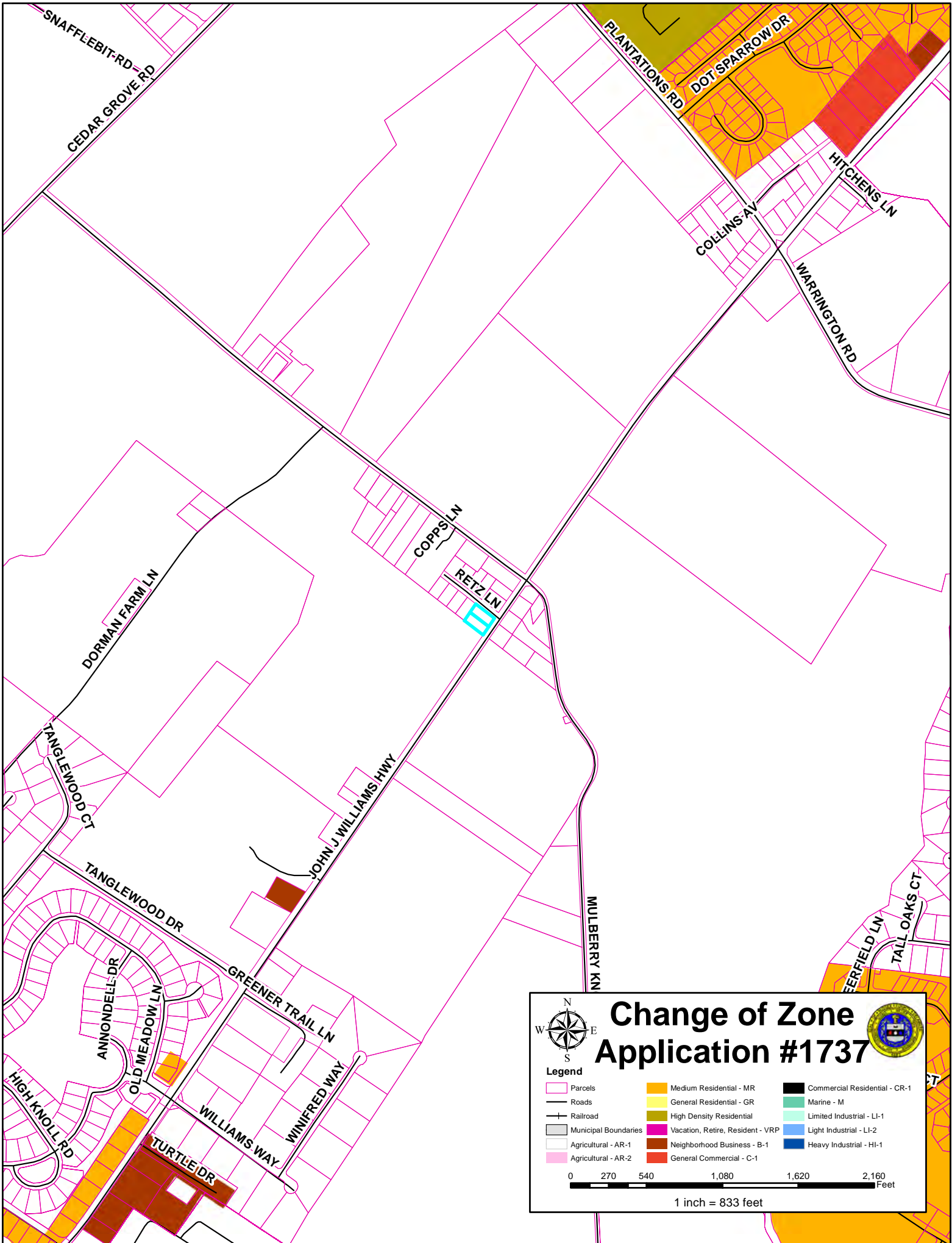
Change of Zone Application #1737

Legend

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

0 15 30 60 90 120 Feet

1 inch = 53 feet



