



Sussex County Council Public/Media Packet

**MEETING:
August 30, 2016**

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

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



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Sussex County Council

A G E N D A

AUGUST 30, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 1048
Sussex County Project No. 81-04
Park Shore (Henlopen Station)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
2. Wastewater Agreement No. 626-3
Sussex County Project No. 81-04
Swann Cove – Phase 8
Fenwick Island Sanitary Sewer District

Todd Lawson, County Administrator

1. Update and Discussion on DelDOT Transportation Improvement District (TID)
2. Administrator's Report



Gina Jennings, Finance Director

1. Industrial Revenue Bond Committee Recommendation – Cadbury at Lewes Project

“A PROJECT RESOLUTION AUTHORIZING ISSUANCE OF UP TO \$21,000,000 FIXED RATE REFUNDING REVENUE BONDS SERIES 2016”

Hans Medlarz, County Engineer

1. Inland Bays Regional Wastewater Facility – Phase 2 Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades
 2. Bulk Wastewater Services Agreement – Artesian
 3. Love Creek Woods – Expanded Sewer Participation Agreement
 4. South Coastal Library Reading Garden Alterations, Project 16-31
- A. Reject Bids

John Ashman, Director of Utility Planning

1. Request for permission to prepare and post notices for the High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District

Old Business

Change of Zone No. 1802 filed on behalf of J. G. Townsend, Jr. & Co.

Grant Requests

1. Delaware Lions Foundation for humanitarian service projects
2. Coverdale Crossroads Community Council for utilities

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1803 filed on behalf of CMF Bayside, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (AS AN ADDITION TO CHANGE OF ZONE NO. 1393 FOR AMERICANA BAYSIDE) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.313 ACRES, MORE OR LESS” (located at the southeast corner of Lighthouse Road (Route 54) and West Sand Cove Road (Road 394) (Tax Map I.D. No. 533-19.00-50.00 (Part of) and 51.00) (911 Address: None Available)

Change of Zone No. 1804 filed on behalf of Doug Melson

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.05 ACRES, MORE OR LESS” (located at the south of Lighthouse Road (Route 54) 700 feet east of West Sand Cove Road (Road 394) (Tax Map I.D. No. 533-19.00-50.00 (Part of) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 23, 2016 at 8:30 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.

####

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

August 19, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
PARK SHORE (HENLOPEN STATION)
AGREEMENT NO. 1048

DEVELOPER:

Josh Mastrangelo
Park Shore Development, LLC
701 Bethany Loop, Suite 2
Bethany Beach, DE 19930

LOCATION:

Canal Crossing Road, Rehoboth Beach

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Ord. 38 only
Development of 22 additional condominium units
within existing association.

SYSTEM CONNECTION CHARGES:

\$127,050.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
04/07/16

Department Of Natural Resources Plan Approval
08/08/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 13
Construction Admin And Construction Inspection Cost – \$12,390.75
Proposed Construction Cost – \$82,605.00



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

August 17, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SWANN COVE - PHASE 8
AGREEMENT NO. 626 - 3

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:

30 single familylots

SYSTEM CONNECTION CHARGES:

\$173,250.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/23/14

Department Of Natural Resources Plan Approval
01/12/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin And Construction Inspection Cost – \$15,262.94
Proposed Construction Cost – \$101,752.94



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GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director

RE: **INDUSTRIAL REVENUE BOND COMMITTEE RECOMMENDATION**

DATE: August 26, 2016

On Wednesday, August 24, 2016, the Industrial Revenue Bond (IRB) Committee held a public hearing on the Cadbury at Lewes, Inc. application requesting the issuance of up to \$21,000,000 of economic refunding revenue bonds. On Tuesday, I will be requesting the adoption of the attached project resolution authorizing the issuance of the bonds for the Cadbury at Lewes project. The IRB Committee recommends that County Council adopt the resolution. The IRB Committee's findings and minutes of the meeting are attached for your review.

The bonds will be payable solely from the revenues received by the applicant and neither the full faith and credit nor the taxing power of the County shall be pledged to pay this debt. As required by the IRS, Cadbury at Lewes goes through the County's process in order for the bonds to be issued as tax-exempt.

Cadbury at Lewes has agreed to pay all costs of the County, including fees of its bond counsel in connection with the issuance of the bonds. They will also pay the one-half of a percent of the bonds to the County generating up to \$105,000 in revenue to the County.

Emilie Ninan, Esquire, a partner at Ballard Spahr LLP, will be available to give you a brief background of the process. Mr. Victor Amey, President and CEO of Cadbury Senior Services, will also be available to answer any questions.

GAJ/nc

Attachments

pc: Mr. Todd F. Lawson

SUSSEX COUNTY, DELAWARE
Industrial Revenue Bond Review Committee

Findings and Determinations
Regarding the Application of Cadbury at Lewes, Inc.
for the Issuance of up to
\$21,000,000 Sussex County Refunding Revenue Bonds
for the Cadbury at Lewes Project

WHEREAS, pursuant to the provisions of the Sussex County Commercial, Industrial and Agricultural Revenue Bond Ordinance, Ordinance No. 80, as amended, (the "Ordinance"), the County Administrator has received an application for issuance by Sussex County, Delaware (the "County") of its refunding Revenue Bonds (the "Application") in a principal amount not to exceed \$21,000,000 (the "Bonds") submitted by Cadbury at Lewes, Inc. (d/b/a Cadbury Senior Lifestyles) (the "Applicant") for the financing of a project consisting of (a) the current refunding of the County's First Mortgage Revenue Bonds (Cadbury at Lewes Project) Series 2006, the proceeds of which were used to purchase land and construct the continuing care retirement community known as Cadbury at Lewes (the "Community") located on the northerly side of Road 267 (Gills Neck Road), approximately 1/4 mile east of Road 268 (Kings Highway), in Sussex County just outside of Lewes, Delaware; and (b) provisions for reserves and costs of issuing the Bonds (the "Project"). The Community is owned by the Applicant;

WHEREAS, some portion or all of the Bonds may be eligible for tax exempt treatment for federal income tax purposes;

WHEREAS, Section 9 of the Ordinance requires that any application for issuance of bonds thereunder be reviewed by a committee to be comprised of the County Administrator, the County Director of Finance, the County Attorney and the County Director of Economic Development (the "Review Committee");

WHEREAS, a notice of this meeting and the agenda therefor has been posted at the County Administration Office Building since August 9, 2016;

WHEREAS, a majority of the Review Committee is present at the meeting; and

WHEREAS, the Application and Project have been reviewed by this Review Committee;

NOW THEREFORE, BE IT RESOLVED THAT, the Review Committee hereby makes the following findings and determinations:

(a) the issuance and sale by the County of the Bonds in an aggregate principal amount not to exceed \$21,000,000 in order to lend the proceeds thereof to the Applicant for the sole and exclusive purpose of financing all or a portion of the costs of the Project will promote the public purposes specified in the Ordinance and will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the County, (ii) aid, assist and encourage the economic development or redevelopment of the County, and (iii) maintain, diversify or expand employment promoting enterprises within the County;

(b) the Bonds will be special limited obligations of the County and the County does not pledge its general credit or taxing power for the payment thereof; the Bonds will be payable solely and exclusively from the Revenues of the Applicant, the Community and the Project as specified in Section 7 of the Ordinance; and

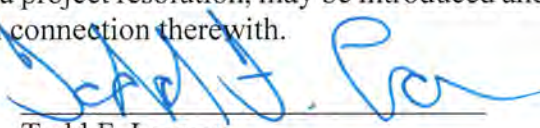
(c) the issuance of the Bonds will accomplish the public purposes contemplated by the Ordinance.

Based on the foregoing findings and determinations, the Project is hereby approved and determined to be eligible for financing by the County as provided herein and in the Ordinance.

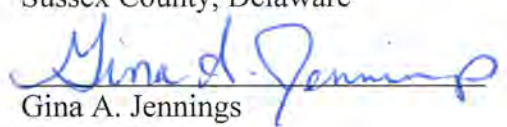
FURTHER RESOLVED THAT, this Review Committee recommends that (i) the County Council approve the foregoing findings and determinations of the Review Committee, and (ii) that the County Council approve the Project and the issuance of the Bonds.

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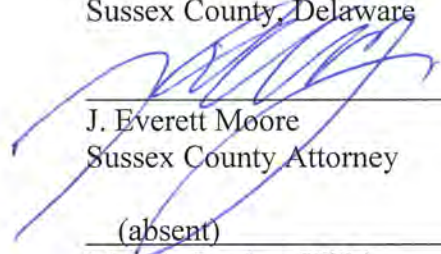
FURTHER RESOLVED THAT, the County's Finance Director shall (i) notify the Applicant of the findings and determinations of this Review Committee and (ii) transmit the Application to the County Council, together with a copy of the record of this proceeding, and her additional recommendations, if any, so that a project resolution, may be introduced and acted upon by County Council after a public hearing in connection therewith.



Todd F. Lawson
County Administrator
Sussex County, Delaware



Gina A. Jennings
Finance Director
Sussex County, Delaware



J. Everett Moore
Sussex County Attorney

(absent)
Melody Booker-Wilkins
Economic Development Director
Sussex County, Delaware

August 24, 2016

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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INDUSTRIAL REVENUE BOND COMMITTEE

Minutes of Meeting

August 24, 2016

At 10:00 a.m., on August 24, 2016, the Industrial Revenue Bond Committee met in the County Council Chambers, Georgetown, Delaware. Those in attendance included members: Todd F. Lawson (County Administrator), J. Everett Moore, Jr. (County Attorney), and Gina A. Jennings (Finance Director). Also in attendance were Emilie Ninan, Esquire (partner at Ballard Spahr LLP, the County's Bond Counsel) and Victor Amey (President and CEO of Cadbury Senior Services). Committee member Melody Booker-Wilkins was unable to attend.

Ms. Jennings reviewed the purpose of today's meeting, which was held to review the Industrial Revenue Bond application of Cadbury at Lewes, Inc., a Delaware corporation, for the issuance by the County of revenue bonds in a principal amount not to exceed \$21,000,000 (the "2016 Bonds"). The proceeds of the bonds, along with other available funds, will be used to finance a project consisting of: (i) the current refunding of all of the 2006 Bonds currently outstanding in the aggregate principal amount of \$19,495,000, (the "Refunding Project") which were originally issued to finance a continuing care retirement community known as Cadbury at Lewes; (ii) the funding of a debt service reserve fund and any other required reserve funds; and (iii) the payment of the costs of issuance of the 2016 Bonds (collectively, the "2016 Project"). The community is located on the northeast side of Gills Neck Road (Road 267), approximately 1/4 mile east of Kings Highway (Road 268), in Sussex County just outside of Lewes, Delaware, and is owned by the Applicant. The Applicant is qualified as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code. The Bonds may be issued in one or more series. The revenue bonds to be issued will be payable solely from the revenues of the project, or from other sources provided by the Applicant and will not constitute a debt or liability of the County. The County will have no financial liability for the Bonds.

The Public Hearing Notice for today's meeting was advertised in the Delaware State News and News Journal on Tuesday, August 9, 2016; the Agenda was posted on August 9, 2016 in the County's locked bulletin board, which is located in the lobby of the County's Administrative Office Building, and on the County's website under 'Meetings, Minutes & More'.

Ms. Jennings reported that the application has been reviewed by Emilie Ninan, Esquire, a partner at Ballard Spahr LLP, the County's Bond Counsel, that the project does qualify for tax-exempt industrial bond financing and that because Cadbury at Lewes is a 501(c)(3) nonprofit, the bond volume cap does not apply.

The Industrial Revenue Bond Program states that the project must:



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- (1) tend to maintain or provide gainful employment within and for the people of the county;
- (2) aid, assist, and encourage the economic development or redevelopment of the county, or
- (3) maintain, diversify or expand the employment promoting enterprises within the county.

Ms. Jennings stated that the community currently supports 102 fulltime jobs.

Ms. Jennings noted that this meeting is also a Public Hearing, for the purpose of hearing public comment for the County's consideration as required by the IRS tax code. At this point, the meeting was turned over to the County Attorney, Everett Moore, to conduct the Public Hearing.

Mr. Moore explained that this was the public hearing on the Industrial Revenue Bond request of Cadbury Senior Services; that the Finance Director had given a brief presentation of the purpose of today's meeting; that Mr. Victor Amey, President and CEO of Cadbury Senior Service, will make a presentation and then answer questions of the Committee; that time will be given for public comment; and that, afterwards, the public hearing will be closed and the Committee may act.

Mr. Victor Amey stated that he was President and CEO of Cadbury Senior Services, which is the parent of Cadbury at Lewes, Inc., d/b/a Cadbury Senior Lifestyles. He noted that they were a continuing care retirement community with 130 independent living units (82 apartments and 48 cottages); they also have 45 assisted living beds (15 of which are in a segregated area for memory support); and they have a 40 bed skilled nursing department that are all private rooms. Cadbury employees approximately 102 full-time employees, as well as 100 part-time employees. They recently acquired 5 additional acres for future expansion; they are consistently operating at above 90 percent occupancy with all three levels of care. Ms. Amey noted that the refunding of the revenue bonds would save his non-profit company approximately \$480,000 annually in debt service.

The Committee had no questions for Mr. Amey.

There were no persons in attendance to make public comment on this request.

The Public Hearing was closed.

Ms. Jennings noted that as a result of today's Public Hearing she would like a motion of recommendation for Council to adopt a proposed Project Resolution, entitled "Sussex County, Delaware, Industrial Revenue Bond Review Committee, Findings and Determinations Regarding the Application of Cadbury at Lewes, Inc. for the Issuance of up to \$21,000,000 Sussex County Refunding Revenue Bonds for the Cadbury of Lewes Project".

Ms. Jennings read the synopsis of the Resolution, which states, "This Project Resolution expresses the County's intent to issue economic development refunding revenue bonds (the "Bonds") in an amount not greater than \$21,000,000 for the financing of a project by Cadbury at Lewes, Inc. (d/b/a Cadbury Senior Lifestyles), a nonstock corporation organized and existing under the laws of the State of Delaware (the "Applicant") in order to assist in the financing of (a) the current refunding of all of the outstanding Sussex County, Delaware, Fixed Rate First Mortgage Revenue Bonds (Cadbury at Lewes Project), Series 2006A and

Adjustable Rate First Mortgage Revenue Bonds (Cadbury at Lewes Project), Series 2006B (collectively, the "2006 Bonds") the proceeds of which financed or refinanced the purchase of land and the construction of a continuing care retirement community known as Cadbury at Lewes consisting of 82 independent living apartments, 48 independent living cottages, 45 assisted living beds and 40 nursing beds, a community center and a wellness center, (b) any required reserve funds and (c) costs of issuing the Bonds. This Project Resolution authorizes the execution and delivery of the Bonds and any other necessary documents by the President of the Council or the County Administrator. The Bonds will be limited obligations of the County payable solely from Revenues received from the Applicant and NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE COUNTY, THE STATE OF DELAWARE OR ANY POLITICAL SUBDIVISION THEREOF SHALL BE PLEDGED THEREFOR.

