

Sussex County Council Public/Media Packet

MEETING: October 25, 2016

DISCLAIMER

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

Sussex County Council

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



2 THE CIRCLE | PO BOX 589 GEORGETOWN, DE 19947 (302) 855-7743 T (302) 855-7749 F sussexcountyde.gov

Sussex County Council

AGENDA

OCTOBER 25, 2016

10:00 A.M.

**AMENDED on October 21, 2016 at 10:30 A.M.1

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Mark Isaacs, Director, University of Delaware Cooperative Extension

Todd Lawson, County Administrator

- 1. Government Affairs Manager Selection
- 2. Announcement of the Planning & Zoning Commission Nomination for District 2
- 3. Wastewater Agreement No. 925-1 Sussex County Project No. 81-04 Deerbrook Long Neck Sanitary Sewer District
- 4. Administrator's Report

Michael Costello, Chief Constable

1. Report on the Anti-Dumping and Anti-Littering Task Force

Robert Stuart, Director of EMS

1. Service Reciprocity Agreement – Delmar Fire Department



Lawrence Lank, Director of Planning and Zoning

1. Report on receipt of public comments on Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC

Hans Medlarz, County Engineer

- 1. Love Creek Woods Final Approval of Sewer Participation Agreement
- 2. South Coastal Regional Wastewater Facility
 - A. Approval of Amendment No. 11 under GHD, Inc. Base Contract Preparation of Conceptual Design Development
- 3. Road, Drainage and County Code Updates/Modifications
 - A. Working Group Update

Grant Requests

- 1. Delaware Community Foundation for a Delaware Children in Nature Coalition event
- 2. Cape Henlopen High School for the Advancement Via Individual Determination (AVID) System for trip expenses
- 3. Milton Police Department for vehicle upgrades/replacements
- 4. Pinetown Civic Association for Community Center repairs
- 5. First State Community Action Agency for a Long Neck Community Day event
- 6. Town of Georgetown for Mayor's Return Day Celebration

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2057 filed on behalf of Delaware Electric Cooperative, Inc.

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS" (located at the south of Zoar Road (Route 48) 3,300 feet east of Gravel Hill Road (Route 30) and 2,000 feet west of Lawson Road (Road 296) (Tax I.D. No. 234-21.00-138.00 (Part of) (911 Address: None Available)

Conditional Use No. 2058 filed on behalf of Old Orchard Ventures, LLC c/o Barry Baker

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (DUPLEX) DWELLING STRUCTURES (24 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.33 ACRES, MORE OR LESS" (located at the northeast of Road 269A (Old Orchard Road) approximately 1,115 feet southeast of Road 255 (New Road) (Tax I.D. No. 335-8.00-25.00) (911 Address: 16773 Old Orchard Road, Lewes)

Conditional Use No. 2059 filed on behalf of Julie Norwood

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS" (located at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road) (Tax I.D. No. 334-12.00-25.00) (911 Address: None Available)

Change of Zone No. 1809 filed on behalf of MOCA Properties, LLC / Solid Image "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.24 ACRES, MORE OR LESS" (located at the east of Sussex Highway (U.S. Route 13) 650 feet south of Whitesville Road (Route 64) (Tax Map I.D. 532-6.00-87.02) (911 Address: 11244 Whitesville Road, Laurel)

Adjourn

Sussex County Council Agenda October 25, 2016 Page 4 of 4

************	*****
--------------	-------

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

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on October 18, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

####

¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended under Executive Session to include Pending Litigation listed therein.

The Council intends to discuss public business in Executive Session. The agenda amendment was required to address these matters which need immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 11, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent
Samuel R. Wilson, Jr.
Robert B. Arlett
George B. Cole
Joan R. Deaver

President
Vice President
Councilman
Councilman
Councilwoman

Todd F. Lawson
Gina A. Jennings
J. Everett Moore, Jr.

County Administrator
Finance Director
County Attorney

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

Call to

Order Mr. Vincent called the meeting to order.

M 615 16 Approve Agenda A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Minutes The minutes of October 4, 2016 were approved by consent.

Public Comments

Public Comments

Dan Kramer commented on some existing violations to County Code and the action (and lack of action) taken by the County.

Paul Reiger thanked the Council for moving forward with the Planning and Zoning Director Appointee.

Update on State/ County Finance & Revenue Committee Mr. Lawson reported on the State/County Finance and Revenue Committee which was established by Senate Bill No. 285. The Committee will suggest efficiencies, improvement and cost savings to the State, including but not limited to Realty Transfer Tax, the Register of Wills, and the operations and training associated with the County Paramedics Program. Section 31 of that legislation contains a list of the Committee's membership, which includes the County Administrators for Kent and Sussex County or their designees.

Committee Update (continued)

The Committee's first meeting was held on October 5th. Mr. Lawson stated that he and Mrs. Jennings attended on behalf of the County and Mr. Vincent attended on behalf of the Delaware League of Local Governments. The Committee will be gathering information/materials in preparation of the next meeting in November.

Administrator's Report

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

1. Chapel Branch Area Referendum

The Sussex County Engineering Department will be conducting a referendum at Conley's United Methodist Church in Lewes on Friday, October 14th, from 4:00 to 8:00 p.m. The purpose of the referendum is to establish the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for August is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of August.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Estuary – Phase 1B (Construction Record) received Substantial Completion effective October 6th.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 18th. The next regularly scheduled Council meeting will be held on October 25th at 10:00 a.m.

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

Public Hearing/ Martin Expansion of the SCUSSD (Millville Area) A Public Hearing was held on the proposed extension of the boundary of the Sussex County Unified Sanitary Sewer District to include a parcel of land on the west side of County Road 348 (Irons Lane) (Martin Expansion).

John Ashman, Director of Utility Planning, reported that this expansion was requested by the property owner, Paul J. and Winifred P. Martin. Mr. Ashman noted that this property (.60± acres) is adjacent to the expansion of the Millville Sanitary Sewer District as part of the Route 26, Phase III expansion.

Public Hearing Public comments were heard.

(continued) Winifred Martin stated that she is requesting the extension for her property.

There were no additional public comments.

The Public Hearing was closed.

M 616 16 Adopt R 017 16 A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Resolution No. R 017 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE A PARCEL ON THE WEST SIDE OF COUNTY ROAD 348 (IRONS LANE); THE PARCEL IS LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Seagrove/ Use of Existing Infrastructure Agreement Hans Medlarz, County Engineer, presented a proposed Use of Existing Infrastructure Agreement with Harlton Communities, LLC (located in the South Planning Area). Under this arrangement, all of the Seagrove Subdivision will be connected to an existing forcemain; in return, Harlton Communities Club, LLC will contribute \$134,154.50 for the perpetual use of the transmission facilities.

M 617 16 Approve Use of Existing Infrastructure A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Harlton Communities, LLC for the use of the regional transmission system based on the ratio of average flow utilizations.

Agreement/

Motion Adopted: 5 Yeas.

Seagrove Subdivision V

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Proposed Ordinance Relating to Signs Jamie Sharp, Assistant County Attorney; Vince Robertson, Assistant County Attorney; and Kyle Gulbronson of AECOM, Inc., were present for the discussion on the Proposed Ordinance relating to signs.

Proposed Ordinance Relating to Signs (continued) The Council considered the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS")". It was noted that this is Version 2 of the Proposed Ordinance (Second Introduced Ordinance).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on September 8, 2016 at which time action was deferred; on September 22, 2016, the Commission recommended approval with recommended changes (as outlined in the minutes of the Planning and Zoning Commission dated September 22, 2016).

(See the minutes of the Planning and Zoning Commission dated September 8 and 22, 2016.)

The County Council held a Public Hearing on the Proposed Ordinance on September 20, 2016.

Mr. Lawson distributed a chart of proposed amendments which included options for the Council to consider. Also distributed were Proposed Motions (1 through 14) prepared by Mr. Sharp which were based upon recommendations of the Planning and Zoning Commission (1-11). Mr. Sharp noted that Proposed Motions 12C, 13C and 14C incorporate suggested changes that were contained in the letter received from David Hutt, Attorney.

Mr. Moore noted that one Proposed Motion concerns realtors' signs and that Mr. Cole and Mr. Arlett will recuse themselves on any vote on this matter.

The Council considered each of the proposed amendments.

Motion 1A

M 618 16 Approve Motion 1A A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Second Introduced Ordinance as follows:

1. "Animated signs" should be removed from the general prohibition of signs listed in §115-158. As such, delete §115-158(i) and re-designate the following subsections accordingly.

Motion Adopted: 3 Yeas, 2 Nays.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

No action on Motion 1B

No action on Motion 2A

No action on Motion 2B

Motion 2C

M 619 16 Approve Motion 2C

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Second Introduced Ordinance as follows:

- 1. Amend the last sentence of §115-161.1(A)(5) to state: "Continuous scrolling left or right, live action or streaming video, and flashing messages shall not be permitted."
- 2. Add to the beginning of the first sentence of §115-161.1(C)(1)(a) the following: "On an off-premises Electronic Message Center ..."
- 3. Add to the beginning of the first sentence of §115-161.1(C)(1)(b) the following: "On an off-premises Electronic Message Center ... "

Motion Adopted: 4 Yeas, 1 Nay.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 620 16 Approve Motion Amending Proposed Sign Ordinance

DENIED

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:

1. At the end of §161.1(A)(5), insert the following language: An on premise Electronic Message Center may be changed at intervals by electronic or mechanical process or remote control provided that each message remains fixed for a minimum of 10 seconds and that when the message is changed, the change must be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison.

Motion Denied: 3 Nays, 2 Yeas.

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

Mr. Arlett, Nay; Mr. Wilson, Nay;

Mr. Vincent, Nay

No action on Motion 3

Motion 4A

M 621 16 Adopt Motion 4A

A Motion was made by Mr. Wilson to amend the Second Introduced Ordinance, as follows:

M 621 16 (continued)

1. Delete the last sentence of §115-159.5(B)(1) which stated "An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign".

MOTION FAILED

2. Delete §115-161.1(A)(4) and re-designate the following subsection accordingly.

The Motion failed for the lack of a Second.

Motion 4B

M 622 16 Adopt Motion 4B

A Motion was made by Mr. Cole to amend the Second Introduced Ordinance, as follows:

MOTION FAILED

1. Delete the last sentence of §115-159.5(B)(1) which stated "An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign".

The Motion failed for the lack of a Second.

No action on Motion 4C

No action on Motion 5

Mr. Cole and Mr. Arlett left the room.

Mr. Vincent passed the gavel to Mr. Wilson.

Motion 6A

M 623 16 Adopt Motion 6A

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:

- 1. Amend the first sentence §115-159(G) to state "A temporary real estate sign indicating sale, rental, or lease of the premises on which it is located, with a maximum area of 32 square feet of sign area per side, nonilluminated, and one sign for each street frontage on which the premises abuts provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side."
- 2. Delete the phrase ", back-to-back" from the last sentence in §115-159(G).
- 3. Amend §115-160(B)(3) to state "Temporary nonilluminated signs, not exceeding 32 square feet of sign area per side, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, with one such sign for each street frontage provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling

M 623 16 Adopt Motion 6A (continued) in a recorded subdivision shall exceed 10 square feet of sign area per side."

MOTION FAILED 4. Amend §115-150(B)(4) to state "Temporary non-illuminated signs, not exceeding 32 square feet of sign area per side, in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two sign faces provided, however, that no temporary sign for new construction work on a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side."

Motion Failed: 2 Yeas, 1 Nay, 2 Absent.

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

Mr. Arlett, Absent; Mr. Wilson, Nay;

Mr. Vincent, Yea

No action on Motion 6B or 6C

Mr. Arlett and Mr. Cole rejoined the meeting.

Motion 7

M 624 16 Adopt Motion 7

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:

- 1. The existing §115-161(B)(5) should be re-designated as §115-161(B)(5)(a).
- 2. The existing §115-161(B)(6) should be re-designated as §115-161(B)(5)(b).
- 3. Insert at the beginning of §115-161(B)(5) the phrase "All illuminated signs, including Electronic Message Centers, shall comply with the following maximum luminance standards:".
- 4. Amend the first sentence of the new §115-161(B)(5)(a) to state "No illuminated sign, including Electronic Message Centers shall have a maximum hurricane level greater than seven hundred fifty (750) cd/m2 or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date."
- 5. Amend the first sentence of new §115-161(B)(5)(b) to state "No illuminated sign, including Electronic Message Centers shall have a maximum illuminance level greater than 0.3 foot candles above ambient light, as measured using a foot candle meter, or similar technology, at a pre-set distance."

Motion Adopted: 5 Yeas.

M 624 16 (continued)

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Motion 8

M 625 16 Adopt Motion 8

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:

1. Amend the first sentence of the §115-161.2(A) to state "A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned or intentionally removed.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 626 16 Recess At 12:40 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 627 16 Reconvene At 1:18 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Motion 9

M 628 16 Adopt Motion 9 A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:

1. Amend §115-161.2(B) to state "Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the Applicant is replacing two or more non-conforming off-premises signs with a single electronic message center."

MOTION FAILED

Mr. Arlett withdrew his Second to the Motion.

The Motion died for the lack of a Second.

Motion 9 (Amended)

M 629 16 Adopt Motion 9 Amended

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:

1. Amend §115-161.2(B) to state "Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the Applicant is replacing two or more non-conforming off-premises signs with a single electronic message center. Any off-premise electronic message center created through conversion under this subsection must comply with height and size requirements set forth in §115-159.5. No variances from the height and size requirements shall be permitted."

Motion Adopted: 3 Yeas, 2 Nays.

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

Mr. Arlett, Yea; Mr. Wilson, Nay;

Mr. Vincent, Yea

Motion 10

M 630 16 Adopt Motion 10

A Motion was made by Mr. Wilson to amend the Second Introduced Ordinance, as follows:

1. Delete §115-161.2(C) and replace with the following: "If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage."

The Motion died for the lack of a Second.

Motion 10 (Amended)

M 631 16 Adopt Motion 10 Amended

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:

1. Delete §115-161.2(C) and replace with the following: "If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. Any non-conforming off-premise sign which is

M 631 16 (continued)

repaired or reconstructed under this subsection shall be of the same type of structure as the prior non-conforming off-premise sign."

DENIED

Motion Denied: 3 Nays, 2 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Nay;

Mr. Vincent, Nay

No action on Motion 11

Motion 12C (Amended)

M 632 16 Adopt Motion 12C Amended

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Second Introduced Ordinance, as follows:

1. Add the following language to the end of the definition of "On-Premises Sign" in §115-157.1: "or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is to be located."

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Motion 13C

M 633 16 Adopt Motion 13C

A Motion was made by Mr. Wilson to amend the Second Introduced Ordinance, as follows:

- 1. Remove §115-159.5(B)(6) which prohibits the issuance of variances for off-premises signs.
- 2. Remove §115-161.1(C)(2) which prohibits the issuance of variances for electronic message centers.

The Motion died for the lack of a Second.

Motion 14C

M 634 16 Adopt Motion 14C

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Second Introduced Ordinance, as follows:

1. Delete the first two sentences in §115-161.1(A)(1) and replace with the following: "In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, the ground sign permitted under §115-

M 634 16 Adopt Motion 14C (continued) 159.4(A)(4) may be an On-Premises Electronic Message Center provided that only one on-premises ground sign, whether it is a static sign or an Electronic Message Center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4(A)(5) may be electronic message centers." The balance of §115-161.1(A)(1) shall remain.

2. Delete the first two sentences in §115-161.1(A)(2) and replace with the following: "In the C-1 (General Commercial), CR-1 (Commercial Residential), LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, the ground sign permitted under §115-159.4(A)(4) may be an On-Premises Electronic Message Center provided that only one on-premises ground sign, whether it is a static sign or an Electronic Message Center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4(A)(5) may be electronic message centers." The balance of §115-161.1(A)(2) shall remain.

Motion Adopted: 4 Yeas, 1 Nay.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

It was noted that a Motion to approve Proposed Motion No. 10 was made earlier in the meeting and the Motion was defeated. Mr. Robertson discussed the Council's approval of Motion No. 8 and the denial of Motion No. 10, and the resulting inconsistencies

Reconsider Motion 10

M 635 16 Approve Motion 10 A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconsider Motion No. 10 and amend the Second Introduced Ordinance, as follows:

1. Delete §115-161.2(C) and replace with the following: "If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. Any non-conforming off-premise signs which is repaired or reconstructed under this subsection shall be of the same type of structure as the prior non-conforming off-premise sign."

Motion Adopted: 3 Yeas, 2 Nays.

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

Mr. Arlett, Yea; Mr. Wilson, Nay;

Mr. Vincent, Yea

Mrs. Deaver referenced Failed Motion No. 6A relating to the size of realtors signs and a discussion was held regarding the matter.

Mr. Arlett and Mr. Cole left the room.

Motion 6B

M 636 16 Adopt Motion 6B

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Second Introduced Ordinance, as follows:

- 1. Amend the first sentence §115-159(G) to state "A temporary real estate sign indicating sale, rental, or lease of the premises on which it is located, with a maximum area of 32 square feet of sign area per side, non-illuminated, and one sign for each street frontage on which the premises abuts provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side."
- 2. Delete the phrase ", back-to-back" from the last sentence in §115-159(G).
- 3. Amend §115-160(B)(3) to state "Temporary non-illuminated signs, not exceeding 32 square feet of sign area per side, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, with one such sign for each street frontage provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side".

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Arlett, Absent; Mr. Wilson, Yea;

Mr. Vincent, Yea

Mr. Arlett and Mr. Cole rejoined the meeting.