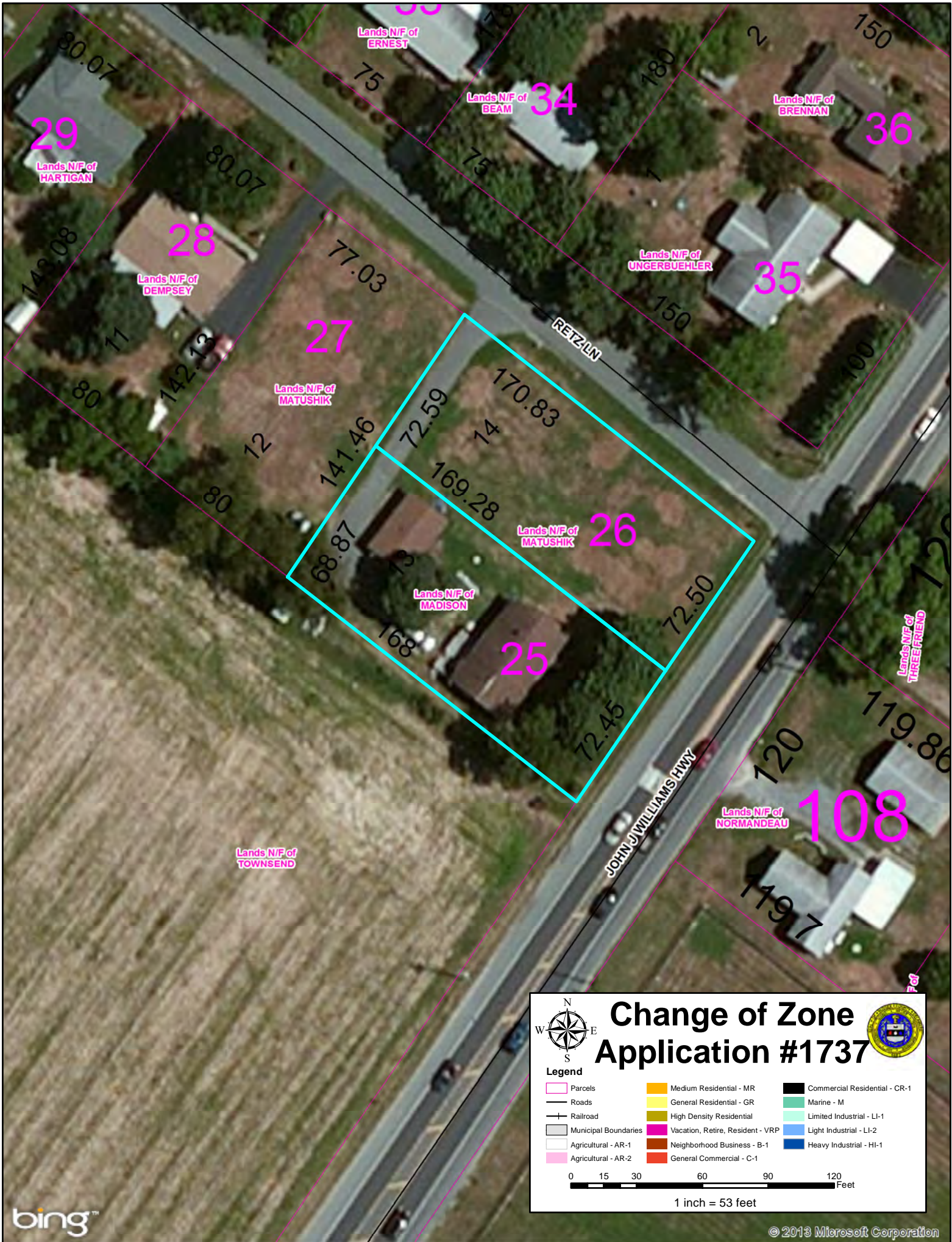
Change of Zone Application #1737

Legend

<ul style="list-style-type: none"> Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
--	--	--

