



Sussex County Council Public/Media Packet

**MEETING:
January 13, 2015**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7743 T
(302) 855-7749 F

A G E N D A

JANUARY 13, 2015

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 918-10
Sussex County Project No. 81-04
Bay Forest Club – Phases 4.1 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 918-11
Sussex County Project No. 81-04
Bay Forest Club – Phases 4.2 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District

Todd Lawson, County Administrator

1. Appointments
 - A. Airport Advisory Committee
 - B. Personnel Committee
2. Administrator's Report

Melody Booker-Wilkins, Director of Economic Development

1. Downtown Delaware Development District Program



Grant Request

1. Delaware Association of Conservation Districts for Delaware Envirothon program.
2. Lower Sussex Little League for field improvements.

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 1992 filed on behalf W. Ralph Brumbley

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (land lying northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) (Tax Map I.D. 235-7.00-44.00) (911 Address: 12209 Coastal Highway, Milton)

Conditional Use No. 1994 filed on behalf of Robert Wilkerson

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (Tax Map I.D. 235-22.00-18.09) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 6, 2015 at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 6, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 6, 2015, 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
George B. Cole	Councilman
Robert B. Arlett	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 001 15
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, 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**

**Election
of Officers**

Mr. Lawson reported that Title 9 Section 7002 (e) of the Delaware Code requires the County to elect its officers at its first regularly scheduled meeting each January.

**M 002 15
Elect
President**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to elect Michael Vincent to serve as President of the Sussex County Council.

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 003 15
Elect
Vice
President**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to elect Samuel Wilson to serve as Vice President of the Sussex County Council.

Motion Adopted: 4 Yeas, 1 Absent.

**Rules of Procedure/
Proposed Amendments
(continued)**

- Replace the term ‘Additions to Agenda’ with the term ‘Amendments to Agenda’
- Replace the item ‘Additional Business’ with ‘Public Comments’ and move the item near the beginning of the Order – the result would mean that the public has the opportunity to address the Council and will do so near the beginning of each meeting. Replacing ‘Additional Business’ with ‘Public Comments’ under Rule 1 also requires the amendment of the terms in Rule 17.6 to reflect the change in terminology.
- Add a new item called ‘Council Members’ Comments’ near the end of the Order. This will afford each member of Council the opportunity to comment on County matters the Member deems appropriate.

Mr. Vincent commented that the proposed change should make the public comment portion of the meeting more convenient for the public.

**M 006 15
Approve Rules of Procedure**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council approves the Rules of Procedure of the Sussex County Council of Sussex County, Delaware, effective January 6, 2015, 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**

Minutes

The minutes of December 9 and 16, 2014 were approved by consent.

Correspondence

Mr. Moore read the following correspondence:

**GOOD SAMARITAN AID, LAUREL, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**MILTON HISTORICAL SOCIETY, MILTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**CANCER SUPPORT COMMUNITY, REHOBOTH BEACH,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**PEOPLE’S PLACE, MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**SUSSEX COUNTY FOSTER PARENT CLUSTER ASSOCIATION,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

Corre-
spondence
(continued)

**FOOD BANK OF DELAWARE, NEWARK, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**REHOBOTH ART LEAGUE, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**NEW HOPE RECREATION AND DEVELOPMENT CENTER,
ELLENDALE, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**WEST REHOBOTH CHILDREN & YOUTH PROGRAM, REHOBOTH
BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP),
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**BRIDGEVILLE SENIOR CENTER, BRIDGEVILLE, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

Agenda
Item to
Be Deferred

Mr. Vincent announced that, in regards to the agenda item “Old Business: Conditional Use No. 2001, Christina Abramowicz”, the matter will be deferred due to the absence of Councilwoman Joan Deaver and due to the fact that there would be only 3 voting members of Council to act on the application, which would be unfair to the Applicant and the Opposition.

M 007 15
Approve
Consent
Agenda

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

**Wastewater Agreement No. 685
Sussex County Project No. 81-04
The Overlook (AKA Bayville Pointe)
Fenwick Island Sanitary Sewer District**

**Wastewater Agreement No. 685-1
Sussex County Project No. 81-04
The Overlook (AKA Bayville Pointe), Phase 2A
Fenwick Island Sanitary Sewer District**

**Wastewater Agreement No. 685-2
Sussex County Project No. 81-04
The Overlook (AKA Bayville Pointe), Phase 2B
Fenwick Island Sanitary Sewer District**

**M 007 15
Approve
Consent
Agenda
(continued)**

**Wastewater Agreement No. 1008
Sussex County Project No. 81-04
Lands of Breakwater Partners, LLC
Angola Neck Sanitary Sewer District**

**Wastewater Agreement No. 733-6
Sussex County Project No. 81-04
Barrington Park – Phase 4A – AKA Coventry at Barrington Park
Millville Expansion of the Bethany 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**

**Employee
of the Year**

The Council recognized Vanessa Pettyjohn, Sussex County's Employee of the Year 2015.

**2015
County
Council
Meeting
Proposal**

Mr. Lawson presented a 2015 County Council meeting proposal whereby the Council would continue to meet every Tuesday with the exception of the following dates:

February 24	July 14
March 3	August 25
March 24	September 1
April 7	September 8
April 28	October 27
May 26	November 24
June 23	December 22
July 7	December 29

Mr. Lawson noted that, as a result of this proposal, Council's schedule would consist of 36 meeting dates; there would be 16 Tuesdays during the year when the Council would not meet. He also noted that the schedule is flexible and can be added to or deleted from, as the Council's workload determines.

**M 008 15
Adopt
2015
Council
Schedule**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council adopts the 2015 Council 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**

**Farmland
Preservation
Advisory
Board**

Mr. Lawson reported on the Farmland Preservation Advisory Board and a letter received from Austin Short of the Department of Agriculture and Delaware Agricultural Lands Preservation Foundation. Mr. Lawson explained that, under the provisions of 3 Del C § 906 (copy enclosed) each county legislative body established a Farmland Preservation Advisory Board to consider applications for establishment of Agricultural Preservation Districts in their respective counties and to advise the Agricultural Lands Preservation Foundation on any regulations proposed for adoption by the Foundation. In accordance with the legislation (adopted in the 1990s), the County Advisory Boards consisted of 4 active farmers or agri-businessmen from the County and one member of the County legislative body. The Department of Agriculture is asking that the Board be reestablished in each of the three counties. Mr. Lawson noted that Sussex County did have an appointed Board; however, the Board has not met for several years and one of the original appointed members is now deceased.

Mr. Lawson stated that the reason this has come up is that, within the enacting legislation, there is a specific requirement that the Board shall review any regulations that will have an effect on the Farmland Preservation Program, and there may be some regulations that are forthcoming in the future.

Mr. Lawson asked the Council to consider who to appoint as members of the Board, including the Council's representative on the Board who will serve as Chairman of the Board. Mr. Lawson noted that the members should be selected by the end of January. Mr. Cole commented on whether or not the County Council member on the Board (Chairman) should be an active farmer/agri-businessman since the other four members must be active farmers/agri-businessmen.

**Adminis-
trator's
Report**

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

1. **Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Swann Cove – Phase 5 received Substantial Completion effective December 29, 2014.

2. **Donald Bailey and Richard Spicer**

It is with sadness that we inform you that pensioners Donald Bailey and Richard Spicer passed away on December 14 and December 28, 2014, respectively. Mr. Bailey worked as a Delivery Driver for Library Administration and was employed with the County from August 1976 until his retirement in December 1996. Mr. Spicer worked as an Assessor and was employed with the County from December 1980 until his retirement in May 1994. We would like to extend our condolences to the Bailey and Spicer families.

(continued) [Attachments to the Administrator’s Report are not attachments to the minutes.]

Bank Account Resolutions Regarding the agenda item entitled “Bank Account Resolutions”, Mrs. Jennings reported that action would not be necessary due to the fact that there was no change in the officers of the Sussex County Council.

Private Activity Bond Volume Cap Mrs. Jennings reported that the County has received correspondence from the State Department of Finance requesting that the unused portion of the County’s annual Private Activity Bond Volume Cap be reassigned to the State. The State plans to allocate it to the State Housing Authority. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for private entities and have no impact on Sussex County government. IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly. Mrs. Jennings reported that, typically, every year at this time, the County reassigns its unused portion to the State and she recommended that the Council reassign the County’s 2014 unused Private Activity Bond volume cap of \$29,680,000 to the State of Delaware. Mrs. Jennings noted that Sussex County’s 2015 allocation is estimated to be \$30,150,000, which represents 10 percent of the State’s total allocation.

M 009 15 Reassign Private Activity Bond Volume Cap A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council reassigns the County’s 2014 unused Private Activity Bond Volume Cap for \$29,680,000 to the State of Delaware.

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

Constable/ Project Update Mike Costello, Chief Constable, presented an update on the projects he has been working on for the past six months and his plans for the department in 2015.

Several Council members commented on the practice of the County paying for cleaning up sites when a landowner fails to do so, raising questions about how the money is reimbursed to the County and expressing concern about setting a precedent.

Constable/ Tire Pile Clean-up Project Mr. Lawson and Mr. Costello reported on a tire pile (former Master Tire site) that was cleaned up on Route 113 in Georgetown. They stated that this cleanup project was accomplished with the assistance of the Delaware Department of Corrections (Sussex Community Correction Center) and Magnus Environmental. An estimated 16,000 to 18,000 tires were removed from the property. The Department of Corrections provided the County

**Constable/
Tire Pile
Clean-up
Project
(continued)**

with the resources to get the clean-up done; 17 loads of tires were removed from the site and taken to a facility in Pennsylvania where they were used in a tire to energy power process.