A Motion was made by Mr. Lawson, seconded by Mr. Moore, to adopt the Resolution entitled, "Sussex County, Delaware, Industrial Revenue Bond Review Committee, Findings and Determinations Regarding the Application of Cadbury at Lewes, Inc. for the Issuance of up to \$21,000,000 Sussex County Refunding Revenue Bonds for the Cadbury at Lewes Project".

Motion Adopted: 3 Yeas.

Vote by Roll Call: Mr. Lawson, Yea; Mr. Moore, Yea; and Ms. Jennings, Yea

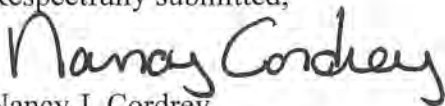
Ms. Jennings noted that the Sussex County Council, at its August 30, 2016 meeting to be held at 10:00 a.m., will consider adoption of the Resolution.

At 10:12 a.m., a Motion was made by Mr. Moore, seconded by Mr. Lawson, to adjourn.

Motion Adopted: 3 Yeas.

Vote by Roll Call: Mr. Lawson, Yea; Mr. Moore, Yea; and Ms. Jennings, Yea

Respectfully submitted,


Nancy J. Cordrey
Administrative Secretary

ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E.
County Engineer

RE: ***Inland Bays Regional Wastewater Facility (IBRWF)
Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades***

DATE: August 30, 2016

On January 24, 2014 County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then Council utilized the contract by approving six (6) amendments totaling \$3,109,354.00 in value. The latest amendment was approved on July 19, 2016 for a 2.0 million gallons per day expansion of the treated wastewater disposal system at IBRWF.

On that same day the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The presentation addressed the envisioned overall expansion for the IBRWF. Council authorized contract negotiations with WRA for design of a 2.0 million gallons per day treatment capacity expansion as well as regional biosolids and septage upgrades.

The Department is now presenting a request for the approval of the attached Contract Amendment No.7 to the original North Coastal base contract with WRA in the amount of \$1,290,820.00. Please note this is for professional engineering services through the bid process but does not include the contract administration or on-site inspection. In the negotiation we indicated to WRA the County's desire to have in house staff play a larger role in the administration and tracking of the improvements as they are constructed. This will require the allocation of cost in future budget years for the staffing of these in house functions.



NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 7

This contract amendment, **Contract Amendment No. 7** dated _____, **2016** amends our original contract dated January 14, 2014 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, hereinafter referred to as CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231 (Original Contract). Except as specifically amended herein, the provisions of the Original Contract dated January 14, 2014, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 6A** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Inland Bays Phase 2 Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades** as set forth in **Attachment 7**, which is attached hereto and incorporated by reference, shall not exceed **One Million Two Hundred Ninety Thousand Eight Hundred Twenty Dollars (\$1,290,820.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

- 14.1.2 **Attachment A: Consultant's Scope of Services, Inland Bays Phase 2 Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades** with Man-hour Spreadsheets. **(Contract Amendment No. 7).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 7 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

APPROVED AS TO FORM:

Date

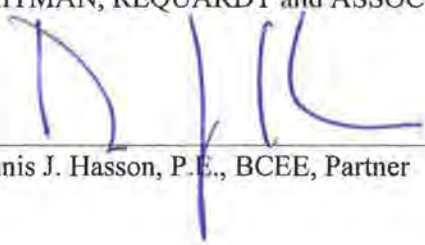
Assistant Sussex County Attorney

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

WHITMAN, REQUARDT and ASSOCIATES, LLP



Dennis J. Hasson, P.E., BCEE, Partner

WITNESS:





SCOPE OF SERVICES

INLAND BAYS RWF – PHASE 2 TREATMENT CAPACITY EXPANSION AND REGIONAL BIOSOLIDS & SEPTAGE UPGRADES AMENDMENT 7

This attachment outlines the required Scope of Services for design engineering for the **Inland Bays RWF – Phase 2 Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades**. This work effort includes the development of bid documents (plans and specifications) and bid phase assistance for the Phase 2 plant expansion at the Inland Bays RWF. The plant expansion will increase the plant maximum month capacity from 2.0 MGD to 4.0 MGD.

The facilities will include:

- 1) New Grit Facility with canopy super structure
 - Designed for a peak flow of 15 MGD, with the ability to expand to 22.1 MGD
 - Includes additional screening channels to expand existing screening capacity
- 2) New Biolac Aeration Lagoon Expansion
 - Aeration lagoon to mirror existing Biolac aeration lagoon
- 3) New Aeration Lagoon Distribution Box
- 4) New Clarifier No. 3
 - Similar design to Existing Clarifiers No. 1 and 2
- 5) New Pump and Blower Building
 - New building to house return and waste sludge pumps as well as space for future blowers
- 6) New Effluent Storage Lagoon No. 3
 - New storage lagoon to be sized based on expanded plant capacity
- 7) Effluent Filtration Facility
 - Designed to comply with permit requirements for water re-use on adjacent properties
- 8) Central Dryer Facility
 - Biosolids facility sized for regional Sussex County and Rehoboth dewatered sludge
 - Facility to utilize indirect paddle-type drying unit
 - Basis of design around two dryer manufacturers
- 9) Truck unloading facility for dewatered cake
 - Unloading facility to integrate with existing storage facility and dryer facility
- 10) Dried biosolids storage silo
 - Designed to allow overhead loading
- 11) Central Septage Receiving Station
 - Dual units to provide full redundancy

PART A – PROJECT MANAGEMENT

1. Develop the Project Management Plan. The plan will include developing schedule, and establishing tracking documents for budget and tasks required for the successful completion of the project.
2. Update Project Schedules and Project Accountability Logs on a monthly basis for the duration of the project, assuming a twelve month project duration.
3. Attend Project Progress Meetings (Assumes twelve (12) meetings for the Project Manager and twelve (12) for the Mechanical Associate, with generation of meeting minutes.

PART B – SURVEY

1. Aerial photography for the IBRWF was performed under a separate work effort. Under this contract, the following additional surveying will be performed.
 - a. Establish permanent horizontal and vertical site controls for construction
 - b. Stakeout borings
 - c. Misc. Field Work

A total of three weeks of field survey time is included, with processing of field data by office personnel.

PART C – SUBSURFACE INVESTIGATION

1. Finalize boring locations. It is assumed that a total of 15 borings with 400 vertical feet of drilling will be taken for the various structures required (lagoon, pump and blower building, septage facility, aerations lagoons, etc.)
2. Write performance specifications for boring subcontractor. Solicit and review bids from three boring subcontractors and make recommendation to Sussex County for approval.
3. Administer contract with boring subcontractor and coordinate activities.
4. Write geotechnical report with foundation recommendations for each proposed new structure. Report will include boring logs and the results of laboratory soils testing. Depth, slope, and liner recommendations for new and retrofitted lagoons will also be addressed in the report.

PART D – DESIGN AND PROJECT ENGINEER REPORTS

The purpose of this section is to produce a Design Engineer Report (DER) for the plant expansion and Project Development Report (PDR) for the sludge dryer facility in accordance with DNREC's Regulations Governing the Design, Installation and Operation of On-site Wastewater Treatment and Disposal Systems. The DER is necessary in order to obtain a construction permit for the treatment plant expansion. The PDR is necessary in order to obtain a construction permit for the sludge dryer facility and is a required submittal as part of a future permit application for a Marketing and Distribution Permit for Exceptional Quality Sludge. As the intent of the sludge dryer is to produce an Exceptional Quality product, the PDR will not cover Land Application sites including the Inland Bays RWF site, which is already permitted for biosolids application. All required sampling and analysis to demonstrate sludge quality will be provided by Sussex County. Sussex County shall advise on the proposed quality control and monitoring program, the record keeping and reporting system, sludge sampling program, and the proposed product label. Sussex County will be responsible for DNREC permit applications and fees. Engineering plans and specifications for the plant expansion and sludge dryer facility will not be provided in the PDR itself but will be provided to DNREC separately once developed under Part E.

Design Engineer Report:

1. Develop draft DER in consultation with Sussex County. DER shall include the following:
 - a. General information regarding purpose, scope, design flows, design parameters.
 - b. Site map with a contour interval of not more than 1 feet for non-spray areas and 2-foot contours for spray irrigation areas showing the layout of the wastewater treatment facility, disposal sites, irrigation fields, access roads, location of monitoring and observation wells, property lines, buffers to property lines, locations of storm water control structures, drainage structures, FEMA 100 year floodplain, SWMP wetlands, water courses, and residences contiguous to the site
 - c. Design influent wastewater characteristics
 - d. Design effluent wastewater characteristics
 - e. Wastewater treatment facility process design description, process flow diagram, hydraulic profile, storage capacities, pump and capacities, unit processes, screening, chemical additions, sludge production, mechanical and alarm system descriptions.
 - f. Water balance/wastewater loading rates, phosphorous and other constituent metal loading rates, determination of design of wetted and actual field areas, required and actual storage requirements.
 - g. Site map depicting proposed locations of monitoring points, wells, and lysimeters.
 - h. Project phasing
2. Review draft DER with Sussex County.
3. Revise DER to incorporate Sussex County comments and submit to DNREC
4. Meet with DNREC to review DER and address any comments

5. Finalize DER to incorporate comments.

Project Development Report:

1. Develop draft PDR in consultation with Sussex County. PDR shall include the following:
 - a. Site specific topographic map with a minimum scale of 1 inch = 200 feet and a contour interval of not more than 5 feet, showing the areal extent of the site, the property boundaries, the exact acreage of the facility, location of all buffer zones, and surrounding land uses within 2500 feet including residences, streams, roads and wells. Include 100 year floodplain if applicable, tax maps and property identification numbers.
 - b. Site specific geologic and hydrogeologic information as required by the Department to ensure that the treatment facility does not constitute a threat to ground or surface waters of the State.
 - c. Detailed discussion of the methods to be used for the protection of the ground water, such as leachate control or natural attenuation.
 - d. Proposed program for monitoring the chemical quality of the ground water and surface waters on the site, including the depth and location of monitoring wells if applicable.
 - e. Basis of design for sludge quantities and treatment process sizing
 - f. Detailed description of sludge treatment process, on-site storage facilities, and equipment
 - g. Proposed plan of sludge treatment facility operations and maintenance
 - h. Plans for storage and ultimate utilization of the treated sludge.
 - i. Plan to monitor efficiency of treatment device or process.
 - j. Contingency or emergency plans.
 - k. Procedures to be employed to control odors, nuisances, and public access.
 - l. Description of proposed quality control and monitoring program
 - m. Description of proposed record keeping and reporting system
 - n. Chemical analysis of the sludge (provided by Sussex County)
 - o. Copy of proposed product label
 - p. Information confirming the Department of Agriculture Regulations governing the sale of commercial fertilizers and soil conditions have been met
2. Review draft PDR with Sussex County,
3. Revise PDR to incorporate Sussex County comments and submit to DNREC
4. Meet with DNREC to review PDR and address any comments
5. Finalize PDR to incorporate comments.
6. Present project summary at a public information meeting arranged by DNREC for the purpose of PDR review.

PART E – PHASE 2 TREATMENT CAPACITY EXPANSION AND REGIONAL BIOSOLIDS & SEPTAGE DESIGN

The purpose of this section is to prepare bid documents (plans and specifications) for the Phase 2 plant expansion and regional upgrades at the Inland Bays RWF.

1. Design Criteria Development: Develop design criteria for the phase 2 plant expansion and regional upgrades including equipment sizing and selection. Submit five (5) copies to County for review. Conduct a review meeting with the County to finalize design criteria.
2. Design Development (60% complete). Prepare 60% complete plans and specifications. Submit five (5) copies to County for review. Conduct review meeting with County and incorporate comments received.
3. Detailed Design (90% complete). Prepare 90% complete plans and specifications. Submit five (5) copies to County for review. Conduct review meeting with County and incorporate comments received.
4. Bid Documents (100% complete). Finalize 100% complete bid documents (plans and specifications) to incorporate all comments received from County and permitting agencies.

PART F – PERMITTING

1. Permits will be prepared for submission by the Sussex County Engineering Department. The following permit applications will be prepared:
 - a. DNREC Construction permit
 - b. Sediment and Erosion Control permit/NOI
 - c. Stormwater Management (SWM) Detailed Plan
 - d. Wetlands Delineations- Perform non-tidal wetlands delineation on project site, with a Nationwide Permit Assumed.

Assumptions:

- All permitting fees associated with permits to be paid for by the County.
- The project will be funded with County funds and therefore an Environmental Assessment and Archeology/Historical Resource Section 106 scope items will not be required.

PART G – ADVERTISE/BIDDING SERVICES

The following items will be performed during the Advertise and Bidding Phase for the project:

1. Reproduce contract documents for bidding. Reproduction costs for all bidders will be included in the sale of the plans and specifications.

2. Attend pre-bid meeting.
3. Prepare Addendum based on questions from Contractors. It is assumed that up to 3 addenda will be required.
4. Maintain bidders list.
5. Review bids and make recommendations to Sussex County for award of bid.
6. Incorporate all addendums into final for construction plan set and reproduce 5 sets of plans and specs for contractor and 5 sets of plans and specs for County/Inspector use.
7. Import all existing/proposed plant facilities and utilities from AutoCAD into GIS, incorporating Sussex County protocol.