Motion 6C

M 637 16 Adopt Motion 6C

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to amend the Second Introduced Ordinance, as follows:

1. Amend §115-160(B)(4) to state "Temporary nonilluminated signs, not exceeding 32 square feet of sign area per side, in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two sign faces provided, however, that no temporary sign for new construction work on a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.

M 637 16

Motion Adopted: 5 Yeas.

(continued)

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 638 16 Adopt Ordinance No. 2470, As Amended A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2470 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS")" (Second Introduced Ordinance), as amended.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Ordinance No. 2414 No action was necessary on the next Agenda Item entitled Possible Amendment to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES

No Action

SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".

It was noted that the moratorium on signs expires at the end of business on this date.

Grant

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

M 639 16 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for Seaford Museum exhibit expenses.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 640 16 Councilmanic Grant A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to Coastal Concerts for scholarship funding.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 641 16 Councilmanic Grant A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to Clear Space Theatre Company for scholarship funding.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 642 16 Councilmanic Grant A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the City of Lewes for the Historic Lewes Byway Committee for brochure expenses.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Introduction of Proposed Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2062) filed on behalf of RDK&A Investments, LLC (Tax I.D. No. 134-12.00-373.50) (911 Address: 36017 Burbage Road, Ocean View).

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2063) filed on behalf of Michael and Faith Whaley (Tax I.D. No. 330-15.00-60.01) (911 Address: 7512 and 7524 Cedar Creek Road, Lincoln).

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS" (Conditional Use No. 2064) filed on behalf of R&K Partners (Tax I.D. No. 335-12.05-4.00) (911 Address: 1537 Savannah Road, Lewes).

Introduction of Proposed Ordinances (continued)

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS" (Change of Zone No. 1811) filed on behalf of Dustin Yoder (Tax I.D. No. 430-3.00-11.01 (Part of) (911 Address: None Available).

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS" (Change of Zone No. 1812) filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan (Tax I.D. No. 235-30.00-50.00 (Part of) (911 Address: None Available).

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-1 LIMITED INDUSTRIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.604 ACRES, MORE OR LESS" (Change of Zone No. 1813) filed on behalf of Delaware Animal Products, LLC.

The Proposed Ordinances will be advertised for Public Hearings.

Council Members' Comments

Council Members' Comments

Mrs. Deaver commented on the Paramedic Station construction on Plantation Road.

M 643 16 Go Into Executive Session At 3:04 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session to discuss matters relating to pending litigation and land acquisition.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Executive Session

At 3:09 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation and land acquisition. The Executive Session concluded at 4:04 p.m.

M 644 16 Reconvene At 4:05 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

There was no action on Executive Session matters.

M 645 16 Adjourn A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 4:06 p.m.

Motion Adopted: 5 Yeas.

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

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith Clerk of the Council

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

SERVICE RECIPROCITY AGREEMENT

This Service Reciprocity Agreement is made on theday of,	between the
Delmar Fire Department, Incorporated, hereinafter known as ("DFD"), and Susse.	x County,
Delaware, Emergency Medical Services (hereinafter known as ("SCEMS").	

WITNESSETH THAT:

WHEREAS the administration of the delivery of prehospital advanced life support (ALS) care in Sussex County is delegated by the State of Delaware to the Sussex County Council in accordance with Chapter 98 of Title 16 of Delaware Code, and;

WHEREAS Sussex County Government has established SCEMS as the agency responsible for the administration and delivery of such emergency medical care in Sussex County, Delaware, and;

WHEREAS the DFD is the primary provider of prehospital advanced life support care and transportation to the Delmar, Maryland area, and;

WHEREAS the DFD is the primary provider of prehospital basic life support care and transportation to the Delmar, Delaware area, and;

WHEREAS the DFD operates an advanced life support ambulance staffed in accordance with Title 30 of the Code of Maryland Regulations;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. The response to calls in Delaware of a DFD ambulance is for the primary purpose of providing ambulance response and transportation when requested by a Delaware Public Safety Answering Point (PSAP).
- 2. Notwithstanding the provisions of paragraph 1 above, a DFD paramedic responding to an ambulance call in Sussex County may function as an advanced life support provider, subject to the following conditions:
 - a. The DFD paramedic is currently licensed and authorized to practice as a
 paramedic per Maryland Institute for Emergency Medical Services Systems
 (MIEMSS) and DFD requirements;
 - b. The DFD paramedic determines that the patient requires advanced life support care.

- 3. A Sussex County paramedic unit shall be dispatched on all ALS calls in Sussex County per EMD protocols.
 - a. Under normal circumstances, the SCEMS unit will continue its response to arrival at the scene and, in concert with the DFD paramedic, determine the best course of treatment and transport for the patient. Both paramedics shall at all times work in full cooperation to provide the optimum care for the patient.
 - b. The DFD paramedic may *recommend* that the SCEMS unit discontinue its response to an ALS patient when the DFD paramedic has determined that the patient can be appropriately cared for by a Delmar paramedic, and that the skills and therapies required for such treatment are within the scope of practice of a Maryland paramedic.
 - i. Such cancellation may ONLY be recommended after the DFD paramedic has arrived at the patient's location and performed a patient assessment.
 - c. When a SCEMS paramedic is dispatched as a "single medic" to an ALS call to which a DFD paramedic is also responding, the DFD paramedic may be considered as the "second paramedic" for purposes of a two-paramedic response.
- 4. When both a SCEMS and Delmar paramedic are at the scene of an ALS call in Delaware, the first paramedic on the scene will be considered the "lead medic", realizing that the SCEMS paramedic is ultimately responsible, and is expected to continue treatment and accompany the patient during transport to the medical facility except as indicated below.
 - a. A SCEMS paramedic at the scene of an incident in Delaware may release a patient to the care of a Delmar paramedic for transport to an appropriate medical facility only under the following conditions:
 - i. Both the Sussex County and Delmar Paramedic agree that such action will in no way compromise patient care;
 - ii. The patient's condition is not anticipated to require treatment modalities that are outside the scope of practice of a Delmar paramedic;
 - iii. The patient's condition is not anticipated to deteriorate during transport;

- iv. For patients that do not meet the "ALS Release to BLS" Protocol, permission is obtained from a Delaware medical control physician to transfer care.
- b. In situations where there is more than one patient, the SCEMS paramedic may release a patient to the DFD paramedic without contacting medical control in order for the SCEMS paramedic to perform other duties;
- c. When Delaware patients are treated by a paramedic, DFD will bill for their services at the Basic Life Support (BLS) rate.
- 5. Whenever a patient originating in Delaware receives advanced life support treatment and transport from a DFD paramedic, a patient care report shall be completed in the current approved Delaware Emergency Medical Reporting System (DEMRS). For purposes of satisfying this reporting requirement:
 - a. A copy of the Maryland EMS Patient Care Report will be sent to the Delaware Office of EMS within the current Delaware Paramedic reporting guidelines, or;
 - b. The report can be entered directly into the DEMRS systems, at no cost to the DELMAR Fire Department, within the timeframes associated with the report writing requirements as set forth in the Delaware Medical Standing orders.
 - c. All such procedures shall conform to the requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
- 6. Patients will be transported to the nearest appropriate facility.
- 7. SCEMS paramedics will provide treatment in accordance with Delaware ALS protocols and function under Delaware medical direction. DFD paramedics will provide treatment in accordance with Maryland ALS protocols and function under Maryland medical direction, regardless of where the call is located or the location of the receiving facility.
- 8. Because it is impossible to anticipate all contingencies and variables, all persons and parties acting under the spirit and intent of this Agreement are expected to use good judgement in applying these guidelines, and to act at all times in the best interest of the patient(s).

- 9. This Service Reciprocity Agreement shall become effective immediately upon execution by all parties and shall remain in effect unless modified or terminated in accordance with paragraphs 10 and/or 11 of this agreement.
- 10. Any modifications to the Agreement shall be mutually agreed upon by all parties and must be in writing.
- 11. This agreement may be terminated for cause by either party provided that written notification of desire to terminate is submitted at least ninety (90) days prior to such termination to all parties.
- 12. All laws, documents, forms, protocols, manuals, guidelines and the like referred to in this Agreement are incorporated herein by reference.

SIGNED:

For the Delmar Fire Department, Incorporated President Robert O. Thompson (Date) Marty L. Skarson Treasurer (Date) Howard M. Jones Chief (Date) For Sussex County, Delaware Michael H. Vincent, President (Date) Sussex County Council Robert A. Stuart, Director (Date)

Sussex County Emergency Medical Services

DFD/SCEMS Service Reciprocity Agreement	
J. Everett Moore, Jr., Esq., Sussex County Council	(Date)
Robin A Griffith, Clerk Sussex County Council	(Date)

LAWRENCE LANK

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



Sussex County DELAWARE sussexcountyde.gov

MEMORANDUM

TO: Todd Lawson

County Administrator

FROM: Lawrence Lank

Director of Planning and Zoning

REF: Change of Zone No. 1759

Osprey Point D, LLC

DATE: October 19, 2016

Please be reminded that on February 3, 2015 the Sussex County Council held a public hearing on the application of Osprey Point D, LLC for Change of Zone No. 1759. At the conclusion of the public hearing, there was a motion by Mr. Cole, seconded by Mr. Arlett, to defer action on and to leave the record open on Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC for the sole purpose of receiving the reports that the Planning and Zoning Commission is waiting for and to have a representative from DNREC's Division of Soil and Water Conservation address the County Council (at the soonest possible date) to discuss the soil conservation regulations pertaining to this specific site; once the reports have been received and the presentation made to the Council, the record will remain open for 20 additional days for written comments only for the public and the applicants to comment on those items that the record was held open for. The Motion carried with 4 yeas. Mr. Wilson was absent.

I also remind you that William Brockenbrough, County Coordinator with DelDOT, was present during the public hearing on February 3, 2015; read questions that were included in a letter from you in reference to Osprey Point; and summarized his responses to the questions raised.

The Planning and Zoning Commission report referenced in the record of the Council public hearing indicates that the Commission held their public hearing on this application on January 8, 2015 at which time the Commission deferred action for further consideration and left the record open for the Sussex Conservation District reference to grandfathering of the project and for DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments after which public written comments relating to those comments will be accepted for 20 days after announcement of receipt of those comments by the Commission.

On May 5, 2015, Jamie Rutherford, Program Manager with DNREC's Sediment and Stormwater Program was present with Randy Greer, Engineer, and Elaine Webb, Engineer, providing the County Council with a copy of the Delaware Erosion and Sediment Control Handbook and a copy of the Post Construction BMP Standards and Specifications Handbook; and reviewed the chronology of the revisions to the Delaware Sediment and Stormwater Regulations; reviewed a comparison between the Department's revised Sediment and Stormwater Regulations which



became effective January 1, 2014 and the old regulations; advised that the Osprey Point project was grandfathered by DNREC under the old regulations because the grandfathering provision was applied to projects submitted prior to January 1, 2014; noted that the Sussex Conservation District will review the Osprey Point plans for compliance with the old regulations; noted that the grandfathering provision in the new regulations that state that if the project was already in the review queue or had applied prior to January 1, 2014, then they could continue under the old regulations or have their plans grandfathered under the old regulations, and that Osprey Point met that condition, therefore, they were grandfathered; explained that there are multiple applications that are grandfathered and that the grandfathering provision does have an expiration date; that grandfathered project were given an 18 month window to get approval; that some projects cannot meet the 18 month deadline, but that DNREC does have the ability to grant an administrative extension, which will be limited.

The Planning and Zoning Commission had received a similar response from the Sussex Conservation District on grandfathering of the project; and on March 24, 2016 it was announced that the Department had received DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments; and that it was then announced that public written comments relating to those comments will be accepted for 20 days.

On April 14, 2016 the Commission was advised that the deadline for written comments in response to the DelDOT comments and the applicant's comments was April 13, 2016; that 48 comments had been received by the Department on or before April 13, 2016; that there was some duplication, however all were provided for the Commissions review and consideration; that the staff was in receipt of a revised site plan for 217 single-family residential lots; and the record was closed and the Commission was to take the information submitted under advisement and schedule for Old Business in the future.

On May 26, 2016 the Commission discussed this application under Old Business, and deferred action for further consideration.

On June 23, 2016 the Commission again discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1759 for Osprey Point D, LLC for a change in zone from AR-1 Agricultural Residential to MR-RPC Medium Density Residential – Residential Planned Community based upon the information contained in the record and for the following reasons:

1) This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the applicant submitted a revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road. In my 11.5 years on the Commission typically changes are made from Preliminary to Final approval.

- 2) The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.
- 3) The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents "infill" development.
- 4) Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
- 5) Central water will be provided to the project.
- 6) With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.
- 7) A revised Traffic Operational Analysis was prepared and reviewed by DelDOT as a result of the reduction in residential units. The applicant will be required to comply with all DelDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.
- 8) The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.
- 9) There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District's and DNREC's review to accommodate an appropriate and workable storm water management design.
- 10) The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.
- 11) This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.
 - B. Site Plan review shall be required for each phase of development.
 - C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road/Warrington Road/Strawberry Way intersection and signalization improvements.

- D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this C/Z #1759 for Osprey Point D, LLC to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3-0. Mr. Ross did not participate in the vote since he was not present for the public hearing. Mr. Hudson did not participate in the vote since he was not a Commissioner at the time of the public hearing.

On July 27, 2016 I provided a similar Memorandum that had an attached copy of a letter from William Brockenbrough, County Coordinator with DelDOT, relating to DelDOT's review of the revised Traffic Operational Analysis (TOA) for the proposed project. I had included the text of the letter only, not the seven charts relating to peak hours/levels of service.

The purpose of the July 27, 2016 Memorandum was to get the application, Change of Zone No. 1759, on an Agenda for the County Council to announce the receipt of all requested information based on the motion and reasons for deferral on February 3, 2015, and to provide the recommended 20 additional days for written comments only for the public and the applicants to comment on those items that the record was held open for.

On August 2, 2016 I reported to the County Council on the following: DNREC's report to the County Council; the Sussex Conservation District's comments: the receipt of DelDOT's comments (March 24, 2016); the receipt of the Applicant's comments to DelDOT's comments; the receipt of 48 public comments regarding DelDOT's comments and the Applicant's comments during the 20 day period of time that the Planning and Zoning Commission's comment period was open; that the Planning and Zoning Department receipt of revised site plans for 217 single family residential lots intended to replace the originally applied for 339 units; that the purpose of the report was to announce the receipt of all requested information and to begin the 20 day period of time that is open for written public comments on items the public record was held open for; that Mr. Cole questioned if the now proposed 217 single family residential lots qualifies as an AR-1-RPC; and that I responded that I would calculate the different development methods for the parcel.

For the record and acknowledging that the shape of this property would require a design layout to get the true number of units, I can only calculate the number of units based on the different calculations of the different types of applications that could apply to the property. Each type of application has different calculations/deductions referenced. In my calculations all situations include central sewer and center water. Calculations on RPC applications deduct tidal wetlands and 25% of the streets. Calculations on subdivisions deduct tidal wetlands, and estimate 30% reduction of the gross acreage for streets, stormwater management areas, and buffers. Please see the following calculations on the different types of applications possible:

- 1) The MR-RPC Medium Density Residential District Residential Planned Community submitted by the Applicants contained 339 units (mixed single-family and multi-family) on 126.88 acres. The plan was altered to 217 units (all single-family lots)
- 2) An MR Medium Density Residential District Subdivision could possibly provide for 334 single family lots on 126.88 acres.
- 3) An AR-1 Agricultural Residential District Residential Planned Community could possibly provide for 179 units (single-family and/or multi-family) on 126.88 acres.
- 4) An AR-1 Agricultural Residential District Cluster Subdivision could possibly provide for 253 single-family units.
- 5) An AR-1 Agricultural Residential District Standard Subdivision could possible provide for 167 single-family lots.

The purpose of this Memorandum is to announce and report on the receipt of public comments and the Applicant's comments on the application through August 22, 2016. On August 19, 2016 the Department received a letter from James A. Fuqua, Jr., Esquire, on behalf of Osprey Point D, LLC with attachments, and 38 letters/emails as public comments relating to August 2, 2016 report provided to County Council. The letter from Mr. Fuqua contains four (4) pages with several attachments. The public comments letters/emails include 38 plus documents. Due to the number of documents received, I will be providing the County Council with copies of those documents from Mr. Fuqua and the public on Tuesday in my report to the County Council so that the record can be closed, rather than make the documents a part of the Packet report.

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

Cc: Everett Moore, County Attorney James Fuqua, Jr., Esquire

ENGINEERING DEPARTMENT

ADMINISTRATION
AIRPORT & INDUSTRIAL PARK
ENVIRONMENTAL SERVICES
PUBLIC WORKS
RECORDS MANAGEMENT
UTILITY ENGINEERING
UTILITY PERMITS
UTILITY PLANNING
FAX

(302) 855-7718 (302) 855-7774 (302) 855-7730 (302) 855-7703 (302) 854-5033 (302) 855-7717 (302) 855-7719 (302) 855-1299 (302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

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 - Approval of Sewer Participation Agreement

DATE: October 25, 2016

The northern sewer extension of the Angola Neck area of the Unified Sewer Distract was approved by County Council via resolution on October 7, 2014. The extension area contains the Love Creek Woods subdivision and the "Boat Hole" commercial parcel among others.

DNREC received the sewer construction permit application on October 14, 2016, and considers the plans administratively complete. Subsequently, DNREC prepared a legal notice to be advertised with a comment period until November 6, 2016. By that date the County must execute a legal certification that all easements and rights-of-way are in place. The last remaining easement crosses the Boat Hole property. NSBM, LLC, the Developer of the Boat Hole property has agreed to compensation at appraised value. However, in addition to compensation NSBM, LLC tied the granting of said easement to the assumption of the Developer's responsibilities as outlined in the attached Love Creek Woods – Sewer Participation Agreement.