Mr. Lawson and Mr. Costello reported that the current condition of the site should allow the owner to return to proper maintenance of the site in compliance with local, county and state requirements. The property owner put up \$10,000 in escrow to pay for the shipment of the tires to Pennsylvania; however, the total cost came to \$13,800 and the County is waiting on reimbursement of the remaining \$3,800. Mr. Lawson noted that, if the money is not reimbursed, the County will assess a lien on the property.

Mr. Costello reported that, currently, no one regulates scrap tires. Mr. Lawson stated that there is a pending State regulation that will allow DNREC to address these types of sites. The Council discussed the possibility of tightening up enforcement in the County Code.

Mr. Lawson recognized Lt. Joseph Atkins of the Sussex Community Correction Center in appreciation of his efforts on the remediation of the former Master Tire site located in Georgetown.

**Route 54
Expansion
of the
Fenwick
Island SSD**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District. He explained that the expansion includes parcels along Route 54 (Lighthouse Road) primarily from Zion Church Road to Williamsville Road. A petition was received from approximately 17 landowners, some with multiple parcels. He noted that not all cannot be served by this expansion at this time; however, the remainder may be able to be annexed in the future. The project will install a main trunk line for sewer in Route 54 and serve the parcels on both sides. The Engineering Department is currently working to obtain financing and grants for the project. Property owners will be responsible for system connection fees in the amount of \$5,500.00 per EDU. The tentative date for the Public Hearing is February 10, 2015.

Michael Izzo, County Engineer, joined Mr. Ashman at the podium and they responded to questions raised by Council regarding capacity issues, serving future development, the EDU allocation for the area (4 EDUs), etc.

**M 010 15
Post
Notices/
Route 54
Expansion
of the
Fenwick
Island SSD**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District to include parcels primarily west of Zion Church Road to Williamsville Road along Route 54 (Lighthouse Road), as presented.

Motion Adopted: 4 Yeas, 1 Absent.

Introduction of Proposed Ordinances (continued) **SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.55 ACRES, MORE OR LESS” (Conditional Use No. 2010) filed on behalf of The Cross Christian Academy, Inc. (Tax Map I.D. No. 230-26.00-6.03) (911 Address – Not Available).**

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1765) filed on behalf of Red Mill Pointe, LLC (Tax Map I.D. No. 334-1.00-5.00) (911 Address: Not Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 015 15 Recess/ Go Into Executive Session **At 11:35 a.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session.**

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 11:39 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition, job applicants’ qualifications and personnel. The Executive Session concluded at 12:09 p.m.**

M 016 15 Reconvene Regular Session **At 12:13 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action **There was no action on Executive Session matters.**

Mr. Arlett joined the meeting.

Additional Business **Dan Kramer addressed the Council under Additional Business referencing information on the County’s website and referencing the Constables office.**

**M 017 15
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to adjourn at 12:15 p.m.

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**

Respectfully submitted,

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

DRAFT

ENGINEERING DEPARTMENT

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



Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

December 30, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BAY FOREST CLUB - PHASES 4.1 (CONSTRUCTION RECORD)
AGREEMENT NO. 918 - 10

DEVELOPER:

Mr. Thomas Natelli
Bay Forest, LLC
506 Main Street
3rd Floor
Gaithersburg,, MD 20878

LOCATION:

East side of Whites Neck Road and North of Old
Mill Road.

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision 50 lots in this phase

SYSTEM CONNECTION CHARGES:

\$275,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/09/14

Department Of Natural Resources Plan Approval
10/20/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35
Construction Admin And Construction Inspection Cost – \$24,287.70
Proposed Construction Cost – \$161,918.00

ENGINEERING DEPARTMENT

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



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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

December 30, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BAY FOREST CLUB - PHASES 4.2 (CONSTRUCTION RECORD)
AGREEMENT NO. 918 - 11

DEVELOPER:

Mr. Thomas Natelli
Bay Forest, LLC
506 Main Street
3rd Floor
Gaithersburg,, MD 20878

LOCATION:

East side of Whites Neck Road and North of Old
Mill Road.

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision 38 lots in this phase

SYSTEM CONNECTION CHARGES:

\$209,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/09/14

Department Of Natural Resources Plan Approval
10/20/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 25
Construction Admin And Construction Inspection Cost – \$20,723.55
Proposed Construction Cost – \$138,157.00

TODD F. LAWSON
COUNTY ADMINISTRATOR

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Sussex County

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MEMORANDUM:

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

FROM: Todd F. Lawson
County Administrator 

RE: COMMITTEE APPOINTMENTS

DATE: January 9, 2015

During Tuesday's meeting we are scheduled to consider appointments to both the Airport Advisory Committee and the Personnel Committee. There are no changes to the appointments from last year to this year.

1. The Airport Advisory Committee consists of seven annual appointments. The following members have agreed to serve another year's term:

One representative of the Fixed Base Operator - Garrett Dernoga
One non-commercial Airport tenant - Larry Kelley
One commercial Airport tenant - Jeff Reed
Two Airport-based aircraft owners - Rick Garner & Gus Croll
One Industrial Park tenant representative - Mark Ryan
One representative at large - Richard Wilson

2. The Personnel Committee is required by both State and County Code and consists of three members who serve a term of three years. The following members have agreed to serve another term of three years:

Dave Kenton
Michael Owens
Clay Yocum

Please let me know if you have any questions regarding these appointments.

pc: Ms. Karen B. Brewington

Mr. James A. Hickin



MELODY BOOKER-WILKINS
ECONOMIC DEVELOPMENT DIRECTOR

(302) 855-7770 T
(302) 855-7805 F

melody.booker-wilkins@sussexcountyde.gov



Sussex County

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Memorandum

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

FROM: Melody Booker-Wilkins
Economic Development Director

DATE: January 9, 2015

RE: **DELAWARE DOWNTOWN DEVELOPMENT DISTRICT PROGRAM**

On Tuesday I will be providing an overview of the new Delaware Downtown Development District (DDD) Program. As you may recall, the DDD was established by the State in 2014.

The DDD is designation of a district in a City/Town for a period of at least ten years. Three designations (one in each County) will be announced in 2015. The purpose is to spur redevelopment of downtown properties, both commercial and residential.

Included in your packet is the Downtown Development District Grant Summary as well as information on the matching grant incentive that the Kent County Levy Court established as a direct result of the DDD and in an effort to provide additional funding to qualified recipients.

Tuesday's presentation is informational only. No decisions are required by the Council. Diane Laird, the Delaware Economic Development Office's (DEDO's) Downtown Delaware Coordinator will join me and provide an overview of the program and answer any questions or concerns you may have during the Tuesday presentation.

Attachments

pc: Mr. Todd F. Lawson



Downtown Development District Grant

Overview

The Downtown Development District Act was created to leverage state resources in a limited number of designated areas in Delaware's cities and towns to: spur private investment in commercial business districts and other neighborhoods; improve the commercial vitality of our cities and towns; and, help build a stable community of long-term residents in our downtowns and other neighborhoods.

State and local incentives are available to businesses and district investors who invest in real property within the Downtown Development District (District) boundaries:

- **Downtown Development District Grant (District Grant):**
Eligibility for the District Grant is based on Qualified Real Property Investments (QRPI) made to commercial, industrial, residential, and mixed-use buildings or facilities located within the boundaries of a District. Qualified District Investors making a QRPI are entitled to a District Grant in an amount up to 20 percent of the QRPI in excess of the Minimum Qualified Investment Threshold of \$25,000.
- **Historic Preservation Tax Credits:**
The Act allocates 30 percent of the State's yearly allocation of Historic Preservation Tax Credits to be reserved for projects within a District.
- **State Incentives:**
State agencies will offer incentives to facilitate the revitalization of a District. In addition, there will be a review of agency programs to determine how they can be modified to further support a District as well as identified projects in a District Plan.
- **Municipal Incentives:**
Each municipality will implement incentives specific to the designated District within its jurisdiction and to the identified projects in the District Plan. Examples of municipal incentives include, but are not limited to:
 - reduction or waiver in fees or taxes,
 - permit process reform,
 - special zoning districts or
 - exemptions from local ordinances
 - façade improvement grants



Grant Summary

- Eligibility for the District Grant is based on QRPIs made to commercial, industrial, residential, and mixed-use buildings or facilities located within the boundaries of a District and in conformance with District Plan.
- To qualify for the District Grant, a Qualified District Investor must meet a Minimum Qualified Investment Threshold of \$25,000.
- Qualified District Investors making QRPIs are entitled to a District Grant in an amount of 20 percent of the QRPI in excess of the Minimum Qualified Investment Threshold up to \$500,000 per building or facility. District Grants in excess of \$500,000 will be calculated at a lower rate up to an additional \$500,000 for a maximum District Grant of \$1,000,000.
- The District Grant is limited to \$1,000,000 per building or facility within a five-consecutive-year period starting with the year in which a grant was first awarded or reserved.