**INLAND BAYS RWF – PHASE 2 TREATMENT CAPACITY EXPANSION AND REGIONAL
BIOSOLIDS & SEPTAGE UPGRADES
LIST OF DRAWINGS**

<u>Sheet No.</u>	<u>Title</u>
G00.01	Cover Sheet
G01.01	List of Drawings
G02.01	General Notes, Abbreviations and Legend
G02.02	Survey Control
G02.03	Facilities and Stakeout Data
G02.04	Facilities and Stakeout Data
C00.01	Existing Site Plan
C00.02	Overall Site Plan Key
C00.03	Existing and Future Utility Plan
C00.04	Overall Sediment and Erosion Control Plan
C01.01	Grading Plan - Main Site
C01.02	Grading Plan - Storage Lagoon
C01.03	Grading Plan – Storage Lagoon
C01.04	Grading Plan – Septage Receiving
C01.05	Enlarged Grading Plan- Treatment Lagoon
C01.06	Enlarged Grading Plan- Main Site
C02.01	Utility Plan – Sheet 1
C02.02	Utility Plan – Sheet 2
C02.03	Utility Plan – Septage Receiving
C02.04	Enlarged Utility Plan – Sheet 1
C02.05	Enlarged Utility Plan – Sheet 2
C03.01	Utility Profile – Sheet 1
C03.02	Utility Profile – Sheet 2
C04.01	Sediment and Stormwater Management Cover Sheet
C04.02	Construction Site Stormwater Management Plan
C04.03	Sediment and Stormwater Construction Site Details and Notes
C04.04 through C04.06	Post Construction Stormwater Management Plans
C04.07	BMP Contributing Drainage Area Plan
C04.08	Pre-Developed Limit of Disturbance Drainage Area Plan
C05.01	Site Work Details
C05.02	Site Work Details
A00.01	Legend and Abbreviations
A00.02	Building Code Review
A05.01	Pump and Blower Building Floor Plan
A05.02	Pump and Blower Building Roof Plan

801 South Caroline Street, Baltimore, Maryland 21231 www.wraillp.com Phone: 410-235-3450 Fax: 410-243-5716

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G:\000\Proposed Development\Sussex County\2013 North Coastal\Amendments\IIRWF\Phase 2 and Regional Upgrades\List of drawings 2016-07-29.docx



A05.03	Building Elevations
A05.04	Building Sections
A05.05	Exterior Details
A05.06	Door and Opening Schedule
A05.07	Misc. Details and Finishes
S00.01	Structural General Notes
S00.02	Typical Details
S01.01	Grit Facility Plans
S01.02	Grit Facility Sections
S02.01	Aeration Distribution Structure
S03.01	Clarifier Distribution Structure Plans and Section
S04.01	Clarifier Plan
S04.02	Clarifier Sections and Details
S05.01	Pump and Blower Building Plans
S05.02	Pump and Blower Building Sections and Details
S06.01	Filtration Facility Plans
S06.02	Filtration Facility Sections and Details
S07.01	Biosolids Facility Plans
S07.02	Biosolids Facility Sections and Details
S07.03	Biosolids Facility Platform Plan
S07.04	Biosolids Facility Platform Sections and Details
S08.01	Septage Receiving Facility Plans
S08.02	Septage Receiving Station Sections and Details
M00.01	Mechanical Notes, Legend and Abbreviations
M00.02	Phase 2 Process Flow Schematic
M00.03	Phase 2 Sludge Process Flow Schematic
M00.04	Future Process Flow Schematic
M00.05	Design Criteria
M00.06	Hydraulic Profile
M00.07	Details
M00.08	Details
M00.09	Details
M00.10	Details
M00.11	Plant Water Pump System
M01.01	Grit Facility Lower Level Plan
M01.02	Grit Facility Upper Level Plan
M01.03	Grit Facility Sections
M01.04	Grit Facility Details
M02.01	Aeration Lagoons Plan
M02.02	Aeration Lagoons Section and Detail
M02.03	Aeration Lagoons Details
M02.04	Aeration Lagoons Details
M03.01	Clarifier Distribution Structure and Scum PS



M04.01	Clarifier Plan
M04.02	Clarifier Section
M05.01	Pump and Blower Building Plan
M05.02	Pump and Blower Building Sections
M06.01	Filtration Facility Plan
M06.02	Filtration Facility Sections
M07.01	Biosolids Facility Plan
M07.02	Biosolids Facility Section
M07.03	Biosolids Facility Section
M07.04	Sludge Storage Silo Plan and Sections
M07.05	Sludge Receiving Facility Plan
M07.06	Sludge Receiving Facility Sections
M07.07	Biosolids Facility Details and Schematics
M07.08	Biosolids Facility Odor Control System Plan and Section
M08.01	Septage Receiving Station Grade Level Plan
M08.02	Septage Receiving Station Lower Level Plan
M08.02	Septage Receiving Station Section and Details

E00.01	Legend, Abbreviations, and Notes
E00.02	Electrical Site Plan
E00.03	Electrical Site Plan
E00.04	Ex. Electrical Building No. 2 Modifications
E00.05	Ex. Administrative Building Modifications Power Plan
E00.06	Ex. Administrative Building MCC Modifications
E00.07	Modifications to Switchboard in PBB
E00.08	Lighting Schedule
E00.09	Panelboard Schedules
E00.10	Panelboard Schedules
E00.11	Details
E00.12	Details
E00.13	Details
E00.14	Chlorine Contact Tank Power Plan
E01.01	Grit Facility Power and Lighting Plan
E04.01	Clarifier Plan
E05.01	Pump and Blower Building Power Plan
E05.02	Pump and Blower Building Lighting
E05.03	Pump and Blower Building Grounding
E05.04	Pump and Blower Building One Line Diagram
E05.05	Ex. Pump and Blower Building Modifications
E06.01	Filtration Facility Power and Lighting Plan
E07.01	Biosolids Facility Power Plan
E07.02	Biosolids Facility Lighting Plan
E07.03	Biosolids Facility Grounding Plan



E07.04	Biosolids Facility One Line Diagram
E08.01	Septage Receiving Station Power Plan
I00.01	I&C Symbols and Legend
I00.02	P&ID Headworks
I00.03	P&ID Aeration Lagoons
I00.04	P&ID Clarifier
I00.05	P&ID Pump and Blower Building
I00.06	P&ID Filtration Facility
I00.07	Process Control Schematic Diagram
I00.08	PCS CP Elevations
I00.09	PCS CP Schematics
I00.10	I&C Details
I01.01	Grit Facility Plan
I01.02	Grit Facility ECD
I04.01	Clarifier Plan
I04.02	Clarifier ECD
I05.01	Pump and Blower Building Plan
I05.02	Pump and Blower Building ECD
I09.01	Storage Lagoon Plan
I09.02	Storage Lagoon ECD

Attachment A

[illegible]

		PROJECT NAME: Inland Bays RWF - Phase 2 Treatment Capacity Expansion and Regional Biosolids & Septage Upgrades																				REVISION	
		MANHOUR ESTIMATE AND PROPOSAL																				DATE: 8/15/2018 BY: RHM/MPH	
		CLIENT: Sussex County Engineering Department																					
TASK	PROJECT DESCRIPTION: Inland Bays Phase 2 Facility Upgrades																					WMA EXPENSES	
		Project Manager	Civil Assistant/ Project Engineer	Civil Engineer	Civil Designer / CAAD	Sanitary Assistant/ Proj. Eng.	Sanitary Engineer	Env. Asst. / Proj. Asst.	Architect	Arch. CAAD	Struct. Asst. / Proj. Eng.	Struct. Engineer	Struct. Designer / CAAD	Mech. Asst. / Proj. Eng.	Mech. Engineer	Mech. Designer / CAAD	Elect. Asst. / Proj. Eng.	Elect. Engineer	Elect. Designer / CAAD	SCADA Engineer	SCADA Designer / CAAD	WMA TOTALS	Subcontractor Fee

Phase E - Final Design		Use Labor Cost Rates for year: 2018																				T. R.E. (See Legend)		T. R.E. (See Legend)	
		074	072	044	038	078	047	088	048	031	060	066	043	076	065	044	060	062	036	072	048	S.or L.		S.or L.	
E1	Prepare 30% Contract Documents	30	30	160	140	20	50	4	40	40	28	200	160	68	410	380	20	240	140			1930	R	\$1,000	
E2	Prepare 60% Contract Documents	30	30	160	140	20	50	4	40	40	28	200	160	68	410	380	20	220	180	24	320	2524	R	\$1,000	
E3	Incorporate Sussex County 60% Review Comments and Prepare 90% Contract Documents	30	30	160	140	16	50	4	40	40	28	110	60	68	360	340	52	150	160	24	320	2182	R	\$1,600	
E4	Incorporate Sussex County 90% Review Comments and Prepare Final Contract Documents	16	30	60	40	14	30	6	80	40	30	180	40	60	300	240	52	120	120	60	390	1908	R	\$1,000	
PHASE E SUB-TOTALS =		108	120	540	460	70	180	14	160	120	66	680	350	248	1440	1340	144	730	800	108	1030	8544	\$4,800	Subcontractor Total	\$0
PHASE E SUB-TOTAL DOLLARS =		\$18,417	\$20,288	\$54,967	\$38,912	\$12,778	\$18,923	\$1,353	\$16,648	\$8,165	\$17,977	\$104,949	\$35,053	\$42,885	\$186,030	\$139,064	\$26,957	\$89,253	\$48,589	\$18,089	\$116,292	\$1,017,772		Profit on Sub	0.0%
																								WMA Total	\$1,022,372
																								PHASE E TOTAL	\$1,022,372

Phase F - Permitting		Use Labor Cost Rates for year: 2018																				T. R.E. (See Legend)		T. R.E. (See Legend)	
		074	072	044	038	078	047	088	048	031	060	066	043	076	065	044	060	062	036	072	048	S.or L.		S.or L.	
F1	Prepare and Submit DNREC Construction Permits	4													24							28	-		- \$
F2	Prepare and Submit Sediment and Erosion Control Permit	4		8																		12	-		- \$
F3	Prepare and Submit Stormwater Management Detailed Plan	20	20	140	70																	250	-	\$2,000	- \$
F4	Environmental Permitting	8																				8	-	\$7,000	- \$
																						0	-	\$	- \$
																						0	-	\$	- \$
PHASE F SUB-TOTALS =		36	20	148	70	0	0	0	0	0	0	0	0	24	0	0	0	0	0	0	0	28	-	Subcontractor Total	\$9,000
PHASE F SUB-TOTAL DOLLARS =		\$5,235	\$3,200	\$15,235	\$5,232	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$53,722		Profit on Sub	0.0%
																								WMA Total	\$33,722
																								PHASE F TOTAL	\$42,722

Phase G - Advertise/Bidding		Use Labor Cost Rates for year: 2018																				T. R.E. (See Legend)		T. R.E. (See Legend)	
		074	072	044	038	078	047	088	048	031	060	066	043	076	065	044	060	062	036	072	048	S.or L.		S.or L.	
G1	Reproduce Contract Documents for bidding			6											8	8						6	R		- \$
G2	Attend pre-bid meeting	8												8	8							24	R		- \$
G3	Prepare Addendum from Contractors questions	6	8	16										24	24							78	R		- \$
G4	Maintain bidders List			6																		6	R		- \$
G5	Review bids and make recommendations	2		4											2	8						6	R		- \$
G6	Confirmed Drawing Set	2		2	8																	52	R	\$3,200	- \$
G7	Create Plant GIS File																					40	-	\$	- \$
PHASE G SUB-TOTALS =		18	8	42	26	0	0	0	2	8	0	2	8	32	34	8	0	0	2	8	0	40	-	Subcontractor Total	\$0
PHASE G SUB-TOTAL DOLLARS =		\$3,127	\$1,253	\$4,652	\$1,945	\$0	\$0	\$0	\$271	\$658	\$0	\$204	\$801	\$5,772	\$4,252	\$297	\$0	\$0	\$102	\$1,138	\$0	\$12		Profit on Sub	0.0%
																								WMA Total	\$29,005
																								PHASE G TOTAL	\$29,005
																								TOTAL	\$1,290,820

		Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer	Black Engineer / Black Engineer / Engineer
Item Labor Cost rates for year: 2018		\$74.25	\$72.25	\$43.50	\$36.15	\$74.00	\$47.30	\$69.00	\$45.00	\$31.00	\$80.00	\$65.00	\$42.80	\$74.50	\$50.20	\$44.35	\$80.00	\$52.25	\$34.50	\$71.50	\$48.25
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34		\$173.75	\$168.07	\$101.79	\$84.59	\$182.52	\$110.68	\$138.06	\$105.34	\$72.54	\$187.20	\$152.10	\$100.15	\$174.33	\$128.17	\$103.78	\$187.20	\$122.27	\$89.85	\$187.31	\$112.91
Item Labor Cost rates for year: 2017		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Item Labor Cost rates for year: 2018		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

T = Travel @ .48 mile
 R = Reproduction
 E = Equipment Rental
 S = Subcontractor
 L = Laboratory Cost

WMA
 Whitman, Reardon and Associates, LLP

BULK WASTEWATER SERVICES AGREEMENT

THIS WASTEWATER SERVICES AGREEMENT is made this ____ day of _____, 2016, between **SUSSEX COUNTY**, a political subdivision of the State of Delaware ("Sussex County"), and **ARTESIAN WASTEWATER MANAGEMENT, INC.**, a Delaware corporation ("Artesian");

NOW THEREFORE, in consideration of the mutual promises made and herein set forth, the parties agree as follows:

1. **Definitions.** The following capitalized terms as used herein shall have the meaning ascribed below unless the context of their usage shall clearly indicate otherwise:

- a. The "Artesian Wastewater Treatment Facilities" or "AW Facilities" means any Artesian Regional Wastewater Treatment Facilities owned, operated or controlled by Artesian for disposal and treatment of Wastewater.
- b. The "Sussex County Wastewater Treatment Facilities" or "SC Facilities" means any Sussex County Wastewater Treatment Facilities owned, operated or controlled by Sussex County for disposal and treatment of Wastewater.
- c. "Wastewater" means water containing domestic waste deposited into the wastewater collection and transmission system from residential and non-residential structures.

2. **Purpose.** The purpose of this Agreement is to document the terms, pursuant to which Artesian is to provide Wastewater treatment and disposal services to Sussex County and the terms pursuant to which Sussex County is to provide Wastewater treatment and disposal services to Artesian. In furtherance of such purpose:

a. Each of Artesian and Sussex County have periodic need of additional Wastewater treatment and disposal capacities and facilities in Sussex County, beyond those under their own ownership or control, to assure the timely, efficient and cost effective transmission and management of Wastewater. In that regard, there are numerous locations in Sussex County where each party's facilities are capable of being connected or integrated to allow for the movement and disposal of Wastewater generated by one party's system to the other party's system.

b. The parties agree that either party shall, upon 30 days' prior written notice from the other party, accept, treat and dispose of such an amount of Wastewater on an ongoing basis as the receiving party states it is ready and willing to accept, subject to any applicable regulatory requirements.

c. The parties agree that, once Wastewater is accepted by either party, the party accepting Wastewater from the other party will provide 90-day prior written notice of discontinuance or reduction of receipt of amounts of Wastewater previously accepted. The party receiving any such notice of discontinuance or reduction may discontinue or reduce delivery of Wastewater at any time subsequent to receipt of notice, but will discontinue or reduce the amount of Wastewater to the amount provided in the notice no later than the 90th day from the date of delivery of notice.

d. Notwithstanding the notification period in Section 2(c) above, should either party's systems and facilities experience operating limitations that will likely result in violations of applicable permits, potential damage to the systems or facilities, or insufficient capacity to accept, treat or discharge the other party's Wastewater, the acceptance, treatment and disposal of Wastewater by a receiving party may be limited or discontinued for such period of time as agreed to by the parties or as necessary as a matter of law or sound engineering principles.

e. On June 30th of each calendar year beginning on June 30, 2017, the parties shall exchange any and all reports of their metered flows for the previous year (July 1 to June 30) measured at the parties' respective connection points and compare the annual totals for each party in order to engage in an annual true-up process. If either party's flows to the other party exceeds 500,000 gallons, then that party shall be responsible for paying for the amount of annual flow exceeding 500,000 gallons at the rate of \$8.00 per thousand gallons. Such payment shall be made to the other party within thirty (30) days of receiving notice thereof of the amount of such exceedance. Other than the payments required by this Paragraph, it is the intention of the parties that this Agreement will be substantially revenue neutral. If both parties' annual flows are 500,000 gallons or less, then the parties shall take no action. Credits or debits for annual flow that are more or less than the 500,000 gallons shall not be carried over into the next year.

f. This Agreement shall be subject to all governmental and regulatory approvals required to enable either party to enter into and perform pursuant to this Agreement including but not limited to any approvals required from Sussex County government, the Delaware Public Service Commission and the Delaware Department of Natural Resources and Control.

g. Each party shall establish and maintain flow metering at a location sufficiently near the connection point to the accepting party's system in order to capture the flow into the accepting party's system, and such connection point(s) shall be approved by the party into whose system the flow is entering. Any and all measurements of flow shall be made by the party with origination of such flow and shall be supervised by the accepting party. The results of the flow metering shall be reviewed and evaluated by the originating party at least quarterly, and such quarterly reports shall be promptly shared with the accepting party. The metering devices used to measure flow shall be calibrated annually by a qualified third party testing agency. The results of the calibration, including any written reports, shall be sent to both the originating and accepting parties. If the calibration reveals a discrepancy greater than five percent (5%) above or below the

actual, calibrated reading, the party with the flow discrepancy shall pay or receive a credit for the value of the discrepancy for a three month period immediately preceding the calibration. If the value of this discrepancy affects the annual flow amount determined at the annual true-up, the parties shall adjust the final true-up amount and make any necessary payments to account for said adjustment within thirty (30) days of the notice of such adjusted annual flow amount.

