



Sussex County Council Public/Media Packet

**MEETING:
April 14, 2015**

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



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Sussex County Council

A G E N D A

APRIL 14, 2015

10:00 A.M.

****AMENDED on April 10, 2015 at 1:45 P.M.¹**

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 927
Sussex County Project No. 81-04
Swann Cove – Phase 6 (Swann Cove Limited Partnership)
Fenwick Island Sanitary Sewer District
2. Wastewater Agreement No. 378-6
Sussex County Project No. 81-04
Warrington Creek – Phase 10 (AKA Sawgrass South)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Patti Grimes, Executive Director, The Freeman Stage at Bayside – Program Update

Todd Lawson, County Administrator

1. Proclamation – Fair Housing
2. Proclamation – National Service Recognition Week



3. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, §69 AND §72; ARTICLE XI, §77 AND §80 AND; ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS”**
4. **Administrator’s Report**

Bob Stuart, Director of EMS

1. **Paramedic Station 105 – Lease Amendment**

Grant Requests

1. **Ducks Unlimited for the Annual Greenwing Event**
2. **Trap Pond Partners for the Healthy Kids Day Event**
3. **Lewes Historical Society for the Annual Chautauqua Tent Show Event**
4. **City of Seaford for the Nanticoke Riverfest Event**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2010 filed on behalf of The Cross Christian Academy, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHRISTIAN ACADEMY/ PRIVATE 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” (land lying south of Route 16 (Beach Highway) 1,020 feet west of Road 595A (Spruce Road) and north of Road 595A (Spruce Road) 1,075 feet southwest of Route 16 (Beach Highway) (Tax Map I.D. No. 230-26.00-6.03) (911 Address – None Available)

Conditional Use No. 2011 filed on behalf of Douglas Hitchens, T/A Hitchens Auto Sales, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (land lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway), 950 feet northwest of Road 527 (Wilson Hill Road) (Tax I.D. No. 231-5.00-7.06) (911 Address: 12769 Seashore Highway, Georgetown)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 7, 2015 at 4:30 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.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended under Executive Session to include Personnel listed therein.
The Council intends to discuss public business in Executive Session. The agenda amendment was required to address these matters which need immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 31, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 31, 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
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 114 15
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of March 17, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE ENVIROTHON PLANNING COMMITTEE, DOVER,
DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE SENIOR OLYMPICS, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

CHEER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

BIG BROTHERS BIG SISTERS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

(continued) **Mr. Wilson commented on the number of calls he has been receiving regarding trash on the highways.**

**Public
Comments**

Public Comments

Sandy Frunzi and Floyd Mast, volunteer teachers with the Thresholds Program that operates at the Sussex Correctional Institution, were in attendance to present information on the program and thanked the Council for the opportunity to apply for a Human Service Grant. Ms. Frunzi explained that the program teaches decision-making, problem-solving, goal-setting, and objective self-awareness to inmates.

Dan Kramer commented on the forum held by the League of Women Voters of Sussex County on the Comprehensive Land Use Plan process which was held on March 18th in Council Chambers. Mr. Kramer referenced the attendance of Vince Robertson, Assistant County Attorney, and he questioned who would be paying for his services/attendance that evening. Mr. Robertson responded that he does outreach for Sussex County and that he did not bill the County for his attendance at the League's event.

Paul Reiger raised questions about the draft vendor ordinance, and permitted uses in the various zoning districts, especially the AR and GR districts.

**Public
Hearing/
Authorizing
the Issuance
of Bonds/
North Exp.
of the
Angola
Neck SSD**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$6,697,774 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Mrs. Jennings reported that the Proposed Ordinance would authorize the issuance of \$6,697,774 of General Obligation Bonds of Sussex County for the cost of the design, construction and equipping of the North Expansion of the Angola Sewer District. A grant in the amount of \$1,468,000 is expected to be received to lower the outstanding debt principal to \$5,229,774. The bonds are backed by the County's full faith and credit and are expected to be paid back over 30 years through revenues from the North Expansion of the Angola Sewer District. This bond issuance is within the legal debt limit of the County. The ordinance authorizes the sale of bonds to the State of Delaware Water Pollution Control Revolving Fund. The bonds will provide the funding for the boundaries of the area known as Angola North, which was adopted by Sussex County Council on October 7, 2014. Mrs. Jennings noted that this funding is the same funding that was presented during the Public Hearing held on September 18, 2014 with residents of the expanded district boundary.

**M 115 15
Adopt
Ordinance
No. 2390**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2390 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$6,697,774 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

**Request for
Funding/
West Side
New
Beginnings**

Spencer Brittingham and Kathy McGinnis presented information on West Side New Beginnings and the organization’s need for a van to transport children to and from the afterschool program. They explained that the afterschool program in West Rehoboth is for children of low income families; the program services approximately 30-35 children. Mr. Brittingham asked the Council for funding to assist with the purchase of the van. Mr. Arlett asked that the organization submit a formal request for funding.

**DelDOT
Presentation
of
Salisbury/
Wicomico
MPO
Expansion**

Bobbie Geier and Josh Thomas of DelDOT gave a presentation on the Metropolitan Planning Organization (MPO) and specifically, the Salisbury/Wicomico MPO Expansion. Ms. Geier explained that there are currently three MPOs operating within the State of Delaware: a Wilmington area MPO which includes all of New Castle County including Cecil County, Maryland; the Dover-Kent MPO which covers all of Kent County; and the Salisbury/Wicomico MPO which covers Delmar to Seaford along Route 13. Ms. Geier explained that MPOs have been required by federal transportation laws since 1964; generally, the MPOs are designated as urban areas defined by the U.S. Census Bureau and are centered around a Core Urban Area. Additionally, the MPO Planning Area may include an expanded area due to forecasted urban growth or air quality requirements. Ms. Geier explained that the existing urbanized area centered around Salisbury expanded as a result of the 2010 Census; the U.S. Route 13 corridor from Seaford to Delmar is now integrated with the Salisbury/Wicomico planning area. DelDOT was told that urban clusters were identified along Route 13 and that they had to be a part of the Salisbury/Wicomico Planning Area. DelDOT has been working with the State of Maryland and a Memorandum of Understanding has been signed between the two states. Ms. Geier explained that the MPO Council and the Technical Advisory Committee will be expanded by three members: one from DelDOT, one from the County, and one from one of the municipalities. City Manager Delores Slatcher has indicated that the City of Seaford would like to participate.

**DelDOT
Presentation
of
Salisbury/
Wicomico
MPO
Expansion
(continued)**

All federally-funded capital transportation projects within the urbanized area boundary must now: be consistent with the MPO Long Range Transportation Plan (LRTP); be prioritized in the MPO's Transportation Improvement Program (TIP); be prioritized in DelDOT's Capital Transportation Program (CTP); the TIP and CTP must match (not a funding match).

Ms. Geier explained that the next meeting of the Technical Advisory Committee and the MPO Council is on April 9th at which time they will review and approve changes to the MPO Bylaws to reflect the change in representation. She noted that there is a possibility of a name change to incorporate the name of Sussex County into the Salisbury/Wicomico MPO.

Ms. Geier asked for a letter from the County regarding who will be the County's representative on the Technical Advisory Committee and the MPO Council.

**Discussion/
Draft
Ordinance
Relating
to
Temporary
Removable
Vendor
Stands**

Mr. Lawson and Vince Robertson, Assistant County Attorney, presented a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XI, §77 AND §80; ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS" for the Council's consideration.

At the March 17th meeting, a presentation was given to Council on the topic of temporary vendor stands at which time feedback was given by Council members and has been incorporated in the draft ordinance.

