



Sussex County Council Public/Media Packet

**MEETING:
September 27, 2016**

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



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Sussex County Council

A G E N D A

SEPTEMBER 27, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Ruth Beideman, Advisory Committee on Aging & Adults with Physical Disabilities

1. Report on *The Live Conference*
2. Report entitled "Quality of Life Indicators Related to Sussex County's Growing Senior Population"

Todd Lawson, County Administrator

1. Administrator's Report
2. State/County Finance & Revenue Committee Update
3. Sussex Conservation District – Residential Construction Application Plan

10:15 a.m. Public Hearing

High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District



Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Discussion and possible introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 (“HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS, AFFORDABLY PRICED”, ARTICLE II (“AFFORDABLY PRICED RENTAL UNITS”))

Lawrence Lank, Director of Planning and Zoning

1. Request for Time Extension – Conditional Use No. 1965 - Southern Delaware Botanic Gardens, Inc.

Old Business

Conditional Use No. 2046
Lockwood Design and Construction, Inc.

Grant Request

1. Milton Historical Society for annual fundraiser for exhibition costs
2. Sussex Community Crisis Housing Services for Crisis House repairs
3. Clothing Our Kids for clothing purchases
4. Milford Housing Development Corporation for the Home Repair Project

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Job Applicants’ Qualifications, Personnel, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

Adjourn

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 September 20, 2016 at 5:40 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

####

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 20, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 20, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 455 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

**Corre-
spondence**

Mr. Cole referenced correspondence he received regarding fees for paramedic services.

Minutes

The minutes of August 23 and 30, 2016 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on an email he received from the County in response to his submitted questions regarding fences in Sussex County. He also commented on tire piles, classification of a farm, orchards, and signs.

Dan Kramer commented on the Sign Ordinance Public Hearing scheduled on this date.

Jack Meylan commented on: (1) DNREC's aquaculture proposal and (2) transfer taxes.

Gretchen Klein commented on (1) the request to withdraw Change of Zone

Comments (continued) **No. 1800 filed on behalf of Sussex Real Estates Partners, LLC and (2) the subdivision approval process.**

Proclamation **A Proclamation entitled “A PROCLAMATION TO DECLARE SEPTEMBER 17-23 AS CONSTITUTION WEEK” was presented to members of the Major Nathaniel Mitchell Chapter of the Daughters of the American Revolution (DAR).**

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

M 456 16 **A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon**
Execute **the recommendation of the Sussex County Engineering Department, for**
Wastewater **Sussex County Project No. 81-04, Agreement No. 1030, that the Sussex**
Agreement/ **County Council execute a Construction Administration and Construction**
Johnson’s **Inspection Agreement between Sussex County and Evergreene Companies,**
Glade **LLC for wastewater facilities to be constructed in Johnson’s Glade, located**
 in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

DelDOT **Chip Guy, Director of Communications, presented the County’s 2018-2023**
2018-2023 **Capital Transportation Program (CTP) Request which will be submitted to**
CTP **DelDOT. This report highlights the County’s long-term infrastructure**
Request **needs and requests for the State’s next capital budget which focuses on**
 major investments such as highways, bridges, and intersection
 improvements throughout the State.

Mr. Guy stated that, as done in past years, County Administration, along with input from Council and the public, has assembled this year’s request.

Mr. Lawson reported that the County has been contacted by two municipalities (City of Lewes and Town of Dewey Beach) and interested stakeholders asking the County to submit specific items for improving transportation and specifically, sidewalks/pedestrian access. These requests were used in developing this year’s draft CTP.

Mr. Guy reviewed the draft CTP Request, noting that this year’s request is much the same as last year, with the exception of items removed due to completion of projects and new projects added including the addition of Scenic Byways. Sussex County’s transportation priorities are: SR 1 improvements; Delaware Coastal Airport, Park Avenue/US 9 Truck Route; east-west improvements (SR 24, SR 26, Routes 404/9); bicycling/walking trails; north-south highway improvements; scenic byways; local roads; intersections, signage and signalization; and alternative transportation.

**CTP
Request
(continued)**

The Sussex County 2018-2023 Capital Transportation Program Request will be presented at a Public Hearing on September 28, 2016 at the DelDOT South District Office in Georgetown.

**Adminis-
trator's
Report**

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

1. Sussex County Hosting 3rd Annual Homebuyer Fair

The County, in partnership with the Delaware State Housing Authority, Sussex County Association of REALTORS®, First State Community Action Agency, and NCALL Research, will host the third annual Sussex County Homebuyer Fair from 9:00 a.m. to 1:00 p.m. on Saturday, September 24th. The event will be held inside the Carter Partnership Center at Delaware Technical & Community College, Owens Campus, in Georgetown.

The event is free and open to the public, and is designed to match potential homebuyers with housing counselors, lenders, and other resources that are available. Pre-registration is strongly encouraged so attendees can receive a free copy of their credit report. For more information, or to pre-register, please visit the County's website at www.sussexcountyde.gov or call (302) 855-7779.

2. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for June, there were 389 violent crime arrests with 294 clearances; 2,885 property crimes with 1,594 clearances; and 22,161 total traffic charges with 15,394 corresponding arrests. Of those traffic arrests, 529 were for DUI. Finally, there were 2,507 total vehicle crashes investigated in June. In total, there were 192 troopers assigned to Sussex County for the month of June.

3. Sussex County Emergency Operations Center Call Statistics – August 2016

Attached please find the call statistics for the Fire and Ambulance Callboard for August 2016. There were 10,913 total calls handled for the month of August. Of those 9-1-1 calls in August, 83 percent were made from wireless phones.

4. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Woods at Johnson's Corner a/k/a/ Fenwick Hamlet a/k/a Fox Haven – Phase 3 received Substantial Completion effective September 14th.

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

Quarterly Pension Update and Recommendations

Mrs. Jennings presented information on the County's pension performance and proposed changes to the pension plan. The draft minutes of the August 18, 2016 Pension Committee meeting, and the Investment Performance Report as of June 30, 2016 were previously distributed to the Council.

Summary of the Pension Investment Analysis –

- **Market value was \$73,994,465 as of June 30, 2016**
- **Second Quarter gain of \$1,365,399**
- **Second Quarter Return of 1.8%**

Summary of OPEB Investment Analysis

- **Market value was \$31,937,953 as of June 30, 2016**
- **Second Quarter gain of \$487,611**
- **Second Quarter return of 1.5%**

Mrs. Jennings presented recommendations to improve performance: increase the equity allocation to 65% versus 60%. The County made this change last year with the OPEB Fund. Due to recent underperformance and higher administrative fee, move 10% of the fund from State of Delaware to existing better performing investments, which has resulted in better returns against their benchmark and have lower fees. Currently 60% of funds are in the State of Delaware account and it is recommended to lower that to 50%. The annual fee is \$381,000 for the pension fund; the proposed fee structure would lower that to \$326,000, resulting in a savings of approximately \$55,000 annually. Mrs. Jennings explained how the funds would be allocated among the other investments and stated that, in order to do this, a change is needed in the Investment Policy Statement. Mrs. Jennings also discussed the Committee's recommendation to lower the assumed rate of return and gave reasons for the recommendation to lower it to 7.25% versus the current 7.5%; she explained how lowering the assumed rate will require increasing the County's required contributions.

**M 457 16
Amend
Investment
Policy
Statement/
Pension
Fund**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based on the recommendation of the Pension Committee, amend the Investment Policy Statement to decrease the Delaware State Pool Target to 50%, increase the Equities Target to 36%, and decrease the Fixed Income Target to 14% with the County's overall intent to maintain the target allocation of 65% equities and 35% percent fixed income.

Motion Adopted: 5 Yeas.

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

M 458 16
Move
Funds/
Pension
Fund

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council, based on the recommendation of the Pension Committee, decrease the State of Delaware Pool 10%, decrease Wilmington Trust Fixed Income 2%, increase S&P 500 Index Fund 6.5%, increase Vanguard Extended Market Index 1.5%, increase Vanguard Mid Cap Value 2%, increase Vanguard Total International Stock Market 2%.

Motion Adopted: 5 Yeas.

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

M 459 16
Lower
Assumed
Rate of
Return/
Pension
Fund

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council, based on the recommendation of the Pension Committee, Cheiron and Peirce Park Group, lower the assumed rate of return for both the Pension and OPEB Funds to 7.25 percent.

Motion Adopted: 5 Yeas.

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

Quarterly
Pension
Update
(continued)

Mrs. Jennings presented pension calculation changes proposed by the Pension Committee, as follows: changing the annual salary calculation from 40 hours to 42 hours for 12-hour employees, and adding 5 years of service for the calculation of pension for 12 hour employees' cap from 25 to 30 and all other employees' cap increases from 30 to 35. Mrs. Jennings explained that a draft ordinance has been prepared and public hearings will be held by the Personnel Board and the County Council.

Fleet
Procure-
ment
Update

Ron Verosko, Safety Manager, updated the Council on the planned introduction of new vehicles to the County's fleet as well as a timeline for fleet vehicle upgrade. He reported that there are 230 vehicles in the fleet and that 52 percent of the vehicles are over 10 years old. Mr. Verosko reported on the results of the Request for Proposals (RFP) that was issued for the purchase of new vehicles including vehicle selection considerations: five dealerships submitted bid packages covering 21 different base vehicles selections. Mr. Verosko reviewed an overview of the lowest bids and explained that the next steps in this process will be to finalize priorities of purchases with the County Administrator and Finance Director, and meet with area managers and finalize vehicle purchases in September.

Concord
Road
Expansion/
Blades
SSD

Hans Medlarz, County Engineer, referenced Council's award of five (5) five year on-call contracts for miscellaneous services. Since the award, the County utilized the services of Davis, Bowen and Friedel (DBF) for the Concord Road Expansion Project by approving Amendment No. 1 to the Base Engineering Contract in the amount of \$64,984.62 on March 10, 2015.

Concord Road Expansion/Blades SSD (continued)

On this date, Mr. Medlarz presented a request for the approval of Contract Amendment No. 2 in the amount of \$5,700.00 to cover the pump station redesigns associated with the comments received from the Sussex Conservation District, DeIDOT, and the adjacent property owner who granted an access easement. Mr. Medlarz noted that this is a USDA funded project.

M 460 16 Approve Amendment to Base Engineering Contract/Concord Road Expansion/Blades SSD

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 2 to the Base Engineering Contract for the Miscellaneous Consultant Selection with Davis Bowen & Friedel, Inc. be approved in the amount not to exceed \$5,700.00 covering the additional service for the Concord Road Expansion, contingent upon USDA approval.

Motion Adopted: 5 Yeas.

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

Pump Station 23 Modifications Project

Hans Medlarz, County Engineer, referenced the Council's award of the Pump Station No. 23 Modifications, Project No. 14-22, to Hopkins Construction, Inc. The project was declared substantially complete as of March 7, 2016. Mr. Medlarz presented a request for a Change Order in the credit amount of \$12,291.25 due to final adjustments and balancing of unit bid items.

M 561 16 Grant Substantial Completion/Balancing C/O for Pump Station 23 Modifications Project

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Balancing Change Order for Contract No. 14-22, Pump Station No. 23 Modifications, be approved, which decreases the contract amount by \$12,291.25, for a new total amount of \$471,528.75, and that Substantial Completion be granted effective March 7, 2016 and any held retainage be released in accordance with contract documents

Motion Adopted: 5 Yeas.

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

SCRWF/Engineer of Record and Preliminary Engineering Report

Hans Medlarz, County Engineer, reported that the Engineering Department is currently in the permit renewal process for the South Coastal Regional Wastewater Facility (SCRWF) to include the new outfall permit with the City of Rehoboth. Further, the Department has been looking at what needs to be done at the facility for future planning purposes. Mr. Medlarz stated that the next step is a Preliminary Engineering Report to determine how to best invest in the facility over the next five years. The Engineer of Record, Stearns & Wheler, LLC was

**SCRWF
(continued)**

bought out by acquisition by GHD, Inc.; GHD, Inc. bought out all contracts with their purchase and the principals of Stearns & Wheler, LLC are the same as for GHD, Inc. Mr. Medlarz recommended that the County reinstate the new company (GHD, Inc.) for the best continuity for review and design.

**M 562 16
Approve
Reaffirma-
tion of
Engineer
of Record/
Authorize
Negotiation
of Amend-
ment to
Preliminary
Engineering
Report**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Council approve the reaffirmation of GHD, Inc. of Bowie, Maryland, as Engineer of Record for the South Coastal Regional Wastewater Facility, Expansion No. 3, and to authorize the negotiation of Amendment No. 11 for the Preliminary Engineering Report.

Motion Adopted: 5 Yeas.

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

**Agreement
for Waste-
water
Services
with Lewes
Board of
Public
Works**

Hans Medlarz, County Engineer, presented for Council's consideration an Agreement for Wastewater Services between Sussex County Council and the Lewes Board of Public Works for wastewater treatment and disposal. On July 19, 2016, the Council authorized agreement negotiations with other wastewater service providers for the utilization of seasonally available, existing wastewater treatment capacity. Mr. Medlarz discussed the terms and benefits of the Agreement.

**M 563 16
Approve
Agreement
for Waste-
water
Services
with Lewes
Board of
Public
Works**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Agreement for Wastewater Services with the Lewes Board of Public Works for the utilization of seasonally available, existing wastewater treatment capacity; to reimburse Board of Public Works for incurred engineering expenses; and to implement construction under the General Labor & Equipment Contract, with prior approval of a change order by the Council.

Motion Adopted: 5 Yeas.

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

**Adminis-
trative
Office
Building/
Stair
Repairs
Project**

Hans Medlarz, County Engineer, presented the bid results for the Sussex County Administration Office Building Stair Repairs, Project No. 16-33, and recommended that the bid be awarded to the low bidder, BRS Consulting, Inc. in the amount of \$59,901.00 The Engineer's estimate was \$40,000.00. Mr. Medlarz stated that the low bid does exceed the Engineer's estimate; however, after investigation, it appears this amount accurately reflects the marketplace.

M 564 16 Award Bid/ Administrative Office Building/ Stair Repairs Project

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Contract 16-33, Sussex County Administrative Office Building Stair Repairs, be awarded to BRS Consulting, Inc. of Harrington, Delaware, at the base bid amount of \$59,921.00.

Motion Adopted: 5 Yeas.

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

Request to Post Notices/ Martin Expansion of the SCUSSD

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Martin Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area). Mr. Ashman reported that this expansion was requested by the property owner, Paul J. and Winifred P. Martin. Mr. Ashman noted that this property is adjacent to the expansion of the Millville Sanitary Sewer District as part of the Route 26, Phase III expansion. He further noted that, at that time, this property owner was unaware of the project and did not request inclusion at that time. Contingent on Council's approval to post notices, a Public Hearing will be held on October 11, 2016.