On August 30, 2016, Council concurred with the approach in principle. The Agreement has been completed and executed by all parties and the Assistant County Attorney. At this point the Engineering Department recommends final approval by Council. If approved the schedule would unfold as follows:

- Sussex County will initiate the easement appraisal process utilizing the appraisal firm on retainer the County. (Paragraph 2. (b))
- NSBM, LLC, the legal Owner of the Boat Hole, will replace the bond no later than November 30, 2016. (Paragraph 3. (c))
- Sussex County will pay NSBM, LLC appraised value no later than thirty (30) days after receipt of replacement bond. (Paragraph 2. (a))



SEWER PARTICIPATION AGREEMENT

THIS SEWER PARTICIPATION AGREEMENT ("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, the 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 HOA 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 and other activities set forth therein in exchange for the HOA'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 as set forth in this Sewer Participation Agreement ("Easement").

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, the HOA, 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:

1. Agreement to Convey Easement. Developer agrees to convey the Easement to the County, and, subject to the provisions of this Agreement, the County agrees to accept conveyance of the Easement from the Developer, at the times, in the manner and upon the terms and conditions, herein set forth. The Easement 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 Easement agreement and plat attached hereto as Exhibit A and further described below:

Plat and legal description prepared by Solutions IPEM, 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 responsibilities, monetary and otherwise, contained in the Agreement between NSBM, LLC and Love Creek Woods HOA dated March 19, 2015 attached hereto as Exhibit B 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 contingent upon and within thirty (30) days after the Developer's replacement of 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 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, abandoning the septic systems, and any other related activities as set forth in a memorandum to be issued by the County Engineer, 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 with supporting documentation for review by the HOA.
- (d) The HOA, on behalf of its member residents, accepts this assumption of responsibilities by the County and agrees to cooperate with the County to extent necessary to perform the activities in connection with the permitting and connecting the improvements on all tax parcels in the Love Creek Woods subdivision to the County's Systems, abandoning the septic systems, and any other related activities, as set forth in and in accordance with a memorandum to be issued by the County Engineer.

- 3. <u>Developer's Contribution.</u> 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 earlier than October 31, 2018. The replacement Surety Bond shall be delivered to the County no later than November 30, 2016.

4. Miscellaneous.

- (a) This Agreement shall be subject to any and all applicable federal, state, county, and municipal laws, regulations, or policies, including but not limited to the provisions of the County Code and sewer policies, which shall continue to be fully valid and in effect and shall not be altered or vitiated by this Agreement.
- (b) 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.
- (c) This Agreement shall be governed by and construed according to the laws of the State of Delaware.
- (d) 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.
- (e) 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.
 - (f) Time is of the essence of this Agreement.
- (g) 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.
- (h) 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.

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: Paula Marke	By: (SEAL) Fred Nichols, Partner
STATE OF DELAWARE MARYLAND	ss.
COUNTY OF SUSSEX	
before me, the Subscriber, a Notary Partner and Authorized Signatory of	Public for the State and County aforesaid, Fred Nichols, NSBM, LLC, of Sussex County, Delaware, party to this be such, and he acknowledged this Indenture to be the act any.
GIVEN under my hand and se	eal of office, the day and year aforesaid.
HOMAN COUNTY MOUNTH	Notary Public Pater Cla Sweeney Printed Name of Notary My Commission Expires: 2/27/2018

By: Mary Muktanian, President STATE OF DE : SS. COUNTY OF SUSSE BE IT REMEMBERED, that on this 7 day of October, 2016, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Mary Muktarian, President of Love Creek Woods Homeowners' Association of Sussex County, Delaware, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be the act and deed of the entity. GIVEN under my hand and seal of office, the day and year aforesaid. Notary Public ELSA VANESSA HERNANDEZ Notary Public Commonwealth of Virginia 7557123 My Commission Expires Sep 30, 2017 Printed Name of Notary My Commission Expires: 09/36 SUSSEX COUNTY, DELAWARE By: By: (SEAL) Michael H. Vincent, President

LOVE

ASSOCIATION

CREEK

WOODS

HOMEOWNERS

Return to:

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

EXHIBIT A

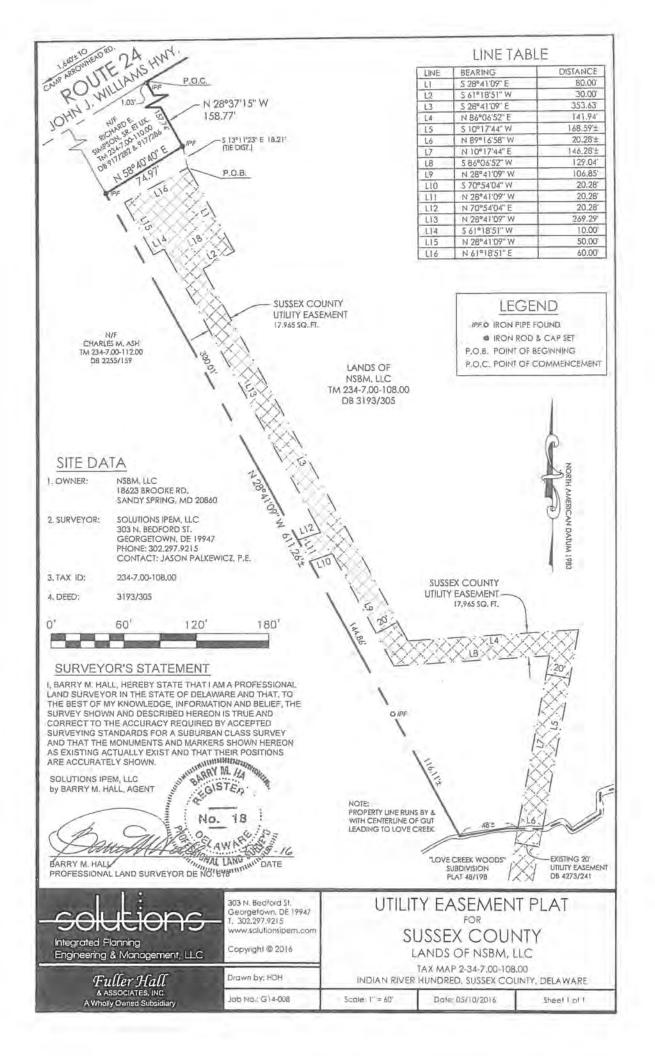
EASEMENT CONVEYANCE AND AGREEMENT

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 "Grantor"), 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 "Grantee".
address of 2 The Chele, Georgetown, Delawate 19947 (herematter referred to as Grantee .
WHEREAS, Grantor 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, Page and Plot Book, Page
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, it is necessary that the Improvements to the Systems pass under and through the Property.
NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, as well as the sum of One Dollar (\$1.00) in hand paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the parties to this Easement and Conveyance Agreement do hereby agree as follows:
1. The Grantor does hereby grant and convey unto the Grantee a permanent easement and right of way under, across, and through a limited portion of the Property as defined and described herein below for the purpose of locating, establishing, laying, constructing, using, operating maintaining, relaying, repairing and removing the Improvements to the Systems, including, but not limited to, any and all pipes, poles, structures, wiring and appurtenances relating thereto, at any time, for the benefit of the Grantee, its successors heirs and assigns. 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 as shown on the attached Exhibit and further described below:
Plate and legal description prepared by Solutions IPEM LLC dated May 10 2016 and

Plate and legal description prepared by Solutions IPEM, 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. Notwithstanding the grant of the aforesaid permanent easement and right of way, the Grantor reserves unto itself and its successors, heirs and assigns, the full use and enjoyment of the Property; provided that the Grantor shall not construct or permit the construction of any building, structure or other improvement within the boundaries of the aforesaid permanent utility easement without the prior written consent of the Grantee which consent shall not be unreasonably withheld.

	drainage features, and after	the construction of	the Improvements to the	change any grades or disturb Systems, or after any repairs engineering and construction
4.	Grantee shall have unint	terrupted right of in	gress and egress to and fro	om the easement.
	rein shall be deemed to be	easements, rights	of way, and promises and	utual promises and covenants covenants running with the igns or the respective parties
6. operation of	The Grantee agrees to a the Systems.	bide by all applicab	le laws, rules and regulati	ons pertaining to the use and
				e parties to this Easement the day and year first above
Signed in the	presence of:		NSBM, LLC	
				(SEAL)
Attest:			Fred A. Nichols, Ma	
			SUSSEX COUNT	Y, DELAWARE
				(SEAL)
Attest:			Michael H. Vince	nt, President
STATE OF	MARYLAND	(1)		
COUNTY (OF	: SS. :		
came before Fred A. Nic be personal deed of said	e me, the Subscriber, a No chols, Managing Member ly to be such, and he ac	otary Public for the of NSBM, LLC, knowledged said	e State and County afor a Maryland Limited Lia Indenture to be his act	, 2016, personally esaid, bility Company, known to and deed and the act and
		-	Market W. S. O.	
			Notary Public	





LEGAL DESCRIPTION SUSSEX COUNTY UTILITY EASEMENT LANDS OF NSBM, LLC Tax Map 2-34-7.00-108.00

May 16, 2016

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, Delaware, said parcel of land being contained entirely within the lands, now or formerly, of NSBM, LLC as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 3193, Page 305, and further located on the southerly side of, but not adjoining, Route 24, also known as John J. Williams Highway and the westerly side of, but not adjoining, Love Creek; said lands being more particularly described as follows, to wit:

BEGINNING at a point near the southeasterly corner of the lands, now or formerly, of Richard E. Simpson, Sr. et ux., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 917. Page 282, and Deed Book 917. Page 286, said point of beginning being further described from a Point of Commencement at the intersection of the southerly right-of-way line of said Route 24, and the easterly line of said lands of Simpson, thence running by and with said lands of Simpson, South 28 degrees 37 minutes 15 seconds East (crossing over an iron pipe found at 1.03 feet) 158.77 feet to an iron pipe found, thence leaving said lands of Simpson and running through the lands of the Grantor, South 13 degrees 11 minutes 23 seconds 18.21 feet to the point and place of beginning, thence running,

- In the datum of the aforesaid plat, leaving said point of beginning and running through the lands of the Grantor for the following five courses: South 28 degrees 41 minutes 09 seconds East 80.00 feet to a point, thence running.
- 2) South 61 degrees 18 minutes 51 seconds West 30.00 feet to a point, thence running,
- 3) South 28 degrees 41 minutes 09 seconds East 353.63 feet to a point, thence running,
- 4) North 86 degrees 06 minutes 52 seconds East 141.94 feet to a point, thence running,
- 5) South 10 degrees 17 minutes 44 seconds West 168.59 feet, more or less, to a point at the centerline of a gut leading to Love Creek, thence running.
- 6) by and with said centerline of a gut, North 89 degrees 16 minutes 58 seconds West 20.28 feet, more or less, to a point, thence,
- 7) leaving said gut and running through the lands of the Grantor for the following four courses: North 10 degrees 17 minutes 44 seconds East 146.28 feet, more or less, to a point, thence running,
- 8) South 86 degrees 06 minutes 52 seconds West 129.04 feet to a point, thence running,

- 9) North 28 degrees 41 minutes 09 seconds West 106.85 feet to a point, thence running,
- 10) South 70 degrees 54 minutes 04 seconds West 20.28 feet to a point on the easterly line of the lands, now or formerly, of Charles M. Ash as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2255, Page 159, thence running,
- 11) by and with said lands of Ash, North 28 degrees 41 minutes 09 seconds West 20.28 feet to a point, thence,
- 12) leaving said lands of Ash and running through the lands of the Grantor for the following five courses: North 70 degrees 54 minutes 04 seconds East 20.28 feet to a point, thence running,
- 13) North 28 degrees 41 minutes 09 seconds West 269.29 feet to a point, thence running,
- 14) South 61 degrees 18 minutes 51 seconds West 10.00 feet to a point, thence running,
- 15) North 28 degrees 41 minutes 09 seconds West 50.00 feet to a point, thence running,
- 16) North 61 degrees 18 minutes 51 seconds East 60.00 feet to the point and place of beginning, CONTAINING an area of 17,965 square feet of land, more or less. BEING all of the area of land shown as "Sussex County Utility Easement" on a Utility Easement Plat to Sussex County, prepared by Solutions IPEM, LLC, dated May 10, 2016 and intended to be recorded herewith.

7: 302.297.9215
7: 410.572.8833
E: ideas@solutionsipem.com

NSBM 508 Olney Sandy Spring Road, Suite #200 Sandy Spring, MD 20860

March 19, 2015

Mrs. Mary Muktarian, President Love Creek Woods Home Owner's Association

Re: Agreement between NSBM, LLC and Love Creek Woods Home Owner's Association (HOA)

Dear Mrs. Muktarian,

NSBM, LLC proposed an agreement (dated 9-11-13 attached) with the Love Creek HOA to offer assistance in the form of a \$180,000 contribution to the Homeowners Association to cover expenditures, as determined by the Love Creek Woods Homeowners Associate Board of Directors, for the costs related only to the installation and connection of the sewer system in the Love Creek Woods community to allow annexation as described in referenced letter. NSBM, LLC needs to formalize this agreement to procure a bond in this amount payable to the Love Creek Woods Homeowners Association. This letter will serve as the agreement.

Therefore, let it be known that NSBM, LLC will provide an \$180,000 contribution to the Love Creek Homeowner's Association (HOA) to cover all their permit and connection fees for sewer hookup in exchange for a property easement to allow annexation into the Angola North Sewer District of Sussex County, Delaware. Easement allows for a forced main through the HOA property to Arrowhead Road which in turn includes the HOA hookups and gravity sewer to the NSBM, LLC pumping station. As security for the contribution, NSBM, LLC needs to procure a bond as described above. This bond is to be paid no earlier than October 31, 2016 and will trigger when the sewer system is complete. The HOA then has 1 year for mandatory connection for payoff due to Sussex County requirements to be paid out as connected to the sewer and no other use.

If in agreement, please sign below and return as soon as possible. Thank you.

Sincerely,

Free Nichols, Managing Member

NSBM, LLC

Mary Muktarian, President

Love Creek Woods HOA

NSBM 508 Olney Sandy Spring Road, Suite #200 Sandy Spring, MD 20860

September 11, 2013

Mr. John Ashman
Director of Utilities Planning
Sussex County Engineering Office
Sussex County Administrative Building
2 The Circle, P.O. Box 598
Georgetown, DE 19947

SEP 1 6 2013

Sussex County Engineering Day
Utility Planning & Permits

Dear Mr. Ashman,

In regards to the gravity to the Love Creek Marina "Boathole", NSBM is willing to offer the following proposal:

If the Love Creek Woods Home Owners Association (HOA) is willing to grant annex of their property into the sewer district of Sussex County, and is willing to grant NSBM/Boathole an easement for a forced main thru their property to Arrowhead Road, the NSBM/Boathole will provide a \$180,000 contribution towards the HOA monetary requirements to Sussex County for its' gravity sewer which will include the gravity to the Boathole pumping station.

09/11/2013

Thank you for your time and consideration.

Sincerely,

Fred Nichols

Managing Member

FN:pm



Bond & Financial Products 111 Schilling Road Hunt Valley, MD 21031 Tel: 443-353-2033, Phone: 1-800-638-5080 Fax: 1-866-728-8991

SURETY BOND

Bond No.106289696

KNOW ALL MEN BY THESE PRESENTS, That

NSBM, L.L.C. 508 Olney Sandy Spring Road, Suite 200, Sandy Spring, MD 20860, as Principal, and Travelers Casualty and Surety Company of America, a corporation organized and doing business under and by virtue of the laws of the State of Connecticut and duly licensed to conduct a general surety business in the State of Delaware as Surety, are held and firmly bound unto Love Creek Woods Homeowners Association, Inc. Georgetown, DE 79547 as Obligee, in the sum of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEREAS,

NSBM, L.L.C. and Love Creek Homeowners Association, Inc. have entered into an Agreement dated 19th day of March, 20_15. It is understood and agreed that this agreement is incorporated and referenced herein under this bond. It is further understood that no liability under this bond will occur before October 31, 2016. In the event that the PRINCIPAL fails to perform its obligation under said agreement, the OBLIGEE shall provide thirty (30) days written notice of default to the SURETY. Upon receipt of said Notice of Default, the SURETY will either cause the PRINCIPAL to fulfill its obligation under this bond, or the SURETY will pay a sum of money, not to exceed the penal sum of the bond, to the OBLIGEE, within thirty (30) days to remedy the Default.

The PRINCIPAL'S and SURETY'S liability under this bond will expire October 31, 2017.

