Sussex County Council
Public/Media Packet

MEETING:
November 10, 2015

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

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

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

Sussex County Council

A G E N D A

NOVEMBER 10, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Discussion and possible introduction of a Proposed Ordinance relating to the temporary and limited time extensions of land use applications upon written request**

2. **DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC) meeting and appointment**

3. **Wastewater Agreement No. 685-3**
   Sussex County Project No. 81-04
   The Overlook (AKA Bayville Pointe), Phase 3
   Fenwick Island Sanitary Sewer District

4. **Administrator's Report**

Gina Jennings, Finance Director

1. **FY2016 Human Service Grants**

John Ashman, Director of Utility Planning

1. **Discussion and possible consideration of the Berzin Expansion of the Bethany Beach Sanitary Sewer District**

EQUAL HOUSING OPPORTUNITY

Grant Requests

1. **DCUSA for educational programs**
2. **New Coverdale Outreach Mission for project funding**
3. **Richard Allen Coalition for costs associated with National Historic Site designation**
4. **Rehoboth Art League for art education and exhibition programs**
5. **Town of Blades for Kid's Christmas Fund**

Introduction of Proposed Zoning Ordinances

Council Members′ Comments

Executive Session – Job Applicants' Qualifications and Personnel pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

Adjourn

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 3, 2015 at 4:50 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

# # # #

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 3, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 3, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	**President**
George B. Cole	**Councilman**
Robert B. Arlett	**Councilman**
Todd F. Lawson	**County Administrator**
Gina A. Jennings	**Finance Director**
J. Everett Moore, Jr.	**County Attorney**

Councilman Sam Wilson and Councilwoman Joan Deaver were absent.

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

Call to Order

Mr. Vincent called the meeting to order.

M 536 15 Approve Agenda

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Agenda by striking "Drainage Workshop", by striking "Land Acquisition" under "Executive Session", and to approve the Agenda, as amended.

Motion Adopted: 3 Yeas, 2 Absent.

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

Minutes

The minutes of October 13 and October 20, 2015 were approved by consent.

Public Comments

<u>Public Comments</u>

There were no public comments.

M 537 15 Approve Consent Agenda

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

Wastewater Agreement No. 1036
Sussex County Project No. 81-04
The Resort at Massey's Landing
Long Neck Sanitary Sewer District

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M 537 15 Approve Consent Agenda (continued)

Wastewater Agreement No. 558-4
Sussex County Project No. 81-04
Peninsula Lakes – Phase 1 Construction
Long Neck Sanitary Sewer District

Wastewater Agreement No. 1024
Sussex County Project No. 81-04
Family Entertainment Center
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Motion Adopted: **3 Yeas, 2 Absent.**

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

Discuss Extensions of Expiring Land Use Applications

Mr. Lawson and Mr. Moore continued the discussion on extensions of expiring land use applications which were previously discussed at the October 20th Council meeting. Mr. Moore reported that the sunsetting regulation is set by ordinance and there is no procedure for granting extensions to the sunsetting. Mr. Moore advised that it would be the best practice for the Council to consider a draft ordinance for possible introduction that would give the Council the authority to deal with applications for extensions on a case-by-case basis and that, as part of the application process, the developer would have to show that an extension is needed due to conditions beyond the his or her control. Mr. Moore stated that the draft ordinance will be prepared for consideration and possible introduction at the November 10th Council meeting.

Administrator's Report

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

1. <u>Delaware Solid Waste Authority Reports</u>

There were 44,477 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of July, August, and September 2015. Attached are reports received for each month.

2. <u>Catherine King</u>

It is with sadness that we note the passing of County pensioner Catherine King on October 16th. Ms. King began her career with the Sussex County Call Board in August 1967 and retired from the Emergency Operations Center as an Administrative Secretary in September 1994. Ms. King worked for the Sussex County Call Board and Sussex County Emergency Operations for a total of 27 years. We would like to extend our condolences to the King family.

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

Public Hearing/ Proposed Berzin Expansion of the SBSSD

A Public Hearing was held to consider extending the boundary of the South Bethany Sanitary Sewer District to include the balance of parcels of a proposed subdivision known as Berzin and surrounding area. The parcels are contiguous to an existing sewer district boundary. The project has an approved Concept Plan for the residential portion of the project and will submit the commercial portion as they proceed. A portion of the project is already located in the sanitary sewer district. The entire annexation area is 45.34± acres. The developer has requested that the development be annexed. The project currently consists of 102 EDUs with a commercial portion. The project will be providing a connection point for three other parcels currently in the sewer district but not yet served. The developer and property owners will be responsible for system connection fees in the amount of $5,775.00 per EDU.