Investment Range for District Grants up to \$1,000,000

Investment Range	Grant Amount
\$2,525,000 - \$3,500,000	\$500,000
\$3,500,501 - \$4,500,000	\$528,000
\$4,500,001 - \$5,500,000	\$557,000
\$5,500,001 - \$6,500,000	\$585,000
\$6,500,001 - \$7,500,000	\$614,000
\$7,500,001 - \$8,500,000	\$642,000
\$8,500,001 - \$9,500,000	\$671,000
\$9,500,001 - \$10,500,000	\$700,000
\$10,500,001 - \$11,500,000	\$728,000
\$11,500,001 - \$12,500,000	\$757,000
\$12,500,001 - \$13,500,000	\$785,000
\$13,500,001 - \$14,500,000	\$814,000
\$14,500,001 - \$15,500,000	\$843,000
\$15,500,001 - \$16,500,000	\$871,000
\$16,500,001 - \$17,500,000	\$900,000
\$17,500,001 - \$18,500,000	\$928,000
\$18,500,001 - \$19,500,000	\$957,000
\$19,500,001 - \$20,000,000	\$986,000
\$20,000,001 and over	\$1,000,000



General Limitations

- A Qualified District Investor may apply for **both** the District Grant and State/Federal Historic Tax Credits.
- DSHA is authorized to establish additional qualifying criteria with respect to uses (residential, commercial, industrial, etc.) or types of projects (rehabilitation, new construction, etc.).
- DSHA is authorized to prioritize particular types of uses or project in one or more Districts.
- DSHA is authorized to establish such other limitations in one or more Districts as DSHA shall determine from time to time, but no more often than once per year.

Taxability of Grants

- Under Internal Revenue Service regulations, grant awards may be considered taxable income. A 1099 IRS Form will be issued to all District Investors for the grant awards received. For tax-related questions, please contact your tax professional for guidance.

Eligible Expenses and Activities

The District Grant is available for investments necessary for the rehabilitation, expansion, or new construction of commercial, industrial, residential (including multi-family), or mixed-use buildings or facilities located within the boundaries of Districts.

Qualified Real Property Investments includes expenditures, incurred after District designation, that are properly chargeable to a capital account. Examples include:

- Exterior, interior, structural, mechanical or electrical improvements
- Excavations
- Grading and paving
- Installing driveways
- Landscaping or land improvements
- Demolition



Ineligible Expenses and Activities

The following types of projects and activities are not eligible for a District Grant:

- Adult bookstores, adult video shops, other adult entertainment facilities, check cashing facility, gambling facilities, liquor stores, massage parlors, pawn or gun shops, tanning salons, or tattoo parlors.
- Soft Costs, including:

Appraisal, architectural, engineering, bids or interior design fees	Legal, accounting, realtor, sales, marketing or other professional fees	Permits, user fees, zoning fees, impact fees, inspection fees
Land or building acquisition	Loan fees, capitalized interest	Utility hookup or access fees
Well, septic or sewer systems	Machinery, tools or other equipment	Temporary facilities
Bonding, closing costs, insurance	Blinds or other window treatments	Furnishings
Outbuildings (if ancillary to function of the main building)	Signage, signs or roads	Rent loss



Small Project Set-Aside – FY 2015 \$1,000,000

Regulations required for larger more complex projects can be cost prohibitive to smaller investors. As a result, a small project set-aside is established to ensure that smaller investors have ample access to District Grant funds. Investors are eligible for this set-aside provided that their total Qualified Real Property Investments do not exceed \$250,000 per building or facility. Only Qualified Real Property Investments incurred after the date of District designation are eligible. An Investor applying for the small project set-aside must apply within 45 days of the building/facility being "placed in service".

The placed in service date is one of the following:

- The date in which the final, approved **Certificate of Occupancy (CO)** is issued for work done to the respective building or facility.
- The date the final approved **building inspection** is issued for the work done to the building or facility.
- In cases where a project does not require permits, documentation by the local building official stating that the project is complete.

The required application materials include:

- SP Grant Application**
- Placed in Service Documentation
- W-9
- Multiple Owner Form *
- Tenant-Owner Consent Form *
- Tenant Coordination Form *
- Developer Site Control Form*
- Proof of Payment for Qualified Real Property Investments (receipts, paid invoices, cancelled checks)

* When Applicable

** SP Grant Application is **required** to be submitted electronically **and** as a signed hard copy.

Grant funds will be distributed within 60 days of successful receipt of Grant Application materials, which will include any DSHA inspection and/or confirmation of Qualified Real Property Investments.

The small project set-aside is limited to \$1,000,000. Once the set-aside funding is exhausted, applications will be placed on hold. DSHA may fund applications with unused funds from the large project set-aside or other sources of funds.



Placed in Service Documentation

Applicants for the Small Project Set-Aside must apply with the final placed in service document **required** by the locality. If the nature of the project requires a Certificate of Occupancy, a District Investor cannot apply with a final building inspection even if a final building inspection was issued prior to a Certificate of Occupancy. **DSHA is able to verify the final placed in service documentation issued/required for each project with local building code departments.**

It is the applicant's responsibility to verify as soon as possible with the locality's Building Code office if permits are needed for a rehabilitation or expansion project.

Large Project Set-Aside – FY2015 \$5,650,000

Large Project Investors must first receive a Reservation prior to beginning activity in a Designated District in order to be considered for a District Grant. This Reservation process, based on each General Assembly appropriation, is established to provide:

- Qualified District Investors assurance their projects will be funded once successfully completed.
- Each District reasonable access to District Grant funds.
- An opportunity to assess demand and make modifications to ensure program's success.

DSHA may offer a Reservation waiver for projects identified by the State as an economic generator of regional significance. The project must provide capital investment on a scale significant enough to affect the entire region and result in the development of permanent (non-construction) high-wage and high-skill jobs. The Investor must demonstrate that the construction timeline is unfeasible to apply by the deadline for Reservation applications.

Reservation Timeline

Applications for a Reservation are accepted once a year. However for the initial year, there will be an additional Reservation opportunity. The timeline for each is as follows:

Initial Reservation Timeline

- Reservation application released 7 days after District designation
- Reservation applications due 75 days after initial District designation (If designated January 1, then due March 15)
- Reservations announced 60 days later (estimate May 15)



Ongoing Reservation Timeline

- Reservation applications due September 1
- Reservations announced November 1

Applications for a Reservation will include:

- Project description
- Physical address of project and parcel(s) identification
- Proof of site control or property owner consent
- Confirmation of location within District *
- Demonstration that project is in conformance with District Plan *
- Detailed budget with expected Qualified Real Property Investments clearly supported.
- Projected timeline

* The burden will be on applicant to demonstrate both the location within and conformance with District Plan. DSHA will make final determination.

All Projects must meet the following threshold criteria for Reservation consideration:

- Confirmation of its location within District
- Demonstration that project is consistent with objectives and strategies outlined in District Plan
- Applicant readiness to initiate and complete the project within three years

Projects that have "substantially commenced" at the time of Reservation application are not eligible for consideration. Exceptions will be considered for District Investors who intend to resume failed projects where progress has been made, but the prior investor was unable to complete the project.

All appropriated funds for the District Grant will be evenly divided into a District Set-Aside and a General Pool. This is to ensure that each District will have reasonable access to District Grant funds. Once each District Set-Aside is met, projects will receive Reservations from the remaining General Pool. Any unallocated funds from a District's Set-Aside will be placed in the General Pool for distribution.

In the event that Reservation requests exceed the funding allocated, then Reservation requests that address one or more of the following priorities will receive special consideration in the Reservation process for both the District Set-Aside and the General Pool. See Appendix A.

- **Identified as a Key Priority Project in District Plan**
- **Creates permanent jobs**
- **Provides mixed-use development**
- **Expands housing opportunities**
- **Protects historic resources**
- **Actively reuses existing structures**
- **Promotes sustainable practices**

Reservations can be lost due to:

- Not "substantially commencing" within 12 months of Reservation application.
- Change from original application
- Not being completed within three years.

The investor may receive one 6-month delay with written approval. Where it is determined that the project has not been "substantially commenced" within the required time frame, DSHA will send a letter indicating that the project has forfeited its Reservation. Any forfeited funds may be reallocated to the General Pool.



Final Reservation amounts will be determined by DSHA. If actual costs exceed Reservation amount, the Qualified District Investor can request a review. However, cost overruns will be based on funding availability. In any case, costs associated with project changes not included in original Reservation application will not be considered.

DSHA reserves the right, at its sole discretion, to reserve a portion of funds available for Reservation for a year subsequent to the current year to a highly ranked project that received only partial Reservation in the current year due solely to limited funding availability. DSHA shall only "forward commit" funds from the immediately following year's allocation and not in an amount greater than the balance of the funds available in the current year, after the highest ranked projects have received their full Reservation.

Reservation Compliance Review and Grant Fund Disbursement

Grant Fund Disbursement requests are due within 45 days of final project being "placed in service" and will include the following:

- LP Grant Disbursement Form
- Reservation Confirmation
- Placed in Service Documentation
- W-9
- Multiple Owner Form *
- Tenant-Owner Consent Form *
- Tenant Coordination Form *
- Developer Site Control Form *
- CPA Attestation Report Form of Qualified Real Property Investments

* When Applicable

DSHA will conduct compliance review of the final project requesting Grant Fund Disbursement. This process will include an on-site review to ensure the final project conforms to the project scope outlined in the Reservation Agreement. The review will include, but is not limited, to the following:

- Square footage
- Building/Facility use
- If residential, number and square footage of residential units
- Parcel location
- Number of stories
- Confirmation that projects granted special consideration in the Reservation process based on certain objectives met those objectives

Grant funds will be disbursed within 60 days of completed Grant Fund Disbursement request.