Signed and sealed this 3 day of Au	ugust , 20_15
NSBM, L.L.C. Principal	Travelers Casualty and Surety Company of America Surety
BY: Signature	> BY: 1/1 (1) Signature
FORDA Nobles Printed Name & Title	William Cowan Printed Name of Attorney-in-Fact
MANAGING MK	EM.BRA

Exhibit 多

WARNING THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company on hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this ________

__day of __

__,20 /

Kevin E. Hughes, Assistant Secretary



















To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

ENGINEERING DEPARTMENT

(302) 855-7718 **ADMINISTRATION** 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 (302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

Memorandum

TO: Love Creek Woods, Home Owners Association

FROM: Hans Medlarz, P.E., County Engineer

RE: Love Creek Woods - Sewer Connection Procedures

DATE: October 31, 2016

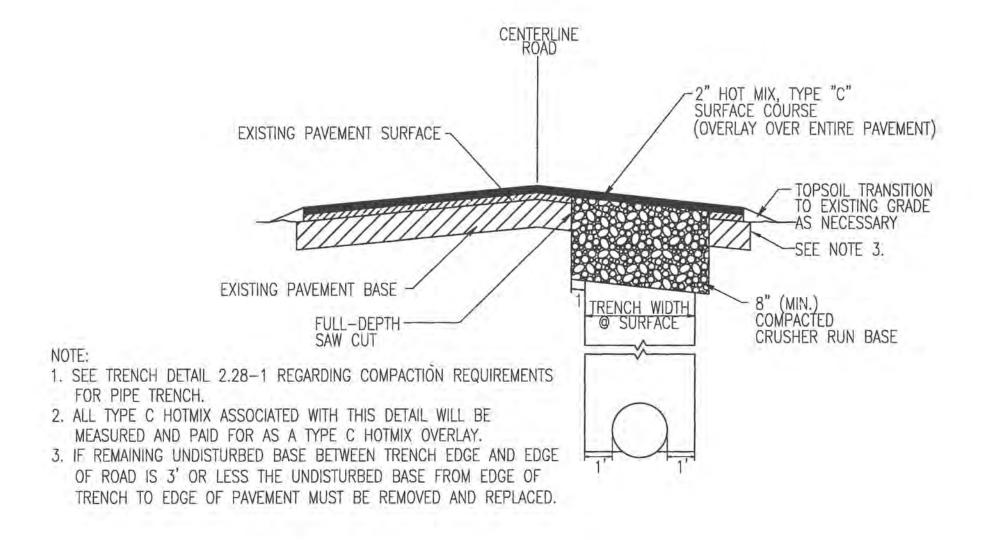
Home Owners Association (HOA) of Love Creek Woods has entered a three party Sewer Participation Agreement to replace the agreement between NSBM, LLC and the HOA dated March 19, 2015. In connection with this approach the HOA Board has requested a listing of the steps the Department would take to ensure the most economical approach. The Engineering Department will commit to expending the \$180,000.00 contribution by the Developer, to the extent available, on the following activities:

- Contact all home owners to identify tanks and on-site septic system piping.
- Property owners must obtain sewer connection permits to participate in the master plumbing bid. However, County staff will make permits available during site visits for immediate issuance without visits to the Utility Permit Division in Georgetown.
- Modify sewer collection system design to allow for lateral bundling on one clean out with easement(s) as required.
- Detail on-site connections for standalone master plumbing bid.
- · Advertise, award and inspect master plumbing contract.
- · Obtain septic abandonment permits from DNREC.
- · Pump septic tanks and abandon tanks per DNREC permit requirements.
- · Restore yards in kind to pre-existing conditions.
- Repair improvements (irrigation) if damaged.

The County Code requires public advertisement of all contracts above \$50,000 and the Love Creek Woods "master" plumbing project meets that threshold. As part of this bid, the Department will detail the restoration requirements of lawns in kind. In other words, if the lawn is sodded and irrigated it will be restored with sod if it is unirrigated standard lawn, the Department will provide topsoil, seed and mulch. The determination will be made at the time of initial contact with the home owners to collect on-site septic system information.

At its sole expense and without use of the funds provided by Developer's contribution, the Department, outside the master plumbing bid as part of the overall sewer construction project, will repave (see detail attached) all roads impacted by the sewer construction. The structural number of the new cross section exceeds the latest private road standard in the County Code.





PRIVATE SUBDIVISION (NON-DELDOT) HOTMIX FULL ROAD RESTORATION

2.29

SCALE: NONE

ENGINEERING DEPARTMENT

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



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:

SOUTH COASTAL REGIONAL WASTEWATER FACILITY (SCRWF)

Approval of Amendment No.11 under GHD, Inc. Base Contract Preparation of Conceptual Design Development (30% Design Stage)

DATE:

October 25, 2016

Sterns & Wheler, LLC held the engineering services contract associated with the SCRWF since December 7, 2001. Since then Sussex County awarded ten (10) amendments for additional services under the base contract, the last one was executed in April 2008. GHD Inc. purchased Stearns & Wheler LLC in February 13, 2009 and assumed all obligations and duties.

On September 20, 2016 County Council reaffirmed GHD, Inc. as the "Engineer of Record" for SCRWF and authorized the Engineering Department to negotiate Amendment No. 11 to the base contract for the preparation of Preliminary Engineering Report for the SCRWF Upgrade no. 3. The Engineering Department is now requesting to proceed with the preparation of the Conceptual Design Development (30% Design Stage) which is beyond a preliminary engineering report level allowing for full hydraulic and process modeling completion. It will serve as the basis for the preparation of detailed plans and specifications suitable for bidding & construction.

Previously GHD, Inc. had designed SCRWF Treatment Upgrade No. 2 in 2004 which took the facility to a design capacity of 7.00 MGD. Based on current growth rates in the South Coastal Planning Area, Sussex County is now progressing with treatment upgrade no.3 to meet the demand of the 20-year planning period by expanding the design capacity to 10.00 MGD. During the negotiations for Amendment No.11 we met with GHD, Inc. a couple of times discussing the scope as well as the design approach with the intent of obtaining the most economical path forward. The attached "not to exceed" proposal in the amount of \$242,114.00 represents a well-balanced scope. This phase of the expansion will be completed in time to populate the 2018 budget for final design funding and later budgets with construction estimates.



SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 11

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 10** 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 December 7, 2001.
- 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 Engineering Services for the Expansion of the South Coastal Regional Wastewater Facilities as set forth in Attachment A, which is attached hereto and incorporated by reference, shall not exceed Two Hundred Forty-two Thousand One Hundred Fourteen Dollars (\$242,114.00). 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

14.2 Attachment A: Consultant's Scope of Services, Engineering Services for the Expansion of the South Coastal Regional Wastewater Facilities with Man-hour Spreadsheets. (Contract Amendment No. 11).

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 <u>and all additional Scopes of Services</u> 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. 11 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:
	GHD, Inc.
WATEROO	Thor Young, P.E.



October 12, 2016

Mr. Hans M. Medlarz, P.E. Sussex County PO Box 589 2 The Circle Georgetown, DE 19947

Re: Revised Engineering Services Proposal

Expansion of the South Coastal Regional Wastewater Facilities to 10 mgd

Dear Mr. Medlarz:

GHD is pleased to submit this revised proposal for Engineering Services for the Expansion of the South Coastal Regional Wastewater Facilities to 10.0 mgd.

INTRODUCTION

The expansion of the South Coastal Regional Wastewater Facilities (SCRWF) to 10.0 mgd capacity is required to accommodate planned growth. Stearns & Wheler, LLC completed the Preliminary Engineering Report in 2003 for the previous expansion of this facility and designed the last three upgrades at the facility including the Sludge Handling Facilities (Contract 02-12), Treatment Upgrade No. 2 (Contract 02-12B), and Personnel Facilities (Contract 05-07). I acted as the Project Manager for the Preliminary Engineering Report and all three design projects at the facility. GHD Inc. purchased Stearns & Wheler, LLC in February 13, 2009 and assumed all obligations, liabilities, and duties of Stearns & Wheler, LLC. Sussex County has recognized GHD Inc. as the Engineer of Record for this facility.

A multi-phased approach is anticipated to implement the 10.0 mgd capacity expansion. It is anticipated that the design engineer would be responsible for all phases of work. This proposal outlines the scope and fee for the first phase of work: Conceptual Design Development. This phase of work will evaluate each unit process and develop a recommended design approach including process and hydraulic modelling calculations, documented design criteria, preliminary equipment selections, preliminary layout drawings, and estimated project cost. Following review and approval of this phase of work by the County, GHD can prepare a follow-up proposal for detailed design engineering to produce Bid Documents for construction. Bidding, construction, and startup phases of the project will follow.

PER SCOPE OF SERVICES

GHD will provide the following Conceptual Design Development services for the 10.0 mgd expansion:

1. Flow and Load Analysis: Based on historical plant flow and load data provided by the County, along with special sampling data conducted by the County for this project to document influent wastewater characteristics upstream of septage addition, GHD will analyze the data and develop proposed design flows and loads to be used as the basis of design for the 10 mgd expansion assuming septage will not be received at the SCRWF once the Inland Bays septage acceptance system goes into service. GHD will present the flow and load analysis to the County in a draft technical memorandum. County review and approval of the design flows and loads is requested before proceeding further with the analysis.

- Preliminary Hydraulic and Process Modeling Calculations: Perform preliminary process
 modeling calculations to size secondary biological process and determine anticipated waste
 sludge generation rates and internal plant recycle flows. Perform preliminary hydraulic
 modeling calculations to determine process and piping modifications required for expansion.
- 3. Process Expansion Evaluation: GHD will perform the following tasks:
 - Evaluate means to expand the capacity of the influent screening and grit removal facilities for the expanded capacity. Also recommend improvements to address concrete deterioration in the existing treatment units.
 - b. Evaluate the condition of the existing East and West treatment plant structures and analyze the cost effectiveness of upgrading these units to provide additional on-site flow equalization capacity.
 - c. Evaluate the pumping equipment now being used to pump from the existing equalization basin and provide recommendations for upgrading the pumping and control system as part of the increase in equalization basin capacity.
 - d. Evaluate the efficiency of the blower control system for the existing aeration basins in order to insure adequate mixed liquor DO levels during the summer season. Evaluate means to supplement the existing blowers with new blowers to supply air for the plant expansion.
 - e. Evaluate means to construct additional aeration basins and clarifiers as well as all necessary appurtenances to achieve the upgrade capacity. These new facilities should be located as close as possible to the existing units and should have interconnections with the existing RAS system to enable unit processes to be easily put into service as needed. The combination of the existing and new aeration basins and clarifiers should be designed in a manner that provides as much flexibility as possible for the operators to efficiently add or remove unit processes in service in order to adjust to the seasonally wide variations in influent flow to this facility.
 - f. Evaluate means to expand the capacity of the existing tertiary sand filters, including backwash recycle pumping stations. Also recommend improvements to address concrete issues at the existing 6 mgd sand filter.
 - g. Evaluate means to expand the chlorine contact tank capacity to accommodate the expansion flows.
 - h. Evaluate replacement of the final effluent pumps and controls with a new more efficient system.
 - Evaluate waste sludge storage improvements, including upgrades to existing lagoons and/or construction of a new waste sludge storage tank.
 - j. Evaluate means of providing load out of dewatered cake from the dewatering building onto roll-off containers which can be hauled to the proposed Inland Bays sludge dryer for further processing to a Class A biosolid.
 - k. Evaluate upgrading unused buildings, such as the old blower building, for equipment storage and potential maintenance facilities.
 - Verify if supplemental alkalinity is needed at the facility.
- 4. Cost Estimates: GHD will prepare a preliminary project cost estimate for the recommendations for the planned expansion project.
- 5. Operator Workshops: GHD will lead three Workshops with plant operations staff to review progress on the design and solicit feedback on specific design questions and alternatives being considered by the design team. One of these Workshops will focus specifically on Electrical and Controls design concepts.
- Aeration Site Visit: GHD will lead a site visit for plant operators to see alternative blower equipment in service at other similar facilities in Delaware and/or Maryland.
- 7. Draft Concept Design Submittal: GHD will prepare a draft Concept Design Submittal for County review which will include process and hydraulic modelling calculations, documented

Mr. Hans M. Medlarz, P.E. Sussex County October 12, 2016 Page 3

- design criteria, preliminary equipment selections, preliminary layout drawings, and estimated project cost. Ten (10) copies of the Draft Concept Design Submittal will be provided to the County.
- Concept Design Submittal Review Meeting: GHD will lead a review meeting at the SCRWF with County staff to review the draft Concept Design Submittal.
- Final Concept Design Submittal: GHD will finalize the Concept Design Submittal to incorporate comments and feedback from County staff. Ten (10) copies of the final Concept Design Submittal will be provided to the County.
- 10. Concept Design Presentation to DNREC: GHD will jointly present the Concept Design recommendations to DNREC with Sussex County. The goal of this meeting is to inform DNREC of the expansion plans and solicit feedback on the permitting process.

SCHEDULE

The following schedule is proposed for the PER Scope of Services:

- Flow and Load Technical Memo To be submitted three (3) weeks following receipt of data.
- Operator Workshop No. 1 (General Process Concepts) Planned for eight (8) weeks following finalization of design flows and loads.
- Aeration Site Visit Planned for two (2) weeks following Operator Workshop No. 1.
- Operator Workshop No. 2 (Preliminary Process Layout Review) Planned for eight (8) weeks following Operator Workshop No. 1.
- Operator Workshop No. 3 (Electrical and Controls Concepts) Planned for two (2) weeks following Operator Workshop No. 2.
- Draft Concept Design Submittal To be submitted eight (8) weeks following Operator Workshop No. 3.
- Concept Design Review Meeting To be scheduled approximately two (2) weeks following submittal of the Draft Concept Design Submittal.
- Final Concept Design Submittal To be submitted four (4) weeks following the Concept Design Review Meeting and the receipt of any other County comments.
- Concept Design Presentation to DNREC To be scheduled following submittal of the Final PER

SUBCONSULTANTS

No subconsultants are anticipated to complete the Concept Design Scope of Services.

EXCLUSIONS

The following items are not included in GHD's Concept Design Scope of Services:

- 1. Collection or laboratory analysis of plant data.
- 2. Materials testing on-site.
- Topographic survey.
- 4. Wetlands delineation.
- 5. Soil borings or geotechnical evaluation.
- 6. Permitting.
- 7. Design, Bid, or Construction Phase services.
- 8. Additional meetings or presentations beyond those identified herein.

Mr. Hans M. Medlarz, P.E. Sussex County October 12, 2016 Page 4

ENGINEERING FEE

GHD proposes to provide engineering services for the Concept Design Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs of 1.85 times actual payroll costs billed plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Overhead and fringe benefits costs reflects GHD's audited FAR for the most recent year available (Fiscal Year 2015). Total cost shall not exceed the following:

Description	Cost
Direct Wage Costs	\$ 76,400.00
Overhead and Fringe Benefits	\$141,340.00
Expenses	\$ 2,600.00
Fixed Fee	\$ 21,774.00
TOTAL	\$242,114.00

Please let us know if you have any questions or comments regarding this proposal.

GHD

Thor Young, PE Principal

TAY/kab

Attachment: Hour and Cost Summary Table

CLIENT : Sussex County

PREPARED BY: TAY

Pr TASK DESCRIPTION	1 incipal	2	3												·····						3	
‡		2	3							HOURS	BY CATEG	ORY										
‡	incipal		3	4	5	6	7	8	9		10	11	12	13	1.4	15	16	17	18	19	20	
		Sr Assoc	Assoc	Sr E I	SrEII	PM II	PM1	PE II	PE 1	E III	Eng	Eng I	M Des	5 Des	Des	CADD	Drafter	Sr Rep	Pr Rep	Intern	Sec/WP	HOURS
ata Analysis - Design Flows and Loads	8				40			4			40											9
reliminary Hydrualics and Process Modeling Calcs	12				120	40		4														17
creening and Grit Evaluation	8			4			8	16			40				24							10
qualization System Evaluation	8			4			8	16			40				24						ſ	10
eration System Evaluation	8			16		8	8	16			40				24						1	12
econdary Treatment Process Expansion Evaluation	16			40			24	64			120				80						Ì	34
and Filter Upgrade/Expansion Evaluation	8			4		4	8	16			40				24							10
hlorine Contact Tank Evaluation	8			4			8	16			40				24							10
ffluent Pump Evaluation	8			16		8	8	16			40				24							12
ludge Storage and Dewatering Evaluation	8			4			8	16			40				24							10
uilding Re-Use Evaluation	4			4			20								24							5
perator Workshops (3)	24			8				24			24											8
ite Visit								8														
raft Concept Design, 10 copies	24			8		12		40			80				40						20	22
oncept Design Review Meeting - County	8			8				8			8											3
inalize Concept Design, 10 copies	12							16			16				24						8	7
ioncept Design Presentation - DNREC	8							8														1
OTALS	172	I		120	160	72	100	288	***		568		1		336						28	184
	75.00	65.00	55.00	65.00	48.00	49.00	49.00	46.00	38.00	34.00	31.00	27.00	47.00	31.00	24.00	22.00	22.00	35.00	25.00	18.00	24.00	

CLIENT : Sussex County	
PROJECT: SCRWF Expansion Concept Design	

PREPARED BY: TAY

CHECKED BY: VMM

DATE:

10/12/2016

					EXPENSE	S						Overhead=	1.85	SUMMARY			
			_									Profit=	0.10	HOURLY	W/ SELECTED	PROFIT	
	Саг	Truck	Over-	Airfare		Eqpmt				Сору	Tele-						
TASK DESCRIPTION	Miles	Miles	nights	Car rent	CAD	& Misc	Out/Tech	Drawings	Copiers	Center	comm,	Direct Labor	Indirect	Expenses	Cost	Profit	Total Price
Data Analysis - Design Flows and Loads												3,944.00	7,296.40		11,240,40	1,124.04	12,364.4
Preliminary Hydrualics and Process Modeling Calcs)											8,804.00	16,287.40		25,091.40	2,509.14	27,600.5
Screening and Grit Evaluation	1											3,804.00	7,037.40		10,841.40	1,084.14	11,925.5
Equalization System Evaluation												3,804.00	7,037.40		10,841.40	1,084.14	11,925.5
Aeration System Evaluation												4,976.00	9,205.60		14,181.60	1,418.16	15,599.7
Secondary Treatment Process Expansion Evaluation	1											13,560.00	25,086.00		38,646.00	3,864.60	42,510.6
Sand Filter Upgrade/Expansion Evaluation	ł											4,000.00	7,400.00		11,400.00	1,140.00	12,540.0
Effluent Pump Evaluation												3,804.00	7,037.40		10,841.40	1,084.14	11,925.5
Sludge Storage and Dewatering Evaluation												4,976.00	9,205.60		14,181.60	1,418.16	15,599.7
Sludge Storage and Dewatering Evaluation	1											3,804.00	7,037.40		10,841.40	1,084.14	11,925.5
Building Re-Use Evaluation]											2,116.00	3,914.60		6,030.60	603.06	6,633.6
Operator Workshops (3)	720											4,168.00	7,710.80	360.00	12,238.80	1,187.88	13,426.6
Site Visit	250											368,00	680.80	125.00	1,173.80	104.88	1,278.6
Draft Concept Design, 10 copies	1							250	5,000			8,668.00	16,035.80	937.50	25,641.30	2,470.38	28,111.6
Concept Design Review Meeting - County	240											1,736.00	3,211.60	120.00	5,067.60	494.76	5,562.3
Finalize Concept Design, 10 copies	1							250	5,000			2,900.00	5,365.00	937.50	9,202.50	826.50	10,029.0
Concept Design Presentation - DNREC	240											968.00	1,790.80	120.00	2,878.80	275.88	3,154.6
			· · · · ·	Ī													
TOTALS	1,450							500	10,000	i		76,400.00	141,340.00	2,600.00	220,340.00	21,774.00	242,114.0
	0.500	0.500	150.00		16.00			0.75	0.15	0.050	1.00						<u></u>
											}]					