Mr. Lawson explained that the intent of the ordinance remains the same, to develop a streamlined process to allow vendors to operate on property zoned commercial; this initiative would not apply to traditional farm markets and produce stands that are allowed to legally operate on AR-1 property. Mr. Lawson advised that the draft ordinance language specifies the following criteria for a vendor applicant:

Property Zoning:	C-1 and CR-1 only
Activity:	Temporary and removable vending stand, including food trucks, selling food, food-related, or agricultural products only
Length of Time:	6 months or less
Amount:	1 stand per parcel
Size:	Maximum of 8' 6" wide by 45' long (DMV dimensions)
Permission:	Activity must be approved, in writing, by property owner

Discussion/ Draft Ordinance Relating to Temporary Removable Vendor Stands (continued)	Plan:	Drawing showing stand location required
	State Agency:	Evidence of a valid State of Delaware business license
	Kick-Out:	Director may require applicant to seek Board of Adjustment approval
	Council members discussed the draft ordinance and questioned if the B-1 District could be added; if agency notifications could be added, i.e. business license, Department of Health, Office of the State Fire Marshal; if Kick-Outs can be clarified, i.e. size of the property, tables, porta-toilets, etc.	
M 116 15 Include B-1 District in Draft Ordinance Vendor Stands	A Motion was made by Mr. Cole, seconded by Mr. Arlett, to include the B-1 District in the Draft Temporary Vendor Stands Ordinance.	
	Motion Adopted:	4 Yeas, 1 Nay.
	Vote by Roll Call:	Mrs. Deaver, Nay; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
IT Department Grant Awards	Mr. Lawson reported that the IT Department has secured over \$50,000 in grant funding for security-related projects. The Department submitted five projects directly related to security, and all were approved.	
FEMA Acceptance/ Floodplain Mgmt. Ordinance	Mr. Lawson reported that, on March 18, 2015, Sussex County Council received a letter from the U. S. Department of Homeland Security, FEMA Division, informing that the County is now in compliance with all of FEMA's flood plain and flood insurance programs as a result of the flood plain management ordinance being approved in 2015.	
Wastewater Agreement	Mr. Lawson presented a wastewater agreement for the Council's consideration.	
M 117 15 Execute Wastewater Agreement/ Redden Farm/ AKA Redden Ridge/ Phase 1	A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 1001, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Jack Lingo Asset Management, LLC, for wastewater facilities to be constructed in Redden Farm – AKA Redden Ridge – Phase 1", located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.	
	Motion Adopted:	5 Yeas.
	Vote by Roll Call:	Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

**Sussex
County
Constituent
Services
Guide**

Mr. Lawson and Chip Guy, Director of Communications, presented the new Sussex County Constituent Services Guide 2015-2017. The publication is available to the public and has been distributed to the libraries and other civic groups. A suggestion was made to distribute the publication to the Chambers of Commerce and the DMV.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report – February 2015

Per the attached Delaware State Police activity report for February, there were 3,272 total traffic arrests and 1,128 total criminal arrests. Of that 1,128, 471 were felony and 657 were misdemeanor criminal arrests. Of the total hours on duty spent, 39 percent were spent on criminal investigations.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Lands of Breakwater Partners, LLC, received Substantial Completion effective March 24, 2015.

3. Lawrence Young

It is with sadness that we note the passing of County pensioner Lawrence Young on Friday, March 13th. Mr. Young began his career with Sussex County in July 1976, and retired from the Security Department in January 1992 with 15 years of service. We would like to express our condolences to the Young family.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, April 7th. The next regularly scheduled Council meeting will be held on April 14th at 10:00 a.m.

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

Mr. Arlett commented on the Delaware State Police Activity Report and asked for a comparison report.

**Health
Insurance
RFP Results**

Mrs. Jennings presented a recommendation to contract Highmark Blue Cross Blue Shield for employee and retiree health insurance. She reported that the County would still proceed as a self-funded plan, but Highmark would act as the third party administrator, allowing the County to utilize the discount from their large network. The recommendation is a result of a formal RFP process. Mrs. Jennings reported on the following advantages to the County to make this change: annualized claim savings of \$390,000 to

**Health
Insurance
RFP Results
(continued)**

\$1.04 million, an 11.15 percent to 25.5 percent discount; reduced administrative costs of \$61,879, 14.4 percent discount; annualized savings in prescription costs of \$133,000 to \$201,000. Mrs. Jennings reported on the following advantages to the employees to make this change: increased “in-network” providers – additional 23 percent of claims will now be in-network and all in-network office visits will be \$15 copay versus the current \$15 to \$25 in-network office visits.

Steve Fallon, Director of the Employees Benefits Practice for Insurance Buyers’ Council, an independent consulting firm, was in attendance to highlight the results of the RFP process and health benefits and the current environment. Mr. Fallon stated that the results of the RFP identified significant opportunity for reducing costs and that the proposal to contract with Highmark provides a unique opportunity for savings that comes without reducing benefits, without shrinking provider access, and without compromising service. The first year of savings is projected at \$670,000; the bulk of the savings is comprised of deeper provider discounts that Highmark is able to negotiate with providers due to a larger membership.

Mr. Fallon commented on the “Cadillac Tax”, the high value plan tax, that is part of the Affordable Care Act and its projected impact on the County. There is a potential liability in 2018 for Sussex County of about \$500,000. He noted, however, that by making a change and reducing the claim basis, there is the potential to begin to adjust the County’s potential liability. He also noted this is not the reason for recommending the change; it is an additional benefit in terms of putting the County in a better position.

Mr. Lawson noted that the County was faced with a 6 percent increase if the RFP process was not pursued.

The long standing relationship with the County’s third party administrator, Integra, was commented on, as well as the excellent service Integra provides.

Mr. Vincent commented on the need to motivate employees to have a healthier lifestyle. It was noted that Highmark has additional wellness based resources.

**M 118 15
Contract
With
Highmark
Blue Cross/
Blue Shield**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council contract with Highmark Blue Cross / Blue Shield to administer the Sussex County Self-Insurance Health Insurance Plan for both employees and qualified pensioners beginning May 1, 2015.

Motion Adopted: 5 Yeas.

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

**Quarterly
Pension
Committee
Update**

Mrs. Jennings discussed the County's pension performance and the Actuary's analysis to move the Paramedics to the State Pension Plan. Mrs. Jennings noted that in the Council packets for review were the draft minutes of the February 26, 2015 Pension Committee meeting and the Investment Performance Report as of December 31, 2014.

Mrs. Jennings reported that, as of December 31, 2014, the market value of the Pension Plan was \$71,652,479; the year-to-date gain was \$5.7 million, or 8.5 percent; and the fund's annual performance ranked in the top 3 percent for pension funds tracked by Peirce Park Group. In regards to the OPEB (the health insurance portion of the pension plan), the market value was \$30,291,647 as of December 31, 2014; the year-to-date return was \$1.8 million, or 6.3 percent; and the fund's performance ranked in the top 13 percent for this quarter.

Mrs. Jennings discussed the possibility of the paramedics moving to the State Pension Plan. The State passed legislation in 2014 to allow Sussex County Paramedics to join one of the State's pension plans. Working with the County and State actuaries, an impact study was performed. Mrs. Jennings summarized the findings: the State's Pension Plan offers higher replacement income and disability benefits, which results in an increased liability and cost to the County and its employees. Due to the financial impact to both the County and the Paramedic employees, Mrs. Jennings did not recommend that the County authorize the Sussex County Paramedics to join the State Pension Plan at this time.

**Legislative
Update**

Hal Godwin, Deputy County Administrator, presented the following legislative update:

House Bill No. 9 – “AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE SANITARY PROTECTION OF ALL DRINKING WATER SUPPLIES WHICH ARE FURNISHED TO AND USED BY THE PUBLIC”

Synopsis: This bill eliminates an existing conflict between the Delaware Code statute regulating licensed water system operators and the regulations governing licensed water system operators. This bill corrects the conflict by allowing the creation of an Advisory Council to assist the Secretary in implementing the regulations. In addition, this bill allows for the waiver in the water system operator law and will provide clearer guidance to owners of public water systems.

This bill passed the House and has been assigned to the Health & Social Services Committee in the Senate.

House Bill No. 25 – “AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING THE GRAY FOX”

**Legislative
Update
(continued)**

Synopsis: This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.

This bill passed the House and the Senate is rewriting the bill.

House Bill No. 33 – “AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING”

Synopsis: This bill clarifies the types of signs that are permitted to be erected in the State’s right-of-way by an outside entity, with department approval. The legislation provides consistency with federal regulations for outdoor advertising.

