



Sussex County Council Public/Media Packet

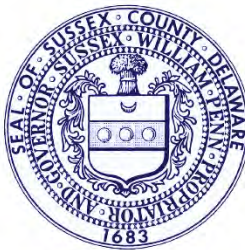
**MEETING:
December 6, 2016**

****DISCLAIMER****

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

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

DECEMBER 6, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation by the Delaware State Police

Todd Lawson, County Administrator

1. Proclamation – Delmar High School Field Hockey Team
2. Administrator's Report

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Fair Housing Update

Hans Medlarz, County Engineer

1. Estuary Agreements and Consultant Selection

John Ashman, Director of Utility Planning

1. Request to prepare and post notices for the Camp Arrowhead Annexation to the Sussex County Unified Sanitary Sewer District (Angola Neck Area)



Old Business

1. Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.
2. Conditional Use No. 2059 filed on behalf of Julie Norwood
3. Conditional Use No. 2051 filed on behalf of Dale Thaxton

Grant Requests

1. Greater Seaford Chamber of Commerce for parade expenses
2. New Coverdale Outreach Mission for needy family project
3. Gumboro Community Association for community services
4. Delmarva Clergy United in Social Action Foundation for needy children
5. Nanticoke Health Services for Holiday Prescription Drug Funding

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 29, 2016 at 4:40 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, NOVEMBER 29, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 29, 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
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Councilwoman Deaver was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 698 16
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 15, 2016 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**THE ARK OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**WEST REHOBOTH CHILDREN & YOUTH PROGRAM, REHOBOTH,
DELAWARE.
RE: Letter in appreciation of grant.**

**LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**GENERATIONS HOME CARE, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**Corre-
Spondence
(continued)**

MENTAL HEALTH ASSOCIATION OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

CAPE HENLOPEN SENIOR CENTER, REHOBOTH, DELAWARE.

RE: Letter in appreciation of grant.

KENT-SUSSEX INDUSTRIES, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

LEWES SENIOR CENTER, LEWES, DELAWARE.

RE: Letter in appreciation of grant.

RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE SPCA, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE GUIDANCE SERVICES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

CANCER SUPPORT COMMUNITY, REHOBOTH, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE HOSPICE, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

ITN SOUTHERN DELAWARE, MILTON, DELAWARE.

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Paul Reiger referenced definitions (zoning), and he stated that definitions do not pertain to the Land Use Plan and that the Council has to address them. Mr. Reiger played a segment of an audio recording of a Planning and Zoning Commission meeting and, specifically, comments made by Commissioner Marty Ross relating to the Comprehensive Plan and ordinance related changes. Mr. Reiger submitted a handout entitled “FAQ – Sheds and Detached Garages” from New Castle County Department of Land Use.

Mr. Reiger also commented on the County’s proposed pension changes and suggested putting additional information on the website.

Mr. Vincent asked Mr. Reiger to submit a list of definitions he is concerned with.

Public Comments (continued) **Dan Kramer referenced the Sussex County Code and the Comprehensive Land Use Plan, stating that they are two different things, i.e. commercial zoning is a code change and not a Land Use Plan change.**

Kathleen Baker thanked the Council and County staff for allowing the residents of Sterling Crossing to participate in the deliberations on the Arbor Lyn application.

Consent Agenda **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the following items listed under the Consent Agenda:**

**Wastewater Agreement No. 984-11
Sussex County Project No. 81-04
Coastal Club – Land Bay 4 – Phase 2
Goslee Creek Planning Area**

**Wastewater Agreement No. 866-8
Sussex County Project No. 81-04
Lewes Crossing (AKA Deep Valley Farm) – Phase 6
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

Motion Adopted: 4 Yeas, 1 Absent.

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

Library/ New Website Launch **Kathy Graybeal, County Librarian, and Jill DiPaolo, Digital Services Librarian, were in attendance to unveil the County’s new library website, a virtual “library without walls”; a place where residents can go at any time or place and receive most if not all of the services that the “brick and mortar” libraries provide. Ms. DiPaolo highlighted the website’s numerous online features. The new website address is sussexlibraries.org.**

State/ County Finance & Revenue Committee Update **Mr. Lawson provided an update on the meetings of the State/County Finance & Revenue Committee. At the most recent meeting, the Committee discussed the State’s budget and status, and the Committee has requested that the Counties present their current budget status and historic perspective. At the next meeting of the Committee on December 7th, each of the three counties will make a presentation on their budget status.**

Public Hearing/ Proposed Ordinance/ Pension Benefits **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”. The Proposed Ordinance was introduced on November 1, 2016; the County’s Personnel Board has recommended approval of the changes incorporated in the Proposed Ordinance. Mrs. Jennings reviewed the two major (proposed) changes to pension calculations.**

**Public
Hearing/
Proposed
Ordinance/
Pension
Benefits
(continued)**

Public comments were heard.

Dan Kramer commented on action taken by the Personnel Board. He noted that the Pension Board information has not been placed on the County website and that action taken by the Board is not incorporated in the Proposed Ordinance nor is it attached thereto.

Mrs. Jennings responded that the referenced action of the Personnel Board is included in the Introduced Ordinance, which was included in the packet for this meeting. The wording “For those covered employees HIRED AFTER JULY 1, 2000” is included in §26-7 Computation of Benefits, Section A.

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

**M 699 16
Adopt
Ordinance
No. 2476**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2476 entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Proposed
2017
Holiday
And
Council
Schedules**

Mr. Lawson presented the proposed Sussex County 2017 Schedule:

HOLIDAY SCHEDULE

New Year’s Day	January 2 (Monday)
Martin Luther King, Jr. Day	January 16 (Monday)
Good Friday	April 14 (Friday)
Memorial Day	May 29 (Monday)
Independence Day	July 4 (Tuesday)
Labor Day	September 4 (Monday)
Veterans Day	November 10 (Friday)
Thanksgiving	November 23 (Thursday)
	November 24 (Friday)
Christmas	December 25 (Monday)
	December 26 (Tuesday)

The County grants two floating holidays to eligible employees per calendar year in accordance with the Floating Holiday Policy.

**Proposed
2017
Holiday
And
Council
Schedules
(continued)**

COUNCIL – NO MEETING DATES

**JANUARY 17
FEBRUARY 28
MARCH 21
APRIL 4
APRIL 18
MAY 2
MAY 30
JULY 4
JULY 11
AUGUST 15
SEPTEMBER 5
SEPTEMBER 12
OCTOBER 17
NOVEMBER 21
DECEMBER 19
DECEMBER 26**

**M 700 16
Approve
2017
Holiday
Schedule
and
Council
Meeting
Schedule**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Council approves the 2017 holiday schedule and the 2017 County Council meeting schedule, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Adminis-
trator's
Report**

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

A. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Peninsula Lakes – Phase 1 (Construction Record) for force main and pump station only, effective November 7th; Ocean View Beach Club – Phase 2A, effective November 14th; The Estuary – Phase 1A-1 (Construction Record), effective November 15th; Vincent Overlook – Phase 5, effective November 17th, and Johnsons Glade – Agreement No. 1030, effective November 22nd.

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

**Commercial
Zoning
Presen-
tation**

Janelle Cornwell, Planning and Zoning Director Appointee, and Vince Robertson, Assistant County Attorney, presented information on the Commercial Zoning Expansion Initiative, an initiative to address the following problems: no predictability within the commercial zones, too few

Commercial Zoning Presentation (continued)	commercial zone categories, too many permitted uses, and a one size fits all approach to commercial development. Ms. Cornwell discussed possible additional commercial zones. Council raised questions and a discussion was held, including a discussion on the steps in the process before a draft ordinance is brought to Council; Mr. Cole suggested that workshop be held.
North Coastal Planning Area/ Contract Amendment	Hans Medlarz, County Engineer, presented Contract Amendment No. 9 to the Contract with Whitman, Requardt & Associates, LLP for the North Coastal Planning Area – Chapel Branch Area of the Sussex County Unified Sanitary Sewer District (encompassing Chapel Green, Oak Crest Farms, and properties in between). Amendment No. 9, in a “not to exceed” amount of \$69,417.00, is for Chapel Branch’s Preliminary Engineering Report, Environmental Review, and Aerial Mapping.
M 701 16 Approve Contract Amendment for North Coastal Planning Area/Oak Crest Farms & Chapel Green	<p>A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 9 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt & Associates, LLP be approved in the amount not to exceed \$69,417.00 for Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review and Aerial Mapping.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
James Farm Grant/ Century Agreement	<p>Patti Deptula, Director of Special Projects, reported on a grant and an agreement for the James Farm Ecological Preserve. She reported that in June 2016, the County was awarded a \$37,500 matching grant for the James Farm property; this grant agreement is through the Delaware Land & Water Conservation Trust Fund. The James Farm is currently leased to the Delaware Center for the Inland Bays (CIB); the CIB, in conjunction with the County’s Engineering Department, and through the consultant selection process, requested public proposals to perform designated Professional Engineering design services for the implementation of items identified in the James Farm Master Plan, i.e. improved entrance and parking, site signage, boardwalk, etc. The consulting firm, Century Engineering, Inc., was selected from the process. The cost of the work under the proposal is \$74,969.10.</p>
M 702 16 Award Project/ James Farm	<p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 16-17, James Farm Ecological Preserve Master Plan Implementation Professional Engineering Services, be awarded to Century Engineering, Inc. for the proposal amount of \$74,969.10.</p> <p>Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.</p>

**M 702 16
(continued)**

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

**Old
Business/
CU 2046**

The Council discussed Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc. The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2016 at which time action was deferred; on April 14, 2016, the Commission recommended that the application be approved for the following reasons and with the following conditions:

- 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 DelDOT 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.**

**Old
Business/
CU 2046
(continued)**

- 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.**

Also, on April 14, 2016, the Commission recommended approval of Change of Zone No. 1796 filed on behalf of Lockwood Design and Construction, Inc.

It was noted that Change of Zone No. 1796 and Conditional Use No. 2046 were filed at the same time and Public Hearings held on the same dates.