3. Operation and Maintenance of the Artesian Wastewater Treatment Facilities. Artesian shall be responsible for all repairs and replacements associated with AW Facilities and for all costs of operation and maintenance, including without limitation all costs incurred in connecting any portion of any AW Facility to any SC Facility. No structure, pipes or other infrastructure of any type shall be connected to the AW Facilities until Artesian inspects and approves any such proposed connection.

4. Operation and Maintenance of the Sussex County Wastewater Treatment Facilities. Sussex County shall be responsible for all repairs and replacements associated with SC Facilities and for all costs of operation and maintenance, including without limitation all costs incurred in connecting any portion of any SC Facility to any AW Facility. No structure, pipes or other infrastructure of any type shall be connected to the SC Facilities until Sussex County inspects and approves any such proposed connection.

5. Further Assurances. Each party hereto shall use reasonable efforts to comply with all legal requirements imposed upon it by reason of the commitments, obligations and terms as set forth in this Agreement.

6. Warranties with Respect to Sussex County. Sussex County hereby represents and warrants to Artesian as follows:

a. *Organization and Authority.* Sussex County has the requisite power and authority to carry on its business as now being conducted in regard to the provision of wastewater treatment and disposal.

b. *Authority.* Sussex County has requisite power and authority to enter into and perform its obligations under this Agreement. Neither the execution and delivery of this Agreement nor the consummation of the transactions contemplated hereby, nor the performance of this Agreement shall: (a) violate, conflict with, or constitute a material default under any contract, commitment or agreement to which Sussex County is a party or by which Sussex County is bound; or (b) violate any (i) order, writ, injunction, decree, judgment or ruling of any court, or (ii) law, statute, ordinance or regulation applicable to Sussex County.

c. *Execution.* Delivery of this Agreement and all other technical documents associated with existing or proposed infrastructure to be delivered by Sussex County in connection herewith, and the consummation of the transactions contemplated hereby and thereby, have been duly authorized by Sussex County.

d. *Valid and Binding Agreement.* This Agreement constitutes the valid and binding agreement of Sussex County, enforceable against Sussex County in accordance with its terms, except as such enforceability may be limited by bankruptcy, insolvency, reorganization, receivership, conservatorship, moratorium or other laws of general application relating to or affecting the enforcement of creditors' rights and remedies, as from time to time in effect, and the application of equitable principles, regardless of whether such enforceability is considered in a proceeding in equity or at law.

7. Warranties with Respect to Artesian. Artesian hereby represents and warrants to Sussex County as follows:

a. *Organization and Authority.* Artesian has the requisite power to carry on its business as now being conducted.

b. *Authority.* Artesian has requisite power and authority to enter into and perform its obligations under this Agreement. Neither the execution and delivery of this Agreement nor the consummation of the transactions contemplated hereby, nor the performance of this Agreement shall: (a) violate, conflict with, or constitute a material default under any contract, commitment or agreement to which Artesian is a party or by which Artesian is bound; or (b) violate any (i) order, writ, injunction, decree, judgment or ruling of any court, or (ii) law, statute, ordinance or regulation applicable to Artesian.

c. *Execution.* Delivery of this Agreement and all other technical documents associated with existing or proposed infrastructure to be delivered by Artesian in connection herewith, and the consummation of the transactions contemplated hereby and thereby, have been duly authorized by Artesian.

d. *Valid and Binding Agreement.* This Agreement constitutes the valid and binding obligation of Artesian, enforceable against Artesian in accordance with its terms, except as such enforceability may be limited by bankruptcy, insolvency, reorganization, receivership, moratorium or other laws of general application relating to or affecting the enforcement of creditors' rights and remedies, as from time to time in effect, and the application of equitable principles, regardless of whether such enforceability is considered in a proceeding in equity or at law.

8. Term. This Agreement shall be in effect for a term of five years, to be automatically renewed for an additional term of five years upon the expiration of each such five year term, unless a written notice is delivered by either party to the other, one year in advance of the expiration of the then current five year term, stating that that party is not agreeing to another five year renewal.

9. Notices. All notices and other communications, whether required or otherwise, made under this Memorandum shall be in writing and shall be deemed to have been given if personally delivered or mailed by registered, certified, or first-class mail, postage prepaid, or sent by overnight delivery, email, telecopier, or facsimile transmission:

If to Sussex County:

Sussex County Council
2 The Circle
PO Box 589
Georgetown DE 19947

If to Artesian:

Artesian Wastewater Management, Inc.
664 Churchmans Road
Newark, DE 19702
Attention: Joseph A. DiNunzio, Executive Vice President
Telephone: (302) 453-6900
Fax: (302) 453-6957
Email: jdinunzio@artesianwater.com

with a copy to:

Artesian Resources Corporation
Karl G. Randall, General Counsel
664 Churchmans Road
Newark, DE 19702
Telephone: (302) 453-6900
Fax: (302) 453-6957
Email: krandall@artesianwater.com

or to such other address or to such other person as one party shall have last designated by notice to the other party hereto. Notices delivered personally or by overnight delivery shall be effective upon delivery. Notices properly addressed and delivered by mail, return receipt request, shall be effective upon deposit with the United States Postal Service. Notices sent by email, telecopier, or facsimile transmission shall be effective upon confirmation of transmission.

10. Section Headings. The headings of Sections contained in this Agreement are provided for convenience only, form no part of this Agreement and shall not affect its construction or interpretation. All references to Sections in this Agreement refer only to the corresponding Sections of this Agreement.

11. Amendment. Neither this Agreement nor any terms or provision herein may be changed, waived, discharged, or terminated orally or electronically. Any such amendment shall be valid only by a written instrument, executed by all Parties hereto.

12. Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. It shall not be necessary for a single counterpart to be executed by all parties provided that each Party shall have executed at least one counterpart.

13. Waiver Of Trial By Jury. The Parties hereto shall and do hereby waive trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other as to any dispute or disputes arising out of or in any way connected with this Agreement or the performance, or lack thereof, by a party hereto of such party's obligations hereunder.

14. Jurisdiction. Each Party hereby consents to the exclusive jurisdiction of the courts of the State of Delaware as to all matters relating to the enforcement, interpretation or validity of this Agreement and, if such party is a non-resident of the State of Delaware, hereby appoints the Secretary of State of the State of Delaware as its agent for service of process. The Parties agree that this Agreement may be enforced in equity; and that specific performance or other equitable relief, in addition to any monetary or other damages that may be proved, would be an appropriate remedy in any such action.

15. Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

16. No Presumption Against the Drafter. Each of the Parties to this Agreement participated in drafting this Agreement, and the interpretation of any ambiguity contained in the Agreement will not be affected by a claim that a particular Party drafted any particular provision hereof.

17. Benefit. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, and to each respective Party's legal representatives, heirs, successors and permitted assigns.

(Signature Pages to Follow)

IN WITNESS WHEREOF, the Parties, intending hereby to be legally bound, caused this Agreement to be executed by their duly authorized representatives as of the date and year first above-written.

SUSSEX COUNTY:

WITNESS:

Name: _____

By: _____(SEAL)

Name: Michael H. Vincent

Title: Council President

Approved to Form: _____

By: _____

Name: Dorey Cole, Esq.

Title: Assistant County Attorney

STATE OF DELAWARE)
) ss.
_____ COUNTY)

BE IT REMEMBERED that on this _____ day of _____, A.D. 2016, personally came before me, the Subscriber, a Notary Public of the State and County aforesaid, Michael H. Vincent, known to me to be the Council President of Sussex County, a party to this Agreement, and as such, being authorized so to do, acknowledged that he executed this Agreement in his own hand for the company.

AS GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public

My Commission Expires:

ARTESIAN:

ATTEST:

ARTESIAN WASTEWATER MANAGEMENT,
INC., a Delaware corporation

Name: _____

By: _____(SEAL)

Name: Dian C. Taylor

Title: President & Chief Executive Officer

STATE OF DELAWARE)
) ss.
NEW CASTLE COUNTY)

BE IT REMEMBERED that on this _____ day of _____, A.D. 2016, personally came before me, the Subscriber, a Notary Public of the State of Delaware, Dian C. Taylor, known to me to be the President & Chief Executive Officer of Artesian Wastewater Management, Inc., a corporation existing under the laws of the State of Delaware, party to this agreement, and in her capacity as such, and being authorized so to do, acknowledged that she executed this Agreement in her own hand for the corporation.

AS GIVEN under my Hand and Seal of Office the day and year aforesaid.

Notary Public
My Commission Expires:

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E.
County Engineer

RE: *Love Creek Woods – Expanded Sewer Participation Agreement*

DATE: August 30, 2016

The northern sewer extension of the Angola Neck area of the Unified Sewer District was approved by County Council via resolution on October 7, 2014. It is located in the North Coastal Planning Area, hence engineering services fall under the North Coastal Planning Area base contract with Whitman, Requardt and Associates, LLP. Leading up to the extension resolution Council approved on August 15, 2014, Amendment No. 4, to said base contract. The consultant, in cooperation with the Engineering Department, prepared an engineering report which was used as the basis for a funding application to the State Revolving Loan Fund (State SRF). With the expansion located in the Inland Bays drainage area it ranked high environmentally and received funding. The extension area contains, among other parcels, the Love Creek Woods subdivision and the Boat Hole redevelopment area as depicted on the attached map.

The Developer of the Boat Hole had previously promised a contribution for hook-up assistance to the Home Owners Association (HOA) of Love Creek Woods. It was formalized in an agreement with the HOA dated March 19, 2015, providing a secured contribution of \$180,000 to cover permits and connection related expenses. In addition, the Developer purchased a permanent easement from the owners of Lot 26 within the Love Creek Woods subdivision for the installation of sewer infrastructure.



The design of the system is now complete but cannot proceed to advertisement under State SRF rules without a certification that all easements and rights-of-way are in place. Engineering staff is wrapping up the last easement besides the one across the Boat Hole property. It contains an easement for the pipeline installation and also envisions placement of the regional pump station on said property. Easements can be donated, however owners are entitled to fair and equitable compensation. In this case the Developer has agreed to compensation at appraised value but tied the granting to a County assumption of the Developer's responsibilities contained in the agreement with the HOA. The security associated with these responsibilities would transfer to the County hence not causing additional costs for the publicly funded project.

In order to not delay the project any further in a drawn out legal case the Department has drafted the attached Love Creek Woods – Sewer Participation Agreement. The draft has been developed based on input from the Developer and comments received by the HOA Board. It is now under review by the HOA membership and their Counsel. We are requesting Council's concurrence of the approach in principle. Once all the comments are addressed we will present County Council with the final version for approval.

TAX PARCEL NO. 2-34-7.00-108.00

Prepared by: Sussex County Engineering
P.O. Box 589
Georgetown, DE 19947

SEWER PARTICIPATION AGREEMENT

THIS SEWER PARTICIPATION AGREEMENT is made and entered into this _____ day of _____, A.D. 2016, by and between **NSBM, LLC**, a Maryland Limited Liability Company, with an address of 18623 Brooke Road, Sandy Spring, Maryland, party of the first part, (hereinafter referred to as “Developer”), and **SUSSEX COUNTY**, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947 (hereinafter referred to as “the County”) and the **LOVE CREEK WOODS HOMEOWNERS ASSOCIATION** (hereinafter referred to as “the HOA”).

WHEREAS, the Developer is the owner of that certain tract of lands and premises located in both Indian River Hundred and Lewes and Rehoboth Hundred, Sussex County and State of Delaware, and said parcel of land (hereinafter referred to as “the Property”), being described as Tax Parcel No. 2-34-7.00-108.00, further described in Deed Book 03193, Page 305 and Plot Book 96, Page 140.

WHEREAS, SUSSEX COUNTY is preparing plans for certain improvements (hereinafter referred to as “Improvements”) to its Sanitary Sewer Utilities (hereinafter referred to as “the Systems”).

WHEREAS, the Developer entered into an Agreement with the HOA dated March 19, 2015, (“HOA Agreement”) to provide the Homeowner’s Association a contribution of one hundred eighty thousand dollars (\$180,000.00) (the “Contribution”) to cover all of the Love Creek Woods homeowner’s permit and connection fees for sewer hookups in exchange for the Homeowner’s Association’s agreement to allow annexation into the Angola North Sewer District of Sussex County which amount was secured by Travelers Surety Bond No. 106289696 and which annexation did occur.

WHEREAS, the Developer purchased a permanent easement and right of way for the installation of Improvements to the System from the owners of Lot 26 within Love Creek Woods within which Improvements to the System will be constructed.

WHEREAS, it is necessary that the Improvements to the Systems pass under and through the Property within a permanent easement and right of way to be granted by the Developer to the County upon the execution of this Sewer Participation Agreement.

WHEREAS, the County and the Developer wish to replace the aforementioned HOA Agreement with a Sewer Participation Agreement between the County, the HOA and the Developer resulting in the dedication to the County by the Developer of an appropriate easement and right of way over and through the Property for installation of Improvements to the System, and, the County’s assumption of complete responsibility for all of the Developer’s responsibilities contained in the HOA Agreement.

NOW, THEREFORE, the Developer and the County, in consideration of the sum of Ten Dollars (\$10.00) receipt of which is hereby acknowledged, as well as the mutual promises and covenants herein contained, intending to be legally bound, do hereby agree as follows:

Agreement to Convey Easement. Developer agrees to convey the Easement and right of way to the County, and, subject to the provisions of this Agreement, the County agrees to accept conveyance of the Easement and right of way from the Developer, at the times, in the manner and upon the terms and conditions, herein set forth. The permanent easement and right of way granted hereunder shall be and is hereby limited to a twenty (20) foot wide permanent easement area plus the larger area for placement of a pump station as shown on the attached Exhibit and further described below:

Plate and legal description prepared by Solutions IPER, LLC, dated May 10, 2016, and incorporated herein by reference;

BEING part of the real property owned by NSBM, LLC, a Maryland Limited Liability Company, as heretofore identified.

2. County's Assumption of HOA Agreement Responsibilities and Payment for Easement. The County shall assume complete responsibility for all of the Developer's responsibilities, monetary and otherwise, contained in the Agreement between NSBM, LLC and Love Creek Woods HOA dated March 19, 2015 attached hereto as Exhibit A and shall pay the Developer a sum equal to the Fair Market Value of the Easement as described below.

(a) Payment is due and payable to the Developer for the Easement and right of way within thirty (30) days of the Developer replacing the Travelers Surety Bond No. 106289696 with a Surety Bond of equal value running to the benefit of the County.

(b) Value of the Easement and right of way shall be the fair market value as established by a Delaware certified General Real Property Appraiser on retainer with the County.