This bill was introduced and assigned to the Transportation/Land Use and Infrastructure Committee in House.

The bill has been forwarded to Vince Robertson, Assistant County Attorney, for review.

Senate Bill No. 29 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DANGEROUS DOGS”

Synopsis: This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.

This bill passed the Senate and has been assigned to the Health & Human Development Committee in the House.

House Bill No. 68 – “AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO ABANDONED PERSONAL PROPERTY”

Synopsis: As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30 day waiting period.

This bill was introduced in the House with four Sussex County sponsors.

Extend Runway 4-22/ Package 2/ Project 12-07/ Final Balancing Change Order	<p>Joe Wright, Assistant County Engineer, presented the Final Balancing Change Order (No. 3) for the Extend Runway 4-22 Project, Package 2, Project 12-07 completed by George & Lynch, Inc. Change Order No. 3 reduces the contract amount by \$29,874.34 for a revised contract amount of \$4,210,462.29. The original contract amount as awarded was \$4,457,947.00; therefore, the total change from the award value is -\$247,484.71, or 5.56% under the original order. The largest portion of this change order (approximately a credit of \$36,000) has to do with credits received from Verizon, Comcast, and Delmarva Power; estimates were provided by the companies for their expected relocations costs and the final, actual costs were much lower. There were five items dealing with some existing runway conditions; these items amount to a total of approximately \$6,000.</p>
M 119 15 Approve Change Order/ Extend Runway 4-22/ Package 2/ Project 12-07	<p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Sussex County Contract 12-07, Extend Runway 4-22, Package 2, with George & Lynch, Inc. be approved as a credit, which decreases the contract value by \$29,874.34 for a new contract total of \$4,210,462.29, subject to the approval of DelDOT and the FAA.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Request to Prepare and Post Notices for the Kilby Expansion of the Long Neck SSD	<p>Anthony Diguseppe, Jr., Planning Technician, presented a request for the Engineering Department to prepare and post notices for the expansion of the Long Neck Sanitary Sewer District to include (1) parcel of land located along Bay Farm Road which is contiguous to the district (Tax ID # 234-23.00-116.06. The request came to the Engineering Department by letter dated March 17, 2015; the letter was from a co-owner of the property. The parcel is currently provided with a sewer lateral as part of the construction for The Peninsula Project. The parcel currently has a failing septic system and the owner would like to connect into public sewer as soon as possible. The expansion will consist of approximately .59 acres. The owner of the parcel will be responsible for system connection charges of \$4,100 per EDU based on rates from July 1, 2014 through June 30, 2015. A Public Hearing will be scheduled before the County Council.</p>
M 120 15 Authorize Notice/ Proposed Kilby Expansion/ LNSSD	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the extension of the Long Neck Sanitary Sewer District boundary to include property of Rita M. Kilby and Rita Jamieson-Gray, as presented as the Kilby Expansion on March 31, 2015.</p> <p>Motion Adopted: 5 Yeas.</p>

M 120 15
(continued)
Grant
Requests

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

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

M 121 15
Countywide
Youth
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,500.00 from Countywide Youth Grants to the American Diabetes Association for youth to attend summer camp (for Sussex County children).

Motion Adopted: 5 Yeas.

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

M 122 15
Council-
manic
Grant

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,000.00 (\$1,500.00 from Mr. Arlett's Councilmanic Grant Account and \$500.00 from Mr. Cole's Councilmanic Grant Account) to the John M. Clayton Elementary School for mentoring program costs.

Motion Adopted: 5 Yeas.

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

M 123 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$250.00 (\$125.00 each from Mrs. Deaver's and Mr. Wilson's Councilmanic Grant Account) to Delaware Storm Travel Teams for tournament expenses.

Motion Adopted: 4 Yeas, 1 Nay.

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

(Mr. Arlett stated that he would not be giving money from his Councilmanic Grant Account; however, he would personally donate.)

M 124 15
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,500.00 (\$500.00 from Mr. Cole's Councilmanic Grant Account, \$500.00 from Mr. Arlett's Councilmanic Grant Account, \$250.00 from Mr. Vincent's Councilmanic Grant Account, and \$250.00 from Mr. Wilson's Councilmanic Grant Account) to the Delaware Seaside Railroad Club for building expenses.

Motion Adopted: 5 Yeas.

**M 124 15
(continued)**

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

**Grant
Request
Deferred**

The grant request from Rehoboth Beach Sister Cities Association was deferred.

**M 125 15
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$300.00 from Mr. Wilson's Councilmanic Grant Account to Milford High School for an After-Prom Party.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Council
Members'
Comments**

Council Members' Comments

Mrs. Deaver reported on citizens' comments asking the Council to please slow down the growth.

Mr. Arlett reported that he met with the organization A.C.E., a nonprofit located in Seaford. Mr. Arlett commented on grant funding.

**M 126 15
Go Into
Executive
Session**

At 12:27 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and to go into Executive Session.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 12:33 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 land acquisition and personnel. The Executive Session concluded at 12:52 p.m.

**M 127 15
Reconvene
Regular
Session**

At 12:54 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

- Action** **There was no action on Executive Session matters.**
- M 128 15** **At 12:54 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to**
Recess **recess until 1:30 p.m.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
 Mr. Arlett, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea
- M 129 15** **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene**
Reconvene **at 1:34 p.m.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
 Mr. Arlett, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea
- Rules**
of Procedure **Mr. Moore read the Rules of Procedure for Public Hearings.**
- Public**
Hearing/
CU 2007 **A Public Hearing was held on the Proposed Ordinance entitled “AN**
 ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN
 ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN LITTLE CREEK
 HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR
 LESS” (Conditional Use No. 2007) filed on behalf of Delaware Electric
 Cooperative, Inc. (Tax I.D. No. 532-11.00-25.00 (Part of) (911 Address:
 None Available).
- The Planning and Zoning Commission held a Public Hearing on this**
 application on February 12, 2015 at which time the Commission
 recommended that the application be approved, with conditions.
- (See the minutes of the Planning and Zoning Commission dated February**
 12, 2015.)
- Lawrence Lank, Director of Planning and Zoning, read a summary of the**
 Commission’s Public Hearing.
- Terry Jaywork, Esquire, of Hudson, Jones, Jaywork and Fisher, PA., Jack**
 Jester of Delaware Electric Cooperative, and Walter Hoy with Century
 Engineering were present on behalf of the application and they that the
 proposed substation is needed due to projected development in the area;
 that this site was chosen because it is in a load center; that the substation
 will aid the Cooperative with the routing of their electrical service; that the
 substation will be screened from adjacent properties; that the 4 acres is

**Public
Hearing/
CU 2007
(continued)**

coming out of a 90+ acre tract which is planned for future residential development and the developer has contacted the Cooperative offering to sell the 4 acres for the location of a substation; that the area of the substation will encompass approximately one (1) acre of the four (4) acre parcel; that the site is an ideal location since the substation will be at least 90 to 100 feet back from the road and is completely surrounded by dense fir trees; that the only thing visible from the road will be two entrances; that, except for the entrances, it will be screened from abutting properties in all directions; that the highest point of any structure or equipment will not exceed 35 feet; that, initially, only the tops of those structures will be visible as the trees are currently about 15 to 20 feet in height and will grow taller as they mature; that security lighting will be provided and will be downward illuminated so that they do not shine onto neighboring properties; that noise will be minimal; that typically the electrical hum cannot be heard within 100 feet of the transformer; that the transformers will be at least 150 feet from any property line; that once constructed the site will only have one or two monthly inspection visits; that there will not be any outside equipment or material storage on the site; that the use will have no negative impact on traffic in the area; that the Planning and Zoning Department sent out notices of the proposed application to all property owners within 200 feet of the site and that Delaware Electric has also sent out notices to property owners within 400 feet of the site; and that to date, no one has contacted the Cooperative about the project.