M 565 16 Authorize Posting of Notices/ Martin Expansion of the SCUSSD

A Motion was made by Arlett, seconded by Mrs. Deaver, that the Engineering Department is authorized to prepare and post notices for the Martin Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area) to include Parcel 134-11.00-164.01, as presented on September 20, 2016.

Motion Adopted: 4 Yeas, 1 Absent.

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

[Mr. Vincent was out of the room during the Motion and the Vote, and Mr. Wilson presided during that time.]

Request to Withdraw Application/ CZ 1800/ Sussex Real Estate Partners, LLC

Lawrence Lank, Director of Planning and Zoning, presented a request received on September 2, 2016 from James Fuqua, Esq., on behalf of Sussex Real Estate Partners, LLC, to withdraw the application known as Change of Zone No. 1800. In his letter, Mr. Fuqua states that "the Applicant has decided to withdraw its application for the MR/RPC rezoning and refile for a cluster subdivision utilizing the currently existing AR-1 permitted density". Mr. Lank noted that, due to the fact that the Public Hearing has been held on this application, the process requires County Council's approval of the withdrawal.

**M 566 16
Allow
Withdraw
of CZ 1800**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to allow Change of Zone No. 1800 filed on behalf of Sussex Real Estate Partners, LLC to be withdrawn.

Motion Adopted: 5 Yeas.

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

**Old
Business/
CU 2049**

Under Old Business, the Council discussed Conditional Use No. 2049 filed on behalf of Blue Claw, LLC. The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2016; on June 23, 2016, the Commission recommended that the application be denied. The County Council held a Public Hearing on this application on July 26, 2016 at which time action was deferred.

Mr. Vincent noted that, during the Public Hearing, questions were raised regarding the validity of the application as it relates to the name of the Applicant. It was further noted that Blue Claw, LLC conveyed this property approximately eight months prior to the application being filed. Mr. Moore stated that this creates an issue of standing. Mr. Moore also stated that the Council can vote on the merits of the application and any member of Council can decide to add an additional reason which would be “The Applicant, Blue Claw, LLC, is no longer in existence per the testimony given and does not have an ownership or contractual interest in the property and, thus, lacks standing to bring this application.”

**M 567 16
Adopt
Proposed
Ordinance/
CU 2049**

A Motion was made Mrs. Deaver, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.5052 ACRES, MORE OR LESS” (Conditional Use No. 2049) filed on behalf of Blue Claw, LLC.

DENIED

Motion Denied: 5 Nays.

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

**Old
Business/
CU 2046**

Under Old Business, the Council considered Change of Zone No. 1796 and Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc. The Planning and Zoning held a Public Hearing on both applications on March 24, 2016; on April 14, 2016, the Commission recommended approval of both applications, with conditions attached to the Conditional Use approval. The County Council held a Public Hearing on

(continued) both applications on June 14, 2016 at which time action was deferred.

M 568 16
Adopt
Ordinance
No. 2462/
CZ 1796

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2462 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (Change of Zone No. 1796) filed on behalf of Lockwood Design and Construction, Inc.

Motion Adopted: 5 Yeas.

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

Old
Business/
CU 2046

Council discussed Conditional Use No. 2046. Mr. Cole expressed concern about the density, the Environmentally Sensitive Developing Area designation, and traffic in the area. Mr. Cole suggested reducing the density to 4 units per acre as it is in a MR District.

M 569 16
Amend
P&Z Com-
mission’s
Recommen-
dation

A Motion was made by Mr. Cole to amend the Planning and Zoning Commission’s proposed reasons and conditions of approval to reflect a maximum density of 4 units per acre.

The Motion died for the lack of a Second.

M 570 16
Defer
Action/
CU 2046

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action for one week on Conditional Use No. 2046.

Motion Adopted: 5 Yeas.

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

Grant
Requests

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

M 571 16
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$5,000.00 (\$3,000.00 from Mr. Wilson’s Councilmanic Grant Account and \$2,000.00 from Mr. Arlett’s Councilmanic Grant Account) to the Millsboro Historical Society for the upkeep of The Godwin School.

Motion Adopted: 5 Yeas.

**M 571 16
(continued)**

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

**M 572 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$2,000.00 from Mr. Vincent's Councilmanic Grant Account to Delaware Nanticoke Rotary Foundation to refurbish tennis courts at Seaford High School.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Change of Zone No. 1810) filed on behalf of Keith Properties, Inc. (Tax Map I.D. No. 533-19.00-753.00) (911 Address: 38016 Fenwick Shoals Blvd., Selbyville, DE).

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HEAVY EQUIPMENT STORAGE, TRUCKING AND CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.983 ACRES, MORE OR LESS" (Conditional Use No. 2060) filed on behalf of Shelby Trucking and Construction Company, Inc. (Tax I.D. No. 533-17.00-160.00) (911 Address: 37268 Hudson Road, Selbyville, DE 19975).

Mrs. Deaver introduced 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS" (Conditional Use No. 2061) filed on behalf of Kenneth A. Hughes (Tax I.D. No. 235-25.00-27.03) (911 Address: 17292 Shingle Point Road, Milton, DE).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mr. Arlett congratulated Mr. Wilson on winning in the primary election

**Comments
(continued)**

campaign.

Mr. Arlett reported that he gave two of his constituents a tour of County facilities and he thanked staff for their assistance.

**M 573 16
Go Into
Executive
Session**

At 12:11 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to Job Applicants' Qualifications, Personnel and Land Acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 12:23 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Job Applicants' Qualifications, Personnel and Land Acquisition. The Executive Session concluded at 1:22 p.m.

**M 574 16
Reconvene
Regular
Session**

At 1:36 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

**M 575 16
Authorize
Land
Acquisition**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council authorizes the County Administrator to negotiate and enter into a contract to purchase a parcel of land identified as Parcel K and proceed to closing on that contract.

Motion Adopted: 5 Yeas.

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

Rules

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

**Public
Hearing/
CU 2053**

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 HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS" (Conditional Use No.

**Public
Hearing/
CU 2053
(continued)**

2053) filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood (Tax I.D. No. 533-10.00-14.00) (911 Address: 37058 Roxana Road, Selbyville).

The Planning and Zoning Commission held a Public Hearing on this application on August 11, 2016 at which time action was deferred. On August 25, 2016, the Commission recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated August 11 and 25, 2016.)

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

The Council found that the Applicant was not present and for this reason, decided to continue the Public Hearing later in the meeting.

**Public
Hearing/
CU 2054**

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 OFFICE, EQUIPMENT STORAGE, AND PARKING FOR A CONSTRUCTION COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS" (Conditional Use No. 2054) filed on behalf of UtiliSite, Inc. (Tax I.D. No. 234-6.00-99.01) (911 Address: 20721 Robinsonville Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on August 11, 2016 at which time action was deferred for further consideration. On August 25, 2016, the Commission recommended that the application be approved with eight conditions.

(See the minutes of the Planning and Zoning Commission dated August 11 and 25, 2016.)

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

The Council found that Sharon Hart was present on behalf of the application. She stated that she started UtiliSite, Inc., a small construction company, in 2004; that she resides on the property; that they have approximately 10 employees, including herself; that some of the employees come to the site, park, and then leave in the utility trucks and dump trucks to the job sites; that it is rare that equipment comes back to the site; that the estimator parks at the site; that there is plenty of available parking; that there are other businesses located in the area; and that there are no plans to expand.

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

**M 576 16
Adopt
Ordinance
No. 2463/
CU 2054**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2463 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, EQUIPMENT STORAGE, AND PARKING FOR A CONSTRUCTION COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS” (Conditional Use No. 2054) filed on behalf of UtiliSite, Inc., with the following conditions:

- A. The use shall be limited to an office, equipment storage and parking for a construction company.**
- B. There shall be no retail sales from the property.**
- C. As stated by the Applicant, the existing tree line shall be extended to screen the service and equipment yard area from view of neighboring properties and roadways.**
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. Any dumpsters on the site are to be screened from the view of neighboring properties or roadways.**
- F. The Applicant shall comply with all DeIDOT requirements for entrance and roadway improvements.**
- G. Signage shall not exceed 32 square feet on each side and may be lighted.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Proposed
Ordinance
Relating
to Signs
(Second
Version)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”).

Synopsis: This Ordinance revises the provisions of Chapter 115, Article XXI of the Sussex County Code related to the type, usage, and placement of signs in Sussex County. In addition, this Ordinance terminates the moratorium on the acceptance of any special use exception applications for off-premises signs.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on September 8, 2016 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated September 8, 2016.)

**Public Hearing/
Proposed Ordinance
Relating to Signs
(Second Version)
(continued)**

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

Mr. Lank reported that twenty emails have been received in opposition to the Proposed Ordinance and that the emails appeared to be mostly from realtors and real estate agents relating to real estate and development signs.

Jamie Sharp, Assistant County Attorney, submitted and discussed a revised version of the Proposed Sign Ordinance (Second Version Introduced) and reviewed areas of concern expressed about it.

Mr. Sharp showed a video of on premise Electronic Message Center signs depicting the varying degrees of animation, live action, streaming video, flashing, scrolling, static, etc.

Mr. Cole expressed concern about difficulty enforcing animated signs and stated that the ordinance should be clear as to what is and what is not permitted.

Public comments were heard.

David Hutt, Esq. was present on behalf of a sign company and developer group. Mr. Hutt distributed and reviewed a red-lined version of the second introduced ordinance. Mr. Hutt discussed having only one standard of illumination (foot candle standards), size limits, setbacks and separation distances, variances, and animation. Ben Phillips, sign company owner, participated in Mr. Hutt's presentation.

Paul Reiger commented on signs on farms, definition of a farm, and the number of signs permitted on an agricultural use.

Jason Dean, sign company owner, commented on signs that are too small and require changing slides. He stated that there are no facts, figures or data to back up comments made that animated signs are un-safe; that if the County is going to increase fees, they want something enforceable; and that he wants the record to remain open until the Planning and Zoning Commission makes a recommendation.

Lynn Rogers, sign company owner, commented that he agrees with the State's and DeIDOT's sign regulations; that this Proposed Ordinance is getting away from that; and that no matter how perfect an ordinance is, variances will be needed.

Merritt Burke IV, CEO, Sussex County Association of Realtors, stated that SCAOR opposes the elimination of animation and that they support the separation of residential and non-residential.

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

Public Hearing (continued)

It was noted that the Proposed Sign Ordinance will be discussed by the Planning and Zoning Commission under Old Business on September 22, 2016.

It was also noted that the Ordinance relating to the sign moratorium established October 11 as the moratorium expiration date.

**M 577 16
Leave the Public Record Open on Proposed Sign Ordinance**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to leave the public comment period open (on the Proposed Sign Ordinance) until the close of business on September 30th; that the public can make written comment on recommendations from the Planning and Zoning Commission (anything the Commission proposes to change); and that this information can be brought to Council at the first meeting in October.

Motion Adopted: 5 Yeas.

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

Continue Public Hearing/ CU 2053

The Council continued the Public Hearing on “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS” (Conditional Use No. 2053) filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood (Tax I.D. No. 533-10.00-14.00) (911 Address: 37058 Roxana Road, Selbyville) and found that the Applicant (Ken Wood) was in attendance.

Mr. Wood stated that he has improved the property; that he has been operating the business at the property since January 2016; that adequate parking exists; that vans go home overnight; that the existing, but widened, entrance is used; and that existing structures are used.

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

**M 578 16
Adopt Ordinance No. 2464/ CU 2053**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2464 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS” (Conditional Use No. 2053) filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood, with the following conditions:

A. The use shall be limited to an HVAC business located on the same parcel as the Applicant’s home.

**M 578 16
Adopt
Ordinance
No. 2464/
CU 2053
(continued)**

- B. There shall be no retail sales from the property.**
- C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. All dumpsters on the site are to be screened from the view of neighboring properties and roadways.**
- E. There shall not be any outside storage of any HVAC equipment or materials associated with the use.**
- F. The Applicant shall comply with all DeIDOT requirements for entrance and roadway improvements.**
- G. Signage shall not exceed 32 square feet on each side and shall not be lighted.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**M 579 16
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to adjourn at 4:27 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson 
County Administrator

RE: **STATE/COUNTY FINANCE AND REVENUE COMMITTEE**

DATE: September 23, 2016

As you know, last year the Delaware General Assembly formed the State/County Finance and Revenue Committee established by Senate Bill No. 285, Section 31. The attached letter has been received announcing the start of the formation of this Committee. Committee membership specifically references "The County Administrators for Kent and Sussex County or their designees."

The first meeting of the State/County Finance and Revenue Committee is scheduled for Wednesday, October 5th.

We will discuss this matter further during our meeting on Tuesday, September 27th.

TFL/sww

Attachment





JOINT FINANCE COMMITTEE
STATE OF DELAWARE
GENERAL ASSEMBLY
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

September 20, 2016

Todd F. Lawson
Sussex County Administrator
P.O. Box 589
Georgetown, DE 19947

Dear Mr. Lawson:

On behalf of the Co-Chairs of the Joint Finance Committee, you (or your designee) have been appointed to the State/County Finance and Revenue Committee as established by Senate Bill 285, Section 31 of the 148th General Assembly (please see attached).

Meeting dates and times for Committee meetings will be forthcoming. If you have any questions, please contact Michael L. Morton, Controller General at 744-4211.

Sincerely,

Harris B. McDowell III

Sen. Harris B. McDowell, III
Chair, Joint Finance Committee

Melanie George Smith

Rep. Melanie George Smith
Co-Chair, Joint Finance Committee

Section 31. Recognizing that the State has assumed programs that were once funded by the Counties, the General Assembly hereby establishes the State/County Finance and Revenue Committee. The Committee shall suggest efficiencies, improvements and cost savings to the State, including but not limited to, the Realty Transfer Tax, the Register of Wills, and the operations and training associated with the County Paramedics Program. The Committee shall include the following membership:

- a. One public member appointed by the Co-Chairs of the Joint Finance Committee who shall serve as Chair;
- b. Two members appointed by the Speaker of the House with one member from each caucus;
- c. Two members appointed by the President Pro Tempore with one member from each caucus;
- d. The Director of the Office of Management and Budget or their designee;
- e. The Secretary of Finance or their designee;
- f. The Controller General or their designee;
- g. The County Executive of New Castle County or their designee;
- h. The County Administrators for Kent and Sussex County or their designees;
- i. A representative of the League of Local Governments; and
- j. A representative of the Delaware Association of Counties.