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION Payable to:
Delaware Community Foundation

	SECTION 1 APPLICAN	I MIL OM MILION					
ORGANIZATION NAMI	E: Delaware Children	in Nature Coalition					
PROJECT NAME:	Second Annual Boo	o-B-Que by the Sea					
FEDERAL TAX ID:	22-2804785 NON-PROFIT: YES						
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORGAN	NIZATION HAVE A RELIGIOUS	AFFILIATION?				
	☐YES ■NO *IFY	ES, FILL OUT SECTION 3B.					
	"out-of-school" time. We ex	viet to conve these poonle					
ADDRESS:	programs and places that s	support the decision to take kids ou actions. The Coalition currently has					
ADDRESS:	programs and places that s resources to enable such a	support the decision to take kids ou actions. The Coalition currently has					
ADDRESS:	programs and places that s resources to enable such a Delaware State	support the decision to take kids ou actions. The Coalition currently has					
ADDRESS:	programs and places that s resources to enable such a Delaware State I 89 Kings Highwa	support the decision to take kids our actions. The Coalition currently has Parks	29 partners.				
ADDRESS: CONTACT PERSON:	programs and places that s resources to enable such a Delaware State I 89 Kings Highwa Dover	support the decision to take kids our actions. The Coalition currently has Parks ay DE	29 partners.				
	programs and places that seresources to enable such a Delaware State I 89 Kings Highward Dover (CITY) Greg Abbott	support the decision to take kids our actions. The Coalition currently has Parks ay DE	29 partners. 19901 (ZIP)				

	TOTAL FUNDING REQUEST: \$2000
	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, a	approximately what percentage of the project's funding does the Council grant represent? 10%

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Fair Housing Health and Human Services Cultural Infrastructure1 Other Educational BENEFICIARY CATEGORY Homeless Disability & Special Needs Victims of Domestic Violence Low to Moderate Income² Youth Elderly Persons Minority Other BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program:

SECTION 3: PROGRAM SCOPE

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

The Second Annual Boo-B-Que, following The 6th Annual Sussex Outdoor Summit, is a family-friendly event hosted by Delaware State Parks on October 21 + 22. The Sussex Outdoor Summit, held on October 21, will bring forth community leaders and legislators to continue the enforcement of a healthier Delaware. The Second Annual Boo-B-Que will follow directly after the Summit, continuing into Saturday, October 22. The event will provide family-friendly activities for the public including: a low-digit surf fishing tag auction, jeep show, BBQ competition, kid rides and live music. Proceeds from this event will help feed Delaware Children in Nature's Endowment Fund, which will be affective this year. This state initiative connects our Delaware children with the outdoors. Recently, Children in Nature has created three schoolyard habitats within the Caesar Rodney School District in Kent County. Each schoolyard habitat will come complete with curriculum to reconnect our Delaware children with the outdoors. Your sponsorship to the Second Annual Boo-B-Que will allow the Delaware Children in Nature Coalition to further the initiative and importance of outdoor education within grades K-12 throughout the state of Delaware.

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

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

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

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

n/a

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	100,000.00
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operating Costs: Supplies, Equipment, Advertising	-\$ 41,000.00
BBQ Competition: Awards, Staffing	-\$ 25,000.00
*ALL Proceeds to be given to Children in Nature Endowment	
TOTAL EXPENDITURES	-\$ 66,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	+ \$34,000 * \$0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Children in Nature Coalition agrees that:

(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Appleant/Authorized Official

Witness

Date

10/5/16

Date



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

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

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

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

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

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

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

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

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements. 10/6/16

Title

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

	/	VII
PROJECT NAME: CHUS AVID	North Carolina	College Tour
FEDERAL TAX ID: 51-6000 27	1 ^	OFIT: YES NO
	GANIZATION HAVE A RELIGIO F YES, FILL OUT SECTION 3B.	
organization's mission: Advancement in mission is to close the achieve for college readiness and success in	Via Individual Des ement gap by prepi a global sockety.	fermination's (NII) aring all students
ADDRESS: 1250 Kings	Highway	
Lewes	DE (STATE)	(9958 (ZIP)
CONTACT PERSON: James Mc	Oovell	
TITLE: Teacher		
PHONE: 302-645-3211 E	302-645-3211 EMAIL: james. mcdowell@cape. K12.de.us	

TOTAL FUNDING REQUEST: \$1000	
Has your organization received other grant funds from Sussex County Govern the last year? The Sussex County Government helped fund last	ment in YES NO
If YES, how much was received in the last 12 months?	\$ 1000
If you are asking for funding for building or building improvements, do you ow building in which the funding will be used for? NA	
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 Coun-	cil grant represent? 5 %

SECTION 2: PROGRAM DESCRIPTION

Fair Housing	OGRAM CATEGORY (choose all that ap [] Health and Human Services	Cultural
Infrastructure [†]	Other	Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income?	Youth
Minority	Other	
	BENEFICIARY NUMBER	
Approximately the total num	ober of Sussex County Beneficiaries serve	ed annually by this program

SECTION 3: PROGRAM SCOPE

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

AVID's mission is to close the achievement gap by preparing all students for college readiness and success in a global society. Many AVID students are socio-economically disadvalatayed and underrepresented in higher education. Many of these students will be the first in their family to go to college. The AVID system provides support, accordance monitoring and to toning. AVID students are required to Neep a 2.5 GPA, enough in rigorous courses (honors of AP), and participate in extra curricular activities and community service. Each year, ciths AVID takes species on a week long college four. This year, students will be fouring 8-10 colleges universities in North Carolina. Furthermore students will visit the historian cultural, and educational attractions of the wear. Loss tyear: college for two place in VA. Our students and of the wear. Loss tyear: college for two place in VA. Our students and staff are truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the truly grateful for the grant we received last year from the Sissex learness of the properties of the properties of the grant we received last year from the Sissex learness of the properties of the grant was received and the grant of the grant o

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

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

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

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



SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$0
TOTAL REVENUES	\$0
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)	
Lodging Transportation Food/Ments	- \$10,000 - \$8,000 - \$2,000
TOTAL EXPENDITURES	-\$20,000 mm
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 20,000

SECTION 5: STATEMENT OF ASSURANCES

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

- All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 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.
- All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

Applicant/Authorized Official

Witness

10/10//6

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

itness

leacher Title 10/10/16



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPL	LICANT INFORMATION	
ORGANIZATION NAME	Milton Police I	Department	
PROJECT NAME:	Vehicle upgrade / Replacement		
FEDERAL TAX ID:	51-6000183	NON-PROFIT: YE	s 🗌 no
DOES YOUR ORGANIZA	TION OR ITS PARENT	ORGANIZATION HAVE A RELIGIOUS AFFILIAT	ION?
	YES NO	*IF YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	It is the mission of the Milton I ION: enforcing the laws of the Unite	Police Department to proudly serve the community by protecting the life and property ed States of America, State of Delaware and Town of Milton.	of its citizens.
		t is committed to fostering a working partnership with our citizens, educators, religiou lions, businesses as well as local, state and federal law enforcement agencies to pro	
ADDRESS:	101 Federa	al Street	
	Milton	DE	19968
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Chief Robert Longo		
TITLE:	Chief of Police		
PHONE:	302-684-8547 _{EMAIL:} robert.longo@cj.state.de.us		

TOTAL FUNDING REQUEST: \$14,000	
Has your organization received other grant funds from Sussex County Government in the last year?	■YES □NO
If YES, how much was received in the last 12 months?	\$25,000
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	☐YES ■NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant	represent? 100%

SECTION 2: PROGRAM DESCRIPTION

SECT	ION 2: PROGRAM DESCRIPTION	**************************************
PRO Fair Housing Infrastructure1	OGRAM CATEGORY (choose all that ap Health and Human Services Other Public Safety	oply) Cultural Educational
■ Disability & Special Needs ■ Elderly Persons ■ Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other	Homeless Youth
	BENEFICIARY NUMBER	
Approximately the total nun	nber of Sussex County Beneficiaries serv	ed annually by this program
	Approximately 3,000	
public safety and security for The Town of Milton is located flow of traffic through its boat	ent consists of 6 full time sworn law enforcer or a current population of 2,700 citizens with ed in Sussex County, in the Eastern part of larders along Route 16 as well as along Unic	in a 5 square mile area. Delaware. Milton has a large on and Federal Streets. Milton
traffic flow from April throug	rare Bay and 2 miles away from Route 1 wh h November each year as people go to the nousing developments under construction the	Delaware Beaches.
We are seeking this grant to which will help us better ser MUST replace have over a	the police Department handled 3,078 calls the pus purchase a fully equipped police we our community and law enforcement comminimum 100,000 miles on them and they have and at times slower response times.	ehicles from another agency interparts. The vehicles we
As you can see from the nu would be grateful for the ap	mber of calls we handle and the condition o proval of this grant.	f our fleet, The Town of Milton
Should you need any addition	onal information please do not hesitate to co	ontact me.
Respectfully submitted,		

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

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

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

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

N/A

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project	
(not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
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)	
1 fully equipped Ford Expedition with 42000 miles	\$ 14,000.00
TOTAL EXPENDITURES	\$ 14,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 14,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the_	Milton Police Department	agrees that:
	(Name of Organization)	

138

ない · 大きなのでは、 · ない

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

pplicant/Authorized Official

Witness

na Kanpik

October 10, 2016

Date

October 10, 2016

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Sussex County Government Mail:

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Hausa Karlık

Title

10/10/16

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICANT	INFORMATION		
ORGANIZATION NAME:	Pinetown Civic Ass	ociation, Inc.		
PROJECT NAME: Community Center Repairs				
FEDERAL TAX ID:	51-0379167	NON-PROF	TIT: YES NO	
DOES YOUR ORGANIZAT	TION OR ITS PARENT ORGAN	IZATION HAVE A RELIGIOUS	S AFFILIATION?	
	☐YES ■NO *IF Y	ES, FILL OUT SECTION 3B.		
ORGANIZATION'S MISSI	ION: Pinetown's mission is to tomorrow in a communi where everyone feels s	ity that is self-sustaining, fre		
ADDRESS:	30132 Pinetown	Road		
	Lewes	DE	19958	
	(CITY)	(STATE)	(ZIP)	
CONTACT PERSON:	Prentice Perry			
TITLE:	President, Civic	Association		
PHONE:	(302) 750-5291 _{EM}	AIL:		
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1802 Company	
T	OTAL FUNDING REQUEST:		n An Co. D	
	Has your organization received Sussex County Govern			
	□YES	■NO		
If YES, h	now much was received in the	e last 12 months?	No. of London.	
Are you se	eeking other sources of funding	ng other than Sussex County	Council?	
	YES	□NO		
If YES, approximately wh	hat percentage of the project'	s funding does the Council gr	rant represent? 20%	

PRO	OGRAM CATEGORY (choose all that ap	ply)
Fair Housing	Health and Human Services	Cultural
■Infrastructure ¹	Other	Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	☐ Victims of Domestic Violence	☐ Homeless
Elderly Persons	Low to Moderate Income ²	Youth
■ Minority	Other	_
	BENEFICIARY NUMBER	
Approximately the total num	nber of Sussex County Beneficiaries serve 100	ed annually by this progran

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

Pinetown was chosen by the Sussex Housing Group as its community of focus in 2015. The project was completed in August and many of the goals identified by the residents were met including: installing street lights, renovating homes, re-establishing Pinetown's 501 (c) 3 status, expanding community center programming and raising funds to repair the Center. The amount raised for the building repairs was \$3,000 and approximately another \$10,000 is needed to ensure that it is safe and comfortable for the residents. Every effort is made to maximize funding including seeking volunteers from the building community and purchasing materials at cost, when possible.

Sussex Housing and Community Development has invested significant CDBG funding in Pinetown and offered valuable technical assistance to the community - the attached scope of repairs was created by Brad Whaley, Housing and Community Development Director. A Nonprofit Grant form Sussex County Council would be a valuable addition to the work already completed by Housing and Community Development and the Sussex Housing Group.

The Pinetown Civic Association respectfully requests that Sussex County Council consider a grant of \$2,000 to continue upgrades to the Community Center.

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

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

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

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

SECTION 4: BUDGET	
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,000.00
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)	
Needed repairs - detailed breakdown of costs attached	-\$ 12,075.00

TOTAL EXPENDITURES

-\$ 12,075.00

-\$ 9,075.00

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

activity funded in whole or in part by these Grant funds.

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

SECTION 5: STATEMENT OF ASSURANCES

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official

Witness

9 - 30 - 16

Date

9.36.16.

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

BRAD D. WHALEY
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bwhaley@sussexcountyde.gov





Pinetown Community Center Needed Repairs:

Item 1. Roof The existing roof is reaching the end of its serviceable lifespan.

Recommendation: Overlay existing roof with metal roofing, including new vent boots, and all required trim.

1100 Square Feet Material Costs \$2,200.00

Item 2. Exterior Doors Both exterior doors should be replaced. Note: replacement doors should be installed with Panic Handles to allow for easy opening in case of an emergency. 2 Exterior Door units, with Panic Handles Material Costs \$900.00

Item 3. Windows Several of the existing window units have broken sashes and do not operate properly. Replacement of all existing windows would serve to better preserve energy. 10 Window Units Material Costs \$1750.00

Item 4. Skirting All existing skirting around perimeter of the building needs replacing. 120 Linear Feet/ 420 Sq. Feet Vinyl/Metal Skirting Material Costs \$600.00

Item 5. Electrical System The existing electrical system should be inspected by a licensed electrician and repair/replacement of components completed.

Additionally, 2 outside lights need replacement.

Electrical Upgrades Material Costs \$500.00

Item 6. Plumbing Upgrade of existing fixtures, including kitchen sink, bathroom vanity and water closet.

Plumbing Upgrades \$475.00

Item 7. HVAC The center is heated and cooled by and existing Gas Pack Unit. This unit is reaching the end of its serviceable lifespan and should be replaced by a more efficient unit. An electric Heat Pump would do away with the need for propane. Note: existing duct work should be replaced.

New Electric Heat Pump W/New Duct Work and Vents Material Costs \$ 3,500.00 Note: May require the installation of a 200 amp breaker box



Item 8. Interior Doors 4 door units should be replaced 4 Interior Door Units Material Costs \$ \$500.00

Item 9. Optional Repair/Replacement of Existing Cabinets

Repair Material Costs \$250.00 Replacement Material Costs \$1,400.00

The above items are material are retail material cost only. If a licensed contractor were to do the work, the costs per item would increase by approximately 75%, depending upon item.