The County Council held a Public Hearing on this application on June 14, 2016 [at the same time as the Applicant's change of zone application (Change of Zone No. 1796)]. On that date, action was deferred on both applications. On September 20, 2016, the Council approved Change of Zone No. 1796 and deferred action again on Conditional Use No. 2046.

The Council discussed Conditional Use No. 2046, including the surrounding communities and their zonings and densities.

M 703 16
Amend
Proposed
Reasons
for
Approval/
Condition
CU 2046

A Motion was made by Mr. Cole to amend Proposed Reason No. 7 to read as follows: The proposed development at a density of approximately 4 units per acre is consistent with surrounding densities and is appropriate for this location.; and, to amend Proposed Reason and Condition 9A to read as follows: This recommendation is subject to the following: There shall be no more than 141 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.

Mr. Vincent passed the gavel to Mr. Wilson and Seconded the Motion.

DEFEATED

Motion Defeated: 2 Yeas, 2 Nays, 1 Absent.

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

Mr. Wilson passed the gavel to Mr. Vincent.

M 704 16
Amend
Proposed
Reasons
for
Approval/
Condition
CU 2046

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend Proposed Reason No. 7 to read as follows: The proposed development at a density of approximately 4.5 units per acres is consistent with surrounding densities and is appropriate for this location.; and, to amend Proposed Reason and Condition 9A to read as follows: This recommendation is subject to the following: There shall be no more than 159 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.

DEFEATED Motion Defeated: 2 Yeas, 2 Nays, 1 Absent.

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

Mr. Vincent suggested tabling action on this application until a full Council is in attendance.

M 705 16
Defer
Action on
CU 2046

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

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Absent; 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 706 16

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$650.00 from Mr. Cole's Councilmanic Grant Account to Cape Henlopen Senior

- M 706 16 Councilmanic Grant (continued)** **Center for their building fund fundraiser.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 707 16 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Sussex County Foster Parent Cluster Association for an event for foster families.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 708 16 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$700.00 from Mrs. Deaver's Councilmanic Grant Account to the Milton Historical Society for program expenses.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 709 16 Councilmanic Grant** **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Arlett's and Mr. Vincent's Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for community outreach.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- Introduction of Proposed Ordinance** **Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WORKOUT STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21,962 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2069) filed on behalf of Rudolph Joseph Johnson (Tax I.D. No. 335-12.06-58.00) (911 Address: 34001 Clay Road, Lewes).**

The Proposed Ordinance will be advertised for Public Hearing.

- M 710 16**
Go Into
Executive
Session
- At 12:02 p.m. a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- Executive**
Session
- At 12:08 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 Collective Bargaining and Land Acquisition. The Executive Session concluded at 1:30 p.m.
- M 711 16**
Reconvene
Regular
Session
- At 1:36 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.
- Motion Adopted:** 3 Yeas, 2 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea
- M 712 16**
Negotiate
Contract/
Land
Acquisition
- A Motion was made by Mr. Arlett, seconded by Mr. Cole, to authorize the County Administrator and staff to negotiate and enter into a contract, and proceed to closing for a parcel of land (identified as Land 2015-4).
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- Rules**
- Mr. Moore read the Rules of Procedure for Public Hearings.
- Mr. Wilson joined the meeting.
- Public**
Hearing/
CU 2060
- A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 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).

**Public
Hearing/
CU 2060
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on October 27, 2016 at which time the Commission recommended that the application be approved, with the following conditions:

- A. All maintenance shall be performed inside of buildings, with appropriate disposal of fluids and other waste materials.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Any dumpsters on the site shall be screened from view of neighboring properties or roadways.**
- D. The hours of operation for the trucking office are Monday through Saturday from 6:00 a.m. to 8:00 p.m., and Sunday from 9:00 a.m. to 5:00 p.m.**
- E. Heavy equipment hours of operation shall be from 7:00 a.m. through 5:00 p.m. Monday through Saturday, and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these areas may be extended.**
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

[See the minutes of the Planning and Zoning Commission dated October 27, 2016.]

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

It was noted that Exhibit Booklets were distributed to Council members.

The Council found that Mark Davidson of Land Tech Land Planning was present with Lisa Gray, owner/operator of Shelby Trucking and Construction Company, Inc. They described the history of the business and the activities on the site. They stated that the purpose of the application is to allow for the continuation of the non-conforming business use that has existed on the site for over 50 years; that the property is owned by Lisa Gray; that DelDOT did not require a Traffic Impact Study; that the Exhibit Booklet contains a PLUS Report; that the use is in character with the area; and that the use is consistent with the Comprehensive Plan.

Ms. Gray and Council members discussed the proposed hours of operation.

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

**M 713 16
Amend
Proposed
Conditions**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the conditions amending Condition D, as follows:

D. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 8:00 p.m. and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these hours may be extended.

and; by deleting Condition E, and re-numbering Condition F as Condition E.

M 713 16
(continued) **Motion Adopted: 4 Yeas, 1 Absent.**

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

M 714 16
Adopt
Ordinance
No. 2477
(CU 2060) **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2477 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**

- A. All maintenance shall be performed inside of buildings, with appropriate disposal of fluids and other waste materials.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Any dumpsters on the site shall be screened from view of neighboring properties or roadways.**
- D. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 8:00 p.m. and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these hours may be extended.**
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 715 16
Adjourn **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:02 p.m.**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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



**A PROCLAMATION TO HONOR THE DELMAR HIGH SCHOOL
FIELD HOCKEY TEAM UPON WINNING THE
2016 DIAA CHAMPIONSHIP**

WHEREAS, the Sussex County Council wishes to recognize the Delmar High School field hockey team for winning the Delaware Interscholastic Athletic Association title as State Champions for the 2016 season; and

WHEREAS, the Delmar High School field hockey team capped an impressive season in beating Tower Hill by a score of 3 to 0 during the state championship game on Friday, November 18, 2016, ending with an impressive 18-1 record; and

WHEREAS, the Delmar High School field hockey team's accomplishment is the first state title for the school's field hockey program, and the first-ever girls' state title in school history; and

WHEREAS, the Delmar High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the State of Delaware and mid-Atlantic during the 2016 season, displaying cooperation, consistency, and character above all else; and

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

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Delmar High School field hockey team upon winning the 2016 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, December 6, 2016, as a day for all Sussex County residents to honor the team's remarkable achievement.



Robert B. Arlett, Councilman

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.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: **Fair Housing Update**

DATE: December 2, 2016

During Tuesday's Council meeting, I will provide you with a brief update on actions taken in compliance with the U.S. Department of Justice and U.S. Department of Housing & Urban Development fair housing settlement agreements over the last six months in order to comply with Section IV(18) of the Consent Decree. Below you will find an outline of the items I will be discussing. Please note that no action is required of Council; this is simply an update.

U.S. Department of Justice Consent Decree

- Section II (11)(b)– Diamond State CLT construction in Ingram Village & Sussex County
- Section III(13)(a-d) – Affordable and Fair Housing Marketing Plan
 - September 2016 - 3rd Annual Sussex County Homebuyers Fair
- Sections IV(15) and (16) – Housing Discrimination Complaints
 - October 2016 - One Complaint Received, Reviewed, and Subsequently Withdrawn by Complainants
- Section VI(18) – Submission of Eighth (Final) Semi-Annual Compliance Report
 - Final Report submitted on September 28, 2016
- Section VII(27)(a) through (f) – Affordable Housing Webpage
- Section VII(28) – Reporting of proposed changes to policies related to affordable housing construction



- November 1, 2016 - Sussex County Rental Program Ordinance Amendment Approved

U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

- Section III(7)(a)(i-ii) – Sussex County Analysis of Impediments Evaluation and Proposed Priority Fair Housing Plan
 - Fair Housing & Affordable Housing Materials now available through Planning & Zoning
- Section III(7)(c) – Strong Communities Initiative
 - September 23, 2016 – Impacted Communities Study submitted to HUD
 - October 4, 2016 – Study Findings Presented to Council
 - Available on Affordable & Fair Housing Resource Center webpage
- Section V – Submission of Eighth (Final) Semi-Annual Compliance Report
 - Final Report (which included the Prioritization Policy and LEP Plan) submitted on September 28, 2016
 - HUD Response received November 28, 2016
 - County's Response anticipated to be submitted December 5, 2016

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer
John Ashman, Director of Utility Planning

RE: ***Use of Existing Infrastructure and Over-Sizing Infrastructure Agreements – Estuary Development, LLC.***

DATE: December 6, 2016

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

This same planning approach works system wide and we hence are presenting a request for The Estuary in the South Coastal Planning Area with the caveat that a portion of the project has already proceeded qualifying it for an over-sizing credit. The Department requests approval of an agreement for the Use of Existing Infrastructure with Estuary Development, LLC. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement most of The Estuary development and an adjacent, existing subdivision will be connected to a local pump station tied to the existing regional forcemain. In return for utilization of said forcemain Estuary Development, LLC will contribute **\$101,532.68** for the perpetual use of these transmission facilities. A later phase of The Estuary will connect to a future County pump station under a separate cost share agreement to be established at a later date.



In the case where a development entities install infrastructure larger than required for their project alone the County assumes the cost of the over-sizing by means of a credit to the developer. The Estuary Development, LLC. has already installed regional infrastructure originally requested by the County now requiring such an Over-sizing Agreement crediting the initial over-sizing cost back to the Developer. The value based on as-bid prices presented by the developer totals **\$310,490.00**. This credit will be applied to the System Connection Charges and the inspection fees until expended.

USE OF EXISTING INFRASTRUCTURE AGREEMENT

THIS AGREEMENT ("Agreement"), made this 22nd day of November 2016, by and between:

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

ESTUARY DEVELOPMENT, LLC, a Limited Liability Company and developer of a project known as The Estuary, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcel 1-34-19.00-103.00, 104.00, 115.00, 116.00 & 389 thru 413 and 134-21.00-5.00, 8.00, 11.00 & 12.01, to be known as The Estuary ("Project") and;

WHEREAS, the Project has previously been annexed into the Miller Creek Sanitary Sewer District and;

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

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

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

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to 636 equivalent dwelling units to the County's existing transmission system and to utilize the existing capacity in said system, Developer agrees to contribute **\$101,532.68** for the perpetual use of said transmission facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.