APPENDIX A – Priority Consideration Scoring Guidelines

PRIORITY	POINTS	WEIGHT	SCORE
IDENTIFIED AS KEY PRIORITY PROJECT			
<ul style="list-style-type: none"> Identified in District Plan as Key Priority Project 	1	X1	
CREATES PERMANENT JOBS			
<ul style="list-style-type: none"> Creates permanent jobs 	1	X1	
PROVIDES MIXED-USE DEVELOPMENT			
<ul style="list-style-type: none"> Includes residential above 1st floor 	1	X1	
<ul style="list-style-type: none"> Includes at least 2 uses vertically mixed 	1	X0.5	
<ul style="list-style-type: none"> And street level pedestrian friendly uses 	1	X0.5	
EXPANDS HOUSING OPPORTUNITIES			
<ul style="list-style-type: none"> Provides two or more housing types 	1	X1	
PROTECTS HISTORIC RESOURCES			
<ul style="list-style-type: none"> Preserves or reuses buildings of historical significance 	1	X1	
ADAPTIVELY REUSES EXISTING STRUCTURES			
<ul style="list-style-type: none"> Adapts old structures for new purposes while retaining architectural uniqueness 	1	X1	
PROMOTES SUSTAINABLE PRACTICES			
<ul style="list-style-type: none"> Residential achieves a HERS Index of 70 	1	X1	
<ul style="list-style-type: none"> Commercial or Industrial achieves "Designed to Earn the ENERGY STAR" certified 	1	X1	



APPENDIX B – FY 2015 Timeline

Timeline and Responsibility Overview			
Partner Entities	Office of State Planning	Delaware State Housing Authority	Other Agencies
Fall 2014	<ul style="list-style-type: none"> • DDD application • solicit applications • review application • prepare staff report 	<ul style="list-style-type: none"> • Public Review/Comment • Final program manual • Final application • IT development completed 	<ul style="list-style-type: none"> • Modify programs create processes to incentivize DDD activity
CY 2015			
Jan	<ul style="list-style-type: none"> • Governor designates Districts 	<ul style="list-style-type: none"> • DDD Reservation Application available (7 days after designation) 	
Feb			
Mar		<ul style="list-style-type: none"> • March 15 Reservation Deadline (75 days after District Designation) 	
Apr		<ul style="list-style-type: none"> • Project review and ranking • Light underwriting 	<ul style="list-style-type: none"> • April 1st SHPO Tax Credit priority for DDDs is lifted
May		<ul style="list-style-type: none"> • May 15 Reservations Announced (60 days after Reservation Deadline) 	
June		<ul style="list-style-type: none"> • Reservation Agreements Executed 	
FY 2016		New Funding Appropriation	
July			
Aug			
Sept		<ul style="list-style-type: none"> • Sept 1 Reservation Deadline 	
Oct		<ul style="list-style-type: none"> • Project review and ranking • Light underwriting 	
Nov	<ul style="list-style-type: none"> • Work with DSHA to draft Governor Report 	<ul style="list-style-type: none"> • Nov 1 Reservation Announced • Work with OSPC to draft Governor Report 	
Dec	REPORT TO GOVERNOR ON ACCOMPLISHMENTS, BENCHMARKS, DISTRICT IMPROVEMENTS		



APPENDIX C - Definitions

DSHA

Means the Delaware State Housing Authority.

Downtown Development District or District

Means an area within a municipality or unincorporated area designated as a Downtown Development District by the Governor in accordance with Chapter 19 of Title 22.

District Plan

Means the strategic plan or other detailed description of the overall strategy for the development of a proposed district submitted by the municipality or unincorporated area as part of its application for District designation.

District Grant

Means a Downtown Development District Grant

Facility

Means a complex of buildings, co-located at a single physical location within a District, all of which are necessary to facilitate the conduct of the same residential, trade, or business use. This definition applies to new construction as well as to the rehabilitation and expansion of existing structures.

Minimum Qualified Investment Threshold

Means the minimum level of Qualified Real Property Investments required to be made by a Qualified District Investor in a building or facility in order to qualify for a District Grant, as determined by DSHA. Notwithstanding the foregoing, for the fiscal year ending June 30, 2015, the Minimum Qualified Investment Threshold shall be \$25,000 with respect to a single residential or mixed-use building or a facility. No more often than once per year, DSHA may amend the Minimum Qualified Investment Threshold with respect to uses (residential, commercial, industrial, etc.), types of projects (rehabilitation, new construction, etc.), or other criteria determined by DSHA to be necessary or convenient to accomplish the purposes of this program.

Minimum Qualified Investment Threshold

Means the minimum level of Qualified Real Property Investments required to be made by a Qualified District Investor in a building or facility in order to qualify for a District Grant, as determined by DSHA. Notwithstanding the foregoing, for the fiscal year ending June 30, 2015, the Minimum Qualified Investment Threshold shall be \$25,000 with respect to a single residential or mixed-use building or a facility. No more often than once per year, DSHA may amend the Minimum Qualified Investment Threshold with respect to uses (residential, commercial, industrial, etc.), types of projects (rehabilitation, new construction, etc.), or other criteria determined by DSHA to be necessary or convenient to accomplish the purposes of this program.

Mixed-Use

Means a building or facility that blends a combination of residential, commercial, or industrial uses.

Municipality

Means any incorporated town or city of this State.



Qualified District Investor

Means an owner or tenant of real property located within a District who expands, rehabilitates or constructs such real property for residential, commercial, industrial or mixed use. In the case of a tenant, the amounts of qualified real property investment specified in this section shall relate to the proportion of the building or facility for which the tenant holds a valid lease. In the case of an owner of an individual unit within a common interest community, as such term is defined in 25 *Del.C.* § 81-103(11), the amounts of qualified real property investments specified in this chapter shall relate to that proportion of the building for which the owner holds title and not to common elements.

Qualified Real Property Investment or QRPI

Means the amount in excess of the Minimum Qualified Investment Threshold that is properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service within a District. Specific inclusions and exclusions from the definition of "Qualified Real Property Investments" shall be determined by DSHA, but such definition shall generally include expenditures associated with (i) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building or facility for residential, commercial, industrial, or mixed use; (ii) excavations; (iii) grading and paving; (iv) installing driveways; (v) landscaping or land improvements; and (vi) demolition. Notwithstanding the foregoing, no investment in the rehabilitation, expansion, or construction of any building or facility in a District shall be a Qualified Real Property Investment unless it is performed in accordance with the District Plan.

Substantially Commence

For purposes of this Program, "substantially commencing" means that work accounting for a minimum of 15% of the estimate of "qualified" expenditures. This status may be verified through site inspection and request for written verification of expenditures.



APPENDIX D – Frequently Asked Questions

When is a project considered too far along in the process to be eligible?

Large Projects are considered ineligible when the project has “substantially commenced” at the time of Reservation application. Exceptions will be considered for investors who intend to resume failed projects where progress has been made, but the prior investor was unable to complete the project.

What is the difference between a building and a facility?

A facility is a complex of building, co-located at a single physical location within a Downtown Development District, all of which are necessary to facilitate the conduct of the same use. A facility typically represents a group of building under common ownership, management, and operations.

Common management and operations means that the group of buildings is designed to function as a unit. Examples of facilities: hotel with multiple buildings, multi-family rental development with several buildings, shopping malls, office buildings.

DELAWARE DOWNTOWN DEVELOPMENT DISTRICT PROGRAM

KENT COUNTY LEVY COURT PARTICIPATION PROPOSAL

Program Parameters

1) Enabling Legislation:

DELAWARE STATE SENATE

147TH GENERAL ASSEMBLY

SENATE BILL NO. 191

AN ACT TO AMEND TITLES 22, 29, 30, AND 31 OF THE DELAWARE CODE RELATING TO DOWNTOWN DEVELOPMENT DISTRICTS.

This act amends Title 22 of the Delaware Code by inserting a new Chapter 19 entitled:

“The Downtown Development Districts Act”

2) Amount and Source of Funding:

From: General Fund Realty Transfer Tax Reserves

To: General Government Capital Projects fund

Amount: \$200,000

3) Goal:

Recognizing that healthy and vibrant downtowns are critical components of Kent County’s economic well-being, the Kent County Levy Court has indicated a desire to provide a matching grant incentive to be utilized in any Downtown Development Districts approved by the Office of State Planning Coordination and located in Kent County. This matching grant would be dependent upon all limitations and conditions as established by the Delaware State Housing Authority (DSHA), and would only be provided as a match to and in instances where a State of Delaware grant has been approved by the DSHA.

4) Parameters and Limits:

The State Program provides that:

Investors would need to invest at least \$25,000 in a project before the incentive kicks in. So if an investor makes \$45,000 worth of qualified investments in a District, that investor would be entitled to a DDD Grant of up to \$4,000, which is 20% of \$20,000 (i.e., the \$45,000 total investment minus the \$25,000 minimum investment).

A Kent County Program might provide a match that represents .50 cents for every \$1 in State grant awarded up to a maximum of \$10,000. So in the above example where the State provides a \$4,000 grant, Kent County would provide a \$2,000 match to the project.

5) Application and approval process:

There would be no need for a separate application process to access Kent County matching funds, if Levy Court felt comfortable with a defined match to DSHA approved grant amounts. It would be Levy Court's prerogative to determine whether or not they would like to approve each award.

6) Fund Disbursement:

Submission to Economic Development office.
Processed by Finance.



Delaware ENVIROTHON™
c/o Delaware Association of Conservation Districts
P.O. Box 242
Dover, Delaware 19903-0242
Phone: (302) 741-2600 Fax: (302) 741-0347
Website: www.delawareenvirothon.org

December 22, 2014

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

Dear Ladies & Gentlemen:

Wow! The 20th season of the Delaware Envirothon has begun! We are excited to be able to train teachers, volunteers, and students in the areas of aquatic ecology, forestry, soils/land-use, wildlife, air quality, and public speaking. The current environmental issue for the 2015 competition will be "Urban/Community Forestry." The 2015 competition will be held on April 30th and is being hosted by the community of Cannery Village in Milton. Please put this prestigious event on your calendar and make plans to join us that day as one of our sponsors.