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

**M 130 15
Adopt
Ordinance
No. 2391
(CU 2007)**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2391 entitled AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS” (Conditional Use No. 2007) filed on behalf of Delaware Electric Cooperative, Inc., with the following conditions:

- A. The perimeter of the substation shall be fenced.
- B. Four signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
- C. Any security lighting shall be screened away from neighboring properties and County roads.
- D. Landscaping shall be provided to screen the facility from adjacent properties and roadways. Use of existing vegetation is acceptable.
- E. Storage of materials or equipment is permitted, but not to exceed a period of 30 days.

**M 130 15
Adopt
Ordinance
No. 2391
(CU 2007)
(continued)**

F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Nay

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

**Public
Hearing/
CU 2008**

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 TO OPERATE A TRUCKING BUSINESS AND PARKING OF VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 35,011 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2008) filed on behalf of John Martin.

The Planning and Zoning Commission held a Public Hearing on this application on February 12, 2015 at which time the Commission recommended denial for the following reasons:

- 1) The use is not a public or semi-public use. Instead, it appears to be for the sole benefit and convenience of the Applicant so that he can park and operate a trucking business from his residence.**
- 2) There is information in the record that nearby neighbors oppose the application. There is also evidence in the record that the use has previously existed without approval and has not been operated in an orderly or neat fashion. For example, information in the record states that the applicant has allowed his trucking equipment or other vehicles to trespass onto neighboring properties without permission.**
- 3) Although the applicant has applied for a Conditional Use to operate his trucking business, during the public hearing he indicated that various other operations apparently occur on the site, with all sorts of vehicles stored there. This includes race cars for personal use and automobiles for sale. Although these vehicles may be permitted, the Commission does not feel it is appropriate to add additional vehicles associated with a Conditional Use trucking operation to the already crowded and small lot.**
- 4) This is not a safe location for this use. As stated by the applicant, he is required to back his truck from the County roadway onto the property, blocking traffic.**
- 5) The applicant stated that sometimes he starts his truck at 5:00 a.m. The operation of this equipment at such an early hour is not compatible with the nearby residential uses.**
- 6) The applicant has stated that he parks his trailers off-site and there**

**Public
Hearing/
CU 2008
(continued)**

is no apparent reason why he could not also park the tractor in the same location away from his property and the surrounding residential uses.

- 7) The proposed Conditional Use is not compatible with the neighboring and adjacent properties or roadways.

(See the minutes of the Planning and Zoning Commission dated February 12, 2015.)

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

In response to a question raised by Mr. Moore, Mr. Lank stated that a violation was issued for operating a business, at which time there were more trucks than one and numerous cars for sale.

The Council found that Donald Brown, Tenant, and Ellouise Martin, Landlord, were present on behalf of the application. Mr. Brown stated that he is not running a trucking business from the site; that he only houses his tractor on the site; that the other vehicles on the site are his personal vehicles, which are all tagged; that he does not sell cars from the site; that he once had a personal vehicle on the site for sale; that all he wants to do is park his truck in the yard, with no trailers; that he has had as many as four (4) trucks on the site and that he now has only one truck; that he parks the trailers at another location; that the race car and trailer on the site are tagged and he owns them; that he owns a wrecker which is located on the site which pulls his race car and trailer; that he does not now cross the property line with his vehicles; that no shop exists on the site; and that he will comply with the current Code of Sussex County.

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

A discussion was held regarding past activities on the site and the need for a Conditional Use approval since the parking of his tractor is permitted and the other activities have ceased.

Mr. Cole suggested deferring action on the application so that a Zoning Inspector can inspect the site for compliance.

**M 131 15
Defer
Action on
CU 2008**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Conditional Use No. 2008 filed on behalf of John Martin.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Public
Hearing/
CU 2009**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK (VENDOR) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,271 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2009) filed on behalf of Josh Grapski.

The Planning and Zoning Commission held a Public Hearing on this application on February 12, 2015 at which time action was deferred. On March 12, 2015, the Commission recommended that the application be approved, with conditions.

(See the minutes of the Planning and Zoning Commission dated February 12 and March 12, 2015.)

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

Josh Grapski and Mitchell Rosenfeld were present on behalf of this application and stated that they are applying to operate as a food truck vendor on 19406 Coastal Highway; that in regard to the layout, they tried to develop onsite a place where the food truck could be away from parking and moving cars in and out of the parking lot; that there will be no liquor related service with the truck; that the truck will be located across the parking lot from where the tavern is; that the truck is a tagged vehicle and is mobile; that the truck will operate as “Taco Reho”; that the parking requirements for the site will not be impacted; and that they will meet the Code of Sussex County and regulations of any governmental agency.

In response to questions, Mr. Lank advised that the food truck will have to be at least 15 feet from Airport Road; that there is also a 60 feet front yard setback requirement; and that there is a 15 feet setback requirement on the corner. If these setbacks are not able to be met, the Applicant will have to make application to the Board of Adjustment for a variance. This will be determined upon site plan review.

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

**M 132 15
Adopt
Ordinance
No. 2392
(CU 2009)**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2392 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK (VENDOR) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,271 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2009) filed on behalf of Josh Grapski, with the following conditions:

**M 132 15
Adopt
Ordinance
No. 2392
(CU 2009)
(continued)**

- A. The food truck shall be located in the front of the Liquid Surf Shop building as explained by the applicant during the public hearing.**
- B. The use shall comply with all other State and County regulations as may be applicable.**
- C. The truck shall not be permanently affixed or attached to the property.**
- D. If the truck is to be located within any setbacks, a variance from the Sussex County Board of Adjustment shall be required.**
- E. A Final Site Plan showing the location of the food truck shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**M 133 15
Adjourn**

At 3:09 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

March 30, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SWANN COVE - PHASE 6
AGREEMENT NO. 927

DEVELOPER:

Mr. James E. Swann III
Swann Cove Limited Partnership
37124 Saw Mill Lane
Selbyville, DE 19975

LOCATION:

Intersection Rt 54 and RD 381

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

21 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$99,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
05/26/11

Department Of Natural Resources Plan Approval
06/01/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin And Construction Inspection Cost – \$11,446.95
Proposed Construction Cost – \$76,313.00

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 06, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
WARRINGTON CREEK - PHASE 10 (A/K/A SAWGRASS SOUTH)
AGREEMENT NO. 378 - 6

DEVELOPER:

Mr. Michael Accardi
Piccard homes
1300 Piccard Drive
Suite 103
Rockville, MD 20850

LOCATION:

South East Side of Old Landing Road

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

16 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$88,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/04/05

Department Of Natural Resources Plan Approval
03/14/05

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 120

Construction Admin And Construction Inspection Cost – \$13,991.74

Proposed Construction Cost – \$93,278.27



PROCLAMATION

PROCLAIMING THE MONTH OF APRIL AS "FAIR HOUSING MONTH" IN SUSSEX COUNTY

WHEREAS, April 2015 marks the 47th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status or handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Sussex County Council and the Sussex County Association of REALTORS® are committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council proclaims April 2015 as "Fair Housing Month", beginning a year-long commemoration of the U.S. Fair Housing Law in Sussex County, and urges all citizens to wholeheartedly recognize this celebration throughout the year.

Michael H. Vincent, President



PROCLAMATION

PROCLAIMING APRIL 14, 2015 AS NATIONAL SERVICE RECOGNITION DAY IN SUSSEX COUNTY

WHEREAS, service to others is a hallmark of the American character and central to how we meet our challenges; and

WHEREAS, the nation's local communities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city and county needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, including Sussex County, Delaware, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the corporation for National and Community Service shares a priority with communities nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the local communities across the country to recognize the impact of service;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby proclaims April 14, 2015, as National Service Recognition Day and encourage residents to recognize the positive impact of national service in Sussex County, to thank those who serve, and to give back to their communities.

Michael H. Vincent, President

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, § 69 AND §72; ARTICLE XI, § 77 AND §80 AND; ARTICLE XIA, § 83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS.