TODD F. LAWSON
COUNTY ADMINISTRATOR
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(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
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Memorandum

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

FROM: Todd F. Lawson 
County Administrator

RE: **SUSSEX CONSERVATION DISTRICT – RESIDENTIAL
CONSTRUCTION APPLICATION PLAN**

DATE: September 23, 2016

On Tuesday, we are scheduled to discuss the Sussex Conservation District's Residential Construction Application Plan.

This application is currently filled out by any applicant engaged in residential construction involving specific criteria. In the past, the application form was sought on a voluntary basis. Recently, the Sussex Conservation Board ("Board") voted to make the application form mandatory and to charge \$100 per form.

The Board has contacted Sussex County to seek the County's cooperation in requiring that the application form be approved by the Board prior to the County's issuance of a building permit. This is similar to how the County currently handles verification from other agencies including DNREC, the Fire Marshal, and DelDOT.

A representative of the Board will be present during Tuesday's meeting to discuss this matter with Council.

TFL/sww



High Tide Church Expansion Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District.
- The expansion was requested by the High Tide Church, a project currently known PGS Properties and Allen Harim in the Dagsboro/Frankford Area.
- The church and PGS properties will be responsible for gravity sewer to a connection point on the west side of Route 113. This provides a connection point for the American Legion Post #24 which has been on a holding tank since approx. 2008.
- Allen Harim will be connecting to the gravity system installed by High Tide and PGS.
- There are several other parcels included in this expansion to fill in the donut hole and to maintain a contiguous path. Some will be receiving a connection point from the High Tide/PGS infrastructure.
- The expansion will consist of 122.65± acres.
- The parcels will be responsible for System Connection Charges of \$5775 based on current rates.
- Area was posted on September 12th, Newspaper ads ran in the Cape Gazette
- We have received no phone calls for or against. Sharon Smith (County Employee included in this expansion) had a neighbor approach her about signing a petition to request out, but they have not contacted us to date.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

September 15, 2016

David N. Rutt, Esquire
Moore & Rutt P.A.
122 West Market Street
P. O. Box 554
Georgetown, DE 19947

**REF: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT PROPOSED
HIGH TIDE CHURCH EXPANSION – DAGSBORO/FRANKFORD AREA
FILE: OM – 8.05.14**

Dear Mr. Rutt:

Enclosed for your review and approval is a resolution for a proposed expansion of the Sussex County Unified Sanitary Sewer District – High Tide Church Expansion, Dagsboro/Frankford Area. The resolution has been prepared in accordance with 9 Del.C. Section 6502 (a).

A public hearing on the extension is scheduled for 10:15 a.m. on September 27, 2016. Therefore, your approval is requested by Friday, September 23, 2016.

If you should have any questions, please feel free to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

John J. Ashman
Director of Utility Planning

Enclosure

cc: Rob Davis
Jayne Dickerson



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

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE PROPERTIES SITUATED ON THE WEST SIDE OF STATE ROUTE 113 & NORTH AND SOUTH OF COUNTY ROAD 26 (NINE FOOT ROAD). THE PARCELS ARE LOCATED IN THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the intersection of Nine Foot Road and Route 113, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north and south side of Nine Foot Road, as follows:

BEGINNING at a point, situate at the intersection of the westerly right of way (ROW) of State Route 113 (Dupont Blvd) and the southerly ROW of Nine Foot Rd and the northeasternmost property corner of lands now or formerly of (N/F) of PGS Properties; thence following said lands of PGS the following directions and distances: southeasterly 585± feet, northwesterly 110± feet, southwesterly 993± feet to a point,

said point being the easternmost corner of lands N/F of High Tide Church; thence following said lands of High Tide Church the following directions and distances: southwesterly 252± feet, southwesterly 595± feet, northwesterly 1226± feet to a point, said point being located on the southerly ROW of Nine Foot Rd; thence following said ROW southwesterly 2295± feet to a point, said point being a point located on the northerly boundary line of lands N/F of Lillian Gray, Trustee; thence leaving said lands of Gray and crossing Nine Foot Rd in a northerly direction 50± feet to a point, said point being the southwesterly corner of lands N/F of Allen Harim Farms, LLC; thence following said lands of Allen Harim the following directions and distances: 1145± feet, northeasterly 283± feet, easterly 210± feet, southeasterly 157± feet, easterly 200± feet, southerly 340± feet to a point, said point being the northwesternmost corner of lands N/F of Benjamin McCabe; thence following said lands of McCabe in a northeasterly direction 865± feet to a point, said point being the northeasternmost corner of said lands of McCabe; thence continuing in a northeasterly direction 30± feet crossing the lands N/F of Layton Atkins Heirs, to a point, said point being a point on the westerly boundary of lands N/F of Doris Cahall, Heirs; thence following said lands of Cahall in a northerly direction 62± feet to a point, said point being the intersection of said lands of Cahall and lands N/F of Roman Morales; thence following said lands of Morales in a northerly direction 351± feet to a point, said point being the intersection of said lands of Morales and lands N/F of Louis & Lori Vickers; thence following said lands of Vickers in the following directions and distances: northerly 182± feet, southeasterly 105± feet, northeasterly 366± feet to a point, said point being a point on the existing SCUSSD boundary; thence following said SCUSSD boundary the following directions and distances: easterly 180± feet, southeasterly 373± feet, southeasterly 245± feet, northeasterly 182± feet, southeasterly 63± feet, northeasterly crossing Hickman St 145± feet, northwesterly 105± feet, northeasterly 74± feet, northwesterly 250± feet, northeasterly 265± feet, northwesterly 37± feet, northeasterly 368± feet, southeasterly 480± feet, southwesterly 168± feet, northwesterly 195± feet, southwesterly 185± feet, southeasterly 485± feet, southeasterly 50± feet crossing Nine Foot Rd, northwesterly 341± feet to a point, said point being that of the **BEGINNING**.

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

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

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED HIGH TIDE CHURCH EXPANSION
FRANKFORD/DAGSBORO SEWER DISTRICT

STATE OF DELAWARE)(

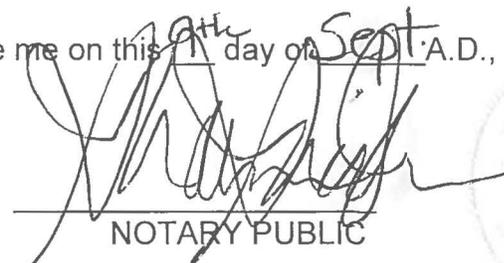
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, AREF ETEMADI personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

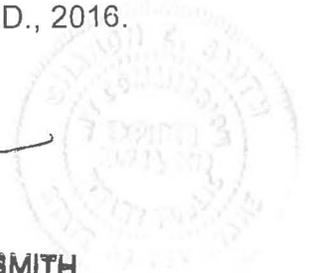
- A. On September 13, 2016 he was a Project Engineer for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On September 13, 2016 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On Connective pole # 9962 by Dagsboro Church of God;
 2. On Connective pole # 56629 on Nine Foot road by American Legion;
 3. On DLP pole # 56659 on route 113 and Nine Foot road intersection;
 4. On Pole # 58386 at intersection of 113 and Nine Foot road by Royal Farm;
 5. On Connective pole # 56770 by house 28397 Clayton street;
 6. On a wooden stake at south bound lane of Nine Foot road and Gum Tree road;
 7. On a wooden stake at north bound lane of Nine Foot road and Gum Tree road intersection;
 8. On a wooden stake at entrance to Allen Hatchery.


AREF ETEMADI

SWORN TO AND SUBSCRIBED before me on this 13th day of Sept, A.D., 2016.


NOTARY PUBLIC

My Commission Expires 7-14-18


SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

PUBLIC NOTICE
EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
HIGH TIDE CHURCH EXPANSION – DAGSBORO/FRANKFORD AREA
FILE NUMBER: OM-8.05.38

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on August 30, 2016, to consider expanding the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the properties situated on the west side of State Route 113 & north and south of County Road 26 (Nine Foot Road). The parcels are located in the Dagsboro Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate at the intersection of the westerly right of way (ROW) of State Route 113 (Dupont Blvd) and the southerly ROW of Nine Foot Rd and the northeasternmost property corner of lands now or formerly of (N/F) of PGS Properties; thence following said lands of PGS the following directions and distances: southeasterly 585± feet, northwesterly 110± feet, southwestly 993± feet to a point, said point being the easternmost corner of lands N/F of High Tide Church; thence following said lands of High Tide Church the following directions and distances: southwestly 252± feet, southwestly 595± feet, northwesterly 1226± feet to a point, said point being located on the southerly ROW of Nine Foot Rd; thence following said ROW southwestly 2295± feet to a point, said point being a point located on the northerly boundary line of lands N/F of Lillian Gray, Trustee; thence leaving said lands of Gray and crossing Nine Foot Rd in a northerly direction 50± feet to a point, said point being the southwestly corner of lands N/F of Allen Harim Farms, LLC; thence following said lands of Allen Harim the following directions and distances: 1145± feet, northeasterly 283± feet, easterly 210± feet, southeasterly 157± feet, easterly 200± feet, southerly 340± feet to a point, said point being the northwesternmost corner of lands N/F of Benjamin McCabe; thence following said lands of McCabe in a northeasterly direction 865± feet to a point, said point being the northeasternmost corner of said lands of McCabe; thence continuing in a northeasterly direction 30± feet crossing the lands N/F of Layton Atkins Heirs, to a point, said point being a point on the westerly boundary of lands N/F of Doris Cahall, Heirs; thence following said lands of Cahall in a northerly direction 62± feet to a point, said point being the intersection of said lands of Cahall and lands N/F of Roman Morales; thence following said lands of Morales in a northerly direction 351± feet to a point, said point being the intersection of said lands of Morales and lands N/F of Louis & Lori Vickers; thence following said lands of Vickers in the following directions and distances: northerly 182± feet, southeasterly 105± feet, northeasterly 366± feet to a point, said point being a point on the existing SCUSSD boundary; thence following said SCUSSD boundary the following directions and distances: easterly 180± feet, southeasterly 373± feet, southeasterly 245± feet, northeasterly 182± feet, southeasterly 63± feet, northeasterly crossing Hickman St 145± feet, northwesterly 105± feet, northeasterly 74± feet, northwesterly 250± feet, northeasterly 265± feet, northwesterly 37± feet, northeasterly 368± feet, southeasterly 480± feet, southwestly 168± feet, northwesterly 195± feet, southwestly 185± feet, southeasterly 485± feet, southeasterly 50± feet crossing Nine Foot Rd, northwesterly 341± feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 122.65 acres, more or less. The boundary description has been prepared using Sussex County tax map numbers 233-10.00, & 233-15.00.

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

The public hearing will be held on this issue at 10:15 am on September 27, 2016 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Hans M. Medlarz, P.E.
County Engineer

**High Tide Church Expansion of the
Sussex County Unified Sanitary Sewer District**



Existing County Sewer Districts



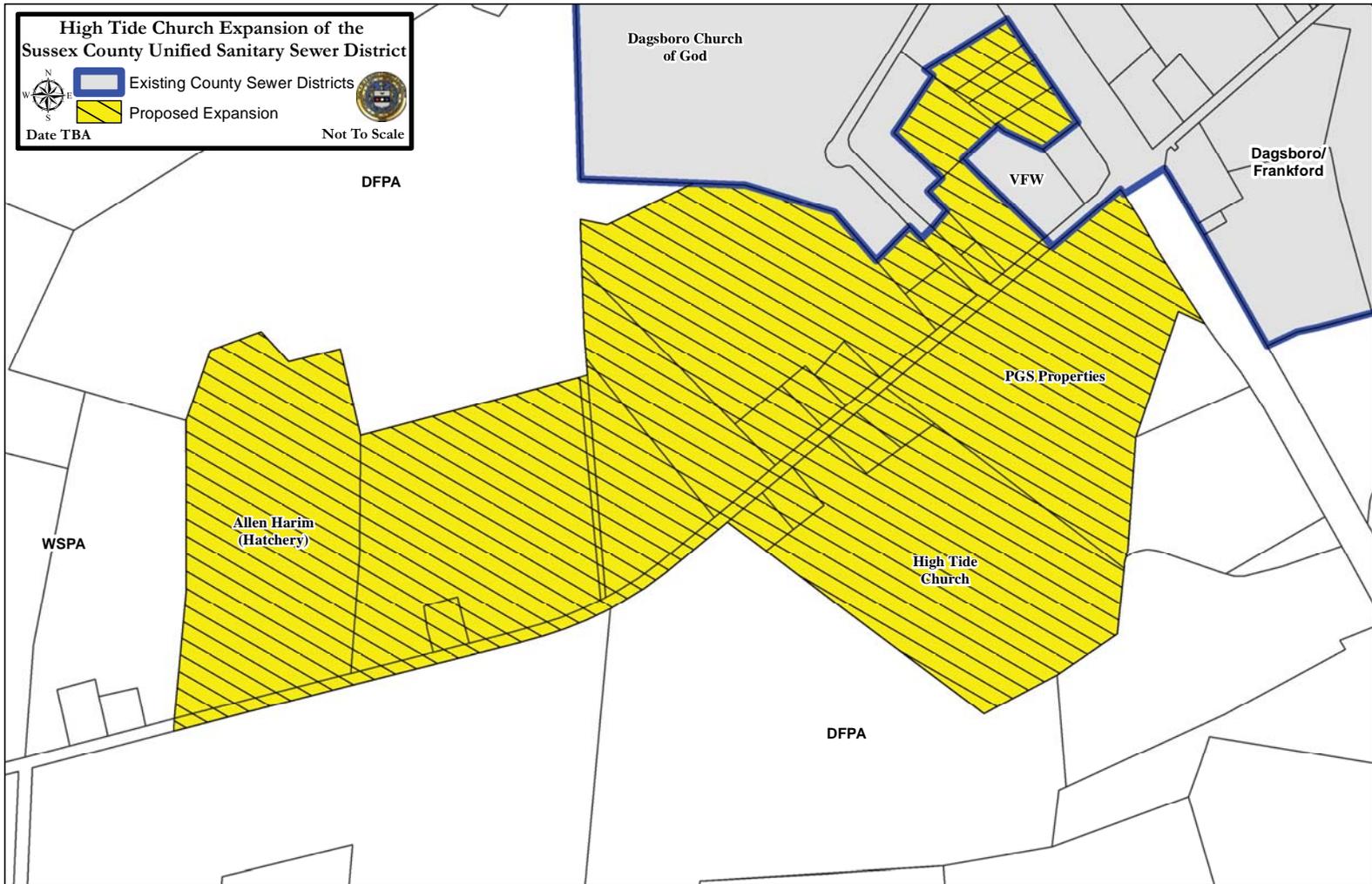
Proposed Expansion



Date TBA



Not To Scale



BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
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Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Brandy Nauman, Fair Housing Compliance Officer

RE: **Sussex County Rental Program – Proposed Ordinance Amendment**

DATE: September 22, 2016

On July 26, 2016, I presented to you the rationale for exploring modifications to the existing Sussex County Rental Program (SCRP). The current Ordinance does not properly reflect today's market conditions, and has not generated the production of any affordable rental units. Our goal is to revise the Program to encourage the development of more affordable rental housing in the County.