We are again asking for your support in continuing this outstanding environmental education program. It takes over \$25,000 to put on the training workshops, the state competition, and to send the winning team to the North American event, the NCF – Envirothon which is now supported and spearheaded by the National Conservation Foundation. Locally, the Delaware Envirothon is sponsored by the Delaware Association of Conservation Districts (DACD) and overseen by a statewide planning committee of natural resource and conservation professionals. DACD is a 501(c)(3) non-profit organization. **Please give us your support by filling out and submitting the form in the enclosed sponsor brochure. If needed, the DACD non-profit tax identification number is 51-0331688.**

The 2015 NCF – Envirothon will be held in Springfield, Missouri in late July. Unfortunately, the 2014 North American Envirothon in Georgia was cancelled due to financial difficulties. However, the 2013 Delaware Envirothon champions from the Charter School of Wilmington came in seventh place out of more than 56 teams from the United States and Canada at the 2013 North American Envirothon held at Montana State University in Bozeman, Montana. Over the past few years Delaware has placed in the top ten, including winning the North American competition in 2008.

We look forward to hearing from you and thank you on behalf of the following schools/groups who are preparing now to participate in the 2015 Delaware Envirothon: A.I. DuPont High School, Charter School of Wilmington, Hodgson Vo-Tech High School, St. Elizabeth High School, Mt. Pleasant High School, Middletown High School, Caesar Rodney High School, Dover High School, Kent County 4-H, Polytech High School, St. Thomas More Academy, Sussex Technical High School, and Smyrna High School. Many of the students who have participated in the Envirothon have completed their higher education and pursued natural resource careers. With your support we can continue to inspire these future leaders!

A copy of our 2014 annual report and an updated sponsor brochure are included for your review. **You can now make donations via PayPal™ by visiting the website and clicking on the sponsor button.** For more information about this wonderful environmental education program you can access our website at www.delawareenvirothon.org or you can call me at 302-832-3100 x 113.

Sincerely,


Richard Mickowski, Chair
Delaware Envirothon Planning Committee

Enclosures

Challenging Environmental Education



LOWER SUSSEX LITTLE LEAGUE

P.O. BOX 320
OCEAN VIEW, DE. 19970

DATE: JANUARY 1, 2015
TO: SUSSEX COUNTY COUNCIL (GEORGE COLE)
FROM: BRUCE LAYTON (VICE-PRESIDENT)
RE: DONATION LETTER

THE LEAGUE WOULD LIKE TO THANK THE SUSSEX COUNTY COUNCIL FOR YOUR \$2,500.00 DONATION LAST YEAR DATED 2-7-13. WE HAVE BEEN ABLE TO RAISE FUNDS THROUGH REGISTRATION FEES, SPONSORS (SIGNS ON THE FIELD), THE CONCESSION STAND, GRANTS, AND FOUNDATIONS. WE PRESENTLY HAVE (9) BALLFIELDS AND 780 CHILDREN (2014). SINCE, WE ARE NOT IN ANY OF THE TOWN LIMITS, THAT, WE SERVICE, WE DO NOT GET MONEY FROM ANY OF THE TOWNS. THE TOWNS ARE FRANKFORD, DAGSBORO, SELBYVILLE, FENWICK ISLAND, SOUTH BETHANY, BETHANY BEACH, OCEAN VIEW AND MILLVILLE.

WE DO NOT GET MONEY FROM THE STATE.

OVER THE YEARS WE HAVE RAISED APPROXIMATELY \$650,000.00, AND THE BALLPARK IS PAID FOR.

THIS MONEY WILL BE USED FOR MEMORIAL FIELD, WHICH IS ONE OF FIRST FIELDS WE BUILT. WE HAVE ALREADY STARTED REDOING THE INFIELD, AND WE ARE GOING TO REBUILD THE PRESSBOX AND DUGOUTS.

WE, ALSO, HOST TWO SOFTBALL WORLD SERIES TOURNAMENTS IN AUGUST (BIG LEAGUE GIRLS - AGES 17 & 18) AND (SENIOR LEAGUE GIRLS - AGES 15 AND 16) WITH TEAMS COMING FROM AROUND THE WORLD. TEAMS COME FROM LATIN AMERICA, PUERTO RICO, EUROPE, CANADA AND UNITED STATES. WE HAD (6) GAMES ON ESPN IN 2014 AND WE WILL HAVE (6) GAMES ON ESPN THIS YEAR. THE STATE TOURISM PREDICTS \$2.5 MILLION IN NEW MONEY.

PLEASE, GO TO OUR WEBSITE (WWW.LOWERSUSSEXLITTLELEAGUE.COM).

AGAIN THANK YOU FOR YOUR DONATION.


BRUCE LAYTON
VICE PRESIDENT
302-841-7961 (cell)

**Council District No. 3 – Deaver
Tax Map I.D. No. 334-5.00-222.01
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.52 ACRES, MORE OR LESS

WHEREAS, on the 28th day of October 2014, a zoning application, denominated Change of Zone No. 1766 was filed on behalf of Stonemark Ventures, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 1766 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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 COUNTY 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 HR-1 – RPC High 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 situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Road 285 (Beaver Dam Road) 2,500 feet west of Road 275 (Plantation Road) and being more particularly described in Deed Book 2005 Page 256 in the Office of the Recorder of Deeds in and for Sussex County, and containing 19.52 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.

**Council District No. 3 – Deaver
Tax Map I.D. No. 334-10.00-31.05 and 31.06
911 Address: 28990 Lewes–Georgetown Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.867 ACRES, MORE OR LESS

WHEREAS, on the 19th day of November 2014, a zoning application, denominated Change of Zone No. 1767 was filed on behalf of Adel M. Baghoui; and

WHEREAS, on the ____ day of _____ 2015, 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. 1767 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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 COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-1 Neighborhood Business 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 situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of U.S. Route 9 (Lewes – Georgetown Highway) and 1,000 feet west of Road 282 (Arabian Acres Road) and being more particularly described as Parcels 2 and 3 for RWR9, LLC as recorded in Plot Book 123 Page 92 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, and containing 2.867 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.

PUBLIC HEARINGS

January 13, 2015

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 the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

Conditional Use #1992 – W. Ralph Brumbley

Application of **W. RALPH BRUMBLEY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a vendor (lunch truck) to sell foods and beverages to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 16,820.70 square feet, more or less, land lying northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) (911 Address: 12209 Coastal Highway), Milton, Delaware) (Tax Map I.D. #2-35-7.00-44.00).

The Commission found that DelDOT provided comments in the form of a letter and Support Facilities Report on May 1, 2014 which references that a traffic impact study is not required; that the subject property is adjacent to Delaware Route One, and is therefore subject to the Department's Corridor Capacity Preservation Program; that the main goal of the Program is to maintain the capacity of the existing highway; that Delaware Route One is a controlled access highway; that according to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area; that in this area, State policies will encourage the preservation of a rural lifestyle; and that the property owner can develop a rights-in/rights-out access to Delaware Route One for a site generating an average of 40 vehicle trips per day.

The Commission found that Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum indicating that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is in the

North Coastal Planning Area; that on-site septic system is proposed; that conformity to the North Coastal Planning Study or undertaking an amendment will be required; that the proposed use is not in an area where Sussex County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that W. Ralph Brumbley was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he owns the adjoining manufactured home park; that the proposed vendor truck will serve the residents of the park and transient customers; that he has cleaned up the park; that there is plenty of room for parking; that he may set up 10-foot by 20-foot tents for customers; that the existing day care building is not in use at this time; that the vendor truck will be located near the exit of the manufactured home park; that the use will be a benefit to the residents of the park; that the use would open at 6:00 a.m.; that coffee, cold beverages, doughnuts, pizzas, snacks and sandwiches are served; that he has no intentions of operating a barbeque; that the Board of Health has granted a license to operate; that the business would be open six days per week; that there are three other vendors in the area; that it could be possible to provide picnic tables also; and submitted three photographs of the site.

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

The Commission found that Harry Holtgrewe was present and advised the Commission that the vendor truck should be located inside the fenced area; that the cross over from Route One is supposed to be closed in the future; and that the use could create safety issues.

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

On August 7, 2014 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 21, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1992 for W. Ralph Brumbley for a vendor, specifically a lunch truck, to sell food and beverages based on information contained in the record and for the following reasons:

- 1) This is a small use that will be located on property owned by the applicant. It will be temporary in nature and will primarily serve residents and visitors to the adjoining manufactured home park that he owns.
- 2) There is room for the use on the site, which also including parking. There will also be room to pull off of Route One to access the food vendor.
- 3) The use will not adversely affect neighboring properties, the community or area roadways.
- 4) The use is appropriate in this location which is next to the manufactured home park, which includes fishing areas and other activities for residents and guests.
- 5) This recommendation is, however, subject to the following conditions:

- A. The use shall be limited to a mobile or temporary food and beverage vendor. When not in continuous operation, it must be removed from the site and must not become permanently located on the site.
- B. The use shall comply with all setback and parking requirements.
- C. The applicant shall comply with all DeIDOT requirements, including entrances from Route One.
- D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
- E. The hours of operation shall be from 6:00 a.m. until 9:00 p.m.
- F. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. In addition to parking and other requirements of a Final Site Plan, it shall also show the location of the picnic tables or tents that were proposed by the applicant.