(c) Any remaining portion of the Developer's Contribution as described below, not expended in the process of permitting and connecting the improvements on all tax parcels in the Love Creek Woods subdivision to the County's Systems, shall be returned to the HOA within thirty (30) days after payment of the last invoice related to said connections. County shall provide a full accounting of the expenditures for review by the HOA.

3. Developer's Contribution. The Developer's Contribution to the County's Improvements to the System shall be:

(a) Conveyance of the Easement and right of way over and through the Property within seven (7) business days after the date of execution of this Sewer Participation Agreement by all parties to the Agreement.

(b) Payment to the County in the amount of One hundred eighty thousand dollars (\$180,000.00) shall be due at such time as the Property is sold by the Developer, or, if the Developer develops the Property, prior to the issuance of the first building permit by the County, or, at such time as the Improvements to the System are operational, whichever occurs first.

(c) The Developer shall replace the Travelers Surety Bond No. 106289696 with a standard County Surety Bond of equal value running to the benefit of the County with an

expiration date of no later than October 31, 2018. The replacement Surety Bond shall be delivered to the County no later than September 30, 2016.

4. Miscellaneous.

(a) The captions in this Agreement are inserted for convenience of reference only and in no way define, describe or limit the scope or intent hereof of any of the provisions hereof.

(b) This Agreement shall be governed by and construed according to the laws of the State of Delaware.

(c) This is the entire contract between the parties. All previous communications between the parties, either oral or written, not contained herein are hereby withdrawn and annulled. This Agreement may be modified only by a writing executed by the parties hereto.

(d) Neither party hereto shall be entitled to assign in whole or in part any of its right, title and interest in, to and under this Agreement, without the prior written consent of the other party hereto.

(e) Time is of the essence of this Agreement.

(f) This Agreement may be signed in one or more counterparts (or with counterpart signature pages) which, taken together, shall constitute a fully executed Agreement and shall be considered a single document. Telefax signatures shall be taken as originals.

(g) If any date on which a time period scheduled to expire herein is a Saturday, Sunday or holiday, the subject date shall be extended to the next business day.

(SIGNATURES ON NEXT PAGE)

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties hereto have executed this Sewer Participation Agreement the day and year first above written.

Signed in the presence of:

DEVELOPER: NSBM, LLC

By: _____

By: _____ (SEAL)
Fred Nichols, Partner

SUSSEX COUNTY, DELAWARE

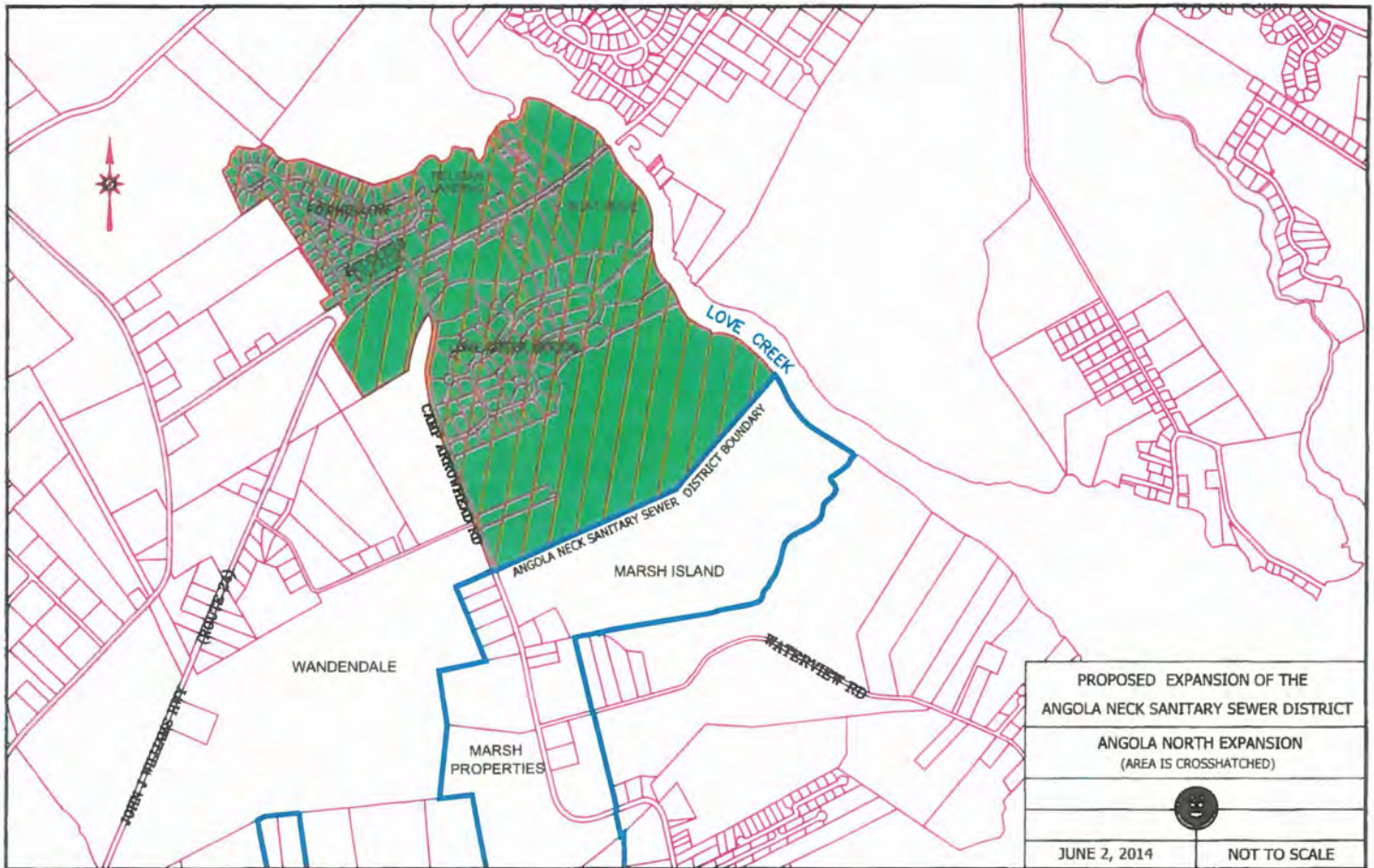
By: _____

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

LOVE CREEK WOODS HOMEOWNERS
ASSOCIATION

By: _____

By: _____ (SEAL)
Mary Mukterian, President



1.640'± TO
CAMP ARROWHEAD RD.
ROUTE 24
JOHN J. WILLIAMS HWY.

N 58°40'40" E
74.97'
N 28°37'15" W
158.77'
S 13°11'23" E 18.21'
(ME DIST.)
P.O.C.
P.O.B.

N/F
CHARLES M. ASH
TM 234-7.00-112.00
DB 2255/159

LANDS OF
NSBM, LLC
TM 234-7.00-108.00
DB 3193/305

SUSSEX COUNTY
UTILITY EASEMENT
17,965 SQ. FT.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 28°41'09" E	80.00'
L2	S 61°18'51" W	30.00'
L3	S 28°41'09" E	353.63'
L4	N 86°06'52" E	141.94'
L5	S 10°17'44" W	168.59'±
L6	N 89°16'58" W	20.28'±
L7	N 10°17'44" E	146.28'±
L8	S 86°06'52" W	129.04'
L9	N 28°41'09" W	106.85'
L10	S 70°54'04" W	20.28'
L11	N 28°41'09" W	20.28'
L12	N 70°54'04" E	20.28'
L13	N 28°41'09" W	269.29'
L14	S 61°18'51" W	10.00'
L15	N 28°41'09" W	50.00'
L16	N 61°18'51" E	60.00'

LEGEND

IPF ○ IRON PIPE FOUND
● IRON ROD & CAP SET
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

SITE DATA

- OWNER: NSBM, LLC
18623 BROOKE RD.
SANDY SPRING, MD 20860
- SURVEYOR: SOLUTIONS IPEM, LLC
303 N. BEDFORD ST.
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKIEWICZ, P.E.
- TAX ID: 234-7.00-108.00
- DEED: 3193/305



SURVEYOR'S STATEMENT

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN

SOLUTIONS IPEM, LLC
by BARRY M. HALL, AGENT



BARRY M. HALL
PROFESSIONAL LAND SURVEYOR DE NO. 618

NOTE:
PROPERTY LINE RUNS BY &
WITH CENTERLINE OF GUT
LEADING TO LOVE CREEK

"LOVE CREEK WOODS"
SUBDIVISION
PLAT 48/198

EXISTING 20'
UTILITY EASEMENT
DB 4273/241

solutions
Integrated Planning
Engineering & Management, LLC

303 N. Bedford St.
Georgetown, DE 19947
T: 302.297.9215
www.solutionsipem.com

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Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary

Drawn by: HDH

Job No: G14-008

UTILITY EASEMENT PLAT

FOR
SUSSEX COUNTY
LANDS OF NSBM, LLC

TAX MAP 2-34-7.00-108.00
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

Scale: 1" = 60'

Date: 05/10/2016

Sheet 1 of 1

Sussex County
Engineering Department

HANS M. MEDLARZ, P.E., County Engineer
JOSEPH WRIGHT, P.E., Asst. County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299
FAX: 302-855-7799	

**SOUTH COASTAL LIBRARY
READING GARDEN ALTERATIONS
SUSSEX COUNTY PROJECT 16-31**

The outdoor Reading Garden at the South Coastal Library has experienced water-related issues for several years. Rainwater does not drain off the walking surface adequately, causing water intrusion into the adjacent building, short-circuiting of the garden lighting, and settlement of the concrete pavers.

A project was designed to address these issues which included the extension of the under-paver drainage system, regrading of the paver base, and replacement of the garden lighting wiring and fixtures. In addition, the Friends of the South Coastal Library committed to the donation of funds toward the project to incorporate other work items into the project, including a new ADA ramp and stairs, ceiling fans, lighting and roof panels on a portion of the rafters.

The Engineering Department opened bids for the project August 22, 2016. Even though extensive effort was made to enlarge the bidding pool, only two bids were received, both of which were significantly above the architectural consultant's estimate. The Engineering Department recommends Council approve the motion to reject the bid with the intention to rebid the project. Prior to re-advertising, the project scope will be reviewed with South Coastal Library staff to determine what elements and materials must remain.

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
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

SOUTH COASTAL LIBRARY READING GARDEN ALTERATIONS PROJECT 16-31

BID OPENING, 10:30 a.m., MONDAY, AUGUST 22, 2016

BIDDER	BID AMOUNT
Common Sense Solutions *	\$172,819.76
Kent Construction	\$299,500.00

***Apparent Low Bidder**

Estimate \$81,150.00



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

High Tide Church Expansion Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District.
- The expansion was requested by the High Tide Church, a project currently known PGS Properties and Allen Harim in the Dagsboro/Frankford Area.
- The church and PGS properties will be responsible for gravity sewer to a connection point on the west side of Route 113. This provides a connection point for the American Legion Post #24 which has been on a holding tank since approx. 2008.
- Allen Harim will be connecting to the gravity system installed by High Tide and PGS.
- There are several other parcels included in this expansion to fill in the donut hole and to maintain a contiguous path. Some will be receiving a connection point from the High Tide/PGS infrastructure.
- The expansion will consist of 122.65± acres.
- The parcels will be responsible for System Connection Charges of \$5775 based on current rates.
- There will be a Public Hearing September 27, 2016 at the regular County Council meeting.

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

Date TBA

Not To Scale

DFPA

Dagsboro Church
of God

VFW

Dagsboro/
Frankford

PGS Properties

WSPA

Allen Harim
(Hatchery)

High Tide
Church

DFPA

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE HIGH TIDE CHURCH EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA) TO INCLUDE PARCELS ALONG NINE FOOT ROAD AS PRESENTED ON AUGUST 30, 2016.

JOHN J. ASHMAN

FILE: OM-8.05.38

AUGUST 30, 2016



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



Sussex County

DELAWARE
sussexcountype.gov

MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

RE: Old Business
Change of Zone No. 1802 – J. G. Townsend, Jr. & Co.

DATE: August 25, 2016

On August 23, 2016, the Sussex County Council held a public hearing on the application of J. G. Townsend, Jr. & Co. for the Village Center rezoning from AR-1 Agricultural Residential to B-1 Neighborhood Business.

At the conclusion of the public hearing, the Council deferred action and left the record open for written comments for one week with the possibility of further extensions of the record remaining open.

I have not provided a repeat copy of the Planning and Zoning Commission report in the Council Packet since the report is already a part of the record for this application.

Should the Council need additional information, Janelle Cornwell, Planning and Zoning Manager, and I will be present for the Council's discussion on Tuesday, August 30, 2016.

cc: Janelle Cornwell, Planning and Zoning Manager
Robin Griffith, Clerk of Council





SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Delaware Lions Foundation, Inc.		
PROJECT NAME:	Humanitarian Service Projects		
FEDERAL TAX ID:	23 - 7360578	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	c/o Lion B. J. Ryder		
	P. O. Box 393		
	Camden	Delaware	19934
	(CITY)	(STATE)	(ZIP)
PHONE:	(302) 284-9377	EMAIL:	lionbryder@comcast.net
CONTACT PERSON:	Lion Charles E. Covington, Sr.		
TITLE:	Corporate Gifts Committee, Chairperson		
ADDRESS:	32915 Nassau Court South, Nassau Station		
	Lewes	Delaware	19958
	(CITY)	(STATE)	(ZIP)
PHONE:	(302) 645-4882	EMAIL:	cecovington@hotmail.com

TOTAL FUNDING REQUEST: \$ 2,000.00

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

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 3,000.00

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? .03

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

12 - 15 Lions Clubs

SECTION 3: PROGRAM SCOPE

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

The Delaware Lions Foundation's primary objective is to support the 34 Lions Clubs of Delaware in giving humanitarian service to Delaware citizens. It seeks to extend essential service projects that serve multiple people in any given community and to support appropriate endeavors that enhance the quality of life for groups such as the scouts, the visually impaired, the diabetics, and some athletic programs like ball fields and playgrounds for handicapped persons.

The Delaware Lions Foundation is committed to provide grants to Lions Clubs to enable them to do sight and hearing related projects within their communities that they cannot accomplish without some outside financial help. And, it seeks to encourage Lions Clubs to initiate innovative projects that are good for a broad sector of citizens. However, the Delaware Lions Foundation will not support any project where its matching funds become pass-through gifts to other 501-C-3 charitable tax exempt entities that take credit for the project.

The Delaware Lions Foundation is the first echelon of reserve to assist Lions Clubs to sponsor new projects that increase their service to and identity within their community.

The Delaware Lions Foundation has an escrowed Emergency Grand Fund to give a \$500.00 grant to a local Lions Club when a crisis situation occurs or a disaster happens in their community that severely affects many citizens. It has given two since its inception, neither of which was in Sussex County.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 30,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel	0.00
Operating Costs	0.00
Construction / Capital Improvements	0.00
Disaster Relief	0.00
Educational Scholarships	0.00
Humanitarian Service Projects	(41,000.00)
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 11,000.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Lions Foundation, Inc. agrees that:
(Name of Organization)

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

Charles E. Covington, Sr.