WHEREAS, Sussex County Council has the power and jurisdiction to regulate zoning and uses of land in those portions of Sussex County which are not included within the corporate limits of any City or Town; and

WHEREAS, the Code of Sussex County does not clearly address or regulate temporary removable vendor stands, including “food trucks”, and by default they have required Conditional Use approvals to legally operate in the County; and

WHEREAS, Sussex County Council desires to create a process in the Zoning Code to allow temporary removable vendor stands, including “food trucks” in certain areas under certain circumstances; and

WHEREAS, Sussex County Council deems it appropriate to allow certain temporary removable vendor stands, including “food trucks” to exist as permitted uses within the B-1 Neighborhood Business District, the C-1 General Commercial District and the CR-1 Commercial Residential District with certain limitations; and

WHEREAS, Sussex County Council deems it appropriate to include temporary removable vendor stands as special use exceptions in the B-1 Neighborhood Business District, the C-1 General Commercial District and CR-1 Commercial Residential District if not considered a permitted use; and

WHEREAS, Sussex County Council is of the opinion that this amendment will promote the health, safety morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County and provide for a more orderly development of the County; and

WHEREAS, any material that is to be deleted from the Code of Sussex County is enclosed in [brackets] and any new material inserted into the Code of Sussex County is indicated by underlining;

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article X, Section 69, Permitted Uses, is hereby amended by adding the following language after

“Telephone stations or booths, including drive-in or talk-from-the car stations, and telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed area” and before “Undertaking businesses or establishments or funeral homes” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 2. The Code of Sussex County, Chapter 115, Article XI, Section 77, Permitted Uses, is hereby amended by adding the following language after “Tourist homes or rooming house” and before “Used car and truck sales and storage, parked a minimum of 25 feet from the front property line” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 3. The Code of Sussex County, Chapter 115, Article XIA, Section 83.2, Permitted Uses, is hereby amended by adding the following language after “Tourist homes or rooming house” and before “Used car and truck sales and storage, parked a minimum of 25 feet from the front property line” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be wheeled and shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director or Board of Adjustment, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 4. The Code of Sussex County, Chapter 115, Article X, Section 72, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-69. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a "Sussex County Vendor Stand" sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 5. The Code of Sussex County, Chapter 115, Article XI, Section 80, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-77. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a "Sussex County Vendor Stand" sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 6. The Code of Sussex County, Chapter 115, Article XI, Section 83.6, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-83.2. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a “Sussex County Vendor Stand” sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Synopsis

There have been several proposed temporary removable vendor stands (including “food trucks”) that have sought approval in Sussex County, and until now there was no clear path under the Zoning Code governing the approval process. Instead, approvals have been sought by default under the Conditional Use “catch-all” category of “residential, business, commercial or industrial uses when the purpose of this chapter are more fully met by issuing a conditional use permit.” As a result of this, existing stands run the risk of violation, and those seeking approval face uncertainty about how to proceed under the Code. With this amendment, such stands in the B-1, C-1 and CR-1 districts can receive over-the-counter approval if certain specific requirements are satisfied. In those districts, if the Director still has concerns about the proposal, the owner of the stand can seek a Special Use Exception from the Sussex County Board of Adjustment.

This amendment will not affect temporary removable farm stands that are permitted uses in the AR-1 District under Section 115-20.A.(3).

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT is made this _____ day of _____, A.D., 2015 by and between LAWRENCE C. KELLY, hereinafter referred to as the "Landlord" and SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter referred to as the "Tenant"

WHEREAS, on November 17, 2009, the parties entered into a Lease Agreement for "the building located on 1 acre +/- on DE Route 17 1/3 mile south of CR 353 on the west side of DE Route 17, Frankford. Parcel 95, Tax Map 1-34-15-95," and now known as 32608 Roxana Road, Frankford, DE 19945, for a five (5) year lease term which terminated on October 31, 2014; and

WHEREAS, on October 21, 2014, the parties entered into an Amendment to Lease to properly identify the property address of the leased premises, and to extend the lease term for an additional four (4) month period until midnight on February 28, 2015, with the option for Tenant to renew for two (2) additional one (1) month periods thereafter; and

WHEREAS, the Tenant exercised its right to renew for the aforesaid two (2) additional one (1) month periods through April 30, 2015; and

WHEREAS, the parties desire to, once again, amend the Lease Agreement to permit the Tenant to extend the lease term for an additional one (1) month period through May 31, 2015, with Tenant having the option to renew for one (1) month periods thereafter until the construction has been completed on Tenant's new Paramedic Station 105 and Tenant is able to take possession thereof, as more fully set forth herein; and

WHEREAS, all other terms and conditions of the Lease Agreement and Amendment to Lease shall remain in full force and effect throughout the remainder of the Tenant's possession of the premises during the term of this Lease as set forth therein, unless otherwise modified by the parties in writing.

NOW, WHEREFORE, the parties intending to be legally bound, hereby covenant and agree as follows:

1. Paragraph 2 shall be amended as follows:

The original term of this Lease dated November 17, 2009, and the extension granted by Amendment to Lease dated October 21, 2014, shall be further extended to permit Tenant to occupy and rent the premises following the expiration of the amended lease term on April 30, 2015. This Lease shall be renewed for one (1) month until May 31, 2015. Thereafter, Tenant shall have the option to renew this Lease for additional one (1) month periods under the same terms and conditions set forth in the original Lease Agreement. Tenant shall be required to provide Landlord with written notice of its intent to renew for an additional one (1) month period by no later than May 15, 2015. If Tenant exercises its option to renew for the first one (1) month extension period and thereafter seeks to exercise its option for any additional one (1) month extension periods, Tenant shall be required to provide Landlord with written notice of its intent to exercise this option by no later than the 15th of each month prior thereto. Tenant's option to renew for one (1) month periods shall continue until the construction has been completed on Tenant's new Paramedic Station 105 and Tenant is able to take possession thereof. During all extensions of the lease term as set forth herein, Tenant agrees to pay the Landlord the current monthly rental of One Thousand Four Hundred Six Dollars and Eighty Nine Cents (\$1,406.89) on the first day of each month. The monthly payment shall be sent to the official mailing address of the Landlord as stated in paragraph 18 of this Lease.

2. All other terms and conditions of the Lease Agreement dated November 17, 2009, and the Amendment to Lease dated October 21, 2014, shall remain intact and in full force and effect. Wherever a conflict exists between this Second Amendment to Lease Agreement and the Lease Agreement itself, or the October 21, 2014 Amendment to Lease, the provisions of this Amendment shall control. Unless otherwise indicated, capitalized terms shall be defined in the manner set forth in the Agreement.

3. This Amendment to Lease Agreement may be signed in one (1) or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one (1) instrument.

IN WITNESS WHEREOF, the parties, intending to be legally bound pursuant to duly authorized resolutions and through their duly authorized officers, have executed this Amendment to Lease Agreement on the day and year first above written.

LANDLORD:

Witness

Lawrence C. Kelly (SEAL)

TENANT:

SUSSEX COUNTY COUNCIL

BY: _____ (SEAL)
Michael H. Vincent, President

ATTEST: _____ (SEAL)
Robin Griffith, Clerk of the
Sussex County Council



JAY G REYNOLDS 707 N GOVERNORS AVENUE DOVER, DE 19904 302-242-9811

March 16, 2015

Michael Vincent, President
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Mike,

I would like to thank you again for your generous donation of \$1000.00 last year. Your generosity to the Delaware Ducks Unlimited 9th Annual Greenwing Event is greatly appreciated.

The main purpose of the Greenwing Event is to educate and develop future generations of waterfowl conservationists. Your gift has played an integral part in this annual event by allowing Delaware Ducks Unlimited to host this full day program free of charge to each and every child participant. Each participant up to the age of 17 receives a one year Greenwing Membership to Ducks Unlimited, along with lunch and participation in all of the outdoor activities offered during the day.

With more than a million supporters, Ducks Unlimited is the largest and most effective wetland conservation organization in the world. Since its inception in 1937, Ducks Unlimited's projects have been responsible for nearly 11 million acres of restored, protected, and enhanced wetlands and other wildlife habitats. Wetlands are nature's most productive ecosystems, but the United States has lost more than half of its original wetlands and continues to lose more than 100,000 wetland acres every year. That's why we need the continued support of organizations like Sussex County Council.