- (4) Payment of the contribution is due at the time of execution of the construction permit for BYPS#1 pumpstation.
- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for

any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of Developer is 26 N. Pennsylvania Ave, Bethany Beach DE 19930.

[signature page follows]

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

APPROVAL TO FORM:

Assistant County Attorney

FOR ESTUARY DEVELOPMENT, LLC

By: AGJ / LLC member (Seal)
John Galiani

11/22/15 (DATE)

WITNESS:

NA Dwyer

THE ESTUARY OVER-SIZING INFRASTRUCTURE AGREEMENT

THIS AGREEMENT, made this 22nd day of November A.D., 2016,
by and between:

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

ESTUARY DEVELOPMENT, LLC, a Limited Liability Company and developer of a project known as The Estuary, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, the "Developer" is developing several tracts of land identified as Tax Map & Parcel 134-19.00-103.00, 104.00, 115.00, 116.00 & 389.00 thru 413 and 134-21.00-5.00, 8.00, 11.00 & 12.01, to be known as **The Estuary** ("Project") and;

WHEREAS, the project lies within the Sussex County Unified Sanitary Sewer District (**Miller Creek Area**) and;

WHEREAS, The County has determined by a planning study that the sanitary sewer infrastructure needs to be upgraded and expanded in a specific way to serve the needs of this project and other surrounding projects/properties and;

NOW THEREFORE, the parties hereby agree as follows:

1. In consideration of Developer incurring additional construction costs for oversizing infrastructure, the Developer shall receive credit relative to transmission portion of the System Connection Charge, on-site and off-site sewer inspection fees, i.e. the value of the credit shall be determined using the County's standard practice of using costs for the following work items: oversizing of regional infrastructure including but not limited to the offsite gravity sewer, manholes, sewer laterals and clean-outs. Value of the over-sizing based on as-bid prices submitted by the Developer totaling **\$310,490.00**. This credit shall be applied at the time System Connection Charges or inspection fees are required until expended. There will be no interest accrued on the amount of credit agreed to by the Developer and County.
2. All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under the pursuant to the Laws of the State of Delaware.

This agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.

3. The parties acknowledge that this is a complete statement of their agreement and that all prior representations, negotiations and understands are deemed merged herein.
4. This agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.

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

FOR THE COUNTY:

President, Sussex County Council

_____(DATE)

ATTEST:

Robin A. Griffith

Clerk of the County Council

SEAL

_____(DATE)

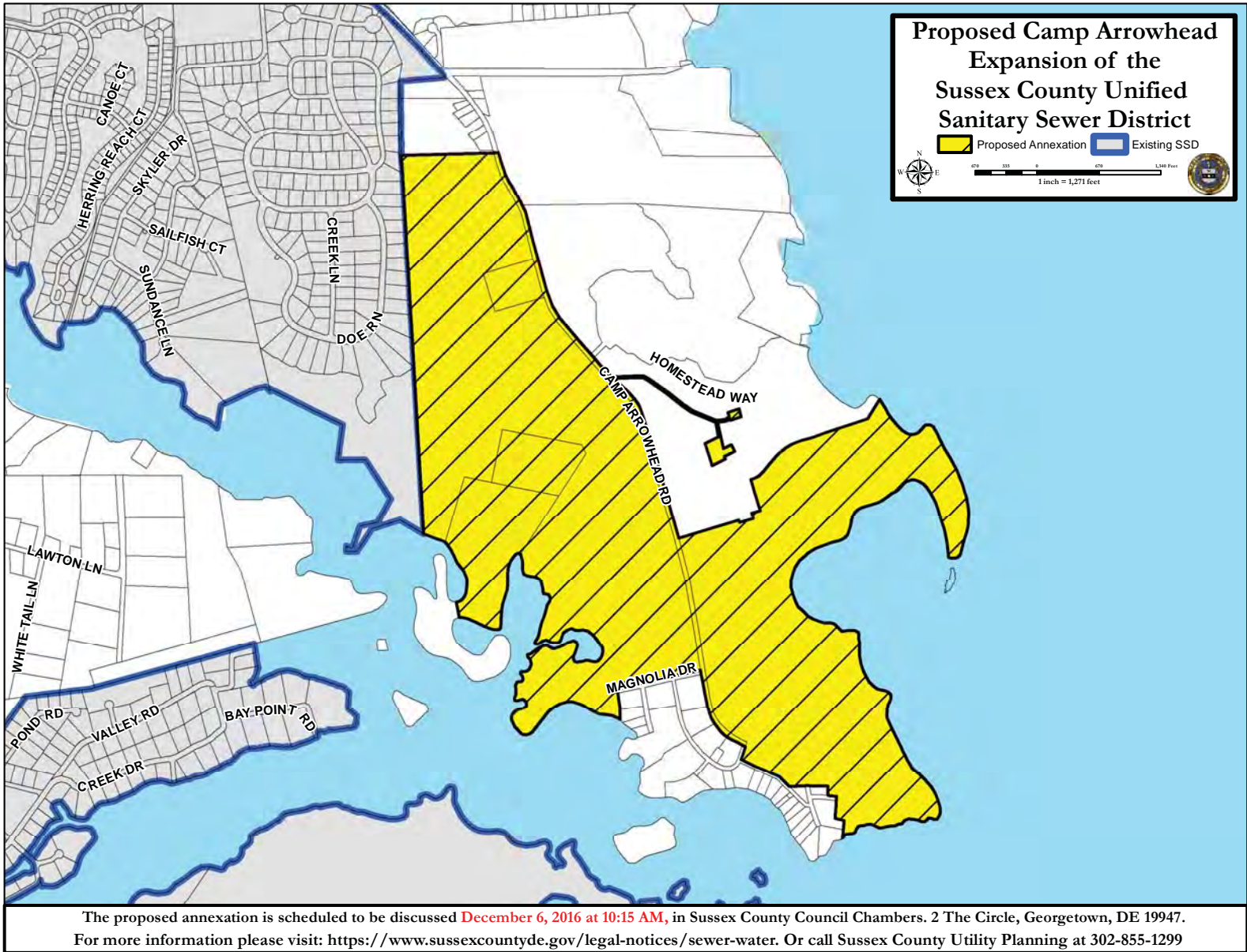
FOR THE DEVELOPER:



Estuary Development, LLC

WITNESS:





Camp Arrowhead Expansion Facts

- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by the Diocesan Council for Camp Arrowhead.
- Camp responsible for pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek.
- We have included the adjacent State lands to form a contiguous boundary.
- There is also a MOU component associated with this annexation.
- The expansion will consist of 423.5±.
- The parcels will be responsible for System Connection Charges of \$5775 based on current rates.
- A tentative Public Hearing is currently scheduled for January 10, 2017 at the regular County Council meeting.

Cotten Engineering, LLC

Mike Cotten, P.E.

10087 Concord Road
Seaford, De 19973

P. 302-628-9164
F. 302-628-9164

November 11, 2016

John Ashman

Sussex County Administrative Office Building
3rd Floor, Room 324
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RE: ANNEXATION OF CAMP ARROWHEAD INTO THE COUNTY SANITARY SEWER DISTRICT.

Dear Mr. Ashman:

Per my client, The Diocesan Council, Inc., d.b.a. Camp Arrowhead, Sussex County Tax Map # 234-18.00-142.00 hereby request that a portion of their property be annexed into the Sussex County Unified Sanitary Sewer District.

Thank you,

Sincerely,
Cotten Engineering LLC
Engineering, Surveying and Planning Consultants

Mike Cotten

Michael Cotten PE
302-381-3622

**MEMORANDUM OF UNDERSTANDING
BETWEEN SUSSEX COUNTY
AND THE DIOCESAN COUNCIL, INC.**

WHEREAS, the Sussex County Council operates a wastewater collection, transmission and treatment system, known as the Sussex County Unified Sanitary Sewer District; and

WHEREAS, the Diocesan Council, Inc., d.b.a. Camp Arrowhead, wishes to obtain sanitary sewer service from Sussex County's sewer system; and

WHEREAS, the connection of The Diocesan Council, Inc.'s Camp Arrowhead to the County sewer system would eliminate the need for on-site or private wastewater systems to serve Camp Arrowhead's bathhouses.

NOW, THEREFORE, the County and the Diocesan Council, Inc. stipulate and agree as follows:

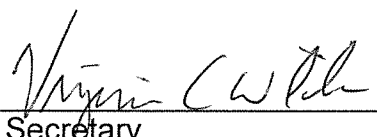
1. The County shall provide wastewater transmission and treatment services for the property shown on Attachment "A" once all necessary administrative procedures are complete to allow annexation of the parcel into the sewer district;
2. The Diocesan Council, Inc. shall plan, design, and construct the necessary facilities from the bath houses and other on-site structures as deemed necessary for connection, and to collect and transmit wastewater from the bathhouses within campground to the county wastewater system in accordance with Sussex County's Standard Specifications and Procedures and to pay all costs associated with this process including: inspection, bonding, permitting, and plan review fees;
3. The Diocesan Council, Inc. agrees to connect only the bathhouses as described in the annexation process, any future connections will require annexation of those lands and will be subject to the System Connection Charges, service fees and assessment charges in place at that time.
4. The Diocesan Council, Inc. shall pay all sanitary sewer charges in accordance with Chapter 110 of the *Sussex County Code*, as amended each year by the Sussex County Council, including the following:
 - (a) System connection charges to be paid before connection permits are issued by the Sussex County Engineering Department (SCED) for the new wastewater facilities;
 - (b) One-time sewer connection permit fee paid;
 - (c) Front foot assessments based on the transmission and treatment portion to be paid annually; and
 - (d) Service charges to be paid quarterly.