Applicant/Authorized Official

14 July 2016

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	<u>Coverdales Crossroads Community Council, Inc.</u>		
PROJECT NAME:	<u>TV/Cable & Trash Services</u>		
FEDERAL TAX ID:	<u>51-0245091</u>	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	<u>11575 Fisher Circle, PO Box 646</u>		
	<u>Bridgeville</u> (CITY)	<u>DE</u> (STATE)	<u>19933</u> (ZIP)
PHONE:	<u>302-337-7179</u>	EMAIL:	_____
CONTACT PERSON:	<u>Paula Cephas</u>		
TITLE:	<u>President</u>		
ADDRESS:	<u>20561 Coverdale Rd.</u>		
	<u>Bridgeville</u> (CITY)	<u>DE</u> (STATE)	<u>19933</u> (ZIP)
PHONE:	<u>302-930-7798</u>	EMAIL:	<u>pcephas12@gmail.com</u>

TOTAL FUNDING REQUEST: \$896.34

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

☐ YES ☒ NO

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

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

☐ YES ☒ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

100

SECTION 3: PROGRAM SCOPE

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

Coverdale Crossroads Community Council, Inc. is writing this request for your financial assistance so that our organization can continue to provide TV/Cable and trash services for our Adult/Youth Mentoring Programs. Matter of fact, the Coverdale Crossroads Community Council, Inc. is coordinating and managing the adult/youth mentoring and summer feeding programs. However, the cable service is used by the community residents for job search, research, resume writing, etc. As a result, we need your support to assist us with the payments for the Cable/TV and waste services at the Coverdale Crossroads Community Center. Without the waste removal, we will not be able to receive services from the Milford Food Bank, such as meals for our youth and food for our seniors. Waste removal is a necessity in order to receive services from the Food Bank of Delaware.

The Coverdale Crossroads Community Council operates a community-based Youth/Mentoring Program and a Summer-feeding Program at the Coverdale Crossroads Community Center, 11575 Fisher Circle, Monday-Friday, 9am-1pm. There are 30 youths enrolled in our program; ages range from 5-17. The Coverdale Crossroads youth/adult programs are offered year round. However, our community organization's goal is to improve the conditions in which low-income people live. But at the present because we are a low-income community, it has become particularly hard for our community to pay for these services. Providing youth programs and adult programs in our community will help the youth to keep their focus on their academics for the upcoming school year; also, the programs serve as a catalyst to create productive citizens which will improve lives and the condition of the community in the future. Plus the adults will also have the means to prepare and seek employment. The Comcast Cable/TV service is \$103.39 monthly x 6 = \$620.34 and Peninsula Waste Services is \$69.00 quarterly x 4 = \$276.00. The total is \$896.34. So, we are requesting \$896.34 from Sussex County Council to help alleviate the burden for the Coverdale Crossroads Community. So, we want to thank you in advance for your support toward our efforts in improving the lives of others.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Comcast Cable/TV - (\$103.39 monthly x 6) = - 620.34	-620.34
Peninsula Waste Service - (\$69.00 quarterly x 4) = -276.00	-276.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Coverdale Crossroads Comm. Council, Inc agrees that:
(Name of Organization)

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

Paula Cephas / President Coverdale Comm Council 07/29/2016
 Applicant/Authorized Official DATE

PUBLIC HEARINGS
August 30, 2016

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

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.

On July 28, 2016 the Commission held public hearings on the following.

Change of Zone No. 1803 filed on behalf of CMF Bayside, LLC
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (AS AN ADDITION TO CHANGE OF ZONE NO. 1393 FOR AMERICANA BAYSIDE) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.313 ACRES, MORE OR LESS” (located at the southeast corner of Lighthouse Road (Route 54) and West Sand Cove Road (Road 394) (Tax Map I.D. No. 533-19.00-50.00 (Part of) and 51.00) (911 Address: None Available).

This application were filed on April 7, 2016. The applicants filed an Exhibit Booklet referencing both applications. The Exhibit Booklet contains letters relating to the changes in zoning; Environmental Assessments and Public Facilities Evaluations; preliminary site plans; site plan renderings; a proximity map; PLUS comments and responses; a survey and deed; a series of maps and data; a stormwater conceptual plan; traffic and site circulation; letters from utility providers; and wetlands information.

Mr. Lank advised the Commission that a letter, dated July 27, 2016, have been received from DelDOT on this application voicing no objection to recordation.

Mr. Lank advised the Commission that the Sussex Conservation District provided comments in the form of a memorandum on July 25, 2016 referencing that there are four (4) soil types on the CMF Bayside, LLC portion of the property; that the applicants will be required to follow recommended erosion and sediment control practices during construction and maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that there is a potential that the ditch/branch located on the south side of the property could be affected.

Mr. Lank advised the Commission that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on July 26, 2016 referencing that the properties are located in the Sussex County Unified Sanitary Sewer District (Fenwick Island Area); that wastewater capacity is available; that Ordinance 38 will be required; that the current System Connection Charge Rate is \$5,775.00 per Equivalent Dwelling Unit (EDU); that sanitary sewer has not been extended to the property at this time; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that the project is within the boundary of a sewer district, but sanitary sewer service has not been extended to the property at this time; that the County has undertaken an extension of gravity sewer service that will serve the property; that the County anticipates that sewer service could become available as early as the fall of 2017; that sewer capacity has been allocated on the basis of 4.0 EDU per acre; and that a concept plan is required.

The Commission found that James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A. was present with Chris Garland of CMF Bayside, LLC, and Steve Marsch, Professional Engineer with George, Miles & Buhr, LLC, and that they stated in their presentations and in response to questions raised by the Commission that the Freeman family has been developing projects in Sussex County for 50 years and were the developers of Sea Colony East, Sea Colony West, Americana Bayside, and several other projects; that the original Americana Bayside project was originally approved in 2001 on 878 acres for 1,700 units and 170,000 square foot of retail/office space, a golf course, the Freeman stage, and many other recreational and open space amenities; that additional lands and units have been added to the project since 2001; that approximately 860 units have been constructed to date; that they are proposing to rezone 12.2 acres as an addition to the Americana Bayside project with a maximum of 48 units and 18,000 square foot of office space; that Artesian Water will be providing central water for drinking and fire protection; that the County will be providing central sewer; that the sewer concept plan is approvable upon receipt of the rezoning; that the site is located in the Indian River School District, and in the Roxana Volunteer Fire Department service area; that, to date, the developers have made \$4,500,000.00 of major road improvements to the area; that a shared entrance is proposed to serve both the CMF Bayside, LLC and Doug Melson properties with access to Route 54; that the units will also have access to Sand Cove Road; that DelDOT did not require a Traffic Impact Study, and has written a Letter of No Objection; that there are no State or Federal wetlands on the site, except for those plants in the Tax Ditch; that stormwater management facilities will meet Codes; that they are proposing to build a two-story building containing 18,000 square feet for office spaces for corporate office for the Freeman Management Offices, Office space for the Freeman Foundation, and some possible leasable space; that the 18,000 square foot office space shall be a part of the original calculation in the originally approved 170,000 square foot of

retail/office space; that the 48 units shall be a part of the original calculation in the originally approved 1,700 units; that the application meets the purpose of the Comprehensive Plan and is located in the Environmentally Sensitive Developing Area; that the application is in accordance with the Plan; that the project has been very successful; that the additional units are a natural extension to the Americana Bayside project; that the site is immediately adjacent to the Americana Bayside project; that a 30 foot wide tax ditch maintenance easement has been reduced and approved by the Tax Ditch managers; that the area has a mix of residential, agricultural, and business uses; that the uses are supported by the Plan; that they are proposing duplex units and realize that this is not a site plan review and that the project will be subject to a site plan approval.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and suggested Conditions of Approval for consideration.

The Commission found that Anita Adkins, Robert Blackburn, and Ellen Magee were present and acknowledged that the developers do a great job, but expressed concerns about vehicle lights intrusion; the entrance on Route 54; that vehicles back up to Mrs. Adkins home from the lighted intersection of Route 54 and Route 20; that if the project is approved there should be landscaping to screen the homes across Route 54 from the vehicle lights; and that more buffering should be provided.

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

On July 28, 2016 there was a motion by Mr. Hudson, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 11, 2016 the Commission discussed this application under Old Business.

Mr. Hudson stated that he would move that the Commission recommend approval of Change of Zone No. 1803 for CMF Bayside, LLC for a change in zone from AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) based upon the record made at the public hearing and for the following reasons:

- 1) The site is adjacent to portions of the existing Americana Bayside MR-RPC development. It will be an extension of the existing development.
- 2) The proposed density of 48 residential units is consistent with the density of the Americana Bayside development, and these units will be included in, and will not exceed, the total number of units permitted in the existing Americana Bayside MR-RPC approvals.
- 3) The proposed development will have sewer service provided by Sussex County and water provided by Tidewater Utilities.
- 4) The proposed rezoning to an MR-RPC is in compliance with the goals and objectives of the Sussex County Comprehensive Land Use Plan. The Plan also recognizes that a range of housing types are appropriate in the Environmentally Sensitive Developing Area where this project is located, including multi-family and townhouse units. The proposed retail and office use is also appropriate in this area according to the Comprehensive Plan.

- 5) The proposed development will not adversely impact neighboring properties, traffic or the environment.
- 6) The development will be an extension of the existing Bayside development, and residents will be members of the Americana Bayside Homeowners Association entitling them to use the development's existing recreational amenities and requiring them to pay the required dues and assessments within the development.
- 7) This recommendation is subject to the following conditions:
 - a. The maximum number of residential dwelling units shall be 48 on this land incorporated into the existing MR-RPC.
 - b. The retail/office portion of the lands incorporated into the existing MR-RPC shall not exceed 18,000 square feet of retail/office space.
 - c. The 48 units and 18,000 square feet of office space approved as part of this extension of the MR-RPC shall be part of the uses approved in Conditions #1 and #3 of Change of Zone No. 1393 and shall not be in addition to these conditions previously imposed on the Americana Bayside MR-RPC project.
 - d. Conditions #24 of Change of Zone No. 1393(requiring access to Route 54) shall not be applicable to the retail/office space as part of this application.
 - e. The development shall be served as part of the Sussex County Sanitary Sewer District.
 - f. The developer shall comply with all requirements and specifications of the County Engineering Department.
 - g. The RPC shall be served by central water,
 - h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner consistent with Best Management Practices.
 - i. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District.
 - j. The project shall be incorporated as part of the existing Americana Bayside MR-RPC (Change of Zone No. 1393) and shall be subject to, and benefited by, the conditions imposed upon that development, except as modified herein.
 - k. All entrance, roadway, intersection and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's determinations.
 - l. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.
 - m. The residential units in this development shall be part of the Americana Bayside Homeowners Association responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.
 - n. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Department.
 - o. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.
 - p. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Ross, 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 5 – 0.

Change of Zone No. 1804 filed on behalf of Doug Melson

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.05 ACRES, MORE OR LESS” (Located at the south of Lighthouse Road (Route 54), 700 feet east of West Sand Cove Road (Road 394) (Tax Map I.D. 533-19.00-50.00 (Part of) (911 Address: None Available)).

This application were filed on April 7, 2016. The applicants filed an Exhibit Booklet referencing both applications. The Exhibit Booklet contains letters relating to the changes in zoning; Environmental Assessments and Public Facilities Evaluations; preliminary site plans; site plan renderings; a proximity map; PLUS comments and responses; a survey and deed; a series of map and data; a stormwater conceptual plan; traffic and site circulation; letters from utility providers; and wetlands information.

Mr. Lank advised the Commission that a letter, dated July 27, 2016, have been received from DelDOT on this application voicing no objection to recordation.

Mr. Lank added that the Sussex Conservation District provided comments in the form of a memorandum on July 26, 2016 referencing that there are four (4) soil types on Doug Melson portion of the property; that the applicants will be required to follow recommended erosion and sediment control practices during construction and maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements may be required depending on the building location; and that it is not likely to affect ditches depending on structure locations.

Mr. Lank advised the Commission that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on July 26, 2016 referencing that the properties are located in the Sussex County Unified Sanitary Sewer District (Fenwick Island area); that wastewater capacity is available; that Ordinance 38 will be required; that the current System Connection Charge Rate is \$5,775.00 per Equivalent Dwelling Unit (EDU); that sanitary sewer has not been extended to the property at this time; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that the project is within the boundary of a sewer district, but sanitary sewer service has not been extended to the property at this time; that the County has undertaken an extension of gravity sewer service that will serve the property; that the County anticipates that sewer service could become available as early as the fall of 2017; that sewer capacity has been allocated on the basis of 4.0 EDU per acre; and that a concept plan is required.

The Commission found that Doug Melson was present with James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A., and Steve Marsch, Professional Engineer of George Miles & Buhr, LLC, and that they stated in their presentation and in response to questions raised by the

Commission that they would like the record of their comments made during the public hearing on C/Z #1803 to be incorporated into the record of this application; that this site contains 3.3 acres and is proposed for a possible funeral chapel; that they are requesting rezoning to B-1 (Neighborhood Business) which permits the use; that the Melson Funeral Services business has been in existence since 1934 and is a needed service due to the demographics of the area; that Delaware has grown faster than most states; that one in four residents in Sussex County are over the age of 65 years; that the application meets the purpose of the B-1 (Neighborhood Business) district; that the project will be developed along with development of the CMF Bayside, LLC portion of the property and will share entrance to Route 54 and share stormwater management facilities; and that the trends in the area have changed.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact for consideration.

The Commission found that Ellen Magee and Anita Adkins were present and expressed concerns about entrances on Route 54; vehicle lights impacting residential properties across Route 54; and the need for landscaping.

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

On July 28, 2016 there was a motion by Mr. Hudson, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On August 11, 2016 the Commission discussed this application under Old Business.

Mr. Hudson stated that he would move that the Commission recommend approval of Change of Zone No. 1804 for Doug Melson for a change in zone from AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) based upon the record made during the public hearing and for the following reasons:

- 1) The site is appropriate for the change in zone to B-1 (Neighborhood Business), given its location on Route 54, which is a major roadway in Sussex County.
- 2) The permitted B-1 uses are appropriate and will benefit the nearby residents of the neighborhood. The applicant's business is Melson Funeral Services, and he has stated on the record that he intends to operate a new funeral chapel on the property to provide services to the residents and growing residential communities located in the Route 54 area.
- 3) The change in zone will not adversely affect neighboring and adjacent properties or the community.
- 4) The project will be served by central water and will be served by County sewer.
- 5) The site is located in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. B-1 (Neighborhood Business) zoning is an appropriate zoning classification in this area according to our Plan.
- 6) The Final Site Plan for any proposed use of the property will be subject to the review and approval of the Commission.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING MANAGER
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: July 21, 2016
RE: Staff Analysis for CZ 1803 CMF Bayside, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1803 CMF Bayside, LLC to be reviewed during the July 28, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-19.00-50.00 (portion of) and 533-19.00-51.00 to change the zoning from AR-1 (Agricultural Residential District) to MR-RPC (Medium Density Residential District and Residential Planned Community). The properties are 12.313 ac. +/- . This would be an expansion of the existing Americana Bayside development.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Environmentally Sensitive Developing Areas.