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

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

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

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

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

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

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

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

I acknowledge and represent on behalf of the applicant organization that I have read and

understand the above statements.	
Prenter Pens	President
Applicant/Authorized Official	Title
Patricia Me	9.30.16
Witness	Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

		NFORMATION	
ORGANIZATION NAM	E: First State Commun	ity Action Agency,	Inc.
PROJECT NAME:	Long Neck Communi	ty Outreach	
FEDERAL TAX ID:	51-0104704	NON-PROF	TT: YES NO
DOES YOUR ORGANIZ	ZATION OR ITS PARENT ORGANIZ	ATION HAVE A RELIGIOUS	S AFFILIATION?
	☐YES ■NO *IF YES	, FILL OUT SECTION 3B.	
ORGANIZATION'S MI	SSION: To work towards the elim	ination of poverty and les	son the effects of
	poverty on people of low	income.	
	poverty on people of low	income.	
		income.	
ADDRESS:	308 North Railroad	income.	and a series of the series and a series and the series are the series and the series are the series and the series and the series are the series are the series are the series and the series are the series are the series are the ser
ADDRESS:	308 North Railroad P.O. Box 877	Ave	40047
ADDRESS:	308 North Railroad P.O. Box 877 Georgetown	Ave DE	19947
ADDRESS:	308 North Railroad P.O. Box 877	Ave	19947 (ZIP)
	308 North Railroad P.O. Box 877 Georgetown	Ave DE	
ADDRESS: CONTACT PERSON: TITLE:	308 North Railroad P.O. Box 877 Georgetown	DE (STATE)	(ZIP)

TOTAL FUNDING REQUEST: 500.00	
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?	
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	□yes ⊠no
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant r	represent? 50%

PRO	GRAM CATEGORY (choose all that ap	ply)
Fair Housing Infrastructure ¹	Health and Human ServicesOther	Cultural Educational
■ Disability & Special Needs ■ Elderly Persons ■ Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other BENEFICIARY NUMBER	☐ Homeless ☐ Youth
Approximately the total num	ber of Sussex County Beneficiaries serv	ed annually by this program
	SECTION 3: PROGRAM SCOPE	
the need or problem to be benefit. First State in partnership Milford Housing, Sussex hosting a Community Day November 2nd, 2016 from elderly and low-income rearea residents. In addition present Senior Companio Replacement, and Health	am for which funds are being requested addressed in relation to the population with Sussex Housing and Community Habitat for Humanity, and Representat y Event at the Lakeside Community Community and to 2 PM. The event is aimed a sident in Mariners Cove, Pot Nets, and to the partners listed First State will hons, Senior Employment, Housing County Homes. We are seeking support from thing materials, and food.	Development, DSHA, ive Ruth Briggs-King is enter in Pot Nets on at providing resources to the surrounding Long Neck have the following programnselors, Heater Repair and
		m Sussex

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

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

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

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

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	500.00
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)	
Food	\$ 325.00
Supplies	\$ 100.00
printing hand out material	\$ 75.00
TOTAL EXPENDITURES	\$ 500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 1,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the First State Community Action Agency, Inc. agrees that:

(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official

Witness

Date

Data

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICANT	INFORMATION	
ORGANIZATION NAM	E: Town of Georgetow	n	
PROJECT NAME:	Mayor's Reception -	2016 Return Day	
FEDERAL TAX ID:	51-6000120	NON-PROF	IT: YES NO
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORGANI	ZATION HAVE A RELIGIOUS	S AFFILIATION?
	☐ YES ■ NO *IF YES	S, FILL OUT SECTION 3B.	
ORGANIZATION'S MIS	SION:		
ADDRESS:	39 The Circle		
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Bill West	h 'a' '	
TITLE:	Mayor		
	(302) 236-9955 _{EMA}	bwest@georget	owndel 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?	
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	□YES □NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant i	represent? 28%

PR	OGRAM CATEGORY (choose all that ap	nnly)
Fair Housing	Health and Human Services	Cultural
]Infrastructure ¹	Other	Educational
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other Local Municipality	☐ Homeless ☐ Youth
	BENEFICIARY NUMBER	
Approximately the total num	nber of Sussex County Beneficiaries serv 10,000 +/-	red annually by this progr
A. Briefly describe the progr	SECTION 3: PROGRAM SCOPE ram for which funds are being requested	. The narrative should inc
the need or problem to be benefit. This request is for Susse	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May	to be served or the area to be served or the area to or's Reception to be held
the need or problem to be benefit. This request is for Susse	ram for which funds are being requested e addressed in relation to the population	to be served or the area to be served or the area to or's Reception to be held
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016.	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,
the need or problem to be benefit. This request is for Susse immediately following the November 10, 2016. The Mayor's Reception is	ram for which funds are being requested addressed in relation to the population ex County support for the biannual May a Return Day Parade and Ceremony be so an opportunity to say "thank you" and	to be served or the area to be served or the area to or's Reception to be held eing held on Thursday,

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	7,000.00
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)	
Food & Beverage	-\$ 3,500.00
Decorations	-\$ 350.00
Entertainment	-\$ 2,000.00
Postage & Printing	-\$ 500.00
Personnel	-\$ 500.00
Other	-\$ 150.00
TOTAL EXPENDITURES	-\$ 7,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, th	e Town of Georgetown	agrees that:
8	(Name of Organization)	0

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

by Sussex County by written notice

10/21/16

Date

Applicant/Authorized Official

10/21/16

Witness

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

1/40)

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

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

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

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

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

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

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

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

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

Eugene S. Dvornick, Jr.
Town Manager

Applicant/Authorized Official

Witness

Title

Town of Georgetown

Date

To Be Introduced 10/25/16

Council District No. 5 – Arlett Tax I.D. No. 533-19.00-753.00

911 Address: 38016 Fenwick Shoals Blvd., Selbyville

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CRAFT DISTILLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS

WHEREAS, on the 10th day of August 2016, a conditional use application, denominated Conditional Use No. 2065 was filed on behalf of Keith Properties, Inc.; and WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2065 be ______; and WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2065 located within the B-1 Neighborhood Business District portion of the property 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 southwest corner of Lighthouse Road (Route 54) and Fenwick Shoals Boulevard and being more particularly described in Plot Book 200, Page 36, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.22 acres, more or less.

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

To Be Introduced 10/25/16

Council District No. 1 - Vincent Tax I.D. No. 232-13.00-62.01

911 Address: 13287 Shiloh Church Road, Laurel

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (THREE (3) UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.15 ACRES, MORE OR LESS

WHEREAS, on the 18th day of August 2016, a conditional use application, denominated Conditional Use No. 2066 was filed on behalf of Albert J. Bierman; and WHEREAS, on the _____ day of ______ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2066 be ______; and WHEREAS, on the ____ day of ______ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County. NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2066 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 Broad Creek Hundred, Sussex County, Delaware, and lying at the northwest corner of the intersection of Shiloh Church Road (Route 74) and Beaver Dam Branch Road (Road 446) and being more particularly described as Lot A-1 on Plot Book 150, Page 31, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.15 acres, more or less.

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

To Be Introduced 10/25/16

Council District No. 3 - Deaver Tax I.D. No. 334-5.00-192.00

911 Address: 32402 Lewes Georgetown Highway, Lewes

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL LANDSCAPING MATERIAL SALES AND STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of September 2016, a conditional use application, denominated Conditional Use No. 2067 was filed on behalf of Stockley Materials, LLC; and WHEREAS, on the _____ day of ______ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2067 be ______; and WHEREAS, on the _____ day of ______ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2067 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Lewes Georgetown Highway (Route 9) 0.3 mile southwest of Coastal Highway (Route 1) and being more particularly described as follows:

BEGINNING at an iron rebar on the southerly right-of-way of Lewes Georgetown Highway (Route 9), a corner for these subject lands and lands, now or formerly, of Renate Helena Coursey; thence South 24°26′49" East 221.10 feet along said Coursey lands to an iron pipe; thence North 66°03'11" East 132.27 feet along said Coursey lands to an iron pipe; thence South 29°05'43" East 17.78 feet along lands, now or formerly, of W&C Catts Family Limited Partnership, to an iron pipe; thence South 45°42'39" West 223.13 feet along lands, now or formerly, of Lena D. Winstead, lands, now or formerly, of Vera Bundick, and lands, now or formerly, of Reginald Quinton Bowden to an iron pipe; thence South 44°20′48" West 53.56 feet along lands, now or formerly, of M&M Properties, LLC to an iron rebar; thence South 57°42′51″ West 80.80 feet along lands, now or formerly, of Braven O. Duffie to an iron pipe at the easterly right-of-way of Stingey Lane, a private dirt lane; thence North 24°29′14″ West 125.01 feet and North 24°26′49″ West 221.10 feet along the easterly right-ofway and then the centerline of said Stingey Lane to an iron pipe on the southerly right-of-way of Lewes Georgetown Highway; thence North 65°33′11" East 206.25 feet along the southerly right-of way of Lewes Georgetown Highway to the point and place of beginning, said parcel containing 1.65 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.

Introduced 10/25/16

Council District No. 2 - Wilson Tax I.D. No. 133-6.00-41.00

911 Address: 26072 DuPont Blvd., Georgetown

ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.005 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2016, a zoning application, denominated Change of Zone No. 1814 was filed on behalf of Stockley Tavern, LLC; and

WHEREAS, on the ______ day of ______ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1814 be ______; and ______ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying southwest of DuPont Boulevard (U.S. Route 113) 0.3 mile south of Governor Stockley Road (Road 432) and being more particularly described as follows:

BEGINNING at a concrete monument found on the westerly line of Dupont Boulevard (U.S. Route 113), said point being ±1514 feet southeast of County Road #432 and being also the northeasterly corner of the property herein described and a common corner for lands of Baxter Farms, Inc. (DB 1027, Folio 336); thence running by and with the right-of-way line of U.S. Route 113, South 27°30′57″ East a distance of 233.02 feet to a found iron pipe at a common corner for lands of Stockley Tavern, LLC and Dennis M. & Patricia A. Hubbard (DB 1106, Folio 182); thence leaving said highway and running by and with lands of Hubbard, South 62°36′31″ West a distance of 209.11 feet to a found iron pipe and other lands of Baxter Farms, Inc. (DB 2115, Folio 32); thence by and with the Baxter Farm, North 27°12′08″ West a distance of 186.76 feet to a found iron pipe; thence North 50°04′40″ East a distance of 213.06 feet to the point of Beginning, said parcel being found to have an area of 43,770 square feet or 1.005 acres of land, more or less, said parcel containing 1.005 acres, more or less.

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

PUBLIC HEARINGS October 25, 2016

This is to certify that the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of 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.

Respectfully submitted:

COUNTY PLANNING AND ZONING COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank Director of Planning and Zoning

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

On September 22. 2016 the Planning and Zoning Commission held public hearings on the following applications.

C/U #2057 – Delaware Electric Cooperative, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an electric substation to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.0 acres, more or less. The property is located at the south of Zoar Road (Route 48) 3,300 feet east of Gravel Hill Road (Route 30) and 2,000 feet west of Lawson Road (Road 296). 911 Address: Not Available. Tax Map I.D. 234-21.00-138.00 (Part of).

The Commission found that the application was filed on June 21, 2016 with the appropriate surveys/site plans, and that on September 13, 2016 the applicants filed an Exhibit Booklet for consideration. The Exhibit Booklet contains a summary, panoramic views of the site looking east and west, a photograph of the existing Zoar Substation to be retired, a copy of the County notice to property owners in the area, and a series of construction drawings/site plans relating to the application.

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

The Commission found that DelDOT provided comments on February 22, 2016 referencing that a Traffic Impact Study was not recommended and that no changes are anticipated in the Level of Service of Zoar Road.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 19, 2016 referencing that the site is located in the North Coastal Planning Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; that when the County does provide sewer service, the on-site septic must be properly abandoned and connection to the central sewer system is mandatory; and that a concept plan is not required.

The Commission found that Terry Jaywork, Esquire with Hudson, Jones, Jaywork & Fisher, P.A., was present with Jack Jester, Professional Engineer with Delaware Electric Cooperative, Inc. and stated in their presentation and in response to questions raised by the Commission that the proposed site for the new substation is across Zoar Road (Route 48) from an existing substation; that the residential growth in the area has caused for the creation of this application; that the existing substation has reached its lifespan and needs to be updated in order to serve the expanding load growth and development in the greater Georgetown-Millsboro and beach areas; that the after the new facility would be built, the existing substation would be retired; that the Cooperative has negotiated terms with the developer/owner of the property, which consists of approximately 4.0 acres; that the site is geographically important because it is centered in a highgrowth area; that the site is also important because it allows the connection to existing 69kV electrical transmission facilities which are adjacent to the site, on its western property line; that if the new substation were relocated to a different site, the Cooperative would have to construct a very costly and intrusive 69kV transmission line to a DP&L facility; that a chain linked fence/slotted fence would enclose the perimeter of the site to protect the public; that security lights around the perimeter of the facility would point downward with side shields to prevent lateral diffusion of light; that American Arborvitae evergreen trees would provide a landscape buffer; that the facility will not generate traffic, once constructed it will be visited approximately twice a month by utility personnel for inspection or maintenance tasks; that no materials or equipment will be stored on the site; that retirement of the existing substation means removal of all equipment; that the maximum height of the new facility will be the same as the DP&L Transmission Lines; that the entire site will be landscaped around the perimeter; and that 93% of their customer base are residential users in the entire service area.

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

The Commission found that Betti Testerman, an immediate neighbor to the existing facility, not in opposition but questioning if once the existing substation is retired if the easement for the substation will be removed and the property released back to the property owner.

The Commission found that Pam Glasgow, a resident of Zoar Estates, was present, not in opposition, but questioning if the substation would impact property values.

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

Mr. Ross stated that he would move that the Commission recommend approval of C/U #2057 for Delaware Electric Cooperative based on the record and for the following reasons:

- 1) The Conditional Use for an electrical substation is of a public nature, and it will promote the health, safety and welfare of the residents of Sussex County.
- 2) It is located on a large tract in a rural area where it will have a minimal impact on neighboring or adjacent properties.
- 3) The Co-op has stated that the substation is necessary to maintain and improve its electrical service to current and future residents of Sussex County.
- 4) This Conditional Use is subject to the following conditions:
 - A. The perimeter of the substation will be fenced.
 - B. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
 - C. Any security lighting shall be screened away from neighboring properties and County roads.
 - D. Landscaping shall be provided to screen the facility from adjacent properties and roadways.
 - E. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

C/U #2058 – Old Orchard Ventures, LLC, c/o Barry Baker

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family (duplex) dwelling structures (24 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.33 acres, more or less. The property is located at the northeast of Old Orchard Road (Road 269A) approximately 1,115 feet southeast of New Road (Road 255). 911 Address: 16773 Old Orchard Road, Lewes. Tax Map I.D. 335-8.00-25.00.

The Commission found that this application was filed on July 18, 2016 with copies of the original approved site plan for Oyster Cove Development, a project that was sunset for lack of development. The original application number was Conditional Use No. 1853. The Exhibit Booklet contains an Executive Summary with references to the Project Team, general information, a history of the site, project data, and an Environmental Analysis. The Booklet also contains a List of Exhibits; copies of the Findings of Fact for the original Conditional Use No.

1853; and the suggested proposed Conditions of Approval for the original Conditional Use No. 1853.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 19, 2016 referencing that the project is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the project is not in an area where the County expects to provide sewer service; that the parcel is in the growth and annexation area of the City of Lewes and the City could provide central sewer service at some future time; that the applicant should contact the City for their requirements and plan for sewer service and connection to their system; and that a concept plan is not required.

Mr. Lank noted that the applicant's Exhibit Booklet contains a letter from the Board of Public Works for the City of Lewes advising that they will accept wastewater from the project in accordance with the conditions established in Board Resolution No. 07-002; and that details for service would be further defined in a Utility Services Agreement.

Mr. Lank added that earlier today the Department received copies of two (2) letters from the Board of Public Works for the City of Lewes, one dated April 9, 2013 and one dated September 21, 2016, referencing that the Board has the capacity and is willing to provide wastewater treatment services to the proposed development; that the utilities are not readily available to the property; that transmission of the effluent to the Lewes BPW treatment facility is to be determined by the developer, certified engineers and the Lewes BPW; that the utility services shall be installed at the owner/developer's expense and without any expense or liability to the City of Lewes or the Board of Public Works of the City of Lewes, pursuant to the specifications and requirements of the City and Board and of a size to be determined by the City and Board to be adequate; that the owner/developer shall pay all applicable fees, including but not limited to impact fees in effect at the time and shall execute and deliver unto the City and Board such easements that are determined by the City and Board to be necessary in order for the City and Board, its independent contractors, officers, agents, servants and employees to have access to the various improvements to be conveyed by the owners to the City and Board.

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

The Commission found that Barry Baker was present on behalf of Old Orchard Ventures, LLC with Mark Dunkle, Esquire of Parkowski, Guerke & Swayze, and Michael Riemann, Professional Engineer with Becker Morgan Group, Inc. and that they stated in their presentation and in response to questions raised by the Commission that this application is the same as an application submitted in 2010; that the County Council approved the original application in July 2010; that no major changes in the area, since 2010, have occurred except for residential growth; that they are proposing to develop the site with 24 units at a density of 2.5 units per acre; that the site is a Certified Brownfield site per the State DNREC and shall be subject to monitoring; that DelDOT did not reference any adverse impacts and did not require a Traffic Impact Study; that sanitary sewer is proposed to be provided by the Board of Public Works for the City of Lewes;

that the entrance has be installed and inspected/approved by DelDOT; that they previously attempted to get an easement from DelDOT to run a sewer line along the railroad line; that the use is in compliance with the Comprehensive Plan; that the layout meets the Zoning Code and the MR Medium Density Residential zoning requirements; that the Exhibit Booklet speaks for itself and references the Comprehensive Plan and the Zoning Code; that the letter received in opposition really relates to the original rezoning application, which has not changed, not this Conditional Use request, since the MR Medium Density Residential zoning has already been approved; that most of the Brownfield site has been cleaned up; that the cleanup was mostly construction debris; that a testing agency will be on site during construction in case additional debris is found as construction proceeds; that the site was originally uses as a borrow pit; that monitoring wells already exist and are monitored by DNREC; that it is their intent to connect to the sanitary sewer pump station across the road to provide for pumping to the Board of Public Works system; that a playground area is proposed near the front of the site; that they have no objection to a condition being imposed that Certificates of Occupancy/Compliance not be issued until DNREC has authorized a completion remedy for each building; that a work plan with DNREC has been approved and authorized to proceed with mitigation and construction; and that the site has already been tested and excavation has been completed, unless additional debris is found.

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

The Commission found that Glenn Piper, a resident within The Orchard Subdivision, had submitted a memorandum in opposition expressing concerns about the historic residential growth pattern, the Brownfield site, traffic, and sewerage, and stated that a previous owner allowed the City of Lewes to use the site as a landfill and that electric transformers may have been a part of the debris; that he is concerned about traffic; and that he did not realize that the property had already been rezoned to MR Medium Density Residential. It is noted that Mr. Piper's letter is a part of the record for this application.

The Commission found that Daryll Reifsnyder and Val Fawber, both residents of The Orchard, were present with concerns about traffic, sewer impacts, and questioning why the State required a sidewalk along Old Orchard Road that goes to nowhere; and questioning if the developers will be clearing out the trees with heavy equipment right up to property lines.

Mr. Wheatley advised them that DelDOT required the sidewalk in anticipation of connecting other projects with sidewalks to this sidewalk for a continuous sidewalk along Old Orchard Road; and that a 20 foot wide buffer of landscaping is required along the property line suggesting that the existing trees will remain or be replaced within the 20 wide buffer.