Mr. Ashman reported that, to date, two calls have been received from residents: one in support (one of the parcels included in the district) and one in objection to the expansion (property owner is not within the proposed expansion but lives in the area); the objection is that the Council should not annex the property into the sewer district until the Town of Ocean View approves the project.

Public comments were heard.

Annette Reeping stated that she wants to make sure the process is followed comprehensively; that the Town of Ocean View and the Town of South Bethany are involved; that Double Bridges Road has no shoulders and is a dangerous road; that the size of the proposed development will add hundreds to thousands of cars on that road; that it is also a road that is on the bicycle path from Bethany Beach to Assaswoman State Park; that she is concerned about the safety of the community; that final plans for the development should be approved by the Town of Ocean View prior to submittal of a request for sewer service from the County; that the plans have not been finalized; that she is not opposed to the sewer district; and that she wants DelDOT to review Double Bridges Road and the safety of that road.

There were no additional public comments and the public record was closed.

Council discussed density and sewer capacity; questioned what would happen if the Town of Ocean View rejects the plans for the development; and noted that if Council approves this extension, it does not guarantee that the project will be approved by the town.

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Public Hearing/ Berzin (continued)

Mr. Cole questioned granting sewer service to property when there are no approved plans for development.

Mr. Arlett stated that DelDOT needs to address the safety of Double Bridges Road.

The Public Hearing was closed.

M 538 15 Adopt Proposed Resolution/ Berzin Expansion of the SBSSD

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt the Proposed Resolution entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, SITUATED ALONG COUNTY ROAD 361 (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD), AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Mr. Cole questioned if a vote could be delayed until it is determined what the Town of Ocean View's decision is.

Mr. Arlett and Mr. Cole withdrew their Motions.

M 539 15 Defer Action on the Proposed Berzin Expansion of the SBSSD

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action for one week on the Berzin Expansion of the South Bethany Sanitary Sewer District (for additional information from the Town of Ocean View).

Motion Adopted: 3 Yeas, 2 Absent.

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

Financial Report

Mrs. Jennings presented the Financial Report for the Quarter Ending September 30, 2015.

Request to Approve Advertise-ment of Property

Mrs. Jennings requested authorization to advertise the sale of a piece of real property on Springfield Lane in Georgetown that is owned by the County. She reported that the Council purchased parcel number 1-35-20.00-51.00 to establish a larger clear zone on the approach to Runway 4-22 at Delaware Coastal Airport. This larger clear zone is required by the Federal Aviation Administration should Runway 4-22 be extended to 6,000 feet. The parcel of land purchased included approximately 9.82 acres and a 3,900 square foot house. The property was purchased for $705,576. The entire property is not required as clear zone. The County has subdivided the section not needed for the runway extension project. The new parcel, 1-35-20.00-51.00, Lot 4A, consists of 2.229 acres and a house. On May 29, 2015, Bay Country Appraisal Services provided a complete appraisal of the new parcel number, 1-35-20.00-51.00, at $300,000.00. Per the County's disposal policy, Administration has verified that the County has no other use for the

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Advertisement (continued)

property and is making the recommendation to you to sell the property, which is in good condition, to the highest bidder after formally advertising the sale. Mrs. Jennings noted that the final approval of sale will be brought to County Council at a future date.

It was noted that the County has the ability to accept or reject any bids.

M 540 15 Authorize Advertisement of Sale of Property

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council authorizes County Administration to advertise the property located at 22512 Springfield Lane in Georgetown with the intent to sell the property to the highest bidder.

Motion Adopted: 3 Yeas, 2 Absent.

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

Assignment of Lease/ Briedis/ California Closets

Jim Hickin, Director of Airport and Industrial Park Operations, presented a proposed Lease Assignment for Lot 20B in the Sussex County Industrial Park. Currently, William and Jason Briedis (California Closets) lease Lot 20B and they have requested that the lease be assigned to DE 142, LLC, a limited liability company established by them.

M 541 15 Approve Assignment of Lease/ Briedis/ California Closets to DE 142 LLC

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the assignment of the lease for Lot 20B at the Sussex County Industrial Airpark from William and Jason Briedis to DE 142, LLC, as presented.

Motion Adopted: 3 Yeas, 2 Absent.