5. The Diocesan Council, Inc. shall not be responsible for said service and assessment charges until connection is made to the County system.
6. Sussex County shall become responsible for the operations and maintenance of only the portion of new wastewater system not contained on the Diocesan Council, Inc.'s Camp Arrowhead's property.
7. Sussex County will only assume this responsibility after the system has been proven to meet Sussex County's specifications and is accepted by the SCED.
8. The Diocesan Council, Inc. shall provide a fee simple future pump station site to Sussex County as depicted on the plan submitted to SCED.
9. This Agreement may be modified or terminated only upon the written agreement of both parties, signed by the President of the County Council and a board member of the Diocesan Council, Inc. This Agreement shall be binding upon the parties and their respective successors, administrators, and assignees.

IN WITNESS WHEREOF, the parties hereunto have caused this Agreement to be executed on the _____ day of _____, 2016 by their duly authorized officers.

THE DIOCESAN COUNCIL, INC.

SUSSEX COUNTY

By: 
Secretary
The Diocesan Council, Inc.

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

ATTEST:

APPROVED AS TO FORM:

Robin Griffith
Clerk of the County Council

J. Everett Moore, Jr., Esquire
County Attorney

OLD BUSINESS
December 6, 2016

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

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

In reference to C/U #2046, the application of Lockwood Design and Construction, Inc. be reminded that on September 20, 2016 the Sussex County Council granted approval of Change of Zone No. 1796 for the same parcels. The parcels are now zoned MR (Medium Density Residential).

The following text references both Change of Zone No. 1796 and Conditional Use No. 2046.

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, a resident in Sea Chase, 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 DelDOT 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/U #2046 for further consideration. Motion carried 5 – 0.

On April 14, 2016 the Commission discussed this application under Old Business.

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 DelDOT 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 applicant 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.

C/U #2059 – Julie Norwood

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a beauty salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less.

The property is located at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road). 911 Address: None Available. Tax Map I.D. 334-12.00-25.00.

The Commission found that the application was filed on July 19, 2016 with a survey/site plan.

The Commission found that DelDOT provided comments on July 1, 2016 in the form of a letter referencing that the Department does not recommend that a Traffic Impact Study be performed.

The Commission found that the County Engineering Department Utility Planning Division provided comments no September 19, 2016 referencing that the property is located in the Sussex County Unified Sanitary Sewer District, Goslee Creek Planning Area; that central sewer service is not available to the parcel; that the County does not have a schedule to provide sewer service to the parcel at this time; that the proposed beauty salon will use an on-site septic system; that conformity to the North Coastal Area Planning Study will be required; that when the County does provide central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

Mr. Lank reminded the Commission that a staff analysis was performed on the application and that the analysis is a part of the packet previously forwarded to the Commission. The staff analysis is a part of the record for this application.

Mr. Lank advised the Commission that two (2) letters have been received from neighbors living on Retz Lane. One letter voiced support for the application, but expressed concerns about traffic in the area. The second letter voice opposition to this application and to the previously approved application for Conditional Use No. 1981, which was approved in 2014, and concerns about direct access to John J. Williams Highway.

Mr. Lank added that he went out this morning to review the site and found that an entrance and parking area has been established off of John J. Williams Highway in conflict with the Conditions of Approval for Conditional Use No. 1981; and that after returning to the Department found that a porch addition has been built on the building as a residential addition, making no reference to the business.

The Commission found that Julie Norwood was present on behalf of her application and stated that she and her husband purchased this property 5 or 6 years ago; that the window cleaning business is operated out of the garage in the rear of the property with access to Retz Lane, and that Retz Lane provides adequate access for that use; that neighbors within 200 feet of the site have voiced support for her application for the beauty salon; that the driveway referenced by the opposition and Mr. Lank was already in existence, and that they only improved the entrance with stone and created a parking area in front of the structure; that the structure only contains approximately 1,000 square feet; that she is proposing to have 4 stylist in the salon; that there is adequate space on the site for parking for both businesses; that hours of operation will be from

9:00 a.m. to 6:00 p.m. Tuesday through Friday and 9:00 a.m. to 2:00 p.m. on Saturdays; and that the landowner is holding the note on the property until they pay off their loan.

The Commission found that Mrs. Norwood submitted a letter in support from Charles M. and Maxine McWhorter Ungerbuehler.

The Commission found that Charles Ungerbuehler and Jonas Dempsey, residents in the area, were present in support of the application and stating that the Norwood's have improved the property and the structure, and that they are good neighbors.

The Commission found that Beth Rouleau was present in support of the application, and referenced that the Norwood's have done a great job improving the property and structure, and that she hopes that the application is approved so that she can hopefully work at the salon.

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

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

On September 22, 2016 there was a motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On November 17, 2016 the Commission discussed this application under Old Business.

Mr. Robertson reminded the Commission that the original conditional use for a cleaning service business on this site did not permit an entrance onto Route 24, only access to Retz Lane.

Mr. Hudson stated that he would move that the Commission recommend approval of Conditional Use No. 2059 for Julie Norwood for a beauty salon based upon the record made during the public hearing and for the following reasons:

- 1) The use is relatively small in nature, and will occur within the structure that currently exists on the site.
- 2) The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
- 3) There are other small businesses in the area which operate from properties and structures similar in nature to this one, including doctor's offices, a lamp store, a small seafood business and others. This use will be consistent with these other uses scattered throughout this area.
- 4) Although this property is in a subdivision, the documents in the chain of title to the property reference that it may be used for commercial purposes.
- 5) Several nearby property owners appeared in support of the application, and no parties appeared in opposition to it.
- 6) This recommendation for approval is subject to the following conditions:
 - A. In addition to these conditions, the applicant must comply with the relevant conditions imposed by Conditional Use No. 1981, identified as Ordinance No. 2344, granted to Robert and Julie Norwood to operate an office for a cleaning service.

- B. This use as a beauty salon must occur within the structure that currently exists on the property.
- C. Access to the property must be from Retz Lane. There shall not be any direct access to the property or this use from Route 24. The entrance installed on Route 24 must be removed and landscaped to control the use.
- D. The Final Site Plan shall clearly show the parking areas and spaces set aside for this use as well as the parking areas and spaces set aside for the cleaning service office. Both uses shall comply with the parking requirements set forth in the Sussex County Zoning Code.
- E. As proposed by the applicant, there shall be no more than 4 stylists working within the salon at any one time.
- F. As stated by the applicant, the hours of operation shall be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and 9:00 a.m. through 2:00 p.m. on Saturdays.
- G. Only one lighted sign, not to exceed 32 square feet per side, shall be permitted on the property. This single sign must be used to advertise the beauty salon business and the cleaning service.
- H. This conditional use is on the same property as Conditional Use No. 1981/Ordinance No. 2344 and Julie Norwood was identified as an applicant on both. Since no Final Site Plan has been submitted in the prior application at this time, the applicants shall submit a single Final Site Plan that consolidates this Conditional Use with Conditional Use No. 1981/Ordinance No. 2344. This consolidated Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Ross, and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Hopkins did not participate since he was not a Commissioner during the public hearing.

C/U #2051 – Dale Thaxton

An Ordinance to grant a Conditional Use of land in a GR (General Residential District) for a computer repair business located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.236 acre, more or less. The property is located east of Camp Arrowhead Road (Road 279) southwest of Cypress Drive 125 feet northwest of Maple Lane and being Lot 50, Angola Park Subdivision. (911 Address: 22874 Cypress Drive, Lewes). Tax Map I.D. 234-12.14-54.00.

The Commission found that the applicant provided a copy of the survey/site plan of the property with his application filed on March 31, 2016. The survey/site plan depicts all of the improvements on the property.

The Commission found that DelDOT provided comments on March 31, 2016 in the form of a Support Facilities Report referencing that a Traffic Impact Study is not recommended and that the current Level of Service “E” of Camp Arrowhead Road will not change as a result of this application.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on June 7, 2016 in the form of a memorandum referencing that that property is located in the Angola Neck Sanitary Sewer District; that wastewater capacity is available for the project; that the current System Connection Charge Rate is \$5,775.00 per equivalent dwelling unit (EDU); that a 6-inch sewer lateral has been extended to the parcel’s property line on Cypress Drive; that conformity to the North Coastal Planning Study will be required; that the residence is connected to the sanitary sewer system; and that a concept plan is not required.

Mr. Lank reminded the Commission that they had previously received a memorandum, dated June 1, 2016, with a staff analysis on this application.

The Commission found that a letter was received from Paul and July Mangini in opposition to this application and expressing concerns that the applicant has already been operating the business for almost one year; that customers have been using the private streets in Angola Park to conduct business at the residence; that the customers are not helping to maintain the private streets that are already in deplorable condition; that the applicant makes no attempt to maintain the street section in front of his residence; that customers are parking in neighboring driveways; that the property is within a residential subdivision and is not commercial; that there is a fear that a precedent may be set for additional applications; that their property rights as well as their quality of life needs to be considered first; suggesting that the applicant make house calls and not have customers coming to this residence; and requests that the application be denied.

The Commission found that Dale Thaxton was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he has been in the computer business for 17 years; that he closed his shop on Route One; that he has been doing computer repairs at his home since August 2015; that he may have one or two customers stop by in a month; that most of his computer work is performed off-premise or he picks up a computer, takes it home, repairs it, and then delivers it back to the client; that he has no employees; that the property is improved and maintained; that some of his neighbors are here in support; that he does

place bricks along his front property line to protect this property from vehicles crossing over his front yard; that he participates in the maintenance of the streets within Angola Park; that he agrees that he does live in a residential subdivision, but there are several small businesses being run out of peoples' homes, for example: lawn services, construction services, irrigation; that his business hours are from 9:00 a.m. to 4:00 p.m. five (5) days per week; that the parts removed from computers are recycled; that his neighbors, the Mangini's, have not likes him for years; and that there are no restrictive covenants in Angola Park.

The Commission found that Luther Marks, Doug Williams, and Pat and James Adkins, area residents within Angola Park were present and spoke in support of the applicant and stated that the applicant does pick up and deliver computers that he has repaired; that he has few to no customers coming to this residence; that he maintains his property; that he has been a good neighbor and helps maintain the streets; and that they have not seen any major activities on the property.

The Commission found that there were no parties present in opposition to this application. At the conclusion of the public hearings, the Commission discussed this application.