We have incorporated the input of non-profit affordable housing developers, for-profit housing developers, the State, County Community Development and Planning staff, and legal counsel into the attached Ordinance Amendment.

If you have any questions, please do not hesitate to ask. Thank you.

CC: Brad Whaley, Director of CD&H
Stephanie Hansen, Esquire
Robin Griffith, Clerk of Council



ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 (“HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS, AFFORDABLY PRICED”), ARTICLE II (“AFFORDABLY PRICED RENTAL UNITS”).

WHEREAS, Sussex County Code (“County Code”) currently addresses the development of affordable rental housing for residents with low and moderate incomes under Chapter 72, Article II, of the County Code known as the “Sussex County Rental Program;” and

WHEREAS, no affordable rental housing has been developed under the provisions of the current Sussex County Rental Program; and

WHEREAS, Sussex County Council views the development of affordable rental housing as an important housing issue affecting the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions regarding the Sussex County Rental Program do not sufficiently address its concerns regarding the development of affordable rental housing in Sussex County; and

WHEREAS, Sussex County has held discussions with stakeholders involved in providing rental housing in Sussex County and the results of those discussions have been presented to Sussex County Council; and

WHEREAS, Sussex County Council wishes to encourage the development of affordable rental housing by implementing suggestions obtained from the discussion with stakeholders as encapsulated within this legislation; and

WHEREAS, Sussex County Council believes that these amendments to the Sussex County Rental Program will promote the public health, safety and welfare of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 72, Article II, Section 72-16 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-16. Intent.

This chapter seeks to better protect the health, safety and welfare of Sussex County’s residents and workforce by stimulating the provision of affordable rental housing for residents with low and moderate incomes and is hereafter known as the Sussex County Rental Program or “SCR” or “program”.

Section 2. Sussex County Code, Chapter 72, Article II, Section 72-17 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-17. Governmental findings.

The Sussex County Council hereby finds that a shortage exists within the County for housing for residents with low and moderate incomes. Specifically, the Council finds that:

A. It is well known that Sussex County rents have inflated far beyond the ability of an average wage earner to pay. It is also known that federal rental assistance programs, such as the state-administered Public Housing and Section 8 Housing Choice Voucher Programs, are unable to completely satisfy the need for affordable rental housing. [The waiting list for Kent and Sussex Counties for affordable rental housing programs exceeds 5,000 residents, and the average waiting time for placement in one of these rental units is 18 months.]

[B. The Delaware Housing Coalition reports that the housing affordability wage for Delaware is now \$16.61 per hour. This is the hourly wage that a family must earn to afford to pay rent. In addition, the same study concluded that there are 13,422 extremely poor rental households throughout the state due to the lack of affordability of units, or lack of income.

C. The Delaware Statewide Housing Needs Assessment for 2008-2012 reports that there were 13,661 cash-paying renters in Sussex County in 2005, with a corresponding median gross monthly rent of \$671. Forty percent of those 13,661 renters were paying more than \$750 per month on rent. Also included in the assessment is an analysis of cost-burdened renter households, indicating a increase of 5.4% from 2000, with the majority of those households making less than \$20,000 annually. The assessment defines "at-risk renter households" as those "existing extremely low-income renter households with annual incomes of less than \$20,000 who are paying more than 30% of household income for housing costs. Many, but not all, of the at-risk households are housed in a substandard unit." In Sussex County alone there are 3,621 at-risk renter households making below \$20,000.

D. Based on the most recent Department of Labor data, the fastest growing jobs are in the lowest paying sector, the service industry. It is necessary that the County help provide affordable rental housing for residents employed in this industry, as well as using affordable housing to attract residents to the more lucrative jobs of the professional sector.]

B.[E.] Council finds that new development is not adequately addressing the rental housing needs of the County's low- and moderate-income residents and workforce. Without influencing this trend, local employers will have a difficult time maintaining an ample workforce.

C.[F.] Without an adequate supply of affordable rental housing in close proximity to employment and Town Centers, the County's workforce must commute a great distance for work. Not only do long commutes have a negative[affect] effect on the environment and transportation, but commuting also comes with high fuel expenses.

[G. Projections suggest that the high level of demand for higher priced housing will continue, driven by macro-population factors, low County taxes and the proximity of the resort areas in eastern Sussex, discouraging developers from offering a more diverse range of housing in areas where the

demand for higher priced housing is strong. The production of affordable rental housing is further deterred by the high cost of materials and labor.]

D.[H.] Given the proper incentives, the private sector possesses the necessary resources and expertise to provide the type of affordable rental housing needed in Sussex County.

Section 3. Sussex County Code, Chapter 72, Article II, Section 72-18 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-18. Declaration of public policy.

The Sussex County Council hereby declares it to be the public policy of the County to:

A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.

B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.

C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.

D. Encourage developments in [Town Centers, Developing Areas, Environmentally Sensitive Developing Areas, and land that lies in a town's growth and future annexation area] Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority [with 25 or more total dwelling units] to include a minimum percentage [number] of affordable rental units on public water and sewer systems.

E. Provide incentives for developers to construct affordable rental units through tools such as the density incentive and expedited review (defined below).

Section 4. Sussex County Code, Chapter 72, Article II, Section 72-19 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-19. Definitions

The following words and phrases have the following meanings:

APPLICANT

Any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities owning or controlling via contract qualifying land (defined below) and any

transferee or successor in interest of all or part of the qualifying land pursuing the development of affordable rental housing under the SCRP that:

A. Submits to the County for approval or extension of approval a plan of housing development for any type of site plan review, subdivision plan or development approval (hereinafter, a “site plan”) that provides for the development of [at least 25 dwelling] affordable rental units on qualifying land in one or more subdivisions, parts of subdivisions, resubdivisions, or [stages]phases of development under the terms and conditions as set forth in this Article. [that includes a specified minimum number of affordable rental units.]

B. With respect to land in zones not subject to subdivision approval or site plan review, applies for building permits for the construction of [25 or more dwelling units]affordable rental units on qualifying land under the terms and conditions as set forth in this Article.

AREA MEDIAN INCOME

The midpoint family income for [a nonmetropolitan county] Sussex County, calculated each year by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

AT ONE LOCATION

All land of the applicant if:

- A. The property lines are contiguous; [and/] or
- B. The property lines are separated only by a public or private right-of-way at any point; [and/] or
- C. The property lines are separated only by other land of the applicant and not subject to this section at the time of the submission of an application or development plan by the applicant.

CERTIFICATE OF ELIGIBILITY

A certificate valid for a period of time, which is issued to eligible tenants by the [Department (defined below)] landlord (defined below) and supplied to the Department (defined below) as further set forth within this Article. [to eligible tenants that places them on an eligibility list for SCRP units maintained by the Department.] This certificate must be issued before a tenant will be permitted to sign a lease agreement.

CONTROL PERIOD

The time a SCRP unit is subject to rental controls and occupancy requirements. The control period is 30 years and begins on the date of the lease (defined below).

DATE OF LEASE

The date of the initial lease agreement signing of an approved eligible tenant for a SCRP unit.

DENSITY INCENTIVE

Any increase pursuant to §72-21 that allows a residential development to achieve a density greater than would have been possible under the applicable provisions of the current and future zoning ordinances and the County subdivision regulations then in effect.

DEPARTMENT

The Sussex County Department of Community Development and Housing or its successors.

DEPARTMENT-DESIGNATED ENTITY (DDE)

Any agency, authority or political subdivision of the State of Delaware or any other public housing development agency or nonprofit housing corporation, land trust or similar entity designated by the Department and approved by the County Administrator.

DIRECTOR

The head of the Department of Community Development and Housing or head of a DDE, as applicable.

DWELLING [UNIT]

[A building or part of a building that provides a complete living facility for one family, including, at a minimum, facilities for cooking, sanitation, bathing and sleeping.] Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence; and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. "Dwelling" shall not include hotels, motels, motor lodges, boarding and lodging houses, tourist houses, or similar structures.

ELIGIBLE INCOME

The levels of income designated by the County Administrator which prohibit or severely limit the financial ability of persons to rent a dwelling unit in Sussex County. Eligible income is low- to moderate-income, defined as 30% to 80% of the area median income for Sussex County adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD). Income includes gross salary, wages, dividends, interest and all other sources recognized by HUD from the eligible tenant and all other adults (age 18 and older) who will occupy the SCRP unit. Income will be verified by a copy of the filed income tax returns from the previous year and any other personal and financial information requested by the [Department] landlord in order to accurately verify the [applicant's] potential tenant's qualifications and income [including, but] which may include but is not limited to, a credit history report and a criminal background report on the proposed adult tenants, so long as these are requirements for all leases in the housing development.

A. Assets include all liquid (cash or investment) assets and real estate. Assets exclude dedicated college accounts, retirement funds, or the value of personal property (i.e., vehicles). Such assets may not exceed \$25,000.

ELIGIBLE TENANT

Person(s):

- A. Whose household is of low or moderate income;
- B. Who has been found eligible to participate in the Sussex County Rental Program ; and
- C. Who holds a valid certificate of eligibility from [the Department]the landlord.

EXPEDITED REVIEW

A project entering the SCRP will receive priority in the County's planning and zoning process, with the Director of Planning and Zoning and the County Administrator to determine the applicant's placement in the list of pending applications. The expedited review is provided to the applicant to assist the applicant in managing, to the extent possible, the risk of changes to cost, interest rates, schedule and other factors that the applicant is taking on by virtue of participation in the SCRP. If an applicant at any time during processing elects to withdraw from the SCRP, any approvals granted for the development through the date of withdrawal will be vacated and the applicant will have to resubmit the project through the normal County process. A project receiving expedited review does not exempt the project from the County's planning and zoning process, nor guarantee approval through that process.

FORECLOSURE EVENT

A foreclosure, deed-in-lieu of foreclosure or other court-ordered sale of the rental unit or of the subdivision or development in which the unit is located, subject to rental restrictions continuing in force after foreclosure sale of disposition.

LANDLORD

The owner of the property that contains SCRP units or an entity designated by the owner to manage and lease dwelling units.

[MINIMUM STANDARD OF ELIGIBILITY

The criteria required to obtain a certificate of eligibility as enumerated in § 73-23 below.]

QUALIFYING LAND

All land that:

- A. Is owned by or under contract to the applicant; and

B. Is located within a [town center, developing area or Environmentally Sensitive Developing Area and zoned for any type of residential development to which s density provision applies; or land that is designated on a town’s comprehensive plan as lying within the town’s growth and future annexation area] Growth Area as defined within the County’s most current comprehensive plan or within an Area of Opportunity as defined by the Delaware State Housing Authority; and

C. Requires the submission and approval of a site plan or, where a site plan is not required, one or more building permits; and

D. Is served by a public water and sewer system; and

E. Is at one location as defined above.

SUSSEX COUNTY RENTAL PROGRAM UNIT (SCRP UNIT)

A dwelling [unit] which is:

A. Offered for lease to eligible tenants through or pursuant to the provisions of this Article and any regulations promulgated thereunder by the Department and approved by the County Administrator; or

B. Leased under another government program designated by the County Administrator designed to assist in the construction or occupancy of affordable rental housing.

Section 5. Sussex County Code, Chapter 72, Article II, Section 72-20 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-20. Minimum standards of eligibility for [eligible] tenants.

A. Eligible tenants must:

(1) Have proof of citizenship.

(2) Be of eligible income, as defined in § 72 19 above, and be able to pay the first month’s rent and any required security deposit.

(3) Be employed and live in Sussex County for at least one year preceding application to the SCRCP. Sussex County employers may seek waivers to this restriction from the Director and County Administrator. Waivers are evaluated on a case-by-case basis and are not guaranteed.

(4) Provide proof that adult tenants have not been convicted of a felony and have a satisfactory credit and criminal history, so long as these are requirements of all leases within the proposed housing development.

(5) Occupy the SCRP unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the SCRP unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.

B. Where necessary or advisable to achieve the objectives of this chapter or to comply with state or federal housing laws, the Department may propose changes to these standards for approval by the County [Administrator], including changes to eligibility requirements for tenants as recommended by the Department.

Section 6. Sussex County Code, Chapter 72, Article II, Section 72-21. There are no amendments to this section, but it is repeated in this ordinance in order to provide information to the reader about what otherwise would seem to be a missing section of the SCRP ordinance for review.

§ 72-21. Density and expedited review incentives.

A. Density incentive. Subject to meeting the requirements outlined in § 72-22, a proposed development on qualifying land at one location may receive a density bonus of 20%. The project entering the SCRP with the execution of a SCRP agreement will be allowed to utilize the density permitted by the zoning district in which the property is located, provided that the total density, including any SCRP density bonus, shall not exceed 12 units per acre.

B. Expedited review. A project entering the SCRP through execution of an SCRP agreement will receive expedited review, as defined in § 72-19 above, through the County's Planning and Zoning process.

C. Incentives will only be granted to projects submitted for new development that meet all requirements of this program.

D. To the extent necessary, Council shall amend the provisions of the County's Zoning Ordinances as needed to achieve the density incentives and the specific design elements (e.g., minimum lot sizes, setbacks, building heights, parking requirements, etc.) of approved SCRP projects.

Section 7. Sussex County Code, Chapter 72, Article II, Section 72-22 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-22. Minimum standards of eligibility for SCRP developments.

A. Applicants [with proposals of 25 to 64 total units] must contribute [40%]12.5% of all units to SCRP inventory[. Applicants with 65 or more units must contribute 15% of all units to SCRP inventory with a minimum of 26 SCRP units]. In applying and calculating the number of [moderately priced]affordable units within a proposed development, any decimal fraction less than or equal to 0.50

may be disregarded and any decimal fraction greater than 0.50 shall be constructed as one unit. In the case where the total number of units being constructed is four (4) or less, the minimum number of SCRP units must be one (1) unit.

B. All parcels in the proposed project must be on qualifying land, as defined in § 72 19.

C. All units contributed as SCRP units will remain at the affordable rental rates specified herein for the remainder of the control period. SCRP units shall never be leased as market-rate units during the control period, regardless of vacancy[.] except in accordance with § 72-23.N(1).

D. SCRP units must be fully integrated into the communities of which they are a part and shall not be substantially different in external appearance from market-rate units. SCRP units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer[, as market rate units are equipped with].

Section 8. Sussex County Code, Chapter 72, Article II, Section 72-23 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-23. SCRP agreements.