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

Bid Results/ PS 210 Forcemain to IBRWF Contract

Joe Wright, Acting County Engineer, requested authorization to award Contract 15-08B, PS 210 Forcemain to Inland Bays Regional Wastewater Facility; Plantation, Robinsonville, and Kendale Roads. Bids were received on October 22, 2015 and three bids were received. The low bidder was Teal Construction in the amount of $3,144,540.00. Mr. Wright reported that the Engineering Department recommends the award of this bid to Teal Construction.

M 542 15 Award Bid/ PS 210 Forcemain Contract

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Contract 15-08B, PS 210 Forcemain to Inland Bays Regional Wastewater Facility; Plantation, Robinsonville, and Kendale Roads, be awarded to Teal Construction of Dover, Delaware in an amount of $3,144,540.00.

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M 542 15 (continued)

Motion Adopted: **3 Yeas, 2 Absent.**

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

Contract for PS 210 Improvements & Forcemain Contract

Joe Wright, Acting County Engineer, presented a proposal to provide for Construction Administration and Resident Project Representation on four projects (PS 210 Improvements and Force Main Contracts 15-07, 15-08A, 15-08B and 15-08C) which will be concurrent during 2016 along an approximate 10 mile path to the Inland Bays Regional Wastewater Facility. Mr. Wright noted that this Agreement with Whitman Requardt & Associates would allow for them to have oversight of all four projects for an amount not to exceed $1,161,840.00.

M 543 15 Approve Agreement for PS 210 Improvements & Forcemain Contract

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that an Agreement with Whitman Requardt & Associates, for Construction Administration and Resident Project Representation Services on Pump Station 210 Improvements and Force Main Contracts 15-07, 15-08A, 15-08B and 15-08C, in an amount not to exceed $1,161,840.00, be approved effective November 3, 2015.

Motion Adopted: **3 Yeas, 2 Absent.**

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

Kings Highway De-Annexation of the West Rehoboth Expansion of the DBSSD

Buddy Lynch, GIS Specialist, presented a request to prepare and post notices for the Kings Highway de-annexation of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to exclude three parcels that are currently in the District but not served. Mr. Lynch noted that the County has no immediate schedule to serve the parcels. The County was contacted by an Attorney representing the owner of one of the parcels inquiring about sewer service from the County and was informed that there is no immediate plans to serve the area; the Attorney then asked about connecting to the Lewes Board of Public Works. The County contacted Lewes Board of Public Works and they acknowledged that they can serve the parcels. A letter requesting de-annexation was sent to the County. All three property owners were notified by the County; to date, no response has been received. Mr. Lynch reported that a Public Hearing has tentatively been scheduled for December 15, 2015.

M 544 15 Prepare and Post Notices/De-Annexation

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the Kings Highway de-annexation of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundary to exclude Tax Map 335-8.00 Parcels 38.00, 39.00 and 40.00, as presented on

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M 544 15 (continued)

November 3, 2015.

Motion Adopted: **3 Yeas, 2 Absent.**

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

Grant Requests

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

M 545 15 Council-manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give $2,500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Beach Historical Society for museum exhibits.

Motion Adopted: **3 Yeas, 2 Absent.**

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

M 546 15 County-wide Youth Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give $2,500.00 from Countywide Youth Grants to the American Diabetes Association for camping program expenses.

Motion Adopted: **3 Yeas, 2 Absent.**

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

M 547 15 Defer on Grant Request

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on the grant request from the Fenwick Island Lions Club for additional information (the parade was cancelled and more information is needed as to whether or not any expenses were incurred).

Motion Adopted: **3 Yeas, 2 Absent.**

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

Introduction of Proposed Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.75 ACRES, MORE OR LESS" (Conditional Use No. 2038) filed on behalf of Good Earth Market, LLC (Tax I.D. No. 134-11.00-181.03) (911 Address: 31806 Good Earth Lane,

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Introduction of Proposed Ordinances (continued)

Ocean View).

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MANUFACTURING AND INSTALLATION OF PERFORMANCE AUTOMOTIVE PARTS AND ACCESSORIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34,740 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2039) filed on behalf of Performance Injection Equipment Co., LLC (Tax I.D. No. 133-6.00-110.0) (911 Address: 24994 Betts Lane, Georgetown).

Mr. Cole 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.17 ACRES, MORE OR LESS" (Change of Zone No. 1789) filed on behalf of Good Earth Market, LLC (Tax Map I.D. No. 134-11.00-181.00, 181.01, 181.02 & 181.03) (911 Address: 31806 Good Earth Lane, Ocean View).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

<u>Council Members' Comments</u>

Mr. Cole thanked a constituent of the County for providing information on escheat funds.