Again, we thank you for your support last year and hope that you can provide the same support for our Greenwing Event this year.

Sincerely,

Jay G Reynolds, Southern Zone Chairman
Delaware Ducks Unlimited

March 14, 2015

Mike Vincent
Council President
Sussex County Council
2 the Circle, Box 589
Georgetown, DE 19947

Dear Mr. Vincent;

The Trap Pond Partners are again requesting financial assistance with our Healthy Kids Day Event at Trap Pond State Park. This year's event will take place Thursday May 7th.

You and the council are well aware of the importance of promoting a healthy lifestyle to the County's youth. 2015 will mark a milestone in this event. In just one year, the 4th graders that attended the first annual Healthy Kids Day will be seniors in High School. We will have reached the vast majority of Sussex County students, sparking an interest in healthy lifestyles, physical activity and ownership in our public lands that will last a lifetime. The value of this event cannot be underestimated.

The Trap Pond partners are a non-profit group that assists and supports Trap Pond State Park. Our Friends group is classified as a 501C(3) organization.

The actual expenses for the event are approximately \$3,500 (besides all the staff costs). If possible, \$1,000 will help cover the program, food, porto-johns, and other miscellaneous costs.

Regardless of your financial assistance we would like to give an open invitation to you and all of the council members to attend the event and see personally just what a difference Healthy Kids Day makes in the lives of our children.

Thank you for your and the County Council's consideration. Please call or contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Betty Grossmann".

Betty Grossmann
President
Trap Pond Partners
(302) 875-5088



March 17, 2015

Councilwoman Joan Deaver

Dear Joan,

The 17th Annual Chautauqua Tent Show event to be held in Lewes on June 21-25, 2015 promises to be an exciting, educational and fun-filled community event. Events will be held at Zwaanendael Park, The Lewes Historical Society and Stango Park. We plan to have tents at the Lewes Historical Society and Zwaanendael Park. All activities are offered at no charge.

This year's theme is "Discovering Delaware's Maritime Past." There are lectures, musical entertainment and actors from the American Historical Theatre depicting individuals associated with our maritime history.

In past years, the Chautauqua Tent events were partially funded through a grant from the Delaware Humanities Forum (DHF). Nine years ago, DHF asked the community to take over this popular free event and they began phasing out their financial support of the event. With the support of in-kind funding from our Chamber, The Lewes Historical Society and for the past seven years the Delaware Division of Historical and Cultural Affairs (HCA), we have been able to continue to Chautauqua Tent performances here in Lewes for five days and evenings in June. HCA makes a significant financial and in-kind contribution that has allowed the performances to continue. Since we don't receive funding from DHF, we are looking for support from additional sources. We are appealing to businesses and other funding sources in the Lewes area to help underwrite the estimated costs of \$12,000 associated with the operating expenses.

Through your sponsorship of this event, Sussex County Council contributed \$2,000 last year and we are requesting the same level of support this year.

Donors will be recognized with signage at the events in Zwaanendael Park at the Lewes Historical Society complex. Checks can be made payable to the Lewes Historical Society as they are the only 501c3 organization on the planning committee. These funds do not support the Lewes Historical Society, the Lewes Chamber of Commerce or the Delaware Division of Historical and Cultural Affairs. They are used solely to pay the expenses for the Chautauqua Tent Shows.

Thank you for your consideration for funding this wonderful community event and I hope your schedule will allow you to attend and be recognized for your significant contribution, enabling the shows to go on!

Sincerely,

Betsy Reamer, on behalf of the Chautauqua Tent organizing committee
Lewes Chamber of Commerce executive director



March 12, 2015

Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Councilman Vincent,

It is that time of year again, already! The Nanticoke Riverfest committee is so proud to say that we are going to be celebrating our 21st anniversary! That's right folks, what was once a small event that was centered solely on the Float-in has now hit legal drinking age! We have grown so much in 21 years, and we cannot wait to celebrate!

In honor of this momentous occasion, this year's Riverfest is going to be bigger and better than ever! This year we will be "Painting the Nanticoke" July 10-11th. Every year we are reaching a new milestone, and we are so thankful that we have the amazing support of our local businesses, like you, that make this event possible. It is only through partnerships with businesses such as yours, that we have been able to provide such high-quality entertainment at no charge to our patrons for the last 21 years. In return for your continued kindness, the Nanticoke Riverfest would like to offer high-profile advertisements to your business on a variety of levels. The potential benefits include having your company name or logo displayed in many different advertising venues, including signage at the event, a listing on our website www.nanticokeriverfest.com, and recognition in the Riverfest booklet, which is distributed through both the local newspaper and at the event.

Please take a minute to look through the attached flyer containing sponsorship levels. There are several benefits in each level that your business can receive for a monetary or in-kind donation. Donations of all sizes are accepted and appreciated, so we hope you will consider us when planning your gifts and donations for the year. New this year we would like to offer your organization the exclusive opportunity to be the Platinum Level main stage sponsor, and it would be known to all as the **"Your Business Name MAIN STAGE"**. This stage is supplied by our audio production team, versus the trailers we have used in past years. It provides a much nicer venue for our artists and is much safer for them and our committee members. In return for your continued kindness, with this level of sponsorship you would continue to still receive all of the items in the Diamond Level, plus receive exclusive rights to decorating the stage, a permanent vendor space for your use in the Mt. Olivet Church lot for the entire two day event, ability to hand out giveaways to the audience and the opportunity to introduce the headliner bands; also making any announcements with regard to your organization in between acts. Our Platinum Level may go fast, so consider it today!

If you have any questions, please do not hesitate to contact us at Seaford's City Hall at 302-629-9173. Thank you so much for your continued support!

Sincerely,
Nanticoke Riverfest Co-Chairs

Trisha Newcomer

Amanda Lloyd

Natalie Wilson

Please Make Checks Payable to:

City of Seaford
PO Box 1100
Seaford, DE 19973

PUBLIC HEARINGS

April 14, 2015

This is to certify that on February 26, 2015 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 #2010 – The Cross Christian Academy, Inc.

Application of **THE CROSS CHRISTIAN ACADEMY, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a Christian academy/private 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, land lying south of Route 16 (Beach Highway) 1,020 feet west of Road 595A (Spruce Road) and north of Road 595A (Spruce Road) 1,075 feet southwest of Route 16 (Beach Highway) (911 Address: None Available) (Tax Map I.D. # 230-26.00-6.03).

The Commission found that the applicants provided surveys, site plans, and an Exhibit Booklet with their application.

The Commission found that the Exhibit Booklet contains references to the Site Plan, Land Use Maps, Building Plans, DelDOT correspondence, information on the Wastewater Disposal System, references to the Maple Marsh Tax Ditch, Environmental Information, and photographs.

The Commission found that DelDOT provided comments in the form of a letter, dated November 6, 2014, and a Support Facilities Report, dated October 8, 2014, referencing that the developer has agreed to either pay the Area-Wide Study Fee or submit supplemental traffic data to determine whether the developer meets Traffic Impact Study warrants; that should the developer choose to develop the land as a 100-student K-12 private school DelDOT would permit payment of a fee in lieu of requiring a Traffic Impact Study; that the developer is not exempt from making or contributing towards off-site improvements or from doing a Traffic Operational Analysis, if necessary, for review of the site access plans; and that the Area-Wide

Study Fee is subject to change if the developer submits supplemental traffic data that shows a change in daily trips.

The Commission found that on February 24, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank presented the Commission with copies of 20 letters in support of this application. The letters included notes from students.