To participate in the SCRP and secure any incentives provided for herein, an applicant must execute an SCRP agreement prepared by the Department and the County Attorney. Each agreement must include, at a minimum, the following information and/or evidence the following agreements and any others deemed necessary by the Department and the County Attorney to properly implement the chapter:

A. The specific number of SCRP units to be constructed in the project. If a final site plan has not been approved when the SCRP agreement is executed, an amendment to the SCRP agreement will be made to incorporate the approved final site plan.

B. The schedule pursuant to which the SCRP units will be constructed, marketed, and delivered and explaining the relationship between the delivery of market-rate units and the delivery of SCRP units (i.e., a stated number of SCRP units to be created for each market-rate unit created).

1) Applicants should affirmatively market the SCRP units to diverse populations, and meet with the surrounding residents early in the development approval process.

C. Any economic risk created by changes, whether within or outside of the applicant's control, in development and construction costs, interest rates, processing and construction schedules, permitting and any other factor impacting the applicant's costs and development obligations are borne solely by the applicant.

D. Building permits, performance bonds and letters of credit.

(1) No building permits shall be issued in any subdivision or housing development where SCRPs units are included until the applicant executes a valid SCRPs agreement which applies to the entire subdivision.

(2) If an applicant does not build the SCRPs units in accordance with the construction schedule along with or before other dwelling units the County Administrator may withhold building permits[,] or call in any performance bond [and] or letter[s] of credit from the applicant until the SCRPs units contained in the construction schedule are built and contributed to SCRPs rental inventory to the satisfaction of the Department.

E. Be signed by the applicant and all other parties having an interest in the property whose signatures are required for the effective and binding execution of contracts conveying real property. SCRPs agreements must be executed in a manner that will enable them to be recorded in the land records of the County. If the applicant is a corporation or limited liability company, the principal officers of the entity must sign the agreements individually and on behalf of the corporation pursuant to a duly adopted resolution.

F. Partnerships, associations, corporations and other entities may not evade the requirements of the SCRPs agreement through voluntary dissolution, bankruptcy, or the sale or transfer of qualifying land.

G. The SCRPs agreement may only be assigned with the prior written approval of the Department and only if the proposed assignee demonstrates the financial ability to fulfill all of the applicant's obligations under the SCRPs agreement.

H. [Applicants] Landlords are responsible for marketing, [and] leasing, and determining tenant eligibility for the SCRPs units. [The Department will screen eligible tenants and issue a certificate of eligibility. Upon availability of a vacant SCRPs unit, the eligible tenant will be sent to the landlord to sign the lease agreement.] A lease agreement shall not be signed unless validated by a certificate of eligibility. A landlord shall not be permitted to refuse to rent a unit to an eligible tenant without providing the Department with just cause, to the Department's satisfaction, for the refusal.

I. If the applicant is not also the builder, the relationship between the applicant and the builder shall be fully disclosed to the Department's satisfaction, as soon as the relationship is established.

J. SCRPs units must be fully integrated into the communities of which they are a part (not separated geographically from the market rate units and not grouped together) and shall not be substantially different in external appearance from non-SCRPs units. When the SCRPs units are a part of a phased development, a proportionate number or percentage of said units will be placed within each phase and/or constructed within each housing type appearing in the development. The planning and design of individual SCRPs units must be consistent with the planning and design of market-rate units within a single project.

(1) The ratio of SCRPs units by type must reflect the ratio by type of market rate units, to the extent feasible. For instance, if a development has 200 two-bedroom dwelling units and 100 one-bedroom dwelling units, the ratio of two-bedroom to one-bedroom SCRPs units should also be 2:1.

K. The applicant will execute and record covenants confirming that:

(1) The covenants will bind the applicant, any assignee, mortgagee, or buyer and all other parties that receive title to the property. In the event the mortgagee acquires the property through a foreclosure or acceptance of deed-in-lieu of foreclosure, the SCRPs agreement covenants will continue in effect. The covenants must be senior to all instruments securing financing.

(2) In any deed or instrument conveying title by the applicant, the property shall remain subject to all of the terms and conditions contained in the SCRPs agreements by the applicant required under the chapter during the control period. The source of the SCRPs agreements and any deed restrictions related thereto must be included in the public land records so that they are readily identifiable in a routine title search.

L. Where the applicant is a DDE, agreements will be negotiated between the Department and the DDE so as to be consistent with the mission, strategies, business plans and operating procedures of the DDE and may, with Council approval, deviate from the requirements of this chapter.

M. The SCRPs agreement requires that the landlord ensure that the SCRPs units are occupied only by tenants whose monthly income levels do not exceed the eligible income limit, and shall prohibit tenants from subletting or subleasing the units. The agreement shall also require the landlord to submit a copy of the initial and all renewal leases to the Director within 30 days of signing the lease. In addition, the landlord must supply the information listed below in a format acceptable to the Director on an annual basis:

(1) the number of SCRPs units, by bedroom count, that are leased to eligible tenants and those that are vacant, and the monthly rent charged for each SCRPs unit;

(2) for each SCRPs unit, the tenant's name, household size, and total household income as of the date of the lease, and the effective date of the lease;

(3) a statement that to the best of the landlord's information and knowledge, that tenants who are leasing the SCRPs units meet the eligibility criteria; and

(4) a copy of each new or revised certificate of eligibility obtained since the last annual report.

[an annual report to the Director, which includes, but is not limited to, a listing of all affordable rental units within the project; the monthly rents charged; vacancy information for the prior year; and the household size and monthly income for tenants of each affordable unit throughout the prior year.] The

Department shall audit the report and may require such additional information needed to evaluate and accept the annual report.

N. The tenant must vacate the SCRP unit if the tenant's household income exceeds 80% of the area median income by 20%. The applicant must take the necessary action to have the tenant vacate the SCRP unit within six months of receiving information that the tenant's household income exceeds the eligible income limit.

(1) Notwithstanding the provisions of § 72-23.N above, if the applicant immediately designates an additional comparable unit as an affordable dwelling unit to be leased under the controlled rental price and requirements of the SCRP program, the tenant of such SCRP unit referenced in § 72-23.N above may continue to lease such unit at the market value rent.

Section 9. Sussex County Code, Chapter 72, Article II, Section 72-24 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-24. SCRP units.

A. Rent.

(1) Rent shall be established and updated annually by the Department based upon 25% of Household income for 50% of the Area Median Income adjusted for Household size and unit size and shall not include trash services, parking, water and sewer utilities and any other charges to be paid by the tenant.

[(1) The SCRP unit rental price shall be determined on a case-by-case basis for each eligible tenant.]

(2) The eligible tenant must provide to the landlord income tax returns (and proof of payment of any taxes owed) from the previous year for all members of the household who were required to file such returns. If an eligible tenant was not required to file tax returns or if the landlord believes that information from the previous tax returns is insufficient to determine income, the landlord [Department] is authorized to request such information as it deems necessary to confirm the income levels of the proposed tenants.

[(3) The SCRP unit rental rate shall be 25% of the total gross monthly income of the household. The rental rate shall include trash services, parking, water and sewer utilities and any other charges to be paid by the tenant.]

B. Unit and household size. Households must [will] be placed in units according to the following distribution:

Unit Size

(number of bedrooms)

Household Size

Efficiency	1 [to 2]
1	1 to 2
<u>1 + Den</u>	<u>2 to 4</u>
2	2 to 4
<u>2 + Den</u>	<u>2 to 4</u>
3	4 to 6
4	5 to 8

Section 10. Sussex County Code, Chapter 72, Article II, Section 72-25 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-25. Leasing of SCRCP units.

A. Leases to eligible tenants.

(1) Every SCRCP unit constructed under this program must be offered to all eligible tenants for lease as the eligible tenant's principal residence. Notification to the public of SCRCP unit availability will be made by the landlord and is recommended to be made by advertising on DelawareHousingSearch.org. [through the Department's website and notices in area publications.] The Department may, but is not obligated to, provide notice of SCRCP unit availability through the Department's website.

(2) The landlord [Department will screen initial applications for SCRCP units from the public to] will determine SCRCP tenant eligibility under § 72-20 and [using program guidelines and maintaining a waiting list of eligible tenants. The landlord will communicate with the Department when a SCRCP unit is available for lease. L] lease agreements shall not be signed until the tenant has received a certificate of eligibility from the landlord. [Department.]

(3) Annually, the Department will [submit] provide updated income guidelines and rental rates [rent formulas] to the landlord for use in leasing the SCRCP units. [establishing rental rates that comply with SCRCP requirements.]

(4) Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under this Article.

(5) All lease agreements of SCRCP units shall cover a period of one year.

(6) An eligible tenant already occupying a SCRCP unit has first-option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as an eligible tenant. The Department shall be notified by the landlord of the intent to evict and the reasons therefor at the same time the landlord first provides notice to the tenant.

B. Tenants of SCRP units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.

C. In the event the tenant of an SCRP unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within thirty (30) days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within thirty (30) days of written notice from the landlord.

Section 11. Sussex County Code, Chapter 72, Article II, Section 72-26. There are no amendments to this section, but it is repeated in this ordinance in order to provide information to the reader about what otherwise would seem to be a missing section of the SCRP ordinance for review.

§ 72-26. Foreclosure or default.

A. The landlord must provide the Department with a copy of any mortgage default notification immediately upon receipt and a written explanation of how the default will be remedied.

B. If a foreclosure event occurs during the control period, the covenants endure through the transfer of property until the end of the control period.

C. If the foreclosure event occurs after the thirty-year control period, then all binding restrictions of this chapter will dissolve.

Section 12. Sussex County Code, Chapter 72, Article II, Section 72-27 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-27. [Phased i]Implementation.

A. [In order to provide a means to determine whether the rental housing program is achieving its desired objectives and an opportunity to test the effectiveness of this article, there shall be a test period of 36 months.] Improvements to concepts, processes and rules and regulations of the SCRP program [identified during the test period] will be incorporated into future amendments of [the article] this Article. Council views this [a]Article as a living document that will be modified as needed to respond to economic, housing, development, land use and other trends in the County and to best practices in affordable rental programs. [The article will not be fully implemented until the test period is completed and the article hereafter amended to include any additional provisions Council determines are needed prior to the expiration of the test period.]

B. This section further establishes a request for proposal (RFP) process to select program participants. The RFP process will:

(1) Allow the County to manage the number of potential development projects participating in the program until program guidelines related to administration, land use, zoning and public processing are tested and finalized.

(2) Allow the County to manage the number of potential SCRP units created until the actual market for SCRP units is better understood and quantified and until program guidelines related to marketing and leasing are tested and finalized.

(3) Allow applicants to present alternative approaches to housing types, density incentives, good community design, and other program features to encourage better overall land use, creation of SCRP units in high land cost areas or similar potentially desirable outcomes. Alternative approaches deemed successful by the Council will be incorporated into future amendments to the chapter.

(4) Ensure that the letter of the chapter produces results that are consistent with the spirit of the chapter by allowing Council to amend the chapter as needed based on actual experience prior to final promulgation and full adoption.]

Section 13. Sussex County Code, Chapter 72, Article II, Section 72-28 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-28. Government regulations; enforcement.

A. The Department [must] will maintain a list of all SCRP units constructed and leased under this program, and the Council hereby authorizes the County Administrator to promulgate and adopt regulations and approve the various agreements/documents necessary to administer this program.

B. The Director may, with Council approval, waive or modify the provisions of the [SCRP] program if the Director finds the program in conflict with state or federal housing laws.

C. This program applies to all agents, successors, and assigns of an applicant. A building permit shall not be issued and a preliminary plan of subdivision, development plan, or site plan shall not be approved for a development that will contain affordable rental units to be submitted to [SCRP] this program unless it meets the requirements of this program. The County Administrator may deny, suspend, or revoke any building or occupancy permit upon finding a violation of this program. Any prior approval of a preliminary or final plan of subdivision, development plan or site plan may be suspended or revoked upon the failure to meet any requirement of this chapter. An occupancy permit shall not be issued for any building to any applicant, or a successor, or assign of any applicant, for any construction that does not comply with this program. The County Administrator may also withhold or call in performance bond funds, letters of credit, and certificate s of compliance or occupancy from the applicant for any violation of this program.

D. The Director is authorized to pursue any available remedy, legal or equitable in nature, to enforce the requirements of this program or to prevent or abate a violation of this program.

E. The Director may take legal action to stop or cancel any lease of an SCRCP unit if any party does not comply with all requirements of this program. The Director may recover any funds improperly obtained from the rental of a SCRCP unit in violation of this chapter.

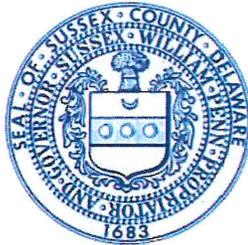
F. In the event of litigation to enforce the terms and conditions of this chapter or any agreement or obligation under the SCRCP program, [it]the Department shall be entitled to an award of legal costs and fees to be collected from the party who is determined to be in violation of such agreements and obligations.

Section 14. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.

Synopsis

This Ordinance revises Chapter 72, Article II, of the County Code known as the "Sussex County Rental Program" in order to encourage the development of affordable rental housing in Sussex County.

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



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

RE: Extension of Time Period

DATE: September 21, 2016

I recently received a request for an extension of time period for Ordinance No. 2322 for Conditional Use No. 1965, the application of Southern Delaware Botanic Gardens, Inc., aka Delaware Botanic Gardens, for botanic gardens and related visitor center, conservatory, theater, nature center and parking.

The "Botanic Gardens" project is proposed on 36.99 acres and was granted approval by County Council on October 8, 2013.

I am advising you of receipt of this request since Ordinance No. 2428, when adopted by Sussex County Council on December 15, 2015 provides in Chapter 99 Article VIII Section 99-40 that an applicant may seek up to six (6) months extension of said approval pursuant to 99-40F based on the following:

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



- 2) The Director, after consultation with and input from other County departments or public agencies as the Director sees fit, shall considered any written request and the accompanying documentation submitted pursuant to this 99-40F. Time extensions shall be recommended to the Sussex County Council by the Director only upon a finding that all of the following criteria have been met:
- (i) That the approval constitutes one of the approvals defined in the first paragraph of this 99-40F; (ii) that the request for said extension was timely filed; (iii) that all of the information herein has been supplied; (iv) that necessity for the extension is due primarily to reasons beyond the reasonable control of the applicant, such as undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicants key stakeholders; (v) with respect to subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40, that there is a reasonable plan and schedule demonstrating that the improvements set forth on the subdivision in conformance with Chapter 99 Article VI of the Sussex County Code will reach “substantial construction” within six (6) months.
- 3) After consideration of the relevant factors in accordance with this 99-40F the Director shall made a written recommendation whether to grant an extension to the applicant. This recommendation will be provided to Sussex County Council, who shall render the final decision whether to grant an extension to the applicant for up to six (6) months from the expiration date of the current approval.