Mr. Arlett commented that he will be participating in *No Shave November*, a fundraiser for Cancer Awareness Month.

Mr. Arlett and Mr. Vincent commented on the dedication ceremony for Schollenberger Field at the new Laurel football stadium.

M 548 15 Recess and Go Into Executive Session

At 11:00 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess and go into Executive Session to discuss matters relating to Job Applicants' Qualifications and Personnel.

Motion Adopted: 3 Yeas, 2 Absent.

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

Executive Session

At 11:05 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to Job Applicants' Qualifications and Personnel. The Executive Session concluded

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(continued) **at 11:21 a.m.**

M 549 15 Reconvene Regular Session

At 11:26 a.m. a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action

There was no action on Executive Session items.

M 550 15 Recess

At 11:26 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 551 15 Reconvene

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to reconvene at 1:34 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

Rules

Mr. Moore explained the Rules of Procedure for Public Hearings.

Public Hearing/ CU 2030

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR PROPANE AND OIL STORAGE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.82 ACRES, MORE OR LESS" (Conditional Use No. 2030) filed on behalf of Dean Sherman / Sherman Heating Oil (Tax I.D. No. 331-3.00-164.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2015 at which time action was deferred. On October 15, 2015, the Commission recommended that the application be approved, with the following conditions:

A. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties or

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Public Hearing/ CU 2030 (continued)

roadways.

B. The property is zoned C-1 General Commercial. The sign regulations applicable to the C-1 General Commercial zoning shall apply to this use.

C. The proposed use shall meet all local, State, and National Fire Regulations.

D. As so stated by the applicant, only portable tanks shall be stored within the DP&L right-of-way.

E. All parking areas shall be clearly designated on the Final Site Plan and on the site itself.

F. The applicant shall comply with all DelDOT requirements for roadway improvements and ingress and egress.

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

(See the minutes of the Planning and Zoning Commission dated September 24 and October 15, 2015.)

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

The Council found that William Tobin was present representing Dean Sherman / Sherman Heating Oil. He stated that the Applicant purchased the property and proposes to place four storage tanks on the site in the area that will back up to Route 13A, two vertical storage tanks, and an additional four tanks proposed at a later date as business grows; that this will enhance the business and provide future job opportunities in the area; that DelDOT has approved the ingress/egress, which is already established; that there is ample parking available; that the existing building on the site will remain; that the trailer on the site will be removed; that they will acquire all necessary agency approvals; and that they agree to the conditions recommended by the Planning and Zoning Commission.

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

M 552 15 Adopt Ordinance No. 2423/ CU 2030

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2423 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR PROPANE AND OIL STORAGE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.82 ACRES, MORE OR LESS" (Conditional Use No. 2030) filed on behalf of Dean Sherman / Sherman Heating Oil, with the following conditions:

A. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties or roadways.

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M 552 15 Adopt Ordinance No. 2423/ CU 2030 (continued)

B. The property is zoned C-1 General Commercial. The sign regulations applicable to the C-1 General Commercial zoning shall apply to this use.

C. The proposed use shall meet all local, State, and National Fire Regulations.

D. As so stated by the applicant, only portable tanks shall be stored within the DP&L right-of-way.

E. All parking areas shall be clearly designated on the Final Site Plan and on the site itself.

F. The applicant shall comply with all DelDOT requirements for roadway improvements and ingress and egress.

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

Motion Adopted: 3 Yeas, 2 Absent.

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

Public Hearing/ CU 2031

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.3 ACRES, MORE OR LESS" (Conditional Use No. 2031) filed on behalf of East Coast Auto, Inc. (Tax I.D. No. 531-11.00-40.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2015 at which time action was deferred. On October 15, 2015, the Commission recommended that the application be approved, with the following conditions:

A. The hours of operation shall be from 9:00 a.m. to 6:00 p.m. Monday through Saturday.

B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.

D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.

E. Any repairs shall be performed indoors. No automobile parts shall be stored outside.

F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.

G. No more than 12 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked on the site in

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Public Hearing/ CU 2031 (continued)

preparation for the sales lot.

H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.

I. The site is subject to all DelDOT entrance and roadway requirements.

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

(See the minutes of the Planning and Zoning Commission dated September 24 and October 15, 2015.)