The Commission found that Don Porter, Director of the Academy, was present with Gene Bayard, Esquire with Morris, James, Wilson, Halbrook & Bayard, LLP, and Roger Gross, Project Manager from Merestone Consultants, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the academy stated in a church in Milford in 2011; that the academy is currently operating just outside of Ellendale; that the Hudson family donated this land for the purpose of the academy/school; that they are proposing a maximum of 100 students from kindergarten through 12th grade; that no adverse impact on the neighborhood or community is anticipated; that the site is wooded along its western boundary; that they have no intent to disturb the wooded area; that to the east is Prong 9 of Maple Marsh Tax Ditch; that they are working with the State to correct the tax ditch easement; that the area is primarily agricultural; that there are some residential properties in close proximity; that the site is located in a Level 4 area according to the State Strategies; that the site is in or on the edge of the Ellendale Growth Area according to the Comprehensive Plan; that they do not anticipate any drainage issues; that on-site well water will be provided; that on-site septic will be provide, most likely an LPP System; that DelDOT is permitting a single access onto Spruce Road; that the academy will be paying an Area-Wide Study fee in lieu of doing a Traffic Impact Study; that currently three (3) buildings are proposed: two (2) just less than 10,000 square feet for administration and classrooms, and a gym; and a maintenance building; that the septic system has been approved; that there is room on the site for future expansion; that the letters received in support were from friends, family and students of the academy; that the use is consistent with the Comprehensive Plan and the Conditional Use section of the Zoning Ordinance; that they have provided suggested proposed Findings of Fact and Conditions of Approval for consideration in the Exhibit Booklet; that the use is of a public/semi-public character and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County; that the use is for the general convenience and welfare of the inhabitants of the County; that they are proposing to reduce the tax ditch easement to 30-feet of width with approval from the State DNREC and a Court Order; that the academy currently has 40 students and 11 staff members; and that there is ample space of the site to expand parking, if necessary.

The Commission found that there were no parties present speaking in support of the application, and that there were 21 parties present that raised their hands in support.

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

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2010 for The Cross Christian Academy, Inc. for a school based upon the record made during the public hearing and for the following reasons:

- 1) The use is for a small school, which is a public use that will benefit Sussex County residents.
- 2) The site is located in the Growth Area for the Town of Ellendale according to the Sussex County Comprehensive Land Use Plan.
- 3) The use will not adversely affect neighboring properties or area roadways.
- 4) No parties appeared in opposition to the proposed school, and 21 people were present in support of the school.
- 5) The Applicant has stated that the existing school is expanding and requires more space than is available in the building that is currently rented by the school.
- 6) The site has been donated to the school and the donor will still own much of the land that surrounds the school. The donor fully supports the school on this site.
- 7) This recommendation is subject to the following conditions:
 - A. The stormwater management system shall meet or exceed the requirements of the State and County. To the extent possible, its design and location shall minimize tree removal on the site. It shall be constructed and maintained using best management practices.
 - B. All entrances and roadway improvements shall comply with all of DelDOT's requirements.
 - C. Addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - D. 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.
 - E. The Final Site Plan shall also contain a landscape plan for all of the buffer areas shown on the preliminary site plan, showing all of the landscaping and vegetation to be included in the buffer areas.
 - F. The developer shall maintain as many existing trees as possible.

- G. The site shall be served by an on-site wastewater disposal system. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control.
- H. The site shall be served by an on-site well. All improvements for central water distribution, including wells, pumps and storage facilities shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control and the Department of Public Health.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, 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.

Conditional Use #2011 – Douglas Hitchens t/a Hitchens Auto Sales, LLC

Application of **DOUGLAS HITCHENS T/A HITCHENS AUTO SALES, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive sales lot expansion to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.0 acres, more or less, land lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway) 950 feet northwest of Road 527 (Wilson Hill Road) (911 Address: 12769 Seashore Highway, Georgetown, DE) (Tax Map I.D. 231-5.00-7.06).

The Commission found that the applicant submitted the same survey as his previously approved site plan for Conditional Use No. 1667, approved by County Council January 9, 2007.

The Commission found that on February 24, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that he did not request comments from DelDOT since the use is not changing, only the number of vehicles to be displayed for sale is changing.

Mr. Lank advised the Commission that the Commission first reviewed this site during a public hearing on January 9, 2006 and on October 26, 2006 recommended that the application for Conditional Use No. 1667 be denied; and that on January 9, 2007 the Sussex County Council approved the requested Conditional Use with nine (9) conditions of approval, which included:

- 1) The use shall be limited to an office, an area for vehicles displayed for sale, parking for customers, driveways, and a dumpster, if any.

- 2) The maximum number of vehicles to be displayed shall not exceed ten (10).
- 3) Repair work and detailing of vehicles shall be limited to vehicles to be offered for sale on the premise, not vehicles owned by others. There shall be no repair work performed outside.
- 4) Business hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. There shall be no Sunday business hours.
- 5) Any security lighting shall be downward illuminated so as not to cause glare into adjacent properties or Route 404.
- 6) If a dumpster is placed on the property, it shall be screened from view from adjacent properties and Route 404.
- 7) All vehicles displayed for sale shall be set back at least 25-feet from the front property line, the right-of-way of Route 404.
- 8) One ground sign, not exceeding 32 square feet per side or facing, may be permitted.
- 9) Final Site Plan approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals, i.e. DelDOT, Fire Marshall, Sussex Conservation District, DNREC, etc.

The Commission found that Douglas Hitchens was present and stated in his presentation and in response to questions raised by the Commission that he is requesting to change the number of vehicles displayed for sale from 10 to 30 vehicles; that he has been open for four (4) years since receiving approval and has only displayed up to 10 vehicles; that the vehicles displayed are parked on an area improved with stone millings; that he is not changing the display area, only adding additional vehicles for display; that the Sussex Conservation District approved his site plan; that a trucking company exists to the west of the site; and that he would also like to be able to repair vehicles owned by others.

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

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

On February 26, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration and to leave the record open for copies of the record of the previous public hearings for Conditional Use No. 1667 on this site. Motion carried 4 – 0.

On March 12, 2015 the Commission discussed this application under Old Business.

Mr. Smith added that he has reviewed the application file and listened to the audio.

Mr. Lank noted that the Commission was previously provided with a copy of the Minutes for the previous Conditional Use (C/U #1667) held on October 12, 2006 and October 26, 2006.

Mr. Ross stated that he would move that the Commission recommend approval of C/U #2001 for Douglas Hitchens, t/a Hitchens Auto Sales, LLC to modify Conditional Use #1667 to allow 30 cars for sale on an automotive sales lot based upon the record made during the public hearing and for the following reasons:

- 1) Conditional Use #1667 for an automotive sales lot was approved by County Council on January 9, 2007. The approval limited the use to 10 cars for sale at any one time.
- 2) The use has been open for 4 years with only 10 vehicles for sale at any one time without complaint.
- 3) The additional cars would be located on the area of the site that is currently improved with stone millings and the site improvements will not change as a result of this request.
- 4) The expansion will not adversely affect neighboring properties, which includes a trucking company to the west of the site.
- 5) No parties appeared in opposition to the application.
- 6) Condition #2 of Conditional Use #1667 shall be amended to state "The maximum number of vehicles to be displayed shall not exceed thirty (30)." All of the other conditions of Conditional Use #1667 shall remain in effect.

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

Introduced 1/6/15

**Council District 2 - Wilson
Tax Map I.D. No. 230-26.00-6.03
911 Address – Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHRISTIAN ACADEMY/PRIVATE 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

WHEREAS, on the 20th day of November 2014, a conditional use application, denominated Conditional Use No. 2010 was filed on behalf of The Cross Christian Academy, Inc.; 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 Conditional Use No. 2010 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 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.