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

NOTE: On October 7, 2014 the Sussex County Council opened the public hearing on this application and found that the Applicant was not in attendance; that the application was moved to follow the next application; that it was noted that a phone call was attempted to the Applicant, however, that there was no answer; that it was reported that the Code has a reference for a failure to appear; therefore, there was a motion to deny the application due to the lack of a record.

On December 2, 2014 the Sussex County Council discussed this application for the purpose of further consideration and were advised that there are extenuating circumstances involving this application; that inaccurate information was provided to the Applicant causing him to miss the public hearing; that legal staff has agreed that a motion to rescind the vote was appropriate in this case; and that there was a vote to rescind the vote of denial of October 7, 2014 because the County provided inaccurate information to the Applicant that caused him to miss the public hearing.

Conditional Use #1994 – Robert Wilkerson

Application of **ROBERT WILKERSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automobile repair shop to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.5 acres, more or less, land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (911 Address – None Available) (Tax Map I.D. #2-35-22.00-18.09).

The Commission found that the Applicant had submitted a copy of the survey of the property depicting the garage as existing on the property.

The Commission found that DelDOT provided comments on February 6, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended, and that the current Level of Service “C” of Cave Neck Road (Route 88) will not change as a result of this application proposing to utilize the property for auto repair.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 20, 2014 in the form of a memorandum which reference that the property is not located in a County operated or maintained sanitary sewer and/or water district; that the property is located in the North Coastal Planning Area; that an on-site septic is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised that Commission that the Department has received six (6) letters and/or emails in opposition to this application and provided the Commission with copies to review.

The Commission found that Robert Wilkerson was present and stated in his presentation and in response to questions raised by the Commission that he is proposing to use an existing garage on the property for an auto repair shop; that the activity is mostly a hobby; that he takes care of vehicles owned by family members and friends; that he does not charge fees; that he has received some donations for some of his work; that he has been utilizing the site for this purpose for approximately 5 years; that waste oils are pickup and handled by a waste oil handler; that parts removed from vehicles are disposed of or hauled away to salvage yards; that he does not want to have more than 10 vehicles on the site at any one time; that there are no other businesses in the area; that the area is predominantly residential and agricultural; that his normal business hours are from 8:30 a.m. to 5:00 p.m. Monday through Saturday; that there are no sanitary facilities on the site; that there are no vehicles for sale on the site; that he does offer any towing services; that he does not offer any repossession storage; that the service is needed in the area; that his father owns the property; and that his family owns the adjacent acreage as the Holland Family Land Corp.; that he has five or six people to and from the site daily; that he has no employees; that the building has a concrete floor; that he uses oil dry if any spill occurs; that he utilizes a parts cleaner system for cleaning parts; that there is no water on site; that security lighting exists; that he has an approved business license; and that he does not have a car lift in the shop, but utilizes jacks and jack-stands to service vehicles.

The Commission found that Ardie Bolden and Leeland Harmon, Jr. were present and spoke in support of the application stating that they have no objection to the application; that the site is well maintained; that there is little to no noise; that the site is clean, neat and the grass is cut; that the applicant has been a good neighbor and is a good worker; and that he does a good job repairing vehicles and lawn mowers.

The Commission found that Nicki Trigg, Maureen Gosparik, Norma Jean Boudah, Roger Beaudin, Megan Stevens, Ben Cavaliere, Beverly Delli Santi, Debbie Kurpinski, and Ken Kurpinski were present and spoke in opposition to this application expressing concerns that there are normally 20 or more vehicles on the site; that there is heavy pedestrian activity on the site; that they do not support the need for an auto repair shop in the area; that the site is unsightly and an eyesore; that there are no restroom facilities; that power tool noises are disturbing; that the applicant has been in business for several years without any approvals; that tires have been stacked along the building; that the area is residential; that recently a convenience store application was denied near this site due to the residential area; that there are a large number of people coming and going to the site; that the lot does not have a septic system; that there is no hazardous materials waste report for review; that the entrance has not been built to State specification; that they purchases because the area is residential; that the intersection of Cave Neck Road, Hudson Road, and Sweetbriar Road is very dangerous; that the use is not compatible with the residential area surrounding the site; and that the area should remain residential and agricultural.

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

On August 21, 2014 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On September 11, 2014 the Commission discussed this application under Old Business.

Mr. Johnson stated that he was prepared to make a motion, but asked if the other Commissioners had any comments.

Mr. Smith stated that the site is an appropriate location for an auto repair shop to serve the area based on some of the support heard during the public hearing.

Mr. Ross agreed with Mr. Smith's comments.

Mr. Burton stated that he would be abstaining from participating in the discussion and vote since he was not present during the public hearing.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1994 for Robert Wilkerson for an automobile repair shop based on the record made during the public hearing and for the following reasons:

- 1) Contrary to some of the statements made during the public hearing, this is not a conversion to a commercial or business zoning district. The use will be specific, with conditions and limitations placed upon it. Like any conditional use, if these requirements are violated, the conditional use can be terminated.

- 2) The use is relatively small in scope. If there was a home on this property, it is a small enough of a use with no employees that it is similar to a home occupation.
- 3) While there are some relatively new developments in this area, it is still a predominantly rural agricultural/residential area.
- 4) The use is adjacent to a much larger parcel owned by the applicant's family.
- 5) Although there was some opposition to this application, I am satisfied that these issues can be addressed through appropriate conditions.
- 6) I do not believe this use adversely affects traffic in the area.
- 7) With the conditions and limitations placed upon this use, it will not adversely affect neighboring properties or the community.
- 8) The use provides a benefit to Sussex County residents by providing a convenient location for automobile services.
- 9) This recommendation is subject to the following conditions:
 - A. The use shall be limited to the existing structure on the property. No additional structures will be permitted.
 - B. The use shall be operated solely by the applicant. As stated by the applicant, there shall not be any other employees associated with the business.
 - C. No outside repairs shall be permitted.
 - D. No junked, unlicensed or unregistered vehicles, trucks or trailers shall remain on the property for longer than six (6) months.
 - E. No more than ten (10) vehicles, trucks or trailers shall be located outside at any one time.
 - F. The use shall include porta-toilet facilities. The nature and location of these facilities shall be shown on the Final Site Plan and shall be screened from neighboring properties.
 - G. There shall not be any outside storage of vehicle parts, equipment, scrap, or similar materials.
 - H. There shall not be any vehicle sales occurring on the site.
 - I. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.
 - J. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - K. One unlighted sign, not to exceed 32 square feet in size per side, shall be permitted.
 - L. The areas for outside vehicles shall be shown on the Final Site Plan and clearly marked on the site itself.
 - M. All oils, hazardous substances, fluids and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.
 - N. The hours of operation shall be between 8:30 am and 5:00 pm, Monday through Saturday.
 - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried with four (4) 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 4 – 0, with Mr. Burton abstaining since he was not present during the public hearing.

NOTE: On October 14, 2014 the Sussex County Council opened the public hearing on this application and found that the Applicant was not in attendance; that the application was moved to follow the next application; that it was noted that a phone call was attempted to the Applicant, however, there was no answer; that it was reported that the Code has a reference for a failure to appear; therefore, there was a motion to deny the application due to the lack of a record.

On December 2, 2014 the Sussex County Council discussed this application for the purpose of further consideration and were advised that there are extenuating circumstances involving this application; that the original public hearing was scheduled for October 21, 2014, but was rescheduled for October 14, 2014; that the date of the public hearing before the Council was not updated to show the rescheduled date; that legal staff has agreed that a motion to rescind the vote was appropriate in this case; and that there was a vote to rescind the vote of denial of October 7, 2014 because the County failed to update the new public hearing date listed on the notice posted on the Applicant's property causing him to miss the public hearing.

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (Tax Map I.D. 235-7.00-44.00)

WHEREAS, on the 29th day of April 2014, a conditional use application, denominated Conditional Use No. 1992 was filed on behalf of W. Ralph Brumbley; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1992 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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. 1992 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 northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) and being more particularly described in Deed Book 2357, Page 168, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 16,820.70 square feet, more or less.

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

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (Tax Map I.D. 235-22.00-18.09

WHEREAS, on the 2nd day of May 2014, a conditional use application, denominated Conditional Use No. 1994 was filed on behalf of Robert Wilkerson; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1994 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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.