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

Following please find my recommendation on the project for consideration by Sussex County Council, and attached please find copies of the referenced request for consideration, and a copy of Ordinance No. 2322 for Conditional Use No. 1965.

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

It is my opinion that this project meets the relevant factors of Chapter 115, Article XXIV, Section 115-174 for Conditional Use applications, which references 99-40F of the Subdivision Ordinance for the process of granting an extension of a time period. The Sussex County Council may grant a time extension for an additional six (6) months so that the project can proceed with making application for Preliminary Approval, obtain Final Approval by the Planning and Zoning Commission, and proceed with construction and establishing that they are substantially underway with the project prior to the termination date of the six (6) month time extension, if granted.

If the Sussex County Council agrees, there should be a motion that based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Botanic Garden project shall be granted a six (6) month time extension until April 8, 2017, which is six (6) months from October 8, 2016, the original termination date of Ordinance No. 2322.

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

August 22, 2016

Conditional Use 1965
Project No: SDEB1301

Attn: Janelle Cornwell
Sussex County Administrative Office Building
2 The Circle, PO Box 589
Georgetown, DE 19947

**RE: PLANNING & ZONING SIX MONTH EXTENSION REQUEST
Delaware Botanic Gardens, CU - 1965**

Dear Ms. Cornwell,

In accordance with Ordinance No. 2428, I am requesting a 6-month extension for the Delaware Botanic Gardens. The extension is necessary to obtain the permits needed to move the project to construction: DELDOT, Fire Marshal, and Sussex Conservation.

The project will have until April 8th 2017 to be substantially underway if a 6-month extension is granted. Permitting for the updated site is straight forward because the new plan has more gardens, more open space, and less infrastructure than the original. Here is the permitting and construction schedule:

- DELDOT Entrance:
 - 8/23/2016 – Initial Plan Submission
 - 10/5/2016 – Receive Initial Comments
 - 11/1/2016 – Second Plan Submission
 - 12/14/2016 – Receive Second Submission Comments
 - 1/24/2017 – Submit Final Entrance Plans
 - 2/22/2017 – Entrance Plan Approval

DELDOT has agreed to a phased entrance approach, see exhibit 1. A standard hammerhead entrance will be installed as part of phase 1. The other improvements associated with the project—road widening, turn lane, and shared use path—will be constructed once the Garden's annual visitor numbers reach a certain count. Permitting will only involve phase 1 but will be designed to accommodate phase 2 improvements.

- Fire Marshal Site Plan:
 - 9/2/2016 – Initial Plan Submission
 - 9/30/2016 – Receive Initial Comments
 - 10/28/2016 – Second Plan Submission
 - 11/15/2016 – Fire Marshal Approval
- Sussex Conservation District Stormwater:
 - 9/9/2016 – Initial Plan Submission
 - 10/5/2016 – Receive Initial Comments
 - 11/4/2016 – Second Plan Submission

RECEIVED
AUG 22 2016
PLANNING & ZONING
COMM. OF SUSSEX COUNTY

12/9/2016 – Receive Second Submission Comments
1/10/2017 – Submit Final Stormwater Plans
1/31/2017 – Stormwater Plan Approval

Although additional thought and design needs to go into meeting water quality requirements due to paths in the woodlands, this site readily meets and will exceed the water stormwater discharge rate and volume requirements because land cover is changing use from agricultural to garden and because of good infiltration rates. Post Development stormwater calculations have been made for pond sizing and bulk grading purposes. Once the design team determines what buildings and gardens to include with the submission the calculations will be finalized and plans submitted to SCD.

DNREC Stormwater NOI:

The application will be submitted to DNREC in conjunction with the first Stormwater Submission to SCD.

- Construction:

The Delaware Botanic Garden's has partnered with Pennoni and the Bancroft Construction Company in an effort to ensure an economical design and quick project implementation once approvals are obtained. Construction is set to commence upon receipt of final approval in March 2017. Preliminary discussions have been made with potential site contractors.

A Botanic Gardens, by nature, invites collaboration and participation from many individuals across a whole spectrum of disciplines. The Delaware Botanic Garden is no different. In late 2014, the 10-member Board of Directors reached out to eight public garden directors across the county for a peer review of the original concept. Excellent suggestions and recommendations have been offered by these public garden experts. Several of these ideas are reflected in the updated site plan.

Last November the Longwood Foundation awarded a \$750,000 grant to the Delaware Botanic Garden. This allowed the Board to commission a top-to-bottom review of the original home-grown site plan. Ray Sander, Vice President of the Board, recently explained the process:

"...the Board engaged the services of the region's most respected landscape architect, Rodney Robinson; one of the nation's most renowned architectural firms, Lake/Flato; and the world famous Dutch garden designer, Piet Oudolf. This "Dream Team" of Oudolf, Flato and Robinson has taken our project through a major six month design Charette process...This invaluable review has moved the Delaware Botanic Gardens from our initial concept to a sophisticated, organic design."

The Board recently adopted this revised conceptual plan and a "build what makes sense" approach has been implemented. As a result, phase 1 will involve the entrance, stormwater, some parking, Piet Oudolf's meadow gardens, woodland trails and gardens, and a temporary ticketing office. See exhibit 2 for the new concept plan. I am happy to discuss this project with you if you have any questions, (302) 684-6222.

Sincerely,



Dave Heatwole, PE

EXHIBIT 1

From: Sisson, Steven (DelDOT) <Steven.Sisson@state.de.us>
Sent: Friday, July 15, 2016 3:37 PM
To: Dave Heatwole
Cc: Cote, Marc (DelDOT); Johnson, Scott S (DelDOT)
Subject: Botanical Gardens

Dave,

Just to confirm our conversation from earlier this week, we are happy to phase the entrance and frontage work for the Botanical Gardens as the site builds out. The Sec also reached out to me after your meeting with her.

Steve

*Stephen M. Sisson, P.E.
Sussex County Review Coordinator
Delaware Department of Transportation
P.O. Box 778 – 800 Bay Road
Dover, DE 19903*

*(302) 760-2553 office
(302) 760-2569 fax
(302) 354-0979 cell*

Lawrence Lank

From: Dave Heatwole <DHeatwole@Pennoni.com>
Sent: Monday, September 12, 2016 8:00 AM
To: Janelle Cornwell; Lawrence Lank
Subject: Delaware Botanic Gardens, CU-1965 Extension Request Supplement
Attachments: Letter of Transmittal Fire Marshal signed 090116.pdf; Meadow Garden Piet Oudolf Overview.pdf; DELDOT SUBMISSION CONFIRMATION.pdf

Hi Janelle,

I have attached supplemental information supporting the extension request.

- Plans were submitted to DELDOT on 8/23 and we expect comments back 10/5. This is the critical path for obtaining approvals needed to start construction. The phase 1 entrance is a standard hammerhead design. I have obtained two hammerhead entrance approvals this year in less time than what is allowed on the Botanic Gardens extension schedule. Stockley Materials approval was obtained in 176 days from the first submission and the Medic 104 / EMS 100 facility entrance was approved in 139 days from the first submission. I have allowed 183 days for this project. Given the priority placed on this project by Pennoni's management, this schedule will be met.
- The site plan was sent to the Fire Marshal on 9/1.
- Piet Oudolf has completed his meadow garden design. I have attached the overview sheet.

Have a good day,

Dave Heatwole, PE

Pennoni

18072 Davidson Drive | Milton, DE 19968
Direct: 302-684-6222 | **Mobile:** 302-841-7901
www.pennoni.com | DHeatwole@Pennoni.com



PARTNERS FOR WHAT'S POSSIBLE

From: Initial Project Review <DOT.MSProject@state.de.us>
Sent: Thursday, September 01, 2016 3:22 PM
To: Dave Heatwole; sherylswed@gmail.com
Cc: Scott.Johnson@state.de.us; Katlyn.Dukes@state.de.us;
fred.pusey@state.de.us
Subject: 233-6.00-116.10 Task: Prelim Review Southern Delaware Botanic
Gardens - 08/30/2016

Dear David Heatwole of ,

We are pleased to inform you that the Southern Delaware Botanic Gardens project has been **ACCEPTED** into the Subdivision Plan Review Process for Preliminary Entrance Plan Review.

Reviewers: Gemez Norwood, Evan Lallier, Dan Thompson, Robin Davis, Sarah Coakley, David Dooley, William Dryden, Linda Osiecki, Mark Galipo, John Fiori
jkelly@jmt.com; Heather.Mantz@state.de.us; jay.sammons@state.de.us

You can expect comments on your project on or before 10/05/2016. *If at that time DelDOT, the Engineer, or the Developer have any major concerns, a meeting can be scheduled to discuss the project.*

Please contact Scott Johnson at scott.johnson@state.de.us or 302-760-2512 if you have any questions during your project's review.

Thank you for your submission,

The DelDOT Subdivision Section

Cc: Sheryl Swed

From: DelDot PDCA
<azure_221255c4bb7841bbe525e707bc8ea90f@azure.com>
Sent: Tuesday, August 23, 2016 11:48 AM
To: steven.sisson@state.de.us; Subdivision@state.de.us;
pdcadebug@gmail.com
Cc: Dave Heatwole
Subject: Delaware Botanic Gardens has been submitted through the PDCA by
dheatwole@pennoni.com

Date: 8/23/2016 11:47:31 AM
Project Name: Delaware Botanic Gardens
Engineering Organization: Pennoni Associates, Inc.
Engineering Contact: Dave
Developer Organization: Delaware Botanic Gardens, Inc.
Developer Contact: Sheryl
County: Sussex
Subdivision Type: Major Subdivision
Project Url / Name: [Delaware Botanic Gardens](#)



ID POINT	COORDINATES	
	X	Y
DATUM	FEET	FEET
	METERS	METERS
0	1000.00	1000.00
	304.88	304.88
1	1041.37	1082.32
	317.49	329.98
2	1049.00	1228.79
	319.82	374.63
3	1096.08	1235.75
	334.17	376.75
4	1039.72	1309.19
	316.99	399.14
5	1061.91	1390.53
	323.75	423.94
6	1091.29	1407.23
	332.71	429.03
7	1036.60	1432.24
	316.04	436.66
8	971.16	1458.68
	296.09	444.72
9	966.80	1555.23
	294.76	474.16
10	892.03	1447.17
	271.96	441.21
11	862.14	1432.75
	262.85	436.81
12	851.01	1461.17
	259.45	445.48
13	849.85	1517.48
	259.10	462.65
14	836.79	1420.92
	255.12	433.21
15	795.18	1390.45
	242.43	423.92
16	876.27	1396.66
	267.16	425.81
17	896.58	1321.20
	273.35	402.80
18	820.53	1286.73
	250.16	392.30
19	770.65	1123.94
	234.95	342.66
20	747.81	1129.36
	227.99	344.32
21	859.38	1150.15
	262.01	350.66
22	830.05	1166.14
	253.06	355.53
23	880.62	1190.36
	268.48	362.91
24	943.81	1200.29
	287.75	365.94
25	862.24	1189.59
	262.88	362.68

MG-1.0	Drawn: MS	MEADOW GARDEN LAYOUT PLAN	RAS ROBINSON ANDERSON SUMMERS, Inc. LANDSCAPE ARCHITECTS 30 Bancroft Mills Road, Wilmington, Delaware 19806 Tel: 302.888.1544 www.rasinc.com		Delaware Botanic Gardens Piney Neck Road Dagoberto, DE	Revision	Date
	Checked: PDR					Description	Date
	Scale: AS NOTED						
	Date: AS NOTED						

ORDINANCE NO. 2322

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOTANIC GARDENS AND RELATED VISITOR CENTER, CONSERVATORY, THEATER, NATURE CENTER AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 36.99 ACRES, MORE OR LESS (Tax Map I.D. 2-33-6.00-116.10)

WHEREAS, on the 1st day of May 2013, a conditional use application, denominated Conditional Use No. 1965 was filed on behalf of Southern Delaware Botanic Gardens, Inc.; and

WHEREAS, on the 11th day of July 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of September 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1965 be approved with conditions; and

WHEREAS, on the 6th day of August 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1965 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying south of Piney Neck Road (Road 336) 0.5 mile west of Bunting Road (Road 335) and being more particularly described in Deed Book 3336, Page 168 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 36.99 acres, more or less.

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

This Ordinance was adopted subject to the following conditions:

1. The site shall be surrounded by a landscaped berm and heavy vegetation to screen it from neighboring properties. The location of the berm and the type of vegetation on the berm shall be shown on the Final Site Plan.
2. The hours of public access to the operation shall be Monday through Sunday, 8:00 a.m. to dusk, with the exception of 11:00 p.m. closing times as appropriate for special events.
3. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
4. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
5. All entrances, intersections, roadway improvements, etc. as required by DelDOT shall be completed by the applicant as required by DelDOT.
6. All parking shall comply with the requirements set forth in the Sussex County Zoning Code with all necessary parking contained completely on the site.
7. Stormwater management and erosion and sediment control shall be constructed in accordance with all applicable State and County requirements and shall be operated using Best Management Practices to provide a positive groundwater recharge. The Final Site Plan shall contain the approval of the Sussex Conservation District.
8. The Applicant stated during its presentation that the use would be funded through Federal, State and County funding sources. As part of any approval, Sussex County Council should consider a statement that the approval of the Conditional Use Ordinance should not be deemed by the Applicant to be a commitment to financial support by the County.
9. Any major change in the use shall require a new public hearing.
10. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2322 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON 8TH DAY OF OCTOBER 2013.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for botanic gardens and related visitor center, conservatory, theater, nature center and parking, to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 36.99 acres, more or less, lying south of Piney Neck Road (Road 336) 0.5 mile west of Bunting Road (Road 335) (Tax Map I.D. 2-33-6.00-116.10)
2. DeIDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "A" of Piney Neck Road will not change as a result of this application.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Dagsboro Frankford Sanitary Sewer District; that wastewater capacity is available to serve the project; that Ordinance 38 construction will be required; that the location and size of laterals and/or connection points will have to be determined; that connection to the sewer system is mandatory; that the site resides within a recent expansion area and, while a sanitary sewer connection point is not currently extended to the parcel, the County is currently working with a developer east of the site that will construct a regional pumping station and force-main to be completed in the next 12 months; that Applicants may be permitted to use this infrastructure subject to some costs associated with said use; that the County Engineering Department will assist with coordinating this effort; and that a Concept Plan is required.
4. Michael J. Zajic, President of the Board of Directors for Southern Delaware Botanic Gardens, Inc.; Mark Davidson, Project Manager; and Carlton Savage, Professional Engineer of Pennoni Associates, Inc. were present on the Applicant's behalf. They stated that the Applicant is a 501(c) (3) non-profit corporation; that the land is located on the south side of Piney Neck Road, approximately one mile east of the Town of Dagsboro, Dagsboro Hundred, Sussex County, Delaware and contains 36.99 acres of land, more or less; that the land is owned by the Sussex County Land Trust and will be leased by the Applicant; and that the Applicant has entered into a Memorandum of

Understanding with Sussex County Land Trust based on this application and its proposed use of the property.