The surrounding land uses to the north, south, east and west are Environmentally Sensitive Developing Areas. There is also some Highway Commercial and Mixed Residential Land uses in the area. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units.

The properties are zoned AR-1 (Agricultural Residential District). The properties to the north across Lighthouse Rd. (Rt. 54) are zoned AR-1 (Agricultural Residential District). The properties to the east, west, across Sand Hill Rd., and south are zoned MR-RPC (Medium Density Residential District and Residential Planned Community). There are several properties to the east across Lighthouse Rd. (Rt. 54) that are zoned C-1 (General Commercial District). The surrounding uses are single family residences, townhouses, duplexes, retail, and agriculture.

Based on the analysis of the land use and surrounding zoning and uses the Change of Zone from AR-1(Agricultural Residential District) to MR-RPC (Medium Density Residential District and Residential Planned Community) would be considered consistent with the land use in the Comprehensive Plan and the surrounding zoning and uses.

The following are permitted uses with the MR Zoning District (Section 115-29):

A building or land shall be used only for the following purposes:



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

A. Detached single-family dwellings but not manufactured homes. [Amended 10-12-2010 by Ord. No. 2152]

B. Churches, rectories, parish houses, convents and monasteries, temples and synagogues.

C. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.

D. Public parks, public and private forests, wildlife reservations and similar conservation projects.

E. Recreational uses such as tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property line, unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.

F. Greenhouses, commercial, provided that the lot area shall be five acres or more.

G. Swimming pools, game courts, picnic grounds, boat basins, lakes or similar activities in a development or subdivision, when such facilities are situated on a separate lot or parcel within said development or subdivision for use of the residents and their guests and not commercially operated, may be on less than two acres. Such facilities will be subject to a site plan review, and setbacks will be determined by the Commission.

H. Transmission lines and their supporting elements.

I. Open space as defined in § 115-4. [Added 12-16-2008 by Ord. No. 2022[1]]
[1] Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.

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janelle.cornwell@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: July 21, 2016
RE: Staff Analysis for CZ 1804 Doug Melson

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1804 Doug Melson to be reviewed during the July 28, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-19.00-50.00 (portion of) to change the zoning from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District). The properties are 3.05 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Environmentally Sensitive Developing Areas.

The surrounding land uses to the north, south, east and west are Environmentally Sensitive Developing Areas. There is also some Highway Commercial and Mixed Residential Land uses in the area. The Environmentally Sensitive Developing Areas land use designation recognizes that "retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access to arterial roads. Careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas."

The property is zoned AR-1 (Agricultural Residential District). The properties to the north across Lighthouse Rd. (Rt. 54) are zoned AR-1 (Agricultural Residential District). The properties to the east, west, across Sand Hill Rd., and south are zoned MR-RPC (Medium Density Residential District and Residential Planned Community). There are several properties to the east across Lighthouse Rd. (Rt. 54) that are zoned C-1 (General Commercial District). The surrounding uses are single family residences, townhouses, duplexes, retail, and agriculture.

Based on the analysis of the land use and surrounding zoning and uses the Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) would be considered consistent with the land use in the Comprehensive Plan and the surrounding zoning and uses.

The following are permitted uses with the B-1 Zoning District (Section 115-68):



- Automatic ice-distribution stations or other drive-in automatic vending machine stations. Groups of vending machines shall be contained in a completely enclosed building.
- Automobile parking lots and garages, but not a used car lot or other lot for automobile sales or storage.
- Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- Bakeries, retail.
- Barbershops or beauty parlors.
- Bicycle sales and repair shops.
- Catering or delicatessen businesses.
- Clinics.
- Dry-cleaning and laundry establishments.
- Filling stations, subject to the following requirements:
 - a) A site plan must be submitted to the Commission.
 - b) Design features relative to access to public roads shall be approved by the Delaware State Highway Department.
 - c) The minimum lot size is 14,000 square feet.
 - d) The minimum lot depth is 100 feet.
 - e) The minimum lot width is 120 feet.
 - f) The minimum distance between gasoline pumps and all accessory equipment and facilities and any public roadway line is 20 feet.
 - g) Hydraulic hoists, service pits and all lubrication, greasing, repair and washing equipment must be entirely enclosed within buildings.
 - h) A solid fence or wall at least six feet high must be erected along all property lines adjoining a residential district. Such fence or wall shall, on a side property line, terminate 20 feet from the front property line.
 - i) Exterior lighting must not cause glare hazardous to passing motorists and annoying to adjacent properties.
 - j) Wrecked, junked or stripped vehicles in an inoperative condition are prohibited on the premises.
 - k) All waste petroleum products must be stored in underground tanks.
 - l) Parking of utility trailers and/or small trucks for rent must be a minimum distance of 25 feet from any roadway.
- Flower shops and greenhouses incidental thereto.
- Frozen-food lockers for individual or family use.
- Hospitals or clinics for small animals, dogs, cats, birds and the like, provided that such hospital or clinic and treatment rooms, cages, pens or kennels are maintained within a completely enclosed soundproof building and that such hospital or clinic is operated in such a way as to produce no objectionable noise or odors outside its walls.
- Laundromats or self-service dry-cleaning establishments.
- Offices, general business or professional.
- Private clubs, lodges or meeting halls.
- Radio and television broadcasting stations or studios.
- Restaurants, drive-in or otherwise.
- Shoe-repairing shops.
- Shops for the sale, service or repair of home appliances, office machines, electrical and television and radio equipment.
- Stores and shops for the conduct of retail business, including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware and lumber and building material, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationery, and similar stores and shops.
- Telephone stations or booths, including drive-in or talk-from-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.
- Undertaking businesses or establishments or funeral homes.
- Studios for artists, photographers, teachers, sculptors and musicians.

Introduced 06/21/16

Council District No. 5 - Arlett

Tax Map I.D. No. 533-19.00-50.00 (Part of) and 51.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (AS AN ADDITION TO CHANGE OF ZONE NO. 1393 FOR AMERICANA BAYSIDE) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.313 ACRES, MORE OR LESS

WHEREAS, on the 7th day of April 2016, a zoning application, denominated Change of Zone No. 1803 was filed on behalf of CMF Bayside, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1803 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

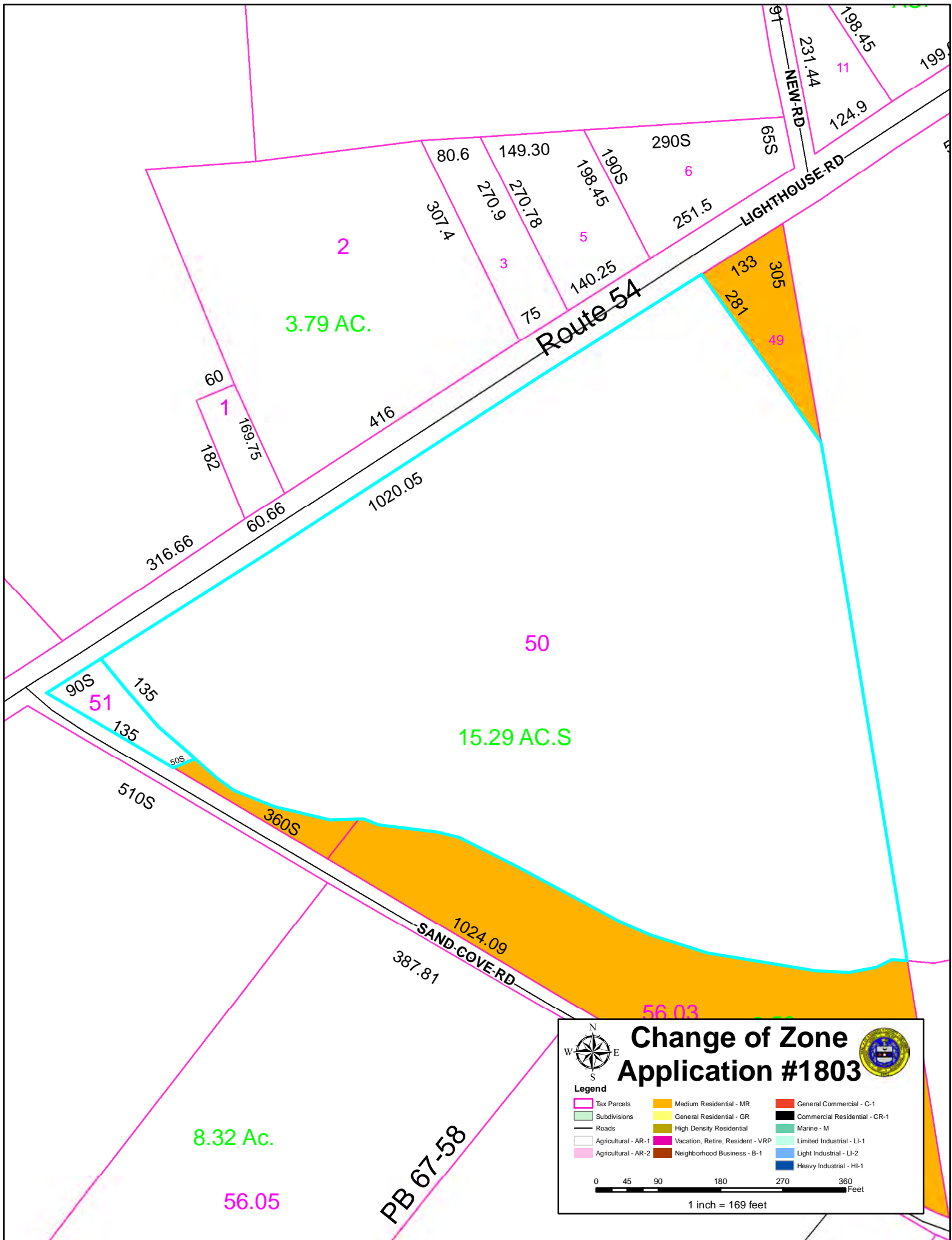
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the southeast corner of Lighthouse Road (Route 54) and West Sand Cove Road (Road 394), and being more particularly described per the attached legal descriptions provided by George, Miles & Buhr, LLC, said parcels containing 12.313 acres, more or less.