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

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

On October 13, 2016 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2058 for Old Orchard Ventures, LLC c/o Barry Baker for 24 multi-family duplex-style units based upon the record made at the public hearing and for the following reasons:

- 1) This is an application for a Conditional Use that was recommended for approval by the Planning and Zoning Commission on March 25, 2010 and approved by the County Council on July 20, 2010. That prior approval expired.
- 2) The property is in an area where other residential development has occurred, including townhouse, multi-family and single-family developments. The project is consistent with those developments, and will provide a transition between adjacent single family uses on one side and commercial zoning on the other side of the project.
- 3) The project is in a Development District according to the Sussex County Comprehensive Land Use Plan.
- 4) The applicant has proposed only 24 duplexes, which is significantly less than the density that could occur under the existing MR (Medium Density Residential District) zoning of the property.
- 5) The development of this site with 24 duplexes will not have a significant adverse impact upon area traffic.
- 6) The project site was known as the Donovan Site which has been admitted into the DNREC Brownfield Program based on the existence of solid waste materials previously buried on the site. According to the Applicant, DNREC has stated that the site is also suited for development. Cleaning up the site through redevelopment under a DNREC Management Plan will benefit the environment and the health and safety of the inhabitants of the project and the surrounding area.
- 7) With the stipulations placed upon this approval and based upon Brownfield remediation program, there will be no adverse impact on neighboring or adjacent properties.
- 8) This recommendation of approval is subject to the following conditions:
 - A. There shall be no more than 24 residential dwelling units.
 - B. The removal, disposal and monitoring of waste from the project site shall be in compliance with all DNREC requirements.
 - C. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, and other common areas.
 - D. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.

- E. The project shall be served by central sewer by the City of Lewes and/or Sussex County. Sewer service shall be available at the site prior to the issuance of the first residential building permit.
- F. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these features.
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Sidewalks shall be installed along at least one side of all streets.
- I. There shall be a vegetated buffer along the entire perimeter of the site pursuant to Sections 115-218E and 99-4 of the Sussex County Code. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design for the site, including the buffer areas.
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.
- K. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Departments.
- L. The applicant shall cooperate with the local school district's transportation manager to establish a school bus stop area. The bus stop area shall be shown on the Final Site Plan.
- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The Final Site Plan shall depict an easement for access to the property at the rear of the site.
- O. All Site Plans and condominium documents shall contain a notice that the site is a Brownfield Site. The Final Site Plan shall identify the methods of monitoring the site before, during and after cleanup.
- P. The Final Site Plan and condominium documents shall contain a notice similar to the agricultural use protection notice that the site is in the vicinity of a concrete plant, and the dust, noise, traffic, etc. associated with that plant.
- Q. No Certificate of Occupancy shall be issued for any dwelling unit within the project until a Certificate of Completion of Remedy or similar certification is issued by DNREC confirming that all Brownfield remediation on the entire site has been

- completed to the agency's satisfaction. This requirement shall be included as a Note on the Final Site Plan for the development.
- R. The Final Site Plan for the development shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward Conditional Use No. 2058 for Old Orchard Ventures, LLC c/o Barry Baker to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 4-0.

C/U #2059 – Julie Norwood

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a beauty salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less. The property is located at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road). 911 Address: None Available. Tax Map I.D. 334-12.00-25.00.

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

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

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

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

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

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

The Commission found that Julie Norwood was present on behalf of her application and stated that she and her husband purchased this property 5 or 6 years ago; that the window cleaning business is operated out of the garage in the rear of the property with access to Retz Lane, and that Retz Lane provides adequate access for that use; that neighbors within 200 feet of the site have voiced support for her application for the beauty salon; that the driveway referenced by the opposition and Mr. Lank was already in existence, and that they only improved the entrance with stone and created a parking area in front of the structure; that the structure only contains approximately 1,000 square feet; that she is proposing to have 4 stylist in the salon; that there is adequate space on the site for parking for both businesses; that hours of operation will be from 9:00 a.m. to 6:00 p.m. Tuesday through Friday and 9:00 a.m. to 2:00 p.m. on Saturdays; and that the landowner is holding the note on the property until they pay off their loan.

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

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

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

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

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

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

On October 13, 2016 the Commission discussed this application under Old Business.

The Commissioners expressed some concern that the original conditional use approved for Robert Norwood on this parcel had not, until recently, been submitted for site plan approval; that the entrance and parking area from Route 24 was constructed without approvals; and that since the original application did have a condition of approval limiting access from Retz Lane the same condition could be placed on this application.

There was a motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 4-0.

C/Z #1809 – MOCA Properties, LLC / Solid Image

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 6.24 acres, more or less. The property is located at the east of Sussex Highway (U.S. Route 13) 650 feet south of Whitesville Road (Route 64). 911 Address: 11244 Whitesville Road, Laurel. Tax Map I.D. 532-6.00-87.02.

The Commission found that the application was filed on July 25, 2016 with the appropriate surveys/site plans depicting the existing improvements and proposed improvements.

The Commission found that DelDOT provided comments on November 19, 2015 in the form of a "Letter of No Objection to Recordation" referencing that the letter is intended for entrance location only; that a formal record/site plan will be required at such time as the proposed entrance or any other improvements to the site more forward; that the letter does not authorize the commencement of entrance construction; and that attached to the letter is a survey/site plan depicting a deceleration lane and right turn entrance lane into the property off of Sussex Highway. It is noted that the site plan only depicts a right turn in and no exit.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 19, 2016 referencing that the property is located in the Western Sussex Planning Area #1; that the proposed rezoning is for a parcel of land that is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

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

The Commission found that Warren Reid of MOCA Properties, LLC and Solid Image was present on behalf of his application with Mike Smith, Esquire of the Smith Firm. Mr. Smith stated that he was a late introduction on the application and requested that he be allowed to submit a small packet of information which will be a part of his presentation.

Mr. Robertson reviewed the packet and advised the Commission that the packet was acceptable since it appeared to already be a part of the record and maps and photographs of business uses in the area.

The Commission found that Mr. Smith and Mr. Reid continued and stated in their presentation and in response to questions raised by the Commission that the site was previously approved for a Conditional Use for a countertop manufacturing business; that the final site plan has not yet been submitted; that the site is presently accessed from Whitesville Road; that the applicant has an existing retail center on the westerly side of Sussex Highway approximately one mile to the north of this site and would like to relocate his retail display center to this site and to expand his fabrication and cabinet shop; that there are two buildings on the site, one containing 10,000 square feet and one containing 12,000 square feet; that the buildings were originally designed

with greenhouse type roofing to allow for an aguaculture business; that they have no immediate intent to expand the building footprints, only interior improvements; that the packet includes a copy of Ms. Cornwell's staff analysis, maps from the file, a copy of Ordinance No. 2329 for Conditional Use No. 1971 for the countertop manufacturing business, Google maps of the location and area, photographs of business and commercial uses within one to two miles of the site location; that the business commercial uses include small commercial strip centers, a landscaping retail business and greenhouses, auto repair and auto sales facilities, a Hale Trailers facility, appliance sales, a new Bobcat dealership, heavy equipment sales and service facilities, furniture stores, and many other business, commercial and industrial uses along Sussex Highway between Laurel and Delmar; that this application is the same or similar to two (2) applications for CR-1 Commercial Residential that were approved earlier this evening; that DelDOT is limiting the access to Sussex Highway with an entrance only and an entrance/exit to Whitesville Road; and that the applicant would like to have signage on the property.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of C/Z #1809 for MOCA Properties, LLC/Solid Image for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) based upon the record made during the public hearing and for the following reasons:

- 1) The site is located along U.S. Route 13 (Sussex Highway). This location is appropriate for CR-1 (Commercial Residential District) zoning.
- 2) The site is in an area where other commercial and industrially zoned properties exist. The property itself is the subject of a conditional use and has historically been used for business and commercial purposes. The CR-1 (Commercial Residential District) zoning will be consistent with the area zoning and also the prior uses of the property.
- 3) The proposed use will not adversely affect neighboring or adjacent properties or roadways.
- 4) The applicant will be required to meet or exceed all DelDOT requirements.
- 5) CR-1 (Commercial Residential District) zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purpose of the CR-1 District.
- 6) No parties appeared in opposition to this rezoning.

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0.





Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Manager

CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney and applicant

Date: September 15, 2016

RE: Staff Analysis for C/U #2057 Delaware Electric Cooperative, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U #2057 Delaware Electric Cooperative, Inc.to be reviewed during the September 22, 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 Conditional Use for parcel 234-21.00-138.00 (portion of) to allow for the use of an electrical substation. The portion of the property proposed to be used for the Conditional Use is 4.0 ac. +/-. The property is zoned AR-1 (Agricultural Residential District).

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 Low Density.

The surrounding land uses to the north and south are Low Density. The surrounding land uses to the east and west are a mixture of Low Density and Mixed Residential Areas. The Low Density land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District). The properties to the east and west are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). The uses in the area are primarily single family residences and agriculture. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for an electrical substation could be considered consistent with the land use, surrounding zoning and uses.

Staff notes that is the Conditional Use is approved that there is an opportunity to provide some type of Landscape Buffer around the site to provide a visual buffer for the residential uses.





Sussex County

sussexcountyde.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 and applicant

Date: September 15, 2016

RE: Staff Analysis for C/U #2058 Old Orchard Ventures, LLC, c/o Barry Baker

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U #2058 Old Orchard Ventures, LLC, c/o Barry Baker to be reviewed during the September 22, 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 Conditional Use for parcel 335-8.00-25.00 to allow for the use for multi-family dwellings (24 duplexes). The portion of the property proposed to be used for the Conditional Use is 9.33 ac. +/-. The property is zoned MR (Medium Density Residential District).

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 Area and Mixed Residential Areas.

The surrounding land uses to the north, south, east and west are Environmentally Sensitive Developing Area and Mixed Residential Areas. The Environmentally Sensitive Developing Area and Mixed Residential Areas land use designations recognize that a range of housing types should be permitted including single-family homes, townhouses and multi-family units.

The property is zoned MR (Medium Density Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned MR (Medium Density Residential District). The properties to the south are zoned C-1 (General Commercial District) and MR (Medium Density Residential District). The uses in the area are primarily single family residences and agriculture.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for the use for multi-family dwellings (24 duplexes) would be considered consistent with the land use, surrounding zoning and uses.

Staff notes that this site was previously approved for a Conditional Use to allow for the construction of 24 multi-family duplex units (CU 1853). That Conditional Use (CU 1853) application expired before the site was substantially underway.





Sussex County

DELAWARE sussexcountyde.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 and applicant

Date: September 15, 2016

RE: Staff Analysis for C/U #2059 Julie Norwood

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U #2059 Julie Norwood to be reviewed during the September 22, 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 Conditional Use for parcel 334-12.00-25.00 to allow for a beauty salon. The property is 24,205 SF. +/-. The property is zoned AR-1 (Agricultural Residential District).

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 Area.

The surrounding land uses to the north, south, east and west are Environmentally Sensitive Developing Area and Mixed Residential Areas. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units and that retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected area on certain roads. It also notes that careful mixtures of homes with light commercial and institutional uses can also be appropriate to allow for convenient services to people to work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are properties to the west that are zoned MR (Medium Density Residential District) and B-1 (Neighborhood Business District). The properties to the south are zoned C-1 (General Commercial District) and MR (Medium Density Residential District). The uses in the area are primarily single family residences and agriculture. There are several Conditional Uses in the area. They include a school (CU 1418), and a window washing business (CU 1981). The window washing business is on the same parcel of land as the proposed beauty salon.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for a beauty salon could be considered consistent with the land use, surrounding zoning and uses.





Sussex County

DELAWARE sussexcountyde.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 and applicant

Date: September 15, 2016

RE: Staff Analysis for C/Z #1809 MOCA Properties, LLC / Solid Image

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z #1809 MOCA Properties, LLC / Solid Image/U #2059 Julie Norwood to be reviewed during the September 22, 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 532-6.00-87.02. The request to change the zoning from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The property is 6.24 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 Low Density.

The surrounding land uses to the north and east are Low Density. The land uses to the south and west are Low Density and Highway Commercial Areas. The Low Density land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The CR-1 (Commercial Residential District) is a zoning district that may be considered within the Low Density land use designation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). There are properties to the south and west are zoned AR-1 (Agricultural Residential District), MR (Medium Density Residential District), C-1 (General Commercial District) and CR-1 (Commercial Residential District). The uses in the area are a mixture of commercial uses, residential uses and agriculture. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding zoning and uses.



Council District No. 3 – Deaver Tax I.D. No. 234-21.00-138.00 (Part of)

911 Address: None Available

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2016, a conditional use application, denominated Conditional Use No. 2057 was filed on behalf of Delaware Electric Cooperative, Inc.; and WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2057 be ______; and WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2057 as it applies to the property hereinafter described.

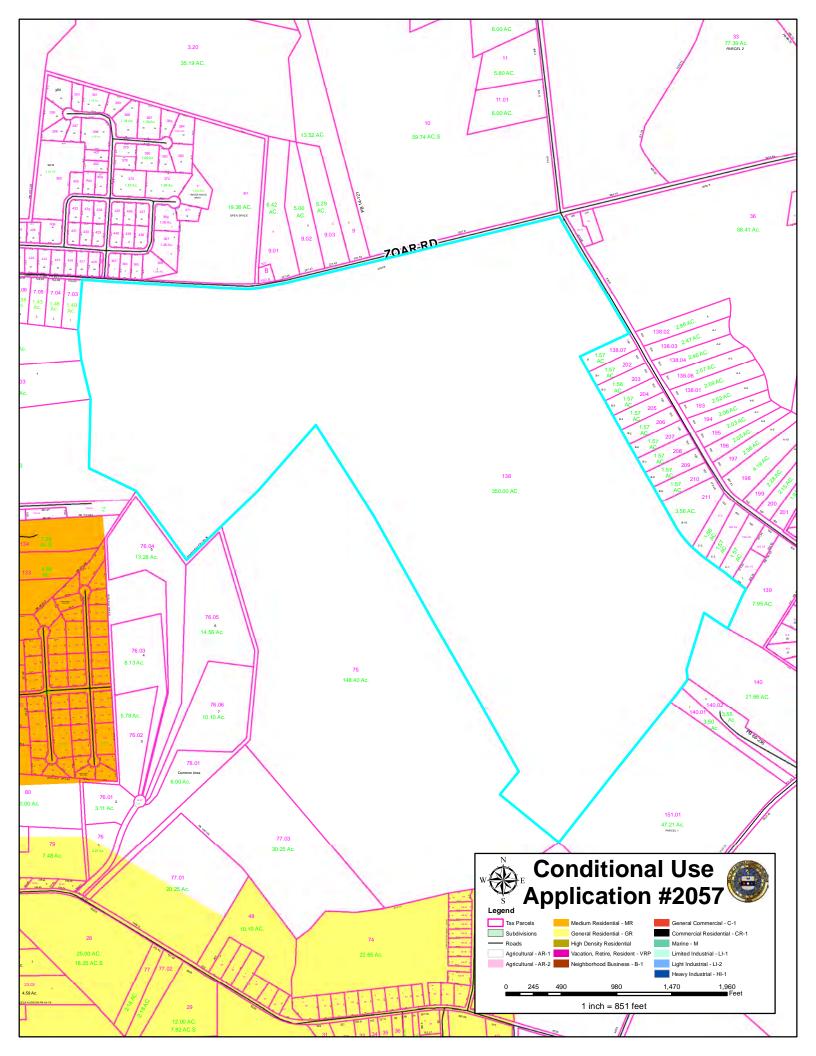
Section 2. The subject property is described as follows:

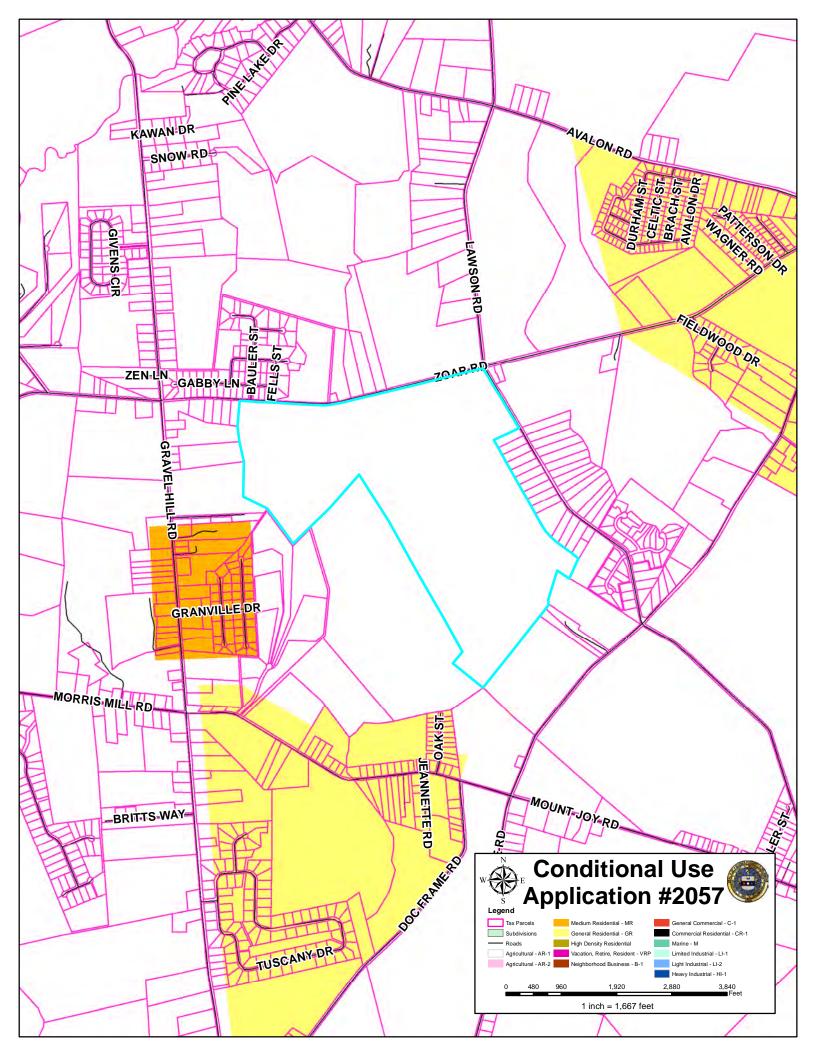
ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying south of Zoar Road (Route 48) 3,300 feet east of Gravel Hill Road (Route 30) and 2,000 feet west of Lawson Road (Road 296) and being more particularly described as follows:

BEGINNING at a capped pin on the southerly right-of-way of Zoar Road (Route 48), a corner for these subject lands and lands of T. P. One, LLC; thence North 76°20′07″ East 374.92 feet along the southerly right-of-way of Zoar Road to a capped pin; thence South 04°37′09″ West 453.72 feet along lands of T. P. One, LLC to a capped pin; thence South 66°38′25″ West 403.10 feet along lands of T. P. One, LLC to a capped pin; thence North

04°37′09″ East 523.21 feet along lands of T. P. One, LLC to the point and place of beginning, said parcel containing 4.00 acres, more or less.