0 270 540 1,080 1,620 2,160 Feet

1 inch = 833 feet



29
Lands N/F of
HARTIGAN

28
Lands N/F of
DEMPSEY

27
Lands N/F of
MATUSHIK

25
Lands N/F of
MADISON

26
Lands N/F of
MATUSHIK

34
Lands N/F of
BEAM

35
Lands N/F of
UNGERBUEHLER

36
Lands N/F of
BRENNAN

108
Lands N/F of
NORMANDEAU

Lands N/F of
THREE FRIEND

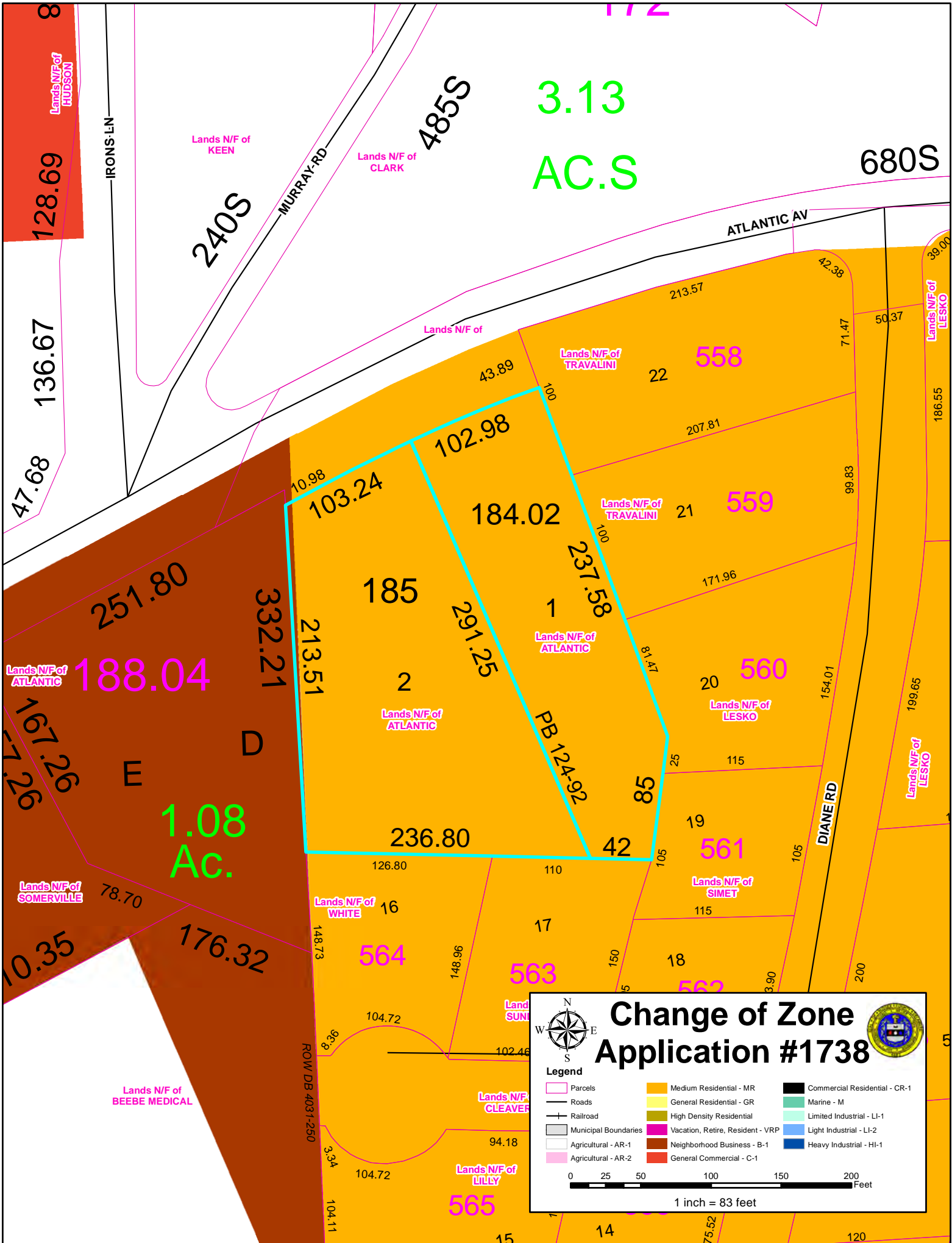