5. The site is currently used as open space containing open agricultural lands tilled with some woodlands and wetlands; that the site is located within an Environmentally Sensitive Developing Area according to the 2008 Comprehensive Land Use Plan; and that it is located within an Investment Level 2 Area according to the State Strategies.
6. The site is zoned AR-1 Agricultural Residential; that the use as a botanic garden is compatible with the underlying agricultural zoning of the property and the use for public gardens and environmental education is appropriate for this zone.
7. The proposed project design contains garden parking areas that break up the sight of other parking spaces; the project includes, but is not limited to, a visitor center with gift shop, a nature center, gardens (vegetable, bog, flower, woodland, vernal pool, and sand), a conservatory, covered walkways with a living roof, trams for accessibility, ponds and meadows, a 0.5 mile canal through the gardens for tours, waterfalls and bridges, a café along Pepper Creek, floating docks for tours out into the Inland Bays estuary, classrooms, greenhouses, and many other features; the project is proposed to be installed in 3 phases over a five to eight year period; the design, with minimal infrastructure and temporary buildings will be secured by grants and gifts; the garden operations shall be self-sustaining by income generating activities; and the design concept for the garden's buildings shall be compatible with the site, complementary, sustainable, durable, beautiful, and low profile.
8. The stormwater design for the site will primarily be contained on-site and a quantity waiver will be requested due to the proximity of the tidal waters of Pepper Creek to mitigate the normal impacts of the development on the natural water balance; the project will be served with a central domestic and fire water distribution system provided by Tidewater Utilities, Inc.; on-site agricultural irrigation wells will be used to irrigate gardens; and wetlands will be further delineated through the permitting process with DNREC and the U.S. Army Corps of Engineers.
9. The intended use of the property will be of a public character and will promote the goals of the Sussex County Land Trust by protecting the natural, cultural, agricultural and recreational resources through inspirational, educational, and sustainable public

gardens for the benefit and enjoyment of the public.

10. Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to 10 (ten) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

OLD BUSINESS
September 27, 2016

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

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

REMINDER: On September 20, 2016 the Sussex County Council discussed C/Z #1796 for a Change of Zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential District) and C/U #2046 for multi-family dwelling structures, applications of Lockwood Design and Construction, Inc. The rezoning to MR (Medium Density Residential District) was unanimously approved. Action on C/U #2046 was deferred and it was requested that C/U #2046 be placed on the agenda for September 27, 2016 for discussion. Both applications relate to the same Tax Map I.D. 334-12.00-127.02, 127.04, and 127.05. The following text makes reference to both referenced application since a combined public hearing was held and since the decisions were rendered individually.

C/U #2046 Lockwood Design and Construction Inc.

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275) 0.25 mile Southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available). Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

After receiving a request from Gene Byard, Esquire, on behalf of the applicants, it was decided that the public hearings for C/Z #1796 and C/U #2046 would be combined and heard as one public hearing to establish the record and that individual decisions would be rendered on each application after the public hearing.

Ms. Cornwell stated that staff received comments from the Sussex County Engineering Department and the property is not currently located in a sewer district; however, it could be annexed into a sewer district.

Ms. Cornwell read four (4) letters of opposition to the Applications into the record and stated that the Office of Planning and Zoning received an exhibit booklet from the Applicant for review.

The Commission found that Mr. and Mrs. Robert Hood, Pete Malmberg, Don Lockwood, and John Barwick, of Lockwood Design were present with Gene Byard, Esquire of Morris, James, Wilson, Halbrook, & Bayard, P.A. and they stated in their presentation and in response to questions raised by the Commission that this Application is a do over from CZ 1780 to allow for a HR-1 RPC, with density of five (5) units per acre; that he asks the record of that hearing be made as part of the record tonight; that the only change is the zoning classification; that CZ 1780 was recommended to be denied for excess density if the zoning was approved and the RPC classification lapsed; that when the RPC overlay lapses in HR-1 zoning the density restriction in the RPC lapses and the zoning classification of HR-1 increases the density; that in the motion to recommend denial the Commission stated that the MR zoning classification with a Conditional Use is a more appropriate application; that there are multiple commercially zoned properties in the area; that there are properties zoned MR, CR-1, HR-2, and two (2) conditional uses with significant density; that Sterling Crossing and Sea Chase both have approximately six (6) units to the acre; that to the north of the property is the Beebe Medical Center; that in the last 15 years at least 12 Change of Zone applications or Conditional Use applications have been approved in that area; that the property is entirely wooded at this time; that the proposed use will be marketed to empty-nesters and 55 and over families; that water will be provided by Tidewater Utilities and sewer will be provided by Sussex County; that any upgrades are at the developers expense; that the project has been reviewed by PLUS, TAC review, stormwater design review by Soil Conservation, Envirotech has studied the woods; that there are no wetlands or endangered species on the site; that the Applicant met the Sussex County Planning Manager's suggestions have incorporated additional sidewalks for future connection to the Beebe Medical property; that opposition was concerned about trees and traffic; that the Applicant could remove all trees and cultivate the property or have a poultry farm on the property; that the neighboring properties were also built on what was farm land; that it seems ironic that the residents of the neighboring developments feel an entitlement to preservation of the Applicant's property; that the Applicant plans to preserve as many trees as possible; that the project did not require a traffic impact study; that the Applicant will participate in the cost of intersection improvements; that DelDOT has a timeline for improvements to the intersection of Old Landing Road and Warrington Road; that the response still does not define whether a traffic light will be required; that the response does define that road improvements will begin in fiscal year 2017; that the road improvements will coincide with final site plan approval of this project and Osprey Landing if approved; that the project is consistent with the Zoning Ordinance, Comprehensive Land Use Plan, and Future Land Use Map; that the density housing mix is consistent with the Zoning Code and the neighboring developments; that residents from this project will have walking access to the neighboring CR-1 zoned property; that there will be 14 acres of impervious area; that there will be 21.2 acres of open space; that storm water management, ponds, and swales will cover approximately 60% of the property; that with the Conditional Use the Commission is able to

define the density of this project; that this project follows the residential character and development of this area; that this parcel is the last large undeveloped parcel in the area; that this property is in a Level 1 and Level 2 State growth area; and that it should be treated accordingly.

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

The Commission found that Steve Dolmack, a home owner in Sea Chase, was present and stated that he reviewed the plans; that he was surprised to find there were no changes made to the plans; that the developer has not taken into any consideration the concerns in reference to the trees and traffic from the previous application; that the existing 70 foot tall trees will be compromised within a 20 foot buffer; that once the root system is compromised the trees will have to be removed; that the existing developments were created over 20 years ago; that a lot has changed in the area over the last 20 years; that treating this application the same as 20 years ago is not realistic; that traffic is a huge concern and has greatly increased over the years; that DNREC is concerned that the applicant is not preserving enough trees; and that the additional units proposed will put added stress on the roads.

The Commission found that C.J. Bailey, a resident and property owner, was present with interest and stated that his primary concern with the plan is the entrance; that his property is directly across from the proposed entrance; that he would like to see some turn lanes proposed to better accommodate the traffic; that turn lanes would help with the flow of traffic; and that without these improvements traffic will be in his front yard.

The Commission found that Harvey Grider, a resident and property owner, was present with interest and stated that he represents the homeowners in Sterling Crossing; that he is the advocate for the Homeowner's Association; that rezoning is not a right for property owners; that rezoning should not come at the expense of others; that they are opposed to growth without proper infrastructure; that the area is so congested the nearby emergency station less than ½ mile from his property could not get there for over 25 minutes due to traffic; that during the summer this time would have been doubled; that without improvement to the existing roads this development will greatly increase traffic issues; and that there have been no changes made to the original plan.

The Commission found that Robert Caden, President of the Homeowner's Association for Sea Chase; that they are disappointed the original plan has not been changed; that the same issues exist with this plan; that there are multiple accidents in the area; that the infrastructure will not accommodate another development; and that the removal of trees is an issue.

The Commission found that Paul Berger, lives in Sea Chase, and stated that Sea Chase was the first or second development prior to the moratorium; that the recent development in the area has been haphazard; that the concept of gearing the development towards empty nesters and 55 years and older is deceiving; that in the summer months the grown children and their children visit their parents; that this influx creates more issues during the summer season; that DeIDOT improvements will not be enough to accommodate all cars using the roads in the area; that the developer and bankers only take into consideration what they know; that multiple builders and bankers are used and that is how you end up with too much development; and that in this case the developer is essentially too late and should not be able to develop the property as others had,

due to the issues that already exist and the issues this development would increase; that the 20 foot buffer proposed will not accommodate the existing trees; that the trees will fall; that traffic lights are needed to allow for turns; and that the 3 story units are out of character with the neighborhood.

The Commission found that Robert Bauer, President of Board for Sea Chase Condominium Association, and stated that he agrees with the traffic issues; that other neighborhoods in the area have roads that will lead to Warrington Road; that this creates more congestion points on this road; that they previously requested another entrance be proposed for this development to access Route 24; that 3 story buildings are not in character of the area; that this type of building would be an eyesore to neighboring communities; and that a larger buffer is needed.

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

On March 24, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for C/Z #1796 for further consideration. Motion carried 5 – 0.

On March 24, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for C/U #2046 for further consideration. Motion carried 5 – 0.

On April 14, 2016 the Commission discussed both applications (Change of Zone No. 1796 and Conditional Use No. 2046 under Old Business.

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 stated. Motion carried 4 – 0.

In reference to C/U #2046

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2046 for Lockwood Design and Construction, Inc. for multi-family dwelling structures based on the record made at the public hearing and for the following reasons:

1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
2. The development will be consistent with surrounding developments that include other multi-family uses.
3. The development will not adversely affect neighboring properties, roadways or communities.
4. The development will be required to comply with all DeIDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
5. The multi-family development will be served by central sewer provided by Sussex County.
6. The multi-family development will be served by central water.

7. The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.
8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.
9. This recommendation is subject to the following:
 - A. There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.
 - D. All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
 - H. The project shall be served by Sussex County sewer.
 - I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.
 - J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
 - K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.
 - L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
 - M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
 - N. The Final Site Plan shall be subject to the review and approval of the 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 stated. Motion carried 4 – 0.

Introduced 02/09/16

**Council District No. 4 – Cole
Tax I.D. No. 334-12.00-127.02, 127.04, 127.05
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 15th day of January 2016, a conditional use application, denominated Conditional Use No. 2046 was filed on behalf of Lockwood Design and Construction, Inc.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2046 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2046 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

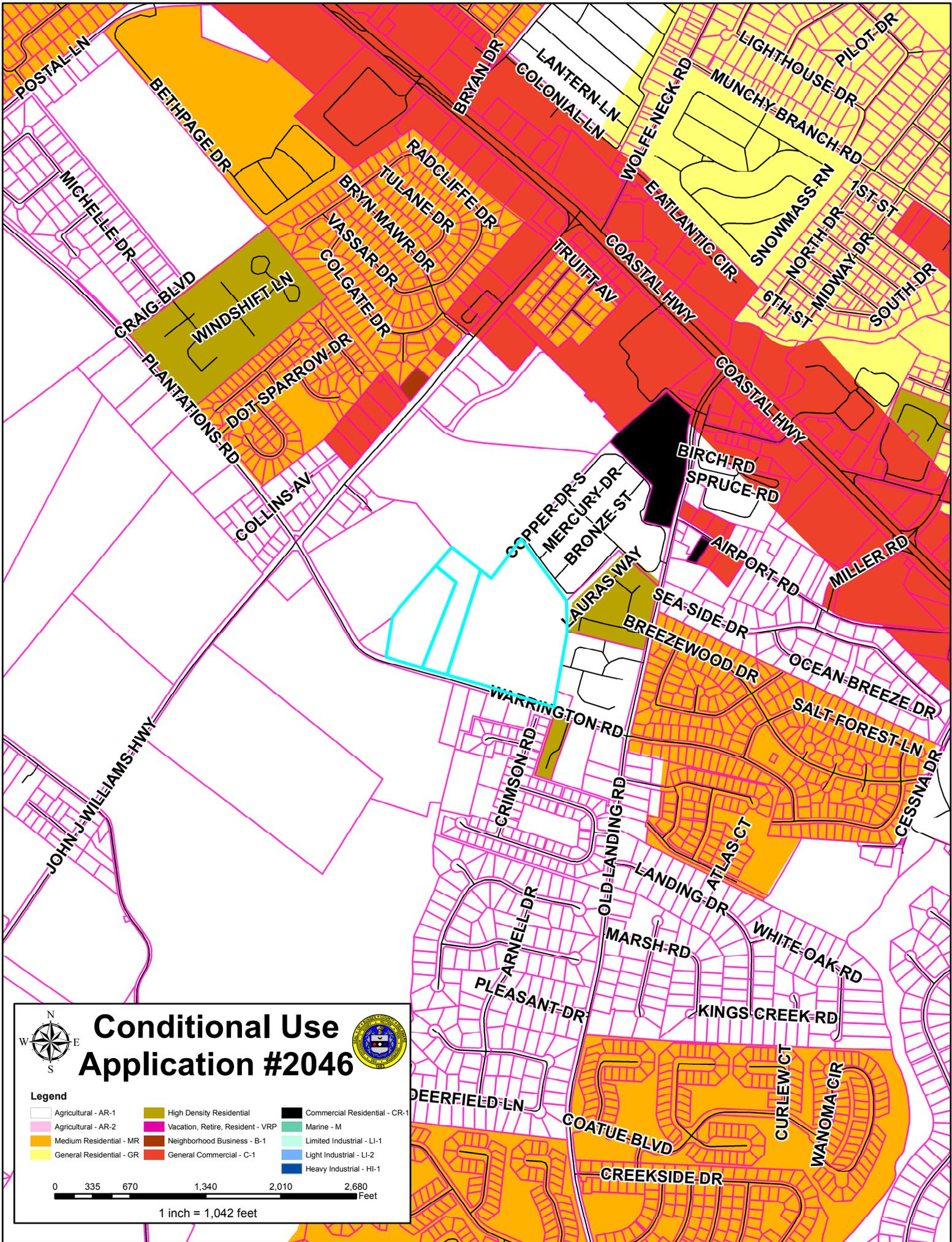
ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) and being more particularly described as follows:

BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe

Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 acres, more or less.