On June 9, 2016 there was a motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On July 28, 2016 the Commission discussed this application under Old Business.

Mr. Johnson asked that this application be considered at the conclusion of Other Business since the Commission was going to discuss Home Occupations.

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

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 denied since the Commission has determined that this use is an appropriate home occupation. Motion carried 5 – 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:

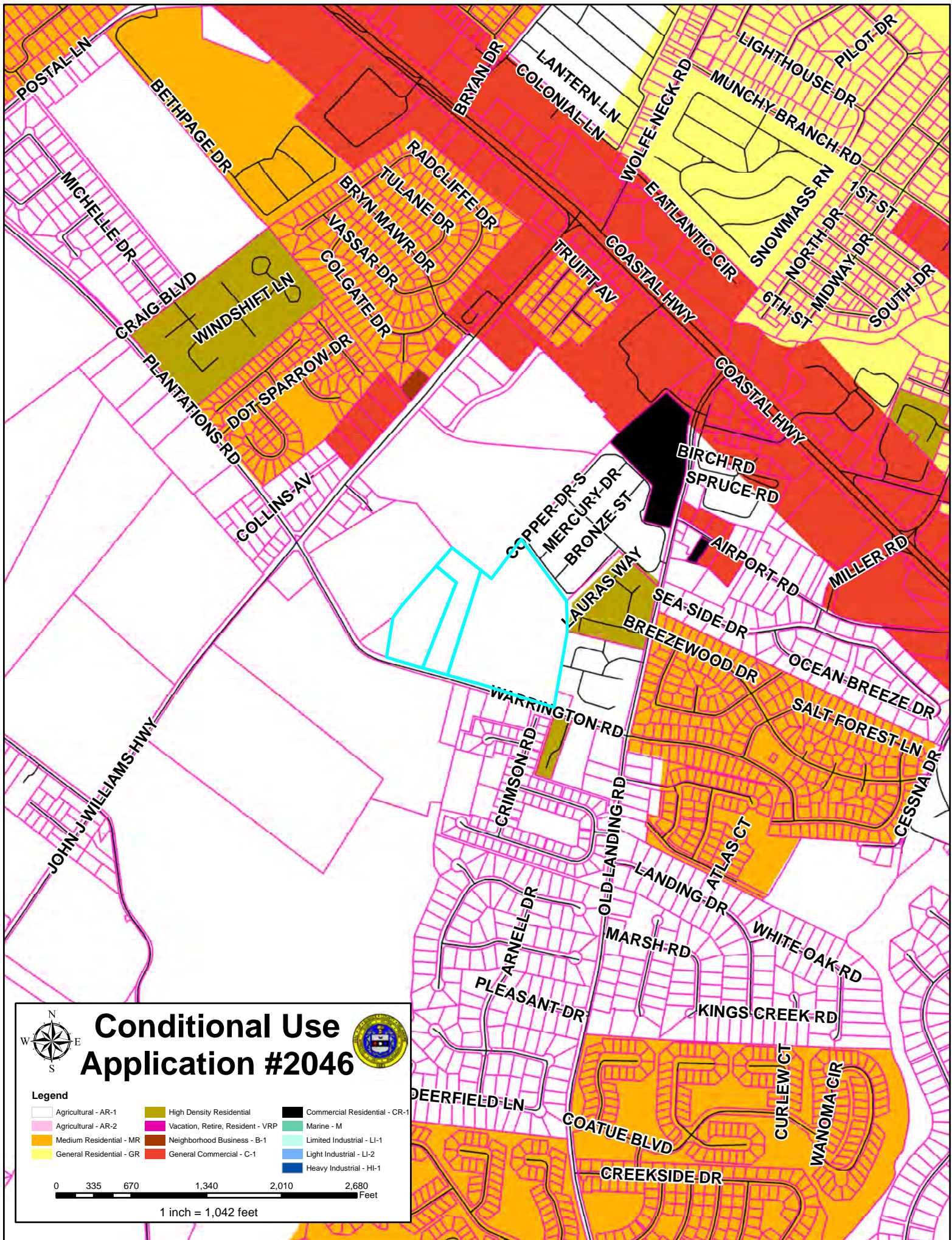
ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) and being more particularly described as follows:

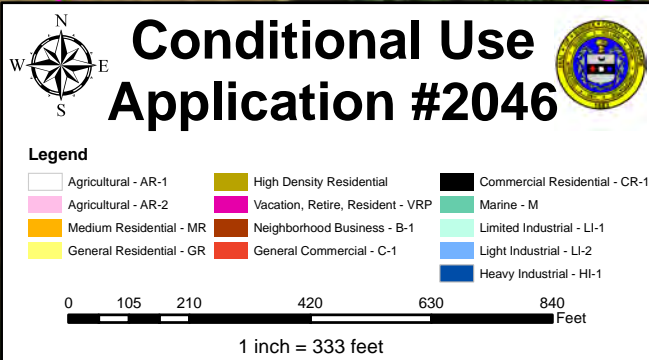
BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north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





Introduced 08/09/16

**Council District No. 3 – Deaver
Tax I.D. No. 334-12.00-25.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS

WHEREAS, on the 19th day of July 2016, a conditional use application, denominated Conditional Use No. 2059 was filed on behalf of Julie Norwood; and

WHEREAS, on the ____ day of ____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the ____ of ____ 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2059 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.

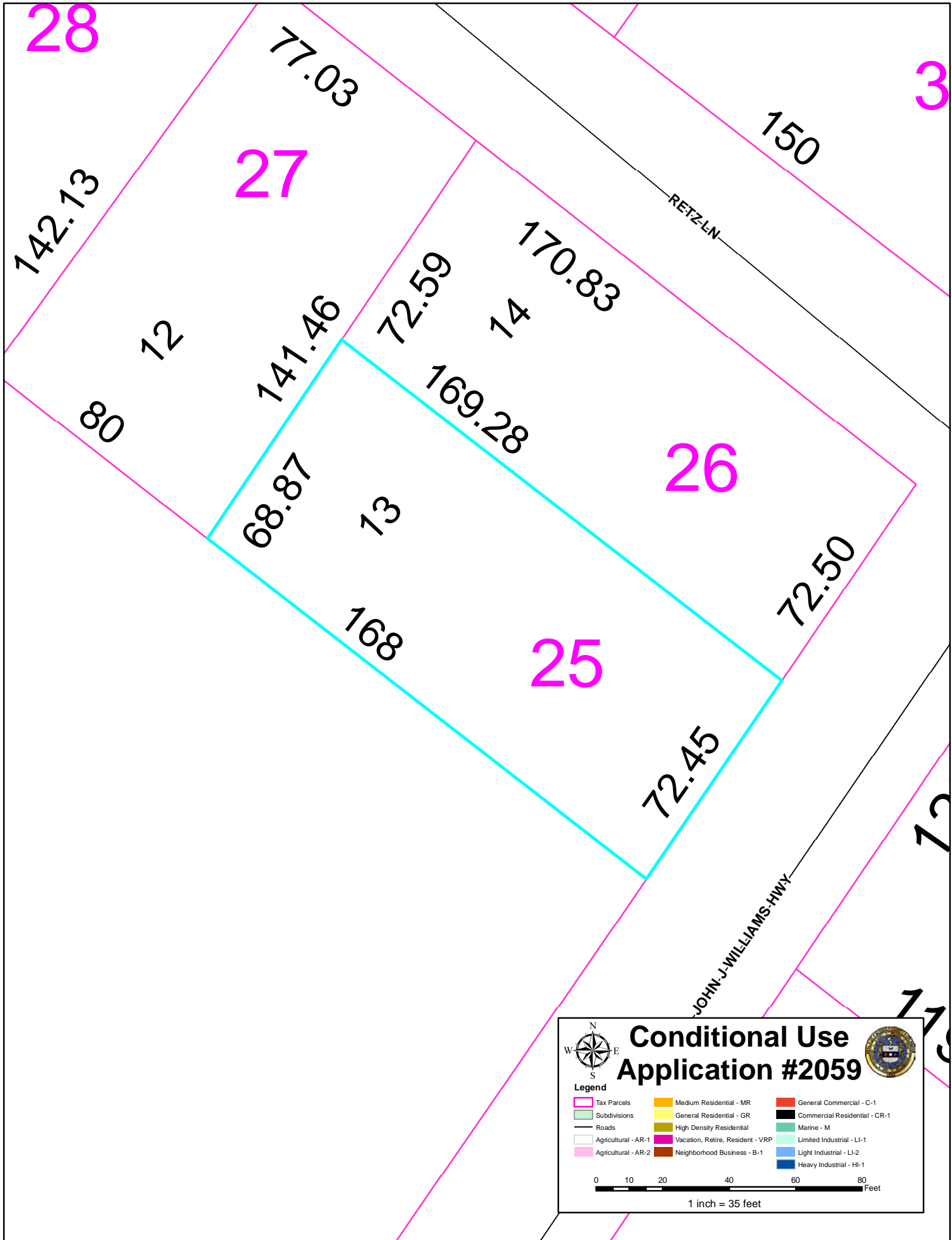
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