Lands N/F of
TOWNSEND

Change of Zone Application #1737

Legend

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

1 inch = 53 feet



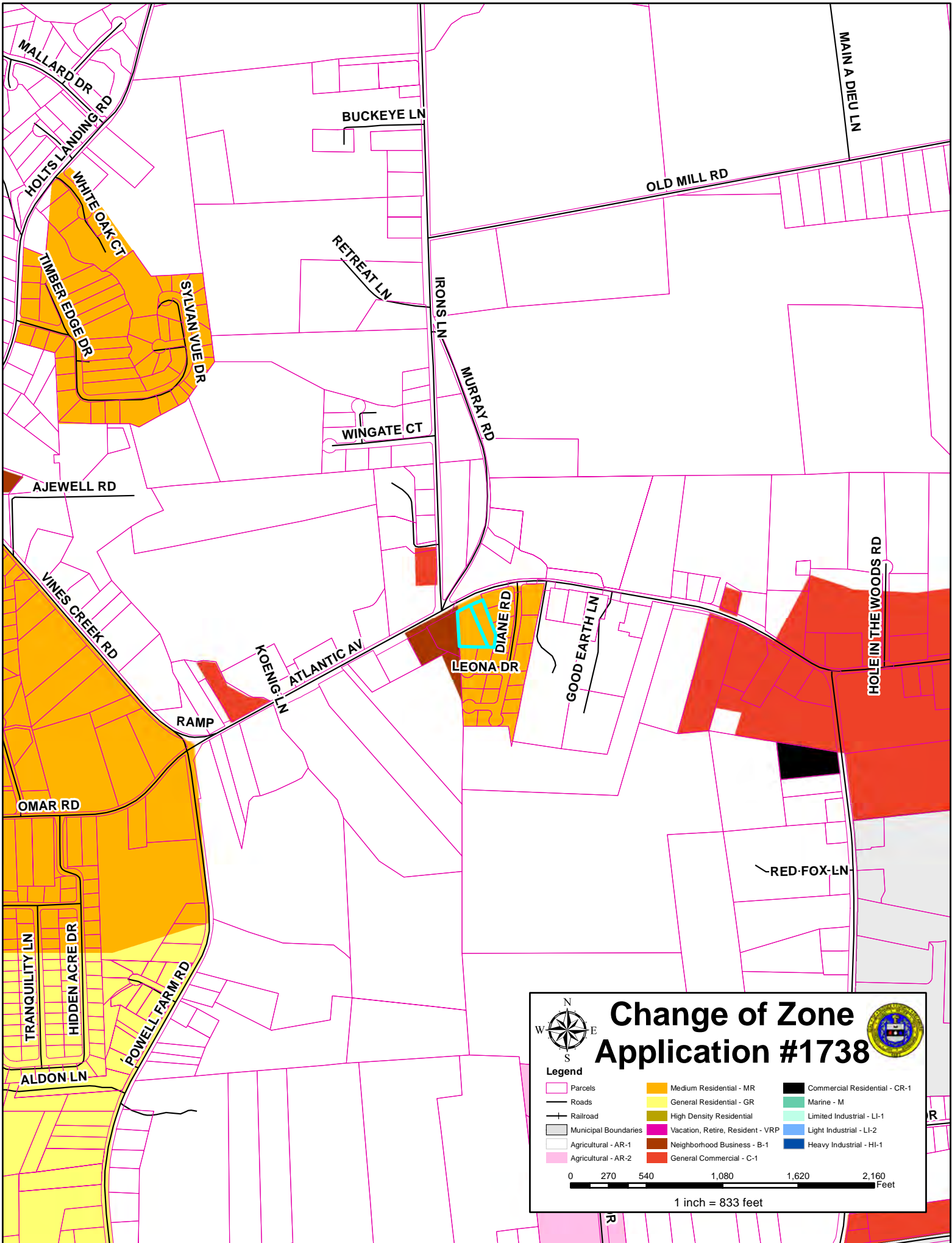
3.13
AC.S

1.08
Ac.


Change of Zone Application #1738

1 inch = 83 feet

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



Change of Zone Application #1738