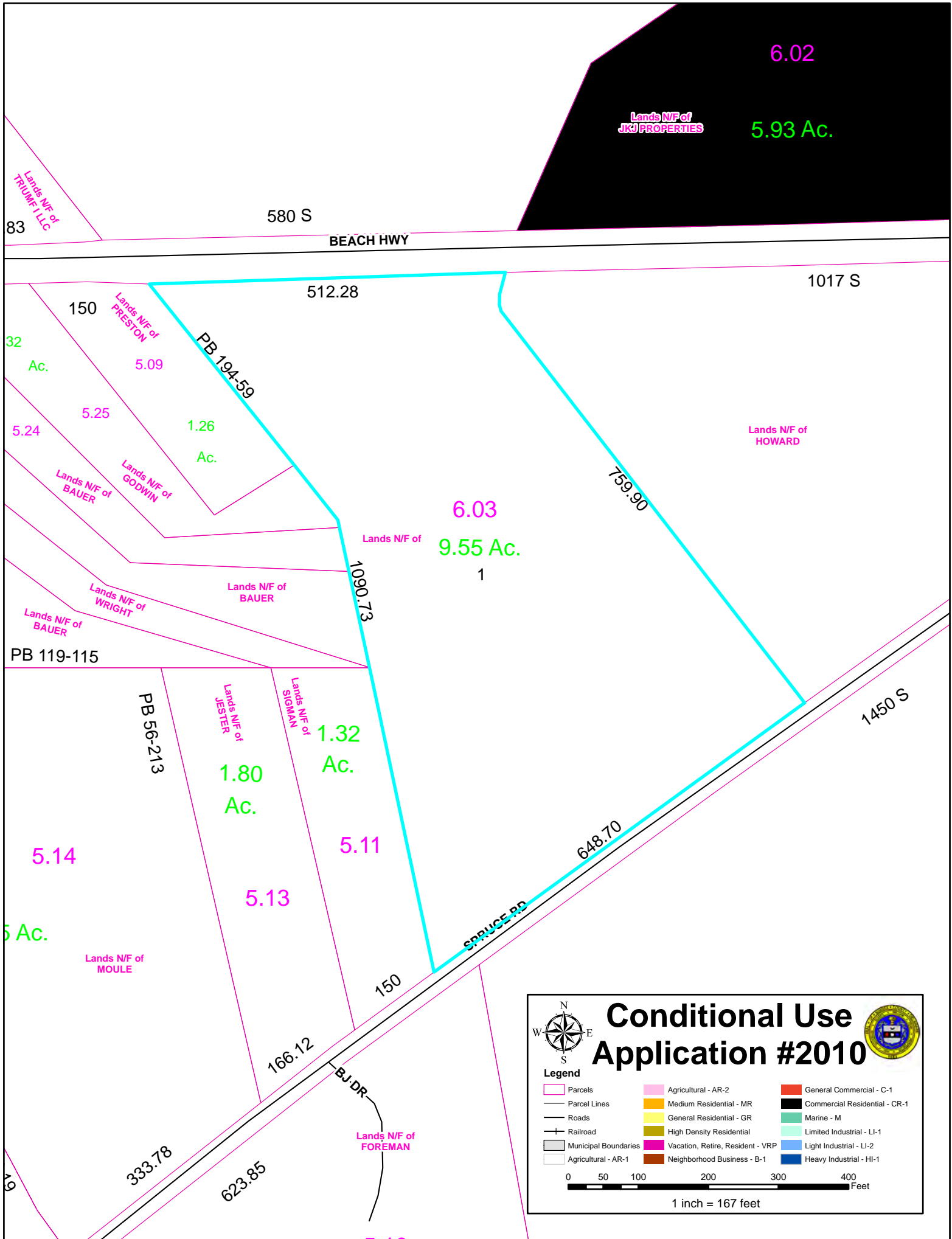
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

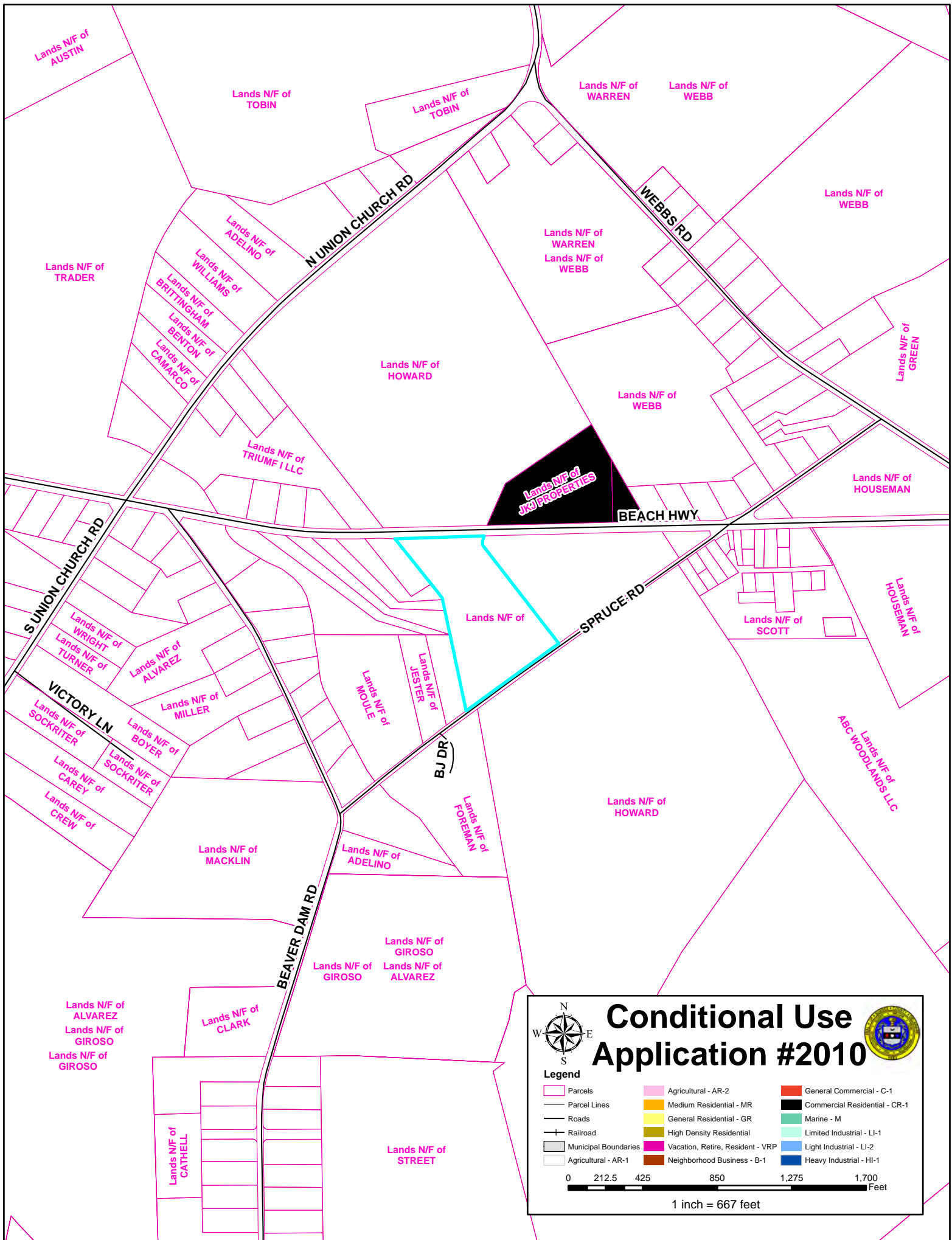
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2010 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:


All that certain tract, piece or parcel of land, lying and being situated in Cedar Creek Hundred, Sussex County, Delaware, and lying south of Route 16 (Beach Highway) 1020 feet west of Road 595A (Spruce Road) and north of Road 595A (Spruce Road) 1,075 feet southwest of Route 16 (Beach Highway) and being more particularly described in Deed Book 4230 Page 232 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, said parcel containing 9.55 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 #2010



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 50 100 200 300 400 Feet

1 inch = 167 feet

Source: CNES/Airbus DS, USDA, USGS, AEA, Geomapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Introduced 1/20/15

Council District 2 – Wilson

Tax I.D. No. 231-5.00-7.06

911 Address: 12769 Seashore Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 21st day of November 2014, a conditional use application, denominated Conditional Use No. 2011, was filed on behalf of Douglas Hitchens, T/A Hitchens Auto Sales, 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 Conditional Use No. 2011 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 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. 2011 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 Nanticoke Hundred, Sussex County, Delaware, and lying northeast of Route 18 (a.k.a. Route 404 and Seashore Highway), 950 feet northwest of Road 527 (Wilson Hill Road), and being more particularly described in Deed Book 2485, Page 250, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.0 acre, 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.