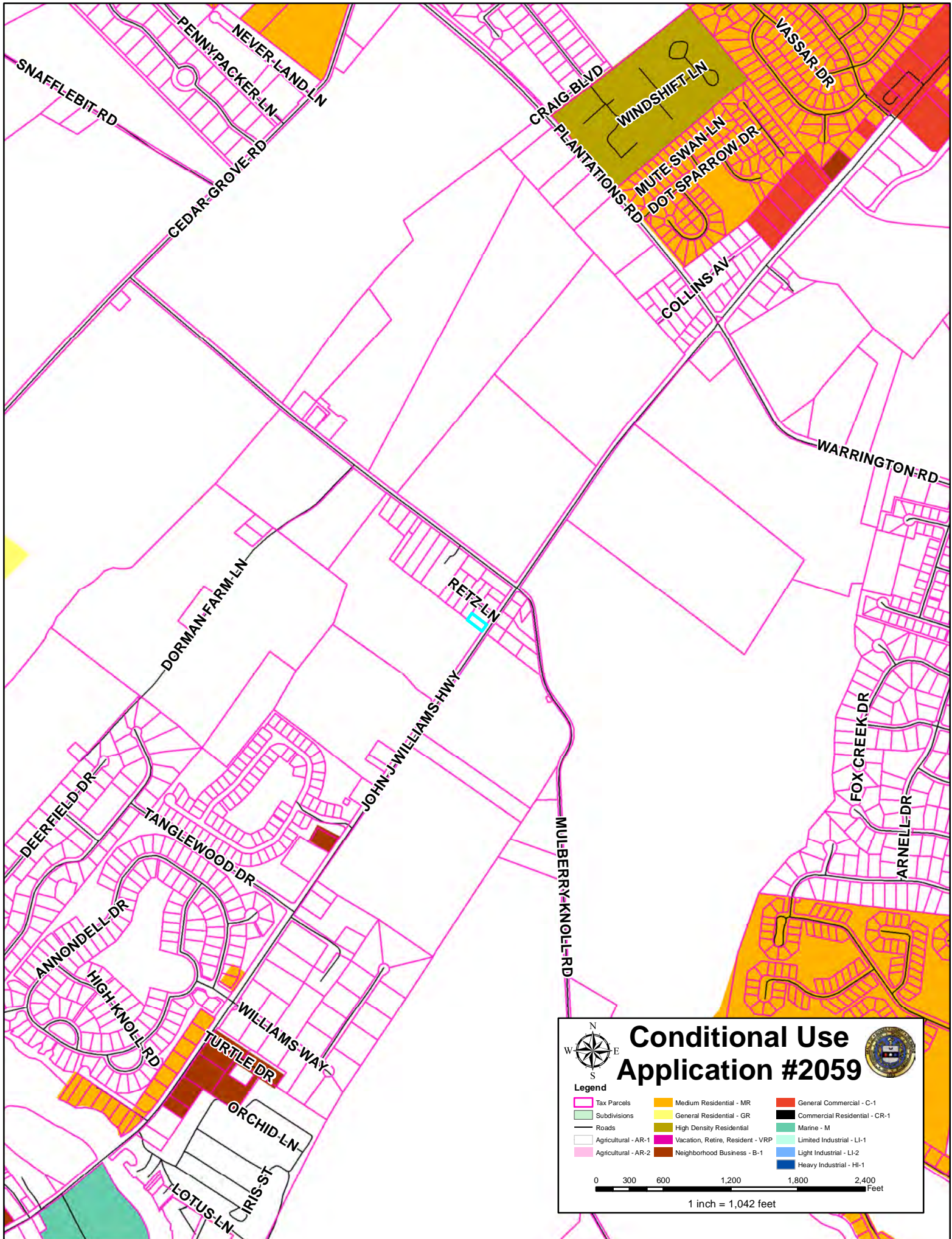
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2059 as it applies to the property hereinafter described.

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 at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road) and being more particularly described in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 square feet and being referenced as Lot 13 and Lot 14 in Country Village Subdivision.

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







Introduced 05/03/16

**Council District No. 4 – Cole
Tax I.D. No. 234-12.14-54.00
911 Address: 22874 Cypress Drive, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.236 ACRES, MORE OR LESS

WHEREAS, on the 31st day of March 2016, a conditional use application, denominated Conditional Use No. 2051 was filed on behalf of Dale Thaxton; 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. 2051 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.

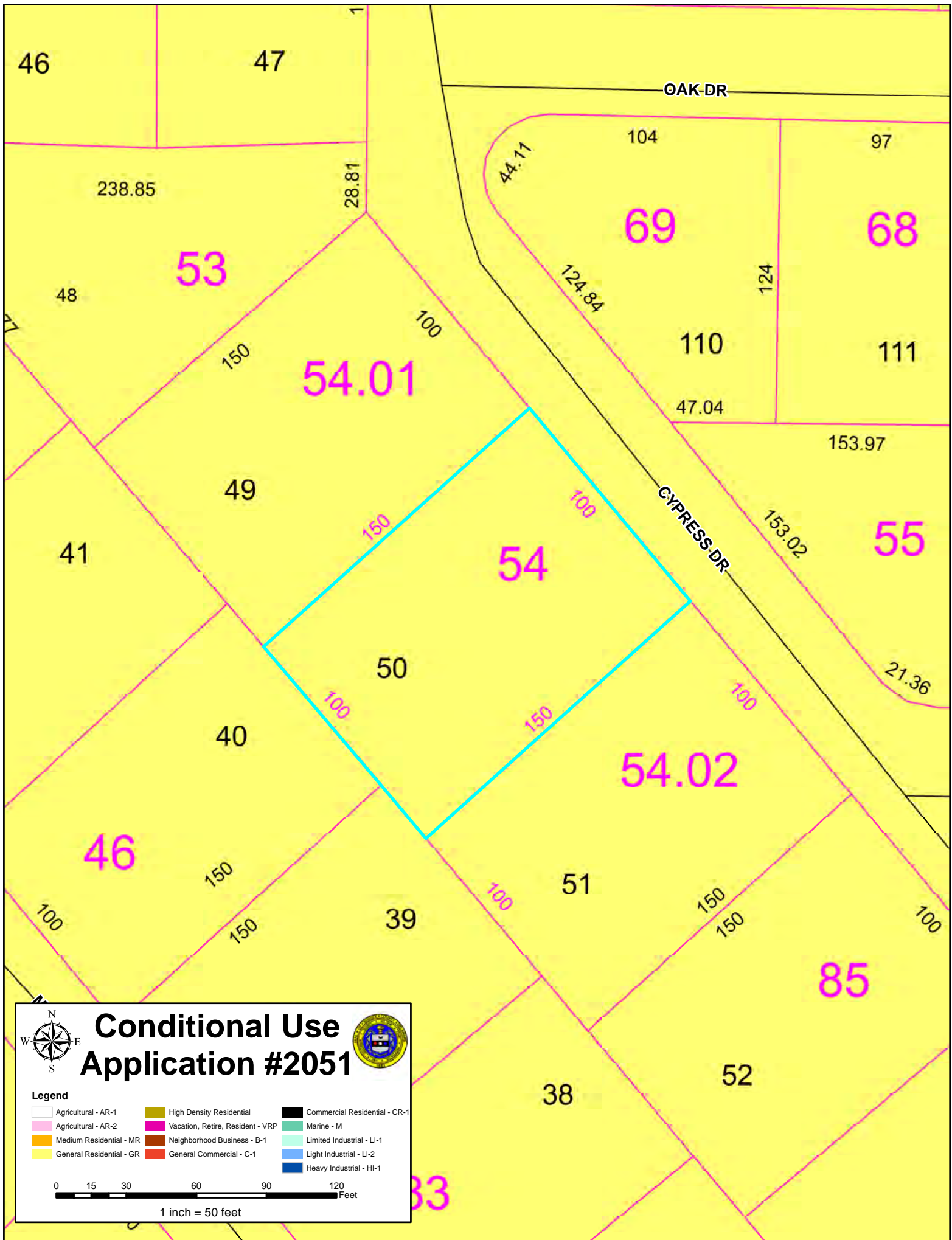
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

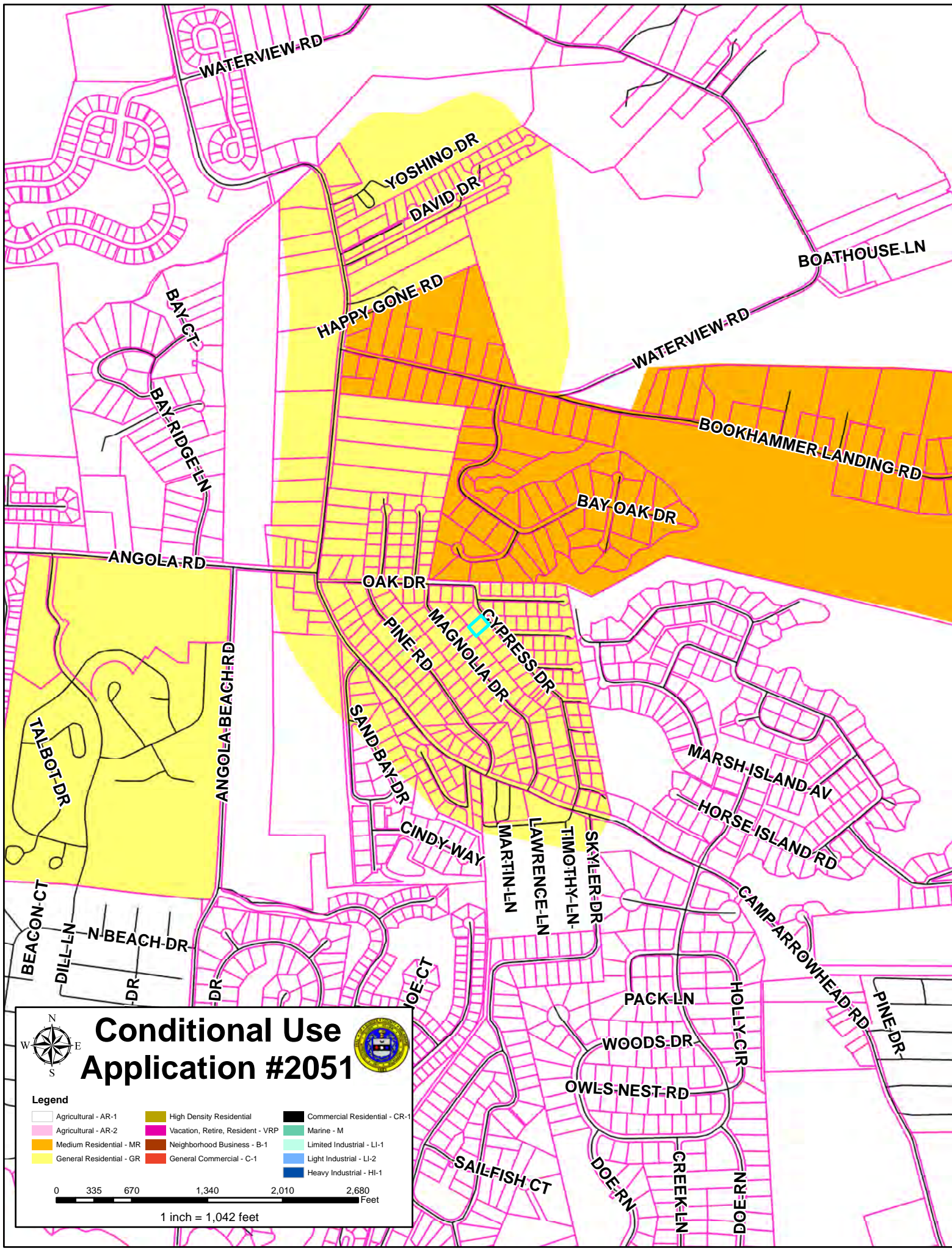
Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2051 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying east of Camp Arrowhead Road (Road 279) southwest of Cypress Drive 125 feet northwest of Maple Lane and being Lot 50, Angola Neck Park Subdivision, and being more particularly described in Deed Book 3636, Page 105, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.236 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.