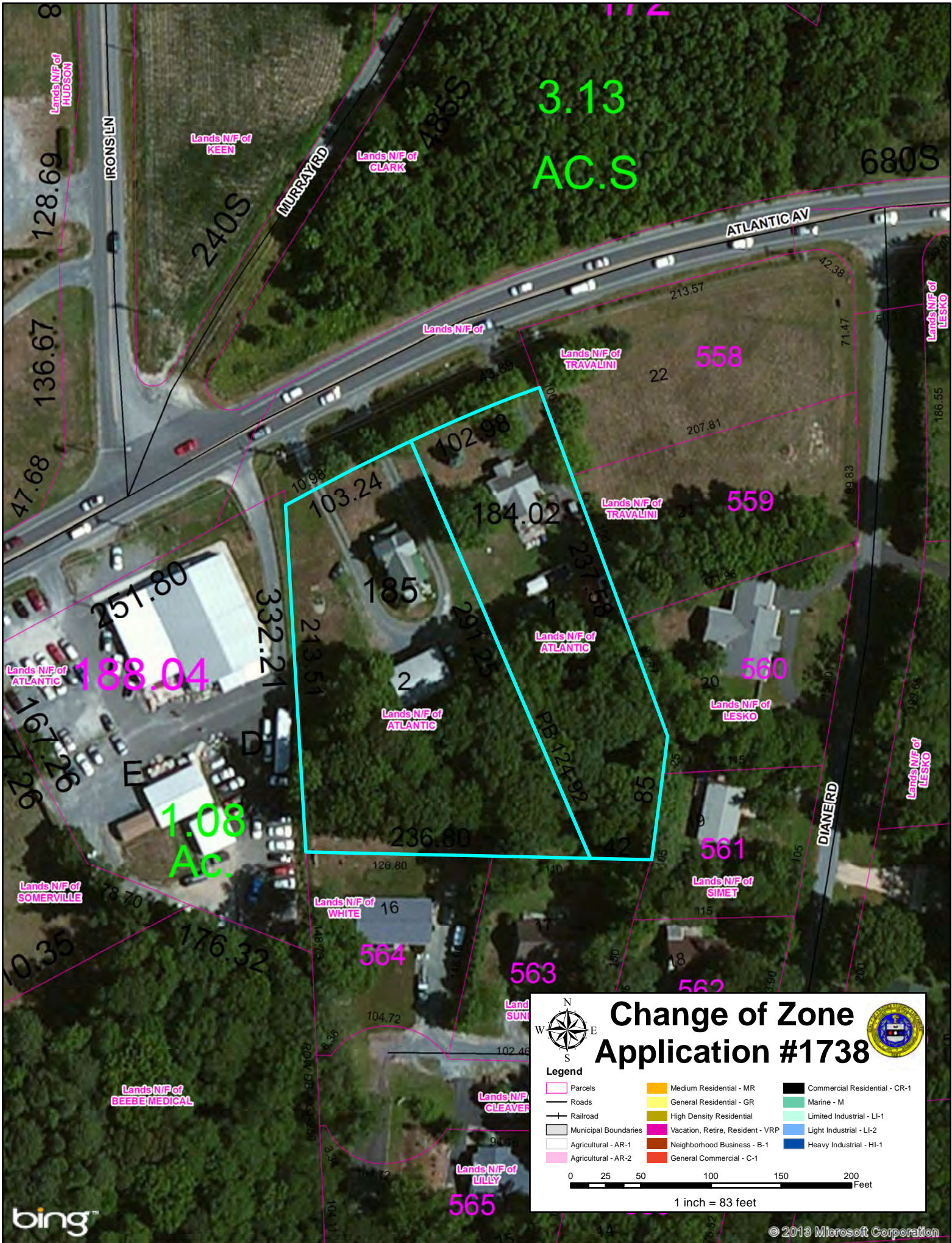


Legend

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

0 270 540 1,080 1,620 2,160 Feet

1 inch = 833 feet



3.13
AC.S

188.04

1.08
Ac.

558

559

560

561

562

563

564

565

Change of Zone Application #1738

Legend

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

1 inch = 83 feet