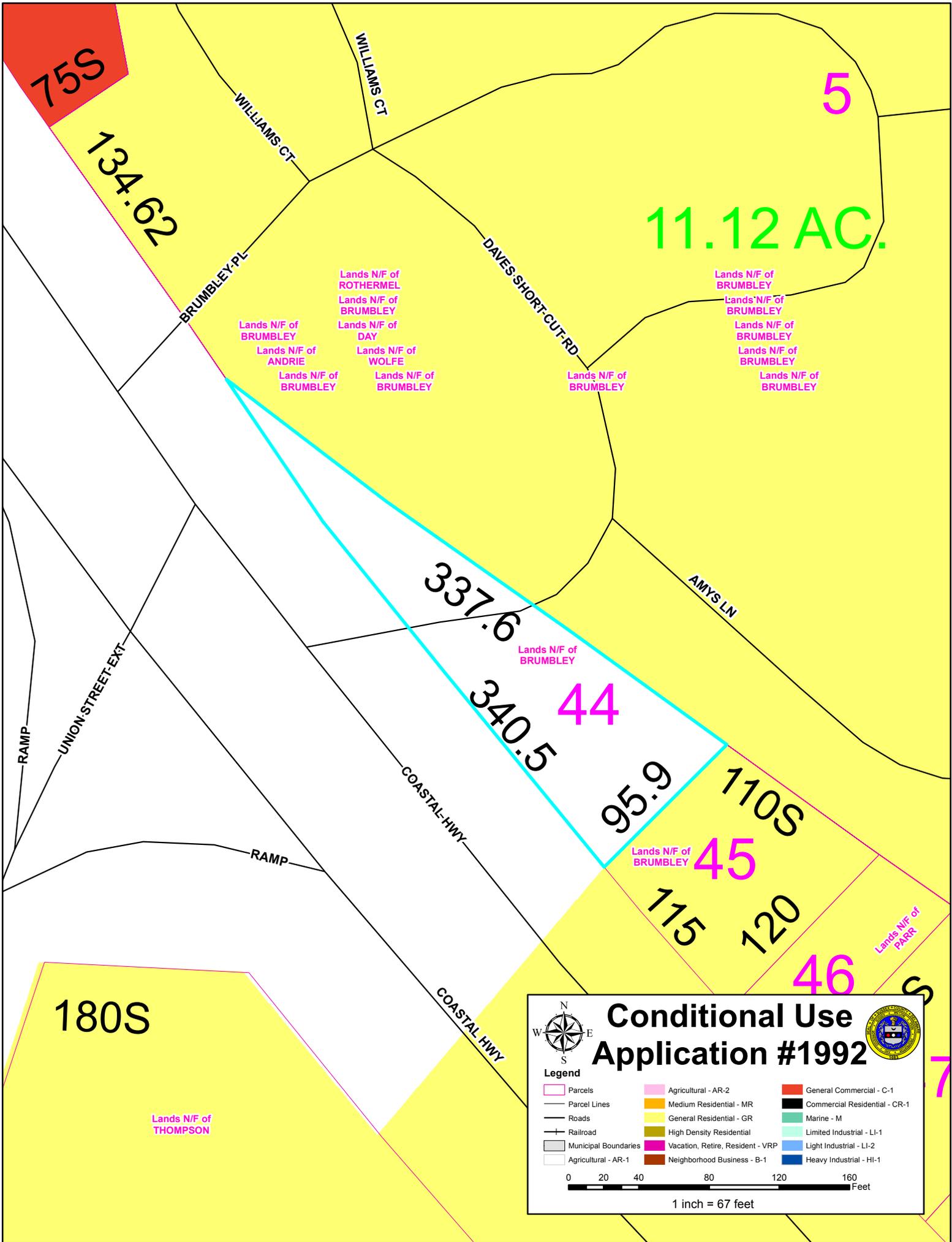
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1994 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 north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) and being more particularly described as the residual parcel in Plot Book 186, Page 86, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.5 acres, more or less.

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



75S

134.62

5

11.12 AC.

WILLIAMS CT
WILLIAMS CT
BRUMBLEY PL
DAVES SHORT CUT RD
AMYS LN
COASTAL HWY
COASTAL HWY
UNION STREET-EXT
RAMP
RAMP

Lands N/F of ROTHERMEL
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY
Lands N/F of ANDRIE
Lands N/F of BRUMBLEY
Lands N/F of DAY
Lands N/F of WOLFE
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY