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

PROPOSED

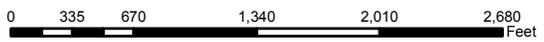


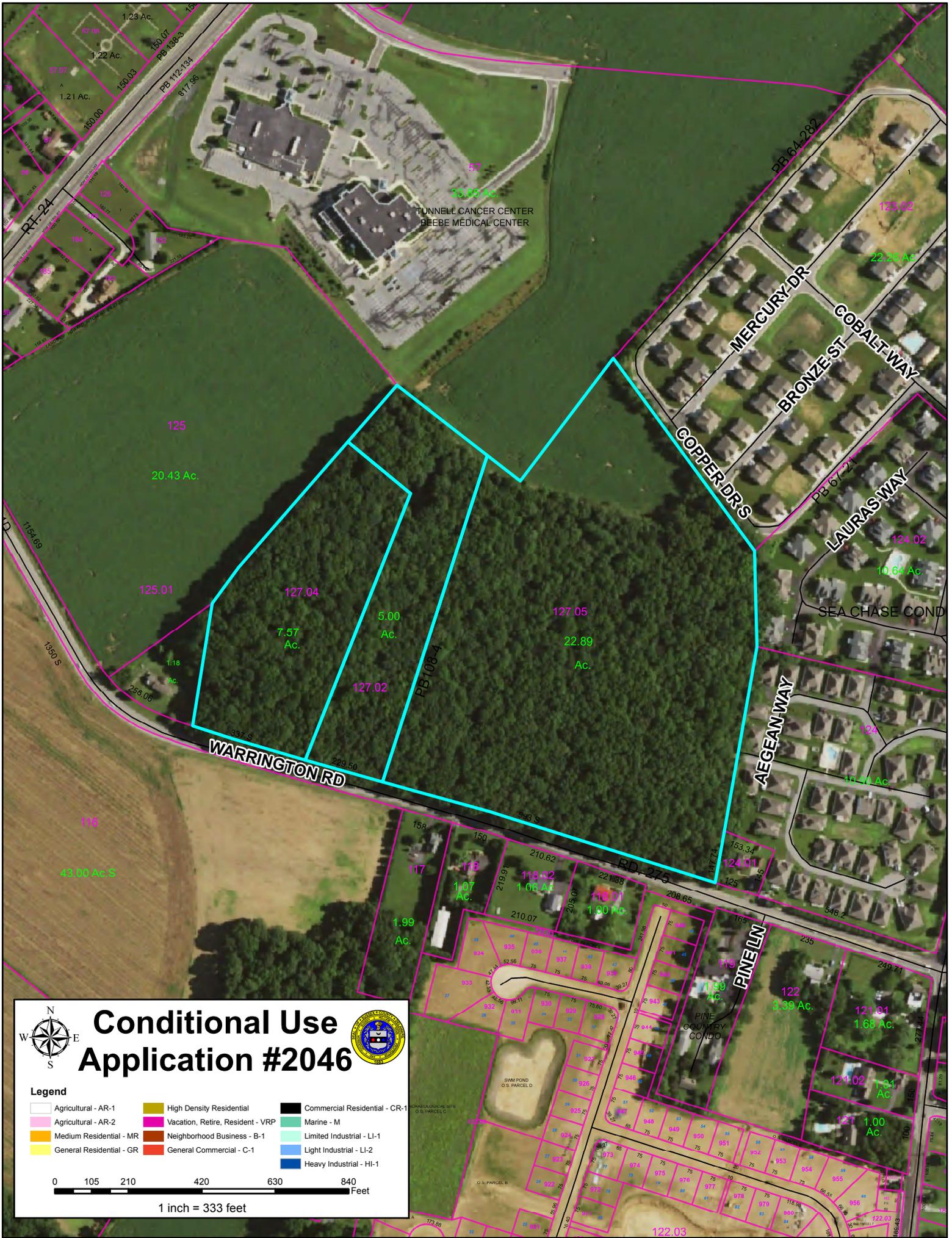
Conditional Use Application #2046



Legend

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







Conditional Use Application #2046



Legend

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

0 105 210 420 630 840 Feet

1 inch = 333 feet



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	<u>Milton Historical Society</u>		
PROJECT NAME:	<u>Fact, Fiction, and the New World: The Role of Books in the Making of America</u>		
FEDERAL TAX ID:	<u>23-7158119</u>	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	<u>PO Box 112</u>		
	<u>210 Union Street</u>		
	<u>Milton</u>	<u>DE</u>	<u>19968</u>
	<small>(CITY)</small>	<small>(STATE)</small>	<small>(ZIP)</small>
PHONE:	<u>302.684.1010</u>	EMAIL:	<u>info@historicismilton.org</u>
CONTACT PERSON:	<u>Kimberly Fabbri, PhD</u>		
TITLE:	<u>Director</u>		
ADDRESS:	<u>PO Box 112</u>		
	<u>Milton</u>		
	<u>Milton</u>	<u>DE</u>	<u>19968</u>
	<small>(CITY)</small>	<small>(STATE)</small>	<small>(ZIP)</small>
PHONE:	<u>302.945.3721</u>	EMAIL:	<u>miltonhistoric@gmail.com</u>

TOTAL FUNDING REQUEST: \$ 2,000.00

Has your organization received other grant funds from
Sussex County Government in the last year?

YES NO

If YES, how much was received in the last 12 months? \$ 1,500.00

Are you seeking other sources of funding other than Sussex County Council?

YES NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

420

SECTION 3: PROGRAM SCOPE

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

The Milton Historical Society is a nonprofit cultural and educational organization dedicated to increasing public understanding and appreciation of the history of Milton and the Broadkill Hundred. The Society collects, preserves, and interprets stories, artifacts and documents related to Milton and the Broadkill Hundred for study and education.

The Milton Historical Society is requesting a grant to support the development and implementation of museum programs for elementary school children. Specifically, the Milton Historical Society would like to offer the Humanities Texas "Fact, Fiction, and the New World: The Role of Books in the Making of America" exhibition to the public. This exhibit encourages people to think about the power of stories and the lure of new lands. It is instrumental in highlighting the ways in which books determined what people looked for in the New World and how they interpreted what they saw.

This exhibition would be well suited to the Milton Historical Society as we have a 1920s printing press in our collection. That coupled with the recent immigration of hundreds of people to Sussex County makes this a unique and interesting avenue for broadening our reach and connecting the community to the power of the written word historically both in a global as well as local sense.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Exhibition Rental	-700
Printing	-100
Staff Time: Promotion, Installation, Break Down and Museum Staffing	-1200
TOTAL EXPENDITURES	-\$ 2,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 2,000.00)

SECTION 5: STATEMENT OF ASSURANCES

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

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

Kimberly Fabrici
Applicant/Authorized Official

8/10/16
DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Sussex Community Housing Services, Inc

PROJECT NAME: Crisis House major repairs

FEDERAL TAX ID: 51-0257434 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To Provide emergency and transitional housing to men, women, children and single headed household families . Emergency shelter residents receive 3 meals per day and Case management for approx 30 days. Transitional Families receive case management and Life skills training over a period of 2 years.

ADDRESS: 204 E. North Street

Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Marie T. Morole

TITLE: Executive Director

PHONE: 302.856.7524 EMAIL: scchs@comcast.net

TOTAL FUNDING REQUEST: \$10,000

Has your organization received other grant funds from
Sussex County Government in the last year?

YES NO

If YES, how much was received in the last 12 months? \$2,000

Are you seeking other sources of funding other than Sussex County Council?

YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 83%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
200 +/-

SECTION 3: PROGRAM SCOPE

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

The Crisis House Emergency Shelter is approximately 70+ years old, the property has been in need of major repairs including Roofing leaks, plumbing issues, HVAC replacement and electrical repairs on an ongoing basis. Our ability to provide adequate housing is at times compromised by the age of our facility. We operate on a very limited and conservative budget, depending on monetary, food and material donations. The continual repairs have put a major strain on our operating budget.

The extensive usage of the appliances place enormous wear and tear on the items. We are in desperate need of commercial appliances which will withstand the daily usage.

The Crisis House is the only emergency shelter in the area that houses men, women and children. Without the necessary repairs we will be unable to provide shelter for 200+/- individuals annually.

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

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

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

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Major repairs to Crisis House roof, plumbing and 2 HVAC systems	-\$ 8,000.00
New industrial Stove, dish washer and Refrigerator	-\$ 4,000.00
TOTAL EXPENDITURES	-\$ 12,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

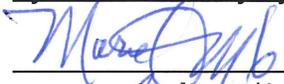
SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

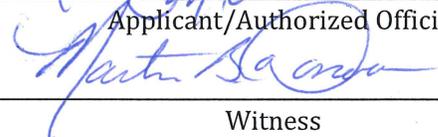
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official

9/9/2016

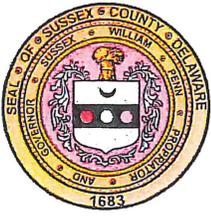
Date



Witness

9/9/2016

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Clothing Our Kids**

PROJECT NAME: **Clothing Purchases for Kids**

FEDERAL TAX ID: **45-2382079** NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: **Clothing Our Kids mission is to improve the lives of at-risk elementary school children by providing them with essential school clothing.**

ADDRESS: **Clothing Our Kids**
26582 John J Williams Hwy, Suite 2
Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: **John F. Smith**

TITLE: **Vice President**

PHONE: **202-253-0726** EMAIL: **jsmith22163@verizon.net**

TOTAL FUNDING REQUEST: \$2,000

Has your organization received other grant funds from
Sussex County Government in the last year?

YES NO

If YES, how much was received in the last 12 months? **\$3,100**

Are you seeking other sources of funding other than Sussex County Council?

YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? **4.4%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
3,600

SECTION 3: PROGRAM SCOPE

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

Clothing Our Kids (COK) has a single program which is to improve the lives of at-risk elementary school children by providing them with school clothing. Many children in Sussex County do not have appropriate school clothing, nor do their parents have the resources to acquire them. This situation has a direct negative impact on their self esteem, their ability to learn, and the probably of their continued school attendance. Our goal is to assure these children have an equal start in their early education and help them become successful students and successful adults. During the 2015-2016 school year COK distributed 16,102 articles of clothing and shoes to 3,582 disadvantaged children in Sussex County. This work is accomplished by over 150 unpaid volunteers who generously donate their time to our mission.

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

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

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

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	58,350.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operating Cost (rent, supplies, utilities and phone)	\$ 19,600.00
Clothing Purchases	\$ 45,000.00
Insurance	\$ 1,150.00
TOTAL EXPENDITURES	\$ 65,750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

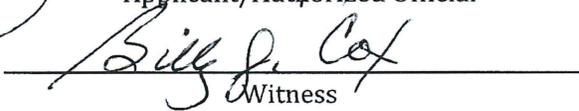
If this grant application is awarded funding, the Clothing Our Kids agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official


Witness

September 19, 2016

Date

September 19, 2016

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Milford Housing Development Corporation (MHDC)

PROJECT NAME: The Home Repair Project (HRP)

FEDERAL TAX ID: 51-0218904 NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The mission of MHDC is to provide decent, safe, and affordable housing solutions to people of modest means.

ADDRESS: 977 East Masten Circle

Milford

(CITY)

Delaware

(STATE)

19963

(ZIP)

CONTACT PERSON: Valerie A. Miller

TITLE: Director of Programs & Planning

PHONE: 302-422-8255 ext 102 EMAIL: vmiller@milfordhousing.com

TOTAL FUNDING REQUEST: \$25,000

Has your organization received other grant funds from
Sussex County Government in the last year?

YES NO

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

Are you seeking other sources of funding other than Sussex County Council?

YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 4.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

100

SECTION 3: PROGRAM SCOPE

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

Since 1991, the Home Repair Project (HRP) has offered free emergency home repairs to eliminate unexpected and immediate threats to life, health and safety in the homes of lower income households. HRP is a vital community resource for senior citizens and persons with disabilities who often face major affordability and accessibility challenges.

Funds in the amount of \$25,000 are requested specifically for assist with costs to make repairs of an immediate and serious nature to homes of extremely-low income homeowners in Sussex County, DE. Typical repairs include: replacement of furnaces, electrical repairs, plumbing repairs, construction of entrance steps and wheelchair ramps, modifying bathrooms for safety and accessibility, replacement of broken windows, roof repairs or replacements, and the installation of hardwired smoke/co detectors. Repair activities will meet local jurisdictional code regulations. Contractors will complete code-work and skilled volunteers may be enlisted to complete carpentry type repairs.

HRP specifically targets Delaware homeowners who are extremely-low households, or those at or below 30-50% Area Median Income (AMI) and very-low-income homeowners (at or below 50% AMI) in Delaware. HRP has a special emphasis on serving seniors, persons with disabilities, and performing repair work on mobile homes.

As Delaware's housing stock has continued to age, along with an aging population, home maintenance and repair is a growing concern. HRP is the only program in Delaware that provides this service at no cost to the individual. Further, it is only program willing to work on mobile homes on leased land, which represent a substantial portion of Delaware's lower income homeowners. During 2015, over 125 emergency home repairs were completed with volunteers contributing over 2,000 hours of labor. Further, over 55% of those served are disabled/elderly headed households. And over 60% of repairs made were on mobile homes; which represent a substantial portion of housing stock, yet often not eligible for other programs in DE because they are technically classified as a motor vehicle.

Home Repair Project goals include: 1) Decrease the number of serious substandard housing conditions among very low-income homeowner families until further, more extensive housing rehabilitation is provided by existing programs; 2) Increase community involvement in addressing housing repair needs of local communities; 3) Increase home repair capability of project homeowners in making repairs to their own homes; and 4) Extend the usable life of affordable housing units by identifying and taking advantage of preventive maintenance opportunities in order to stave off advanced deterioration in the homes.

Primary outcomes include: a) 100% of funding secured funding for emergency home repair projects; b) 100% of emergency-related home repairs completed; and c) 100% of housing units worked on by the program will result in improved housing conditions to meet building or standards of quality.

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

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If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

n/a

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	486,680.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Administrative Personnel	-\$ 115,957.00
Operating Costs	-\$ 80,940.00
Construction	-\$ 349,414.00
TOTAL EXPENDITURES	-\$ 546,311.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$59,631 \$ 0.00

Adobe file would not do this calculation.
Sorry for writing it in.

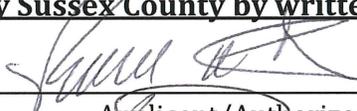
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Milford Housing Development Corporation agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

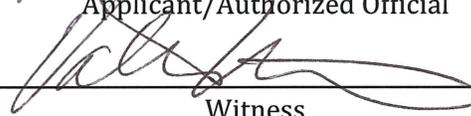
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
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- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official

09/06/2016

Date



Witness

09/06/2016

Date