Council District No. 3 – Deaver Tax I.D. No. 335-8.00-25.00

911 Address: 16773 Old Orchard Road, Lewes

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (DUPLEX) DWELLING STRUCTURES (24 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.33 ACRES, MORE OR LESS

WHEREAS, on the 14th day of July 2016, a conditional use application, denominated

Conditional Use No. 2058 was filed on behalf of Old Orchard Ventures, LLC, c/o Barry Baker; and

WHEREAS, on the _____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the _____ of ____ 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2058 be ______; and ____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

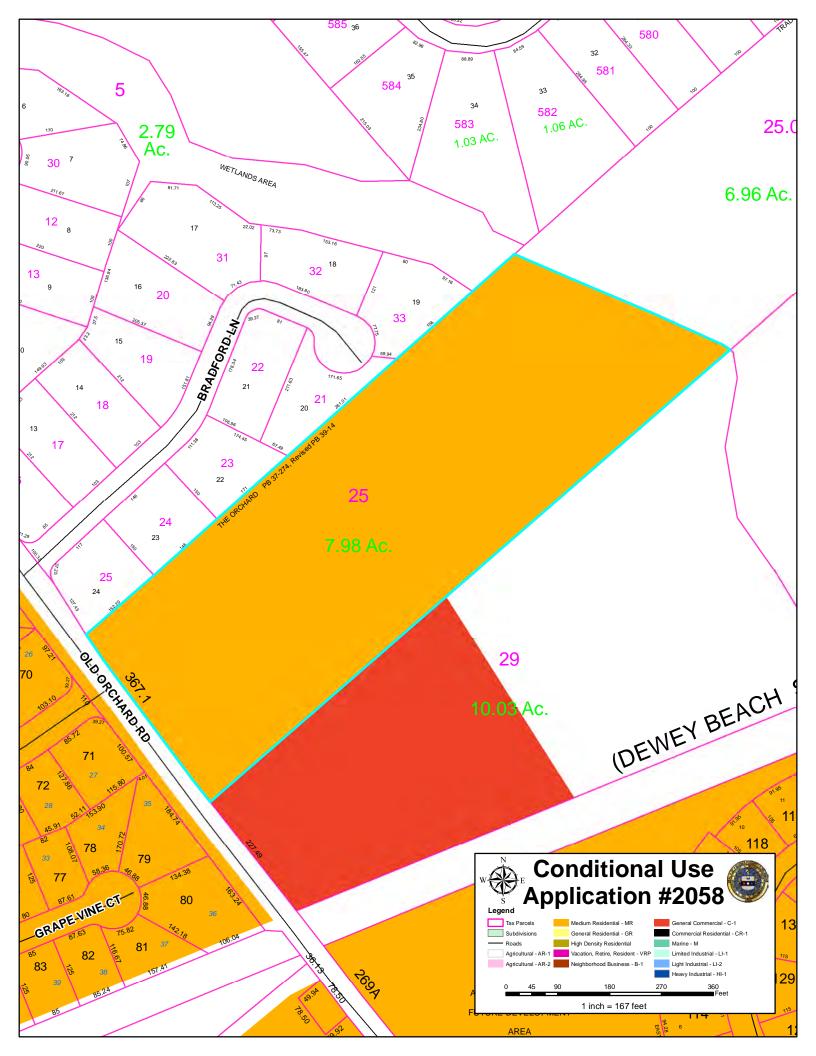
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

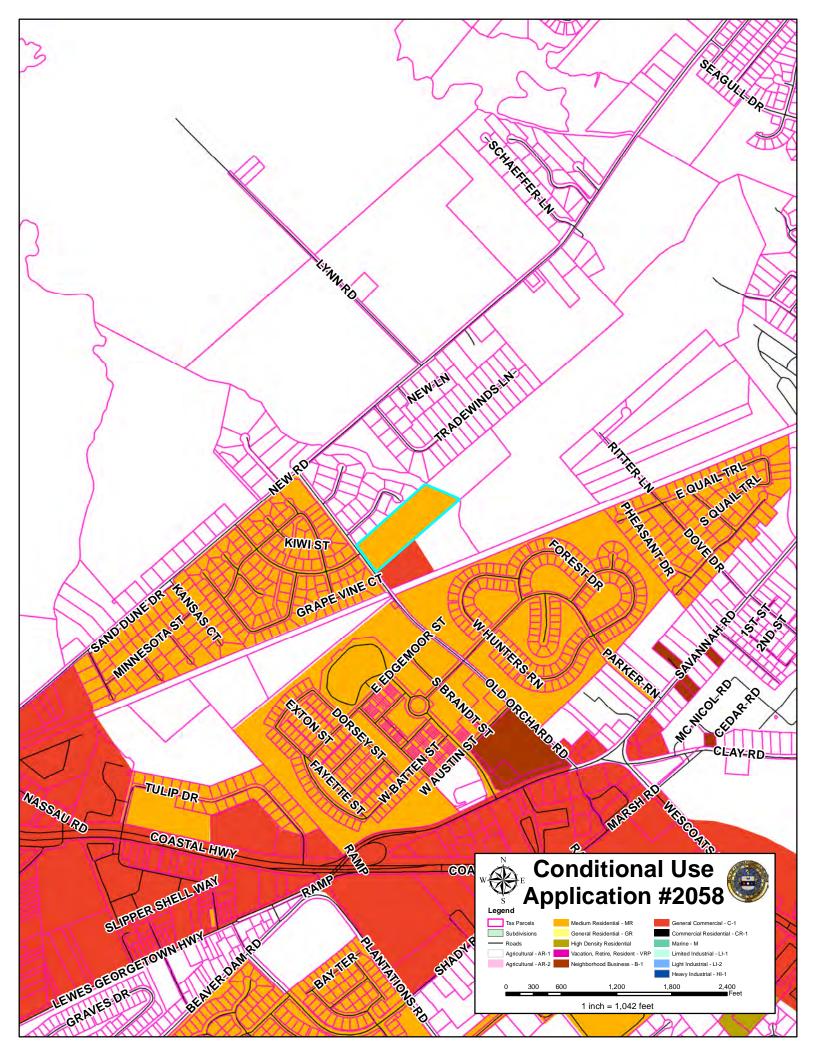
Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2058 as it applies to the property hereinafter described.

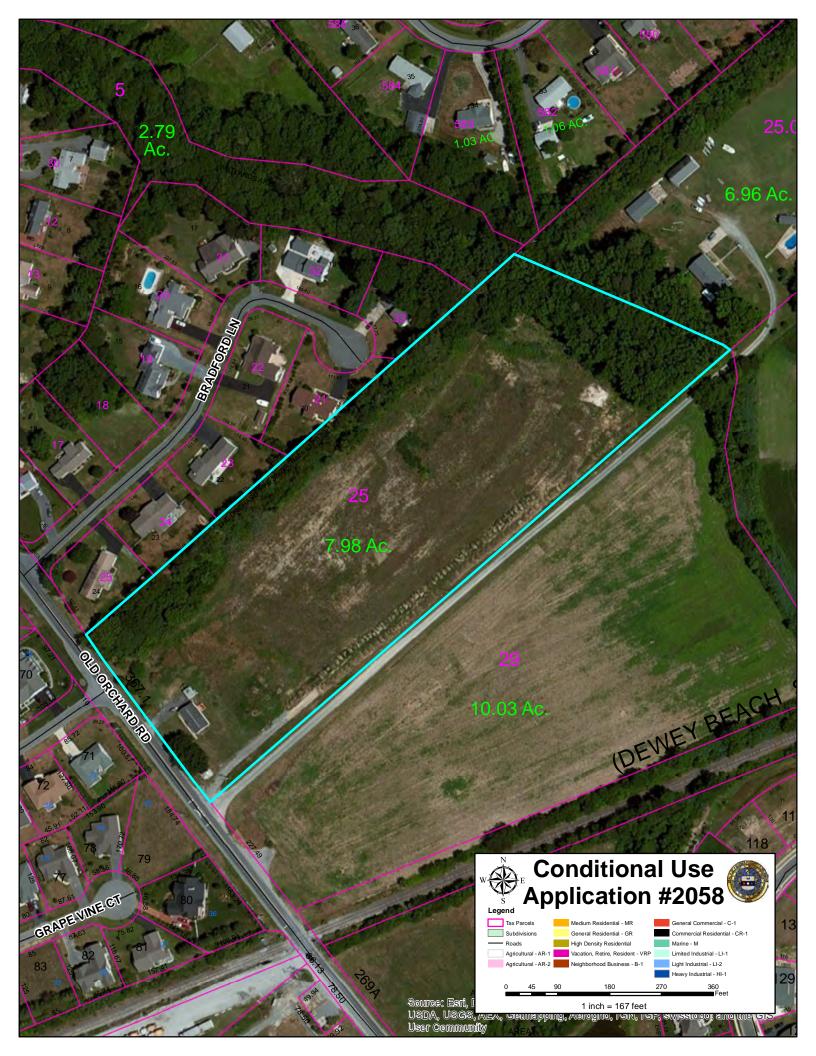
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northeast of Road 269A (Old Orchard Road) approximately 1,115 feet southeast of Road 266 (New Road) and being more particularly described as follows:

BEGINNING at an iron pipe on the northeasterly right-of-way of Road 269-A, a corner for these subject lands and Lot 24 of The Orchard Subdivision; thence north 48°54′33″ east 1035.00 feet along The Orchard Subdivision to an iron rod; thence south 59°37′42″ east 386.47 feet along lands, now or formerly, of Bruce C. and Karen J. Hefke to an iron pipe; thence south 48°55′27″ west 1184.41 feet along lands, now or formerly, of John M. Brittingham and Danielle Park Subdivision to an iron pipe on the northeasterly right-of-way of Road 269-A; thence north 36°56′38″ west 367.06 feet along the northeasterly right-of-way of Road 269-A to the point and place of beginning and containing 9.33 acres, more or less, per survey prepared by Becker Morgan Group.







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

ORDINANCE NO.

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

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

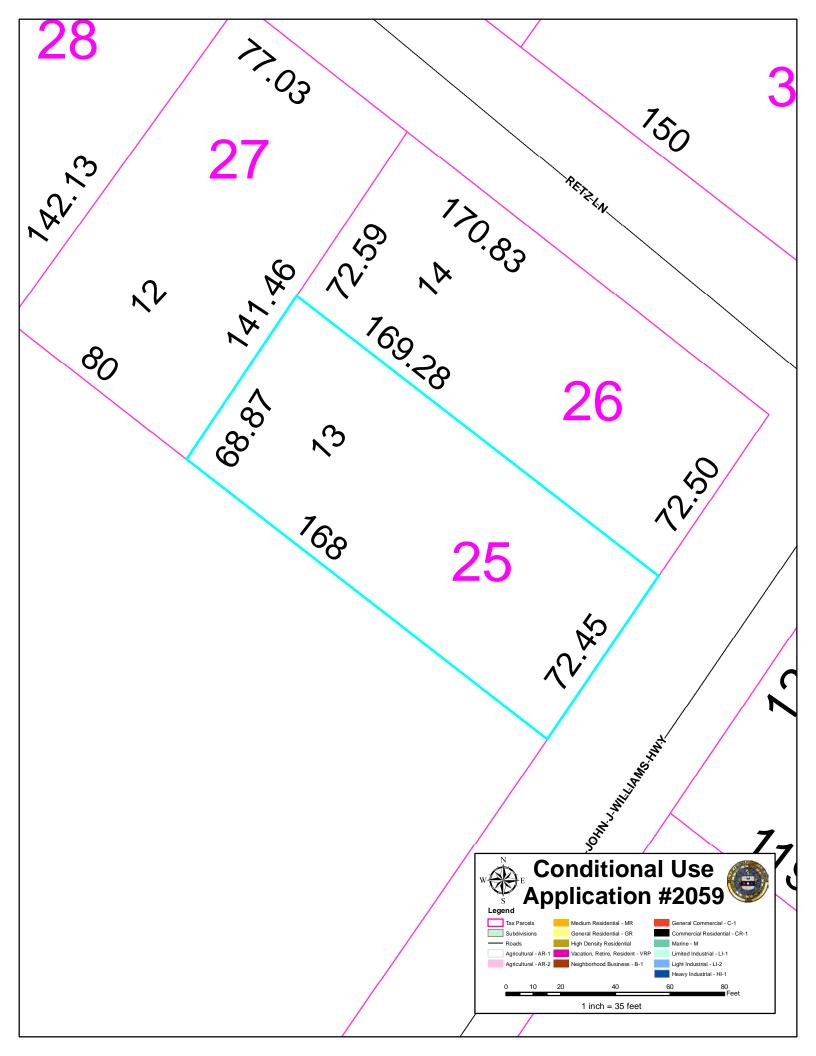
WHEREAS, on the ______ day of ______ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the ______ of ____ 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2059 be ______; and _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

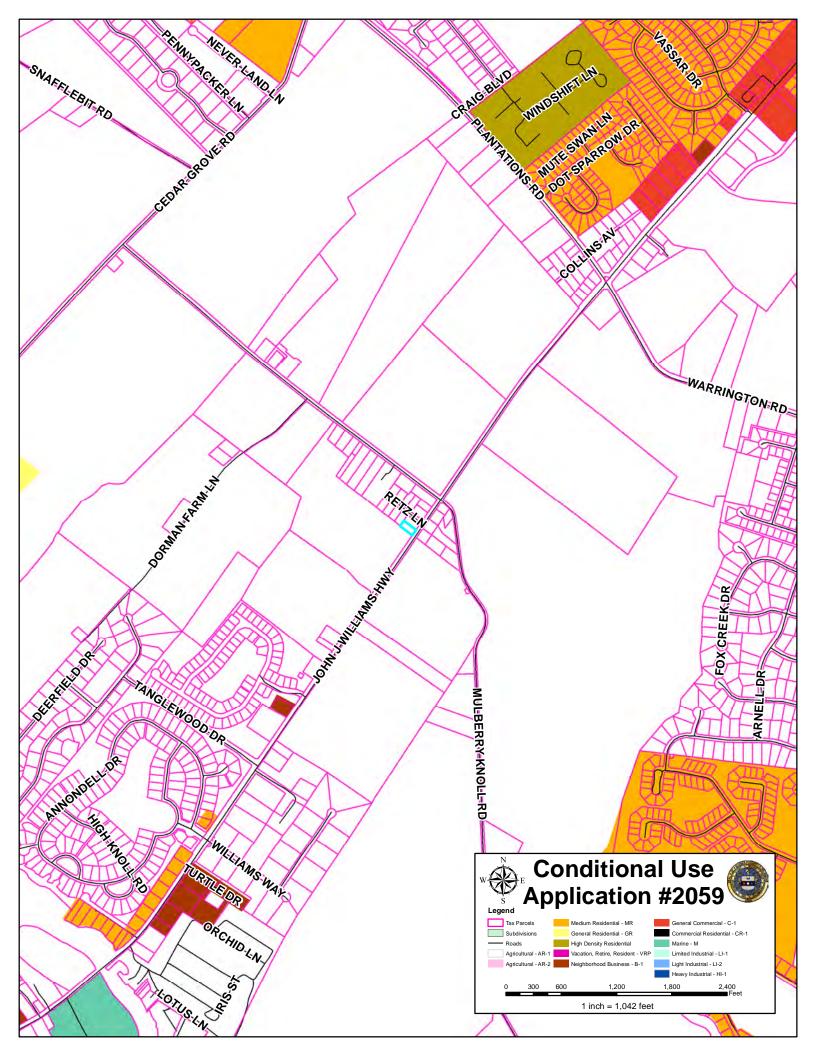
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the northwest corner of John J. Williams Highway (Route 24) and Retz Lane (a private road) and being more particularly described in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 square feet and being referenced as Lot 13 and Lot 14 in Country Village Subdivision.







Council District No. 5 - Arlett Tax Map I.D. No. 532-6.00-87.02

911 Address: 11244 Whitesville Road, Laurel

ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.24 ACRES, MORE OR LESS

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying east of Sussex Highway (U.S. Route 13) 650 feet south of Whitesville Road (Route 64) and being more particularly described in Plot Book 82, Page 16, in the Office of Recorder of Deeds in and for Sussex County, said parcel containing 6.24 acres, more or less.