337.6

Lands N/F of BRUMBLEY

340.5

44

95.9

Lands N/F of BRUMBLEY

110S

45

115

120

46

180S

Lands N/F of THOMPSON

Lands N/F of PARR

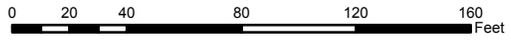


Conditional Use Application #1992

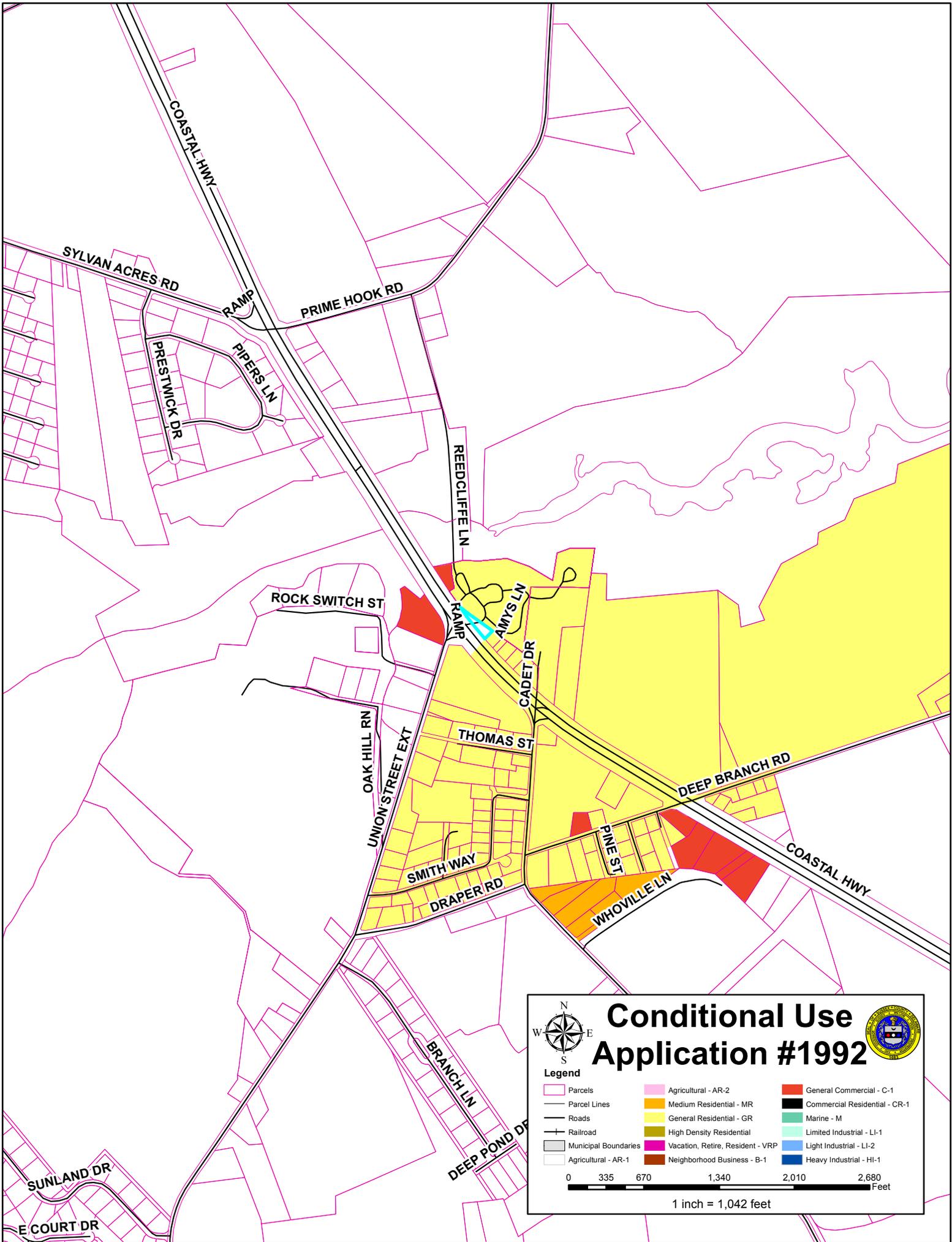


Legend

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



1 inch = 67 feet



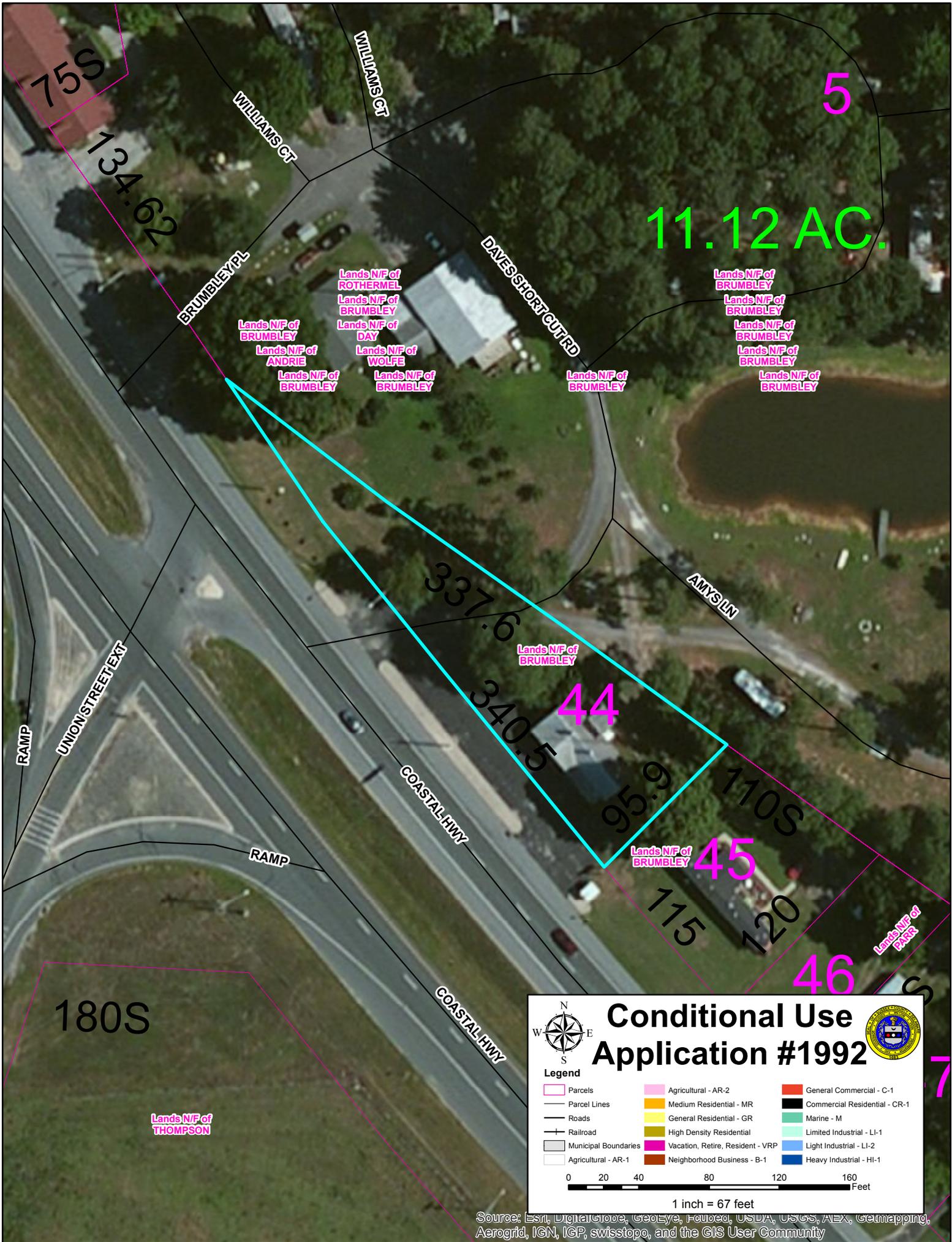
Conditional Use Application #1992

Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



11.12 AC.

5

44

45

46

Conditional Use Application #1992

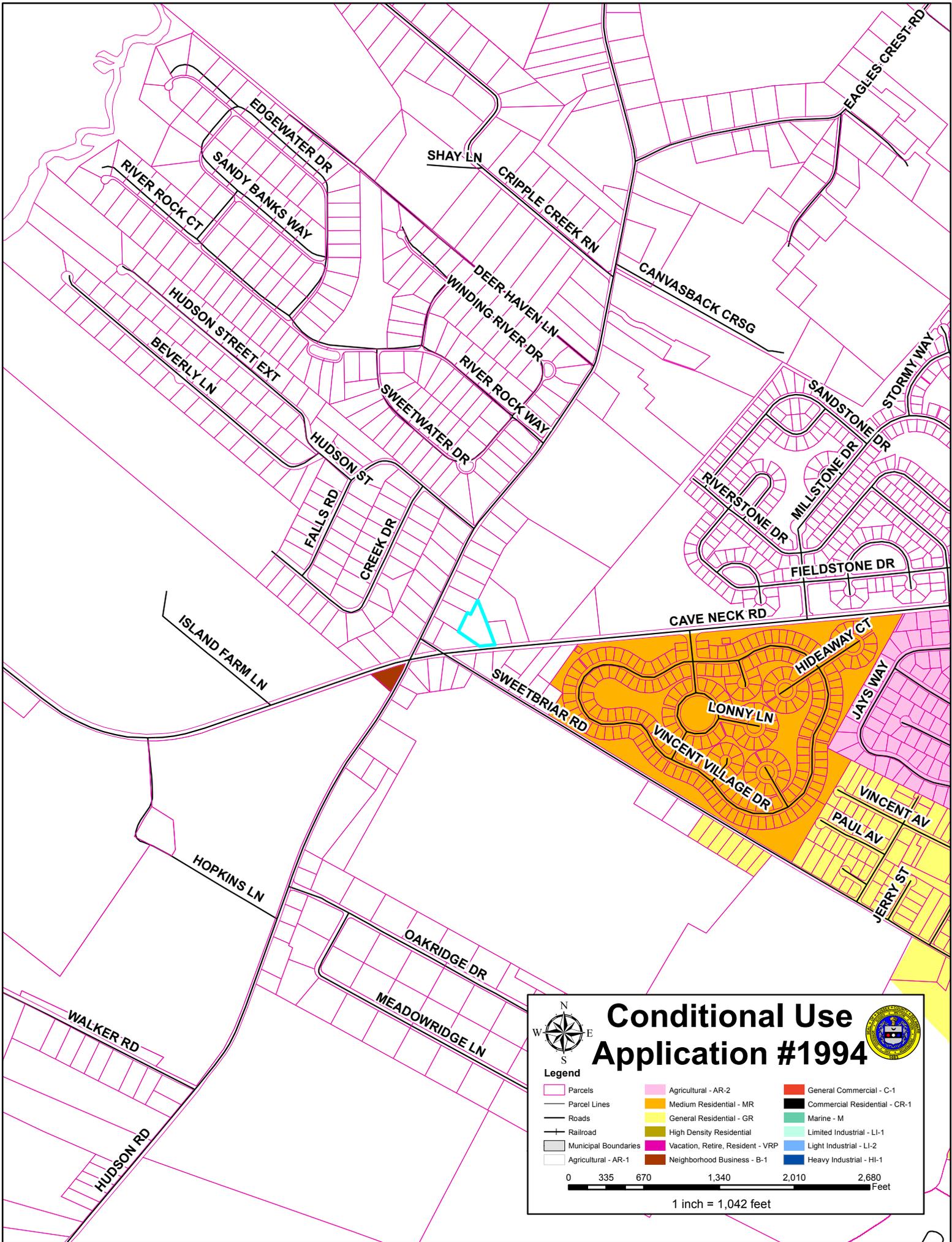
Legend

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

0 20 40 80 120 160
Feet

1 inch = 67 feet

Source: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AEX, GeoMapping, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community



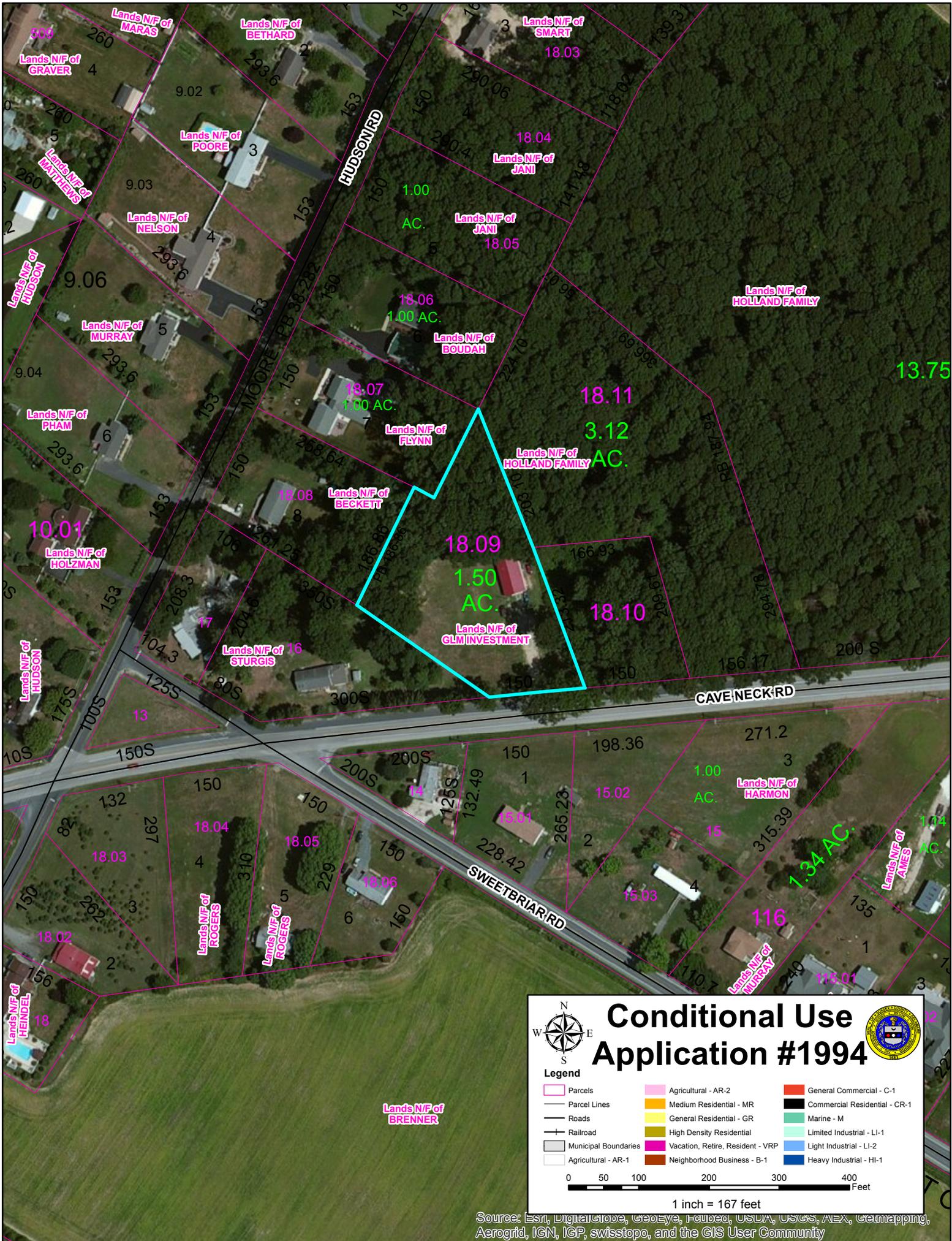
Conditional Use Application #1994



- Legend**
- Parcels
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 - Medium Residential - MR
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 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



Conditional Use Application #1994



W N E S



Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 50 100 200 300 400 Feet

1 inch = 167 feet

Source: Esri, DigitalGlobe, GeoEye, AeroCast, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community