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

PROPOSED



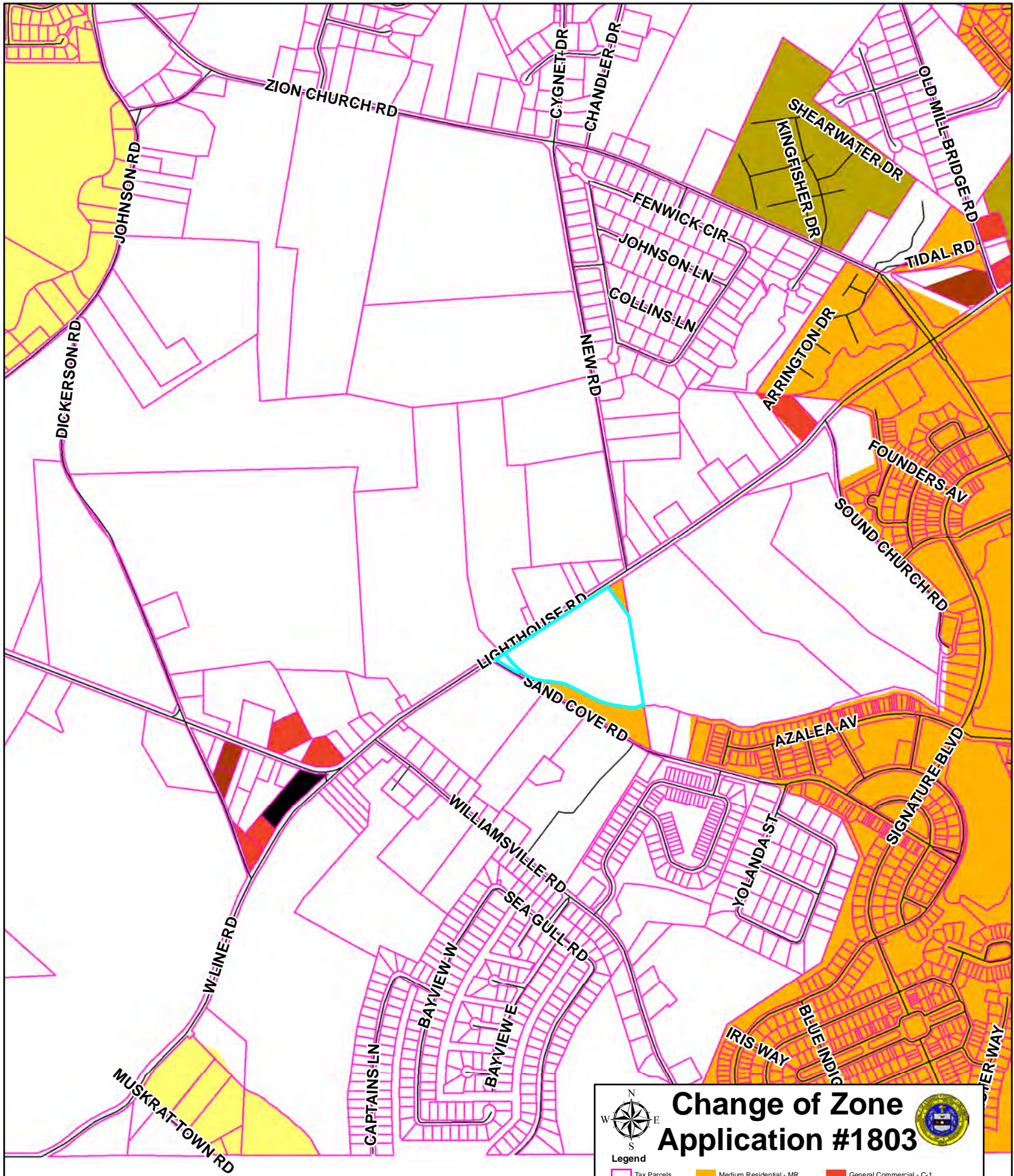
Change of Zone Application #1803


Legend

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

0 45 90 180 270 360 Feet

1 inch = 169 feet






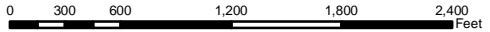
Legend

Change of Zone

Application #1803

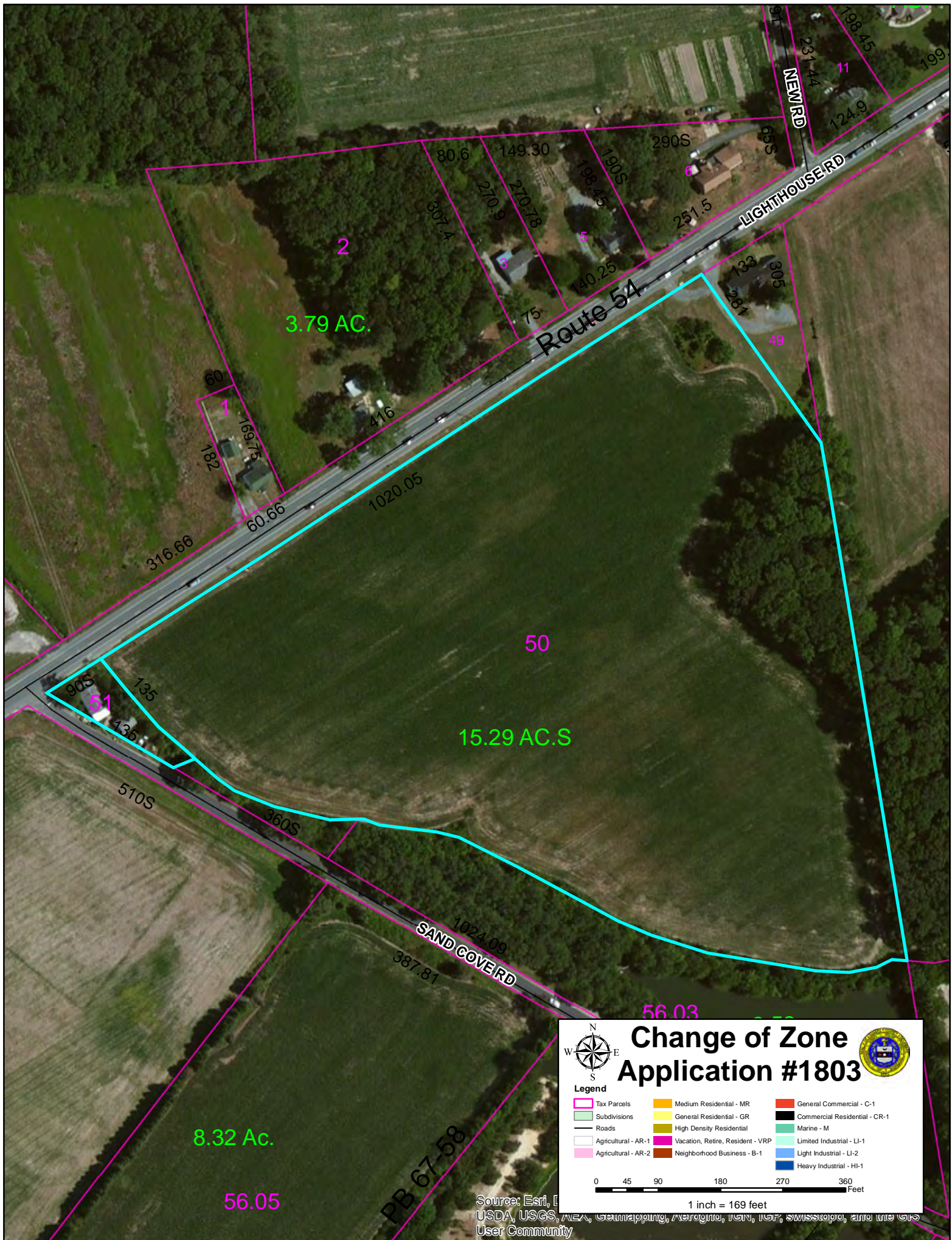



<ul style="list-style-type: none"> Tax Parcels Subdivisions Roads Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 300 600 1,200 1,800 2,400 Feet

1 inch = 1,042 feet





Change of Zone Application #1803



Legend

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

0 45 90 180 270 360 Feet

1 inch = 169 feet

Source: Esri, [USDA, USGS, AEA, Geonapping, Aerogine, IGN, IGF, SwissTopo, and the GIS User Community]

Introduced 06/21/16

**Council District No. 5 - Arlett
Tax Map I.D. No. 533-19.00-50.00 (Part of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.05 ACRES, MORE OR LESS

WHEREAS, on the 7th day of April 2016, a zoning application, denominated Change of Zone No. 1804 was filed on behalf of Doug Melson; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1804 be _____; and

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

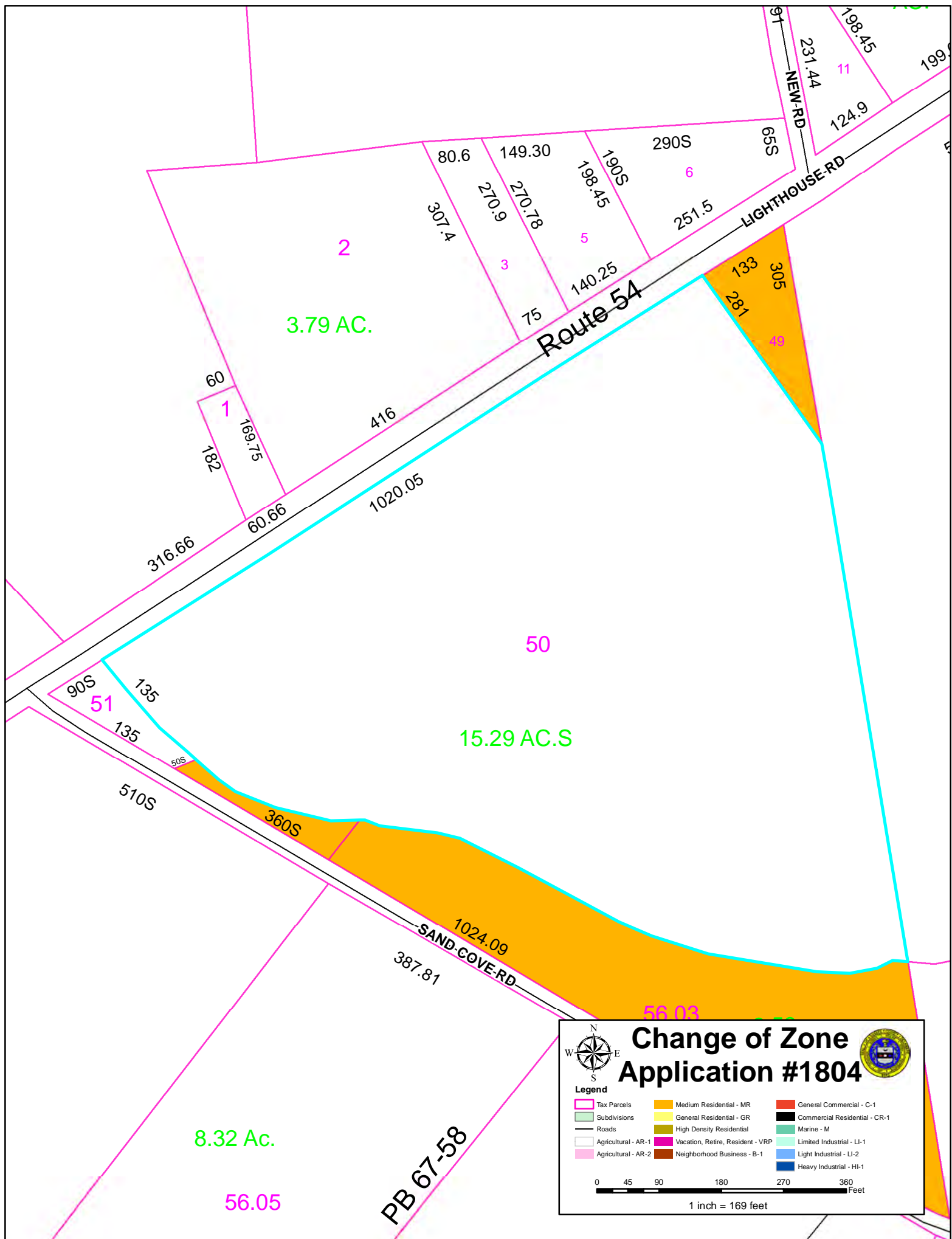
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

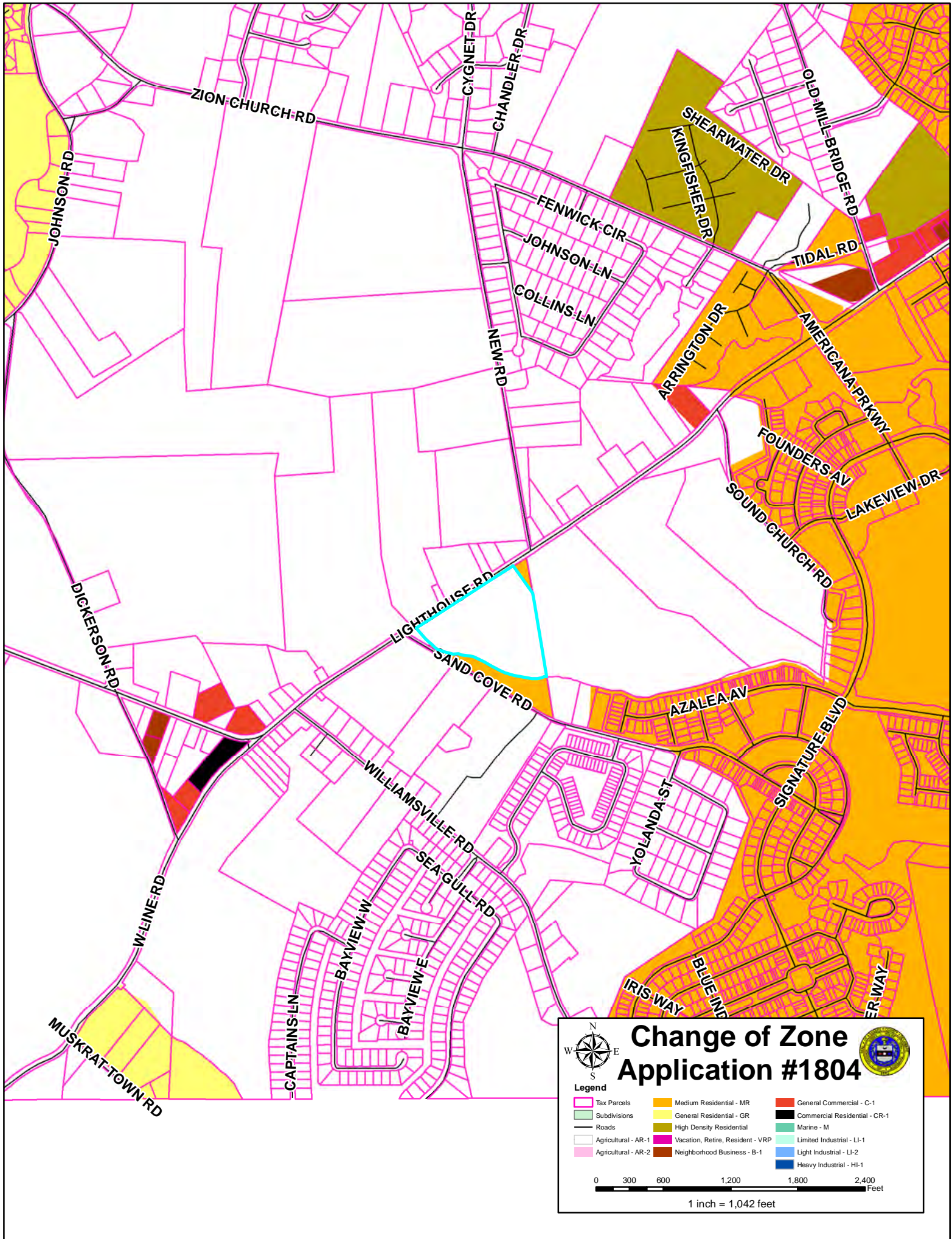
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business District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

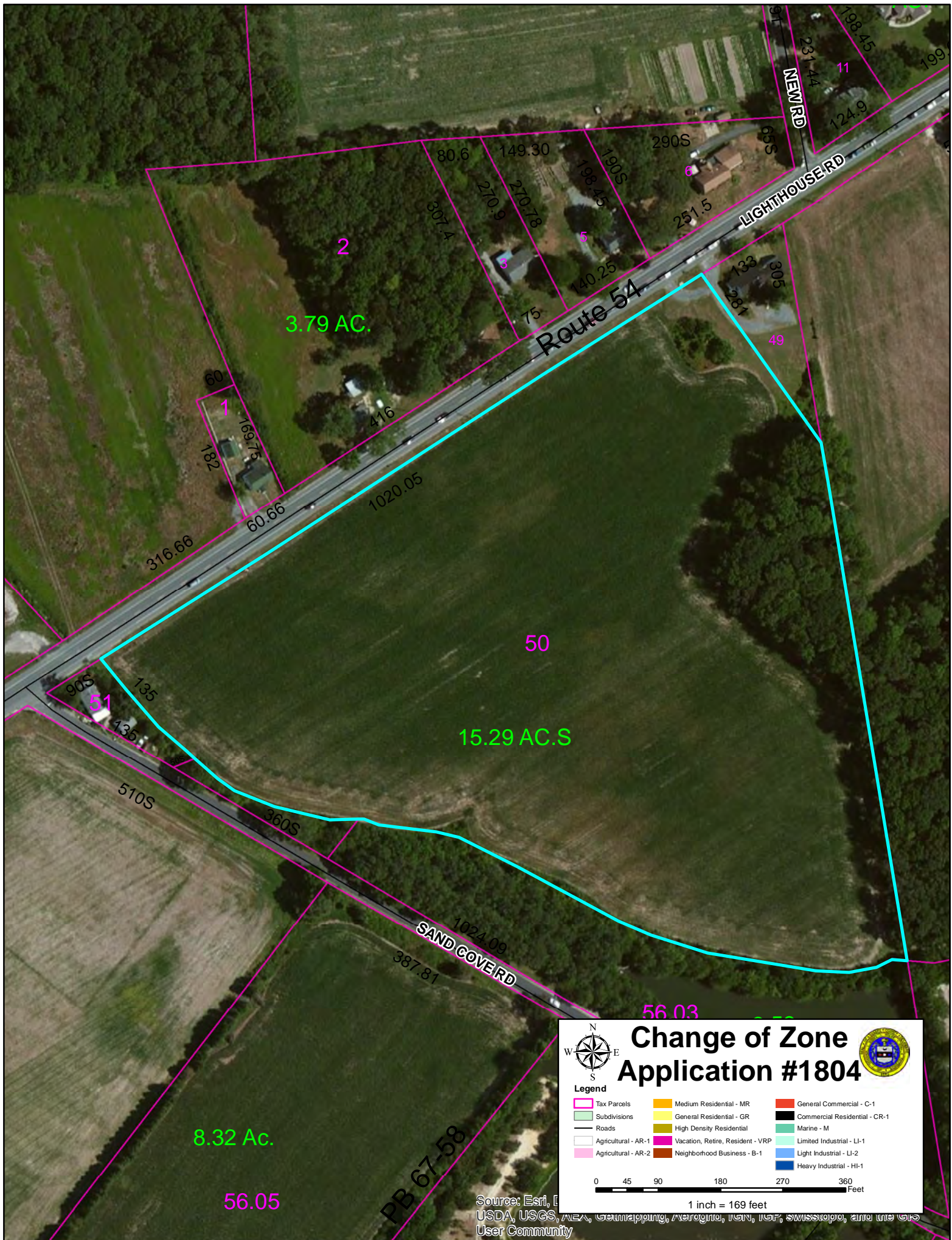
Section 2. The subject property is described as follows:


ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying south of Lighthouse Road (Route 54), 700 feet east of West Sand Cove Road (Road 394), and being more particularly described per the attached legal description provided by George, Miles & Buhr, LLC, said parcel containing 3.05 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.










Change of Zone Application #1804



Legend

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

0 45 90 180 270 360 Feet

1 inch = 169 feet

Source: Esri, [USDA, USGS, AEA, Geonapping, Aerogine, IGN, IOT, Swisstopo, and the US User Community]