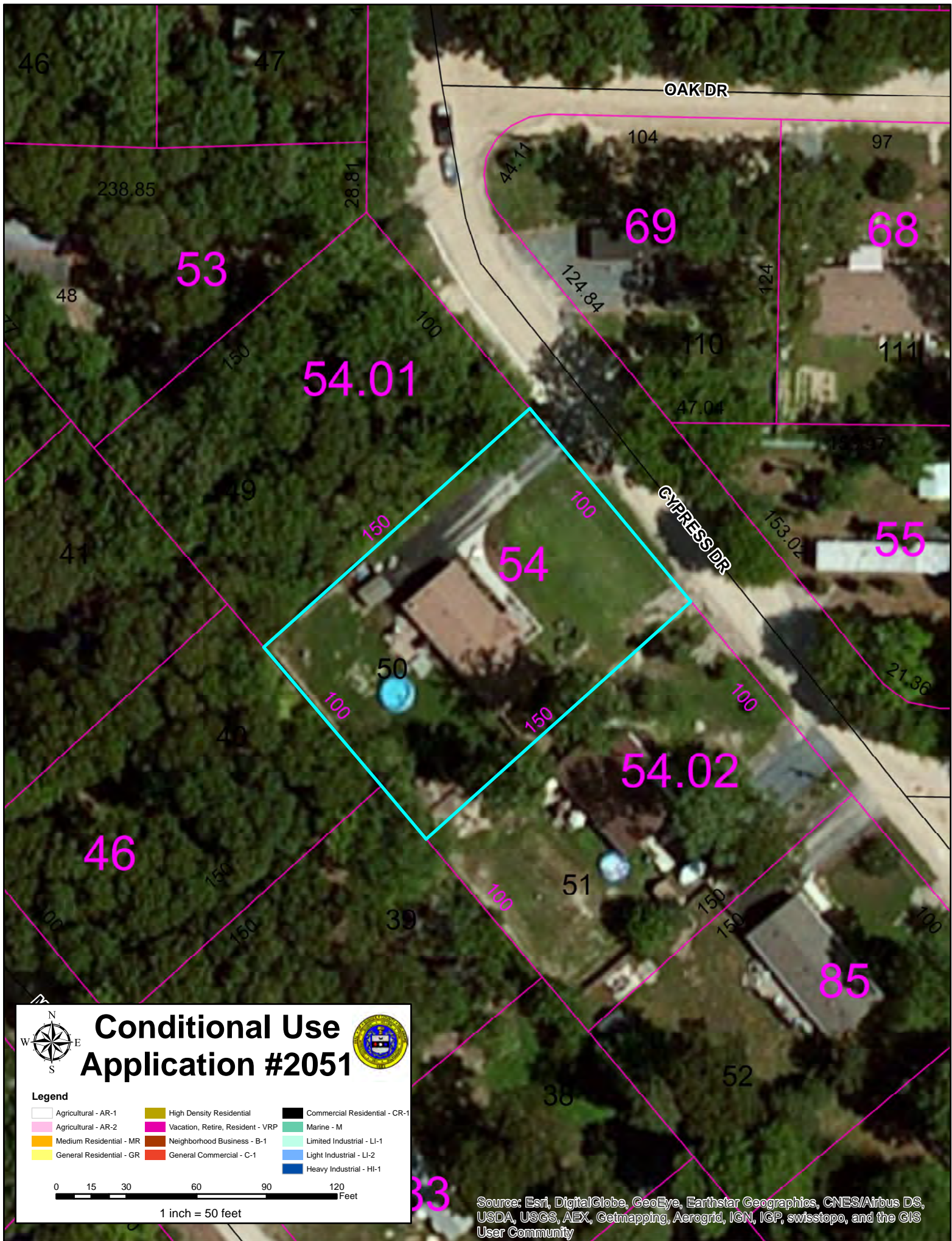



Conditional Use Application #2051

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

1 inch = 1,042 feet


















Conditional Use Application #2051



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 15 30 60 90 120 Feet

1 inch = 50 feet

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

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☐ Other _____

- ☒ Cultural
☐ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons
☐ Military Veterans

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☒ Other Arts community

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

1200

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.

Annual Christmas Parade in Downtown Seaford

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	<u>1700.00</u>
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)	
<u>Bands</u>	
<u>Trophies</u>	
<u>porta potties</u>	
<u>Candy</u>	
TOTAL EXPENDITURES	<u>5,000.00</u>
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	<u>\$3300.00</u>

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Greater Seaford Chamber agrees that:
 (Name of Organization) of Commerce

- 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.

[Signature]

Applicant/ Authorized Official

[Signature]

Witness

11/21/16
Date

11-21-16
Date

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SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **New Coverdale Outreach Mission, Inc.**

PROJECT NAME: **Needy families at christmas**

FEDERAL TAX ID: **31-1695369** 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: **Feed the hungry
clothes the naked
educate the public**

ADDRESS: **22215 Coverdale rd**

seaford **de** **19973**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Rev Diane Lofland**

TITLE: **executive director**

PHONE: **302-629-3036** EMAIL: **none**

TOTAL FUNDING REQUEST: 1500

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? **200**

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **40%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>feed the hungry and clothes the naked for christmas</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

150+

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.

Annual Christmas project- underprivileged families needing warm clothing for there children including request of coats, food is requested because food stamps are gone some families living in the street needing these services and much more is requested this time of the year. We (NCOM) just need a little funding to help put a little sunshine in these children and families lives!

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

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

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

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

We (NCOM) feel this is our divine mission to feed the hungry, clothes the naked and to give hope(educate) to the helpless and direct the homeless to safe haven.

No one is Refused because of Religion, nor is Religion taught during Any Events.

Signed Rev. Dean Zoffland

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)	
operating cost	\$ 5,000.00
electric	\$ 0.00
insurance(vechicles and building)	\$ 0.00
telephone	\$ 0.00
TOTAL EXPENDITURES	\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 5,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the New Coverdale Outreach Mission 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

11/28/16
Date

11/28/16
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

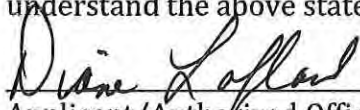
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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



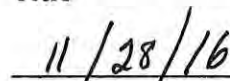
Applicant/Authorized Official



Witness



Title



Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Gumboro Community Association

PROJECT NAME: Community Services

FEDERAL TAX ID: 51-0381956 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 Gumboro Community Association is organized for the purpose of providing community support and services to various non profit youth, senior, and community organizations. The Gumboro Community Center is the only facility in the area available to support these organizations free of charge. It is the goal of The Gumboro Community Association to support and improve the economic, cultural, historic, social, and recreational needs of the citizens within and surrounding the Gumboro area.

ADDRESS: 36849 Millsboro Hwy

<u>Millsboro</u>	<u>DE</u>	<u>19966</u>
(CITY)	(STATE)	(ZIP)

CONTACT PERSON: Crystal Wheatley

TITLE: Treasurer

PHONE: 302-381-6958 EMAIL: cmwheatley928@yahoo.com

TOTAL FUNDING REQUEST: \$2500.00

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

☐ YES ☒ NO

If YES, how much was received in the last 12 months? 0

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? 8%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

3000

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 Gumboro Community Association is seeking funding in order to supplement our decreased funding and increasing operating costs. The Gumboro Community Center provides a meeting place for various non profit organizations including but not limited to various Girl Scout troops and functions, a local 4H Chapter, and multiple Little League and travel ball teams. Additionally, the Gumboro Community Center provides multiple community functions throughout the year for the general public. Any funding received will go towards general operating costs, which allow us to continue to support these community organizations, such as the electric bill, cleaning, landscaping, and building maintenance.

- 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

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	33,000.00
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)	
Operating Costs (supplies, inspections, permits, etc)	-\$ 4,000.00
Insurance	-\$ 5,000.00
Telephone	-\$ 500.00
Fuel Oil/Propane	-\$ 7,000.00
Landscaping	-\$ 4,000.00
Cleaning	-\$ 4,000.00
Maintenance	-\$ 10,000.00
Electric	-\$ 4,000.00
TOTAL EXPENDITURES	-\$ 38,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 5,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Gumboro Community Association agrees that:
(Name of Organization)

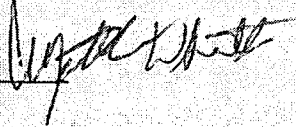
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

Crystal Wheatley

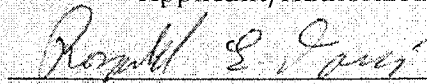
Digitally signed by Crystal Wheatley
DN: cn=Crystal Wheatley, o=ou,
email=crwheatley928@yahoo.com, cc=US
Date: 2016.11.29 10:02:18 -05'00'



11/29/16

Applicant/Authorized Official

Date



Witness

11/29/16

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

18

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

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

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

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

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

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

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

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

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

Crystal Wheatley

Digitally signed by Crystal Wheatley
DN: cn=Crystal Wheatley, o=ou,
email=cmwheatley928@yahoo.com, c=US
Date: 2016.11.29 09:59:21 -05'00'



Treasurer

Applicant/Authorized Official

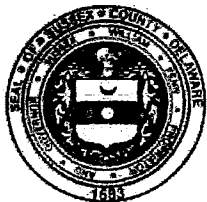
Title



11/29/2016

Witness

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Delmarva Clergy United In Social Action Foundation

PROJECT NAME: DCUSA Christmas Give-Away

FEDERAL TAX ID: 225330018

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: Delmarva Clergy United in Social Action, Inc., is a group of people from all ages and religious affiliations that strive to develop and cultivate the human potential of self-esteem and dignity of all people. We practice the principles of love, caring inclusiveness, justice and peace and to enhance the emotional physical and social well-being of individuals and families in our communities.

ADDRESS: 13726 South Old State Rd.

Ellendale
(CITY)

Delaware
(STATE)

19941
(ZIP)

CONTACT PERSON: Helena Gibbs

TITLE: Director/COO

PHONE: 302-422-2350 EMAIL: info@dcusafoundation.org

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? 1500.00

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 25%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other Christmas | <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:
500

SECTION 3: PROGRAM SCOPE

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

Let me start by saying that I have witnessed your generosity towards worthwhile projects in Sussex County. Bishop Major Foster and I are currently working on a project providing Christmas Gifts for the younger boys and girls as well as to our teenagers at DCUSA Foundation.


We have worked very hard with our youth, with a hope of creating and reinforcing conditions that promote healthy behavior and lifestyles within oneself, while at the same time, having and doing fun things. Besides being given education that will benefit us in the future, we also do things that will bring joy to the program.

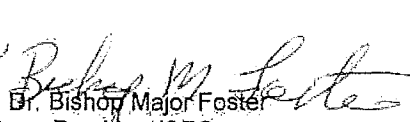
Now, as we, all can see its "Christmas" time again and we have a few children that are less fortunate. We here at DCUSA Foundation are trying to put a little happiness in a less fortunate child's life. Would you help us to make our boys and girls happy on this Christmas?

We are asking for your assistance in the amount \$2,000.00 to help with this project. This will also help towards providing at least (500) children or more the opportunity to get something that they may benefit from such as Outlet wear, under garments, coats, hats and a small toy this year for Christmas.

We are hoping you will find this a worthwhile cause at DCUSA Foundation, for this Christmas. If you have any questions, please feel free to contact me at 302-422-2350.

Thank you,


Helena Gibbs
Executive Director


Bishop Major Foster
President/CEO

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

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

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

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

SECTION 4: BUDGET

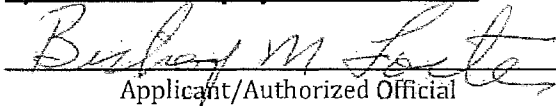
REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	5,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). 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)	
Gifts/ Discover Bank	-\$ 3,500.00
Gifts/WBOC Bless Our Children	-\$ 1,500.00
Gifts	-\$ 2,000.00
TOTAL EXPENDITURES	-\$ 7,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,000.00

SECTION 5: STATEMENT OF ASSURANCES

<p>If this grant application is awarded funding, the _____</p> <p style="text-align: center;">(Name of Organization)</p>	<p style="text-align: center;">Delmarva Clergy United In Social Action Foundation</p> <p style="text-align: right;">agrees that:</p> <ol style="list-style-type: none"> 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.
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SECTION 5: STATEMENT OF ASSURANCES (continued)

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

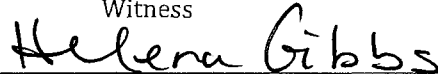

Applicant/Authorized Official

11/10/2016

Date


Witness

Date



Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

187

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

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

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

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

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

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

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

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

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

Bishop M. L. Lister
Applicant/Authorized Official

President / CEO
Title

See Section 3
Witness

11/10/2016
Date

Helen Gibbs



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Nanticoke Health Services**
PROJECT NAME: **Holiday Prescription Drug Funding**
FEDERAL TAX ID: **51-0293888** 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 positively impact the communities quality of life through superior health service.

ADDRESS: **Nanticoke Health Services Foundation**
613 High Street
Seaford DE 19973
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Renee' Morris**
TITLE: **Executive Director**
PHONE: **302-536-5391** EMAIL: **MorrisR@nanticoke.org**

TOTAL FUNDING REQUEST: \$250.00

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? **\$21,400.00**

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **1%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☒ Health and Human Services
☐ Other

- ☐ Cultural
☐ Educational

BENEFICIARY CATEGORY

- ☒ Disability & Special Needs
☒ Elderly Persons
☒ Minority

- ☒ Victims of Domestic Violence
☒ Low to Moderate Income²
☐ Other

- ☒ Homeless
☒ Youth

BENEFICIARY NUMBER

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

250+

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 Nanticoke Health Services Prescription Drug Fund was established over twenty years ago to assist patients who could not afford their prescription medications after their discharge from the hospital. We take this holiday greeting for granted but for many, remaining healthy after leaving the hospital is impossible if they cannot afford their medication. And connecting patients with the health care services they need is our mission. 250 patients, needing about \$60,000, will be unable to pay for their prescriptions when they are discharged from the hospital. The Sussex County Council's generous gift to the Holiday Appeal continue to make a wish a reality for many. Being here for one another is what it means to be part of the Nanticoke family.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	25,000.00
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)	
Assisting patients with their medically necessary prescriptions.	\$-25,000.00
TOTAL EXPENDITURES	\$ 25,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Nanticoke Health Services 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.**

Renee S. Morris
Applicant/Authorized Official

Cheryl Horvath
Witness

11/29/2016
Date

11/29/2016
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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



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

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

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

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

Renee S. N. Breen
Applicant/Authorized Official

Cheryl Attornucci
Witness

Executive Director
Title

11/29/2016
Date

To Be Introduced 12/06/16

Council District No. 3 - Deaver

Tax I.D. No. 235-27.00-20.00

911 Address: 17344 Sweetbriar Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS

WHEREAS, on the 1st day of November 2016, a conditional use application, denominated Conditional Use No. 2070 was filed on behalf of Cape Henlopen School District; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2070 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2070 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying southwest of Sweetbriar Road (Road 261) 3,800 feet southeast of Cave Neck Road (Route 88) and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 25.0 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 12/06/16

Council District No. 1 - Vincent

Tax I.D. No. 131-19.00-10.01

911 Address: 20446 Camp Road, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.71 ACRES, MORE OR LESS

WHEREAS, on the 25th day of October 2016, a zoning application, denominated Change of Zone No. 1816 was filed on behalf of Bruce Fisher.; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1816 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying at the southeast corner of Sussex Highway (U.S. Route 13) and Camp Road (Road 532) and being more particularly described in Deed Book 3853, Page 195, in the Office of the Recorder of Deeds, in and for Sussex County, said parcel containing 0.71 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 12/06/16

Council District No. 2 – Wilson

Tax I.D. No. 230-26.00-115.00, 115.04, 122.00; and 230-31.00, 33.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS

WHEREAS, on the 14th day of September 2016, a zoning application, denominated Change of Zone No. 1817 was filed on behalf of Liborio Ellendale, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1817 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR Medium Density Residential District] and adding in lieu thereof the designation MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Old State Road (Road 213) and southeast of Sharons Road (Road 641) and also 118 feet south of Wild Cherry Street (a subdivision street) and being more particularly described as follows:

BEGINNING at an iron rod found on the westerly right-of-way of Road 213, 118 feet south of Wild Cherry Street; thence south $00^{\circ} 36' 27''$ west 1,606.89 feet along the westerly right-of-way of Road 213; thence southerly and continuing along the westerly right-of-way of Road 213, 567.09 feet with 6,330.00 foot radius to a point; thence south $12^{\circ} 51' 22''$ west 243.73 feet along the westerly right-of-way of Road 213 to a point; thence south $09^{\circ} 11' 04''$ west 20.00 feet along the westerly right-of-way of Road 213 to a point; thence by and along the northerly property line of Randall Raser, 571.01 feet to an iron rod; thence southerly approximately 700 feet along the meandering rear line of said Raser lands and lands of Daniel P. Lynch to an iron rod; thence south $70^{\circ} 08' 01''$ west 1,832.08 feet along lands of Raymond and Sherry L. White to an iron rod; thence north $01^{\circ} 48' 27''$ west 1,277.29 feet along lands of the State of Delaware to a point; thence continuing northerly along the meandering rear line of said State lands, lands of Clifford D. Short, lands of James and Kimberly Burns, and lands of Robert P. Short Jr. and Virginia L. Short, approximately 1,200 feet to a point; thence north $06^{\circ} 19' 30''$ east 195.78 feet along lands of Robert P. Short Jr. and Virginia L. Short, lands of Shannon M. Showell, and lands of Bayview Loan Servicing, LLC to a point; thence north $52^{\circ} 17' 33''$ west 178.32 feet along said Bayview Loan Servicing, LLC lands to a point; thence north $49^{\circ} 55' 15''$ east 571.50 feet along the rear of lots 5 through 9 of John H. Walker Subdivision to a point; thence following the entrance road right-of-way from Road 641 the following five (5) courses: north $40^{\circ} 04' 45''$ west 167.50 feet to a point, 39.27 feet along a radius of 25.00 feet with a chord bearing of north $85^{\circ} 04' 45''$ west to a point, north $49^{\circ} 55' 15''$ east 100.00 feet along the southeasterly right-of-way of Road 641 to a point, 39.27 feet along a radius of 25.00 feet with a chord bearing of south $04^{\circ} 55' 15''$ west to a point, and south $40^{\circ} 04' 45''$ east 167.50 feet to a point; thence north $49^{\circ} 55' 15''$ east 700.22 feet along the rear of lots 1 through 4 of John H. Walker Subdivision to a point; thence north $89^{\circ} 42' 00''$ east 560.79 feet and north $89^{\circ} 23' 00''$ east 724.35 feet along Walker Acres Subdivision to the point and place of beginning, said parcel containing 141.086 acres, more or less, per survey by Davis, Bowen & Friedel, Inc.

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