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

The Council found that Ron Johnson was present on behalf of his application. He stated that the property has been in the family for many years; that there is an auto sales lot on the adjacent property that he previously owned for 40 years; that he has had no complaints from the neighbors in the past; that he would like to operate an auto sales lot on this property; that the existing detached garage with a 2-bay garage will be used for a sales office; that there is ample parking behind the building; that cars will be parked along Stein Highway and down the side property line; and that he only proposes to perform light repairs on vehicles he has for sale.

Mr. Lank noted that the plan shows 14 cars; however, the Commission felt that 12 was adequate with 5 additional vehicles allowed to be parked on the site in preparation for the sales lot.

Mr. Lank advised that a parking requirement for automotive display is a 25 foot setback.

Public comments were heard.

Paul Reiger stated that he is in favor of the application except for the way the conditions were written and he referenced a similar application heard by the Planning and Zoning Commission and the Sussex County Council.

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

M 553 15 Delete Condition Recom-mended by P&Z Commission

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to delete Condition A recommended by the Planning and Zoning Commission.

Motion Adopted: **3 Yeas, 2 Absent.**

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

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M 554 15 Amend Condition Recom-mended by P&Z Commission

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend Condition E recommended by the Planning and Zoning Commission to read as follows: Any repairs (for repairs only on cars sold as part of this business) shall be performed indoors. No automobile parts shall be stored outside.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 555 15 Adopt Ordinance No. 2424/ CU 2031

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2424 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.3 ACRES, MORE OR LESS" (Conditional Use No. 2031) filed on behalf of East Coast Auto, Inc., with the following conditions, as amended:

A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
D. Any repairs (for repairs only on cars sold as part of this business) shall be performed indoors. No automobile parts shall be stored outside.
E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
F. No more than 12 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked on the site in preparation for the sales lot.
G. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
H. The site is subject to all DelDOT entrance and roadway requirements.
I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 556 15 Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:07 p.m.

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M 556 15 (continued)

Motion Adopted: **3 Yeas, 2 Absent.**

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTERS 99 AND 115 OF THE CODE OF SUSSEX COUNTY TO ALLOW APPLICANTS TO SEEK AN EXTENSION OF TIME FOR APPROVALS FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS UPON WRITTEN REQUEST.

WHEREAS, the Sussex County Council has the power to develop, adopt, amend, and revise its Subdivision and Zoning Ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of Sussex County and to provide for the orderly growth thereof; and

WHEREAS, the Sussex County Council has adopted Subdivision and Zoning Ordinances and a Comprehensive Land Use Plan in order to provide for the regulation and orderly approval of residential, commercial, and industrial uses with Sussex County; and

WHEREAS, on August 9, 2011, the Sussex County Council adopted Ordinance No. 2208, which extended all subdivision, Residential Planned Community and conditional use approvals as set forth therein; and

WHEREAS, on January 15, 2013, the Sussex County Council adopted Ordinance No. 2288, which again extended all subdivision, Residential Planned Community and conditional use approvals as set forth therein; and

WHEREAS, the Sussex County Council continues to be concerned that the approvals and/or permits that have been granted by it and the County Planning and Zoning Commission may lapse due to delays prompted by circumstances outside of the applicant's or County's reasonable control; and

WHEREAS, the process of obtaining approvals and/or permits can be difficult, time consuming, and expensive for both the applicants and the County Government; and

WHEREAS, approvals and/or permits could be difficult to extend, renew, or re-obtain once lapsed or expired; and

WHEREAS, the Sussex County Council deems it appropriate to allow applicants to seek up to a six-month extension of subdivision, Residential Planned Community, and conditional uses approvals in certain circumstances as set forth below; and

WHEREAS, after consideration of the relevant factors in accordance with the procedures of this Ordinance, the Director of the Sussex County Planning and Zoning Department shall send a written recommendation to Sussex County Council regarding whether to

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grant an extension to the applicant up to six months, and Sussex County Council shall then render the final decision whether to grant an extension to the applicant; and

WHEREAS, Sussex County Council therefore wishes to adopt the following County Code amendments.

NOW, THEREFORE, THE SUSSEX COUNTY COUNCIL HEREBY ORDAINS:

Section 1: The Code of Sussex County, Chapter 99, Article II, Section 99-9B is hereby amended by the addition of the underlined language as follows:

"B. Tentative approval of a subdivision plat shall be valid for 36 months. Unless a final plan, in accordance with the approved preliminary plat, including any required changes or modifications, and in accordance with all other applicable provisions, shall be filed with the Commission's staff within 36 months from the date of action of the preliminary plat, the Commission's action thereon shall be deemed canceled. An extension of this time period may be sought in accordance with § 99-40F."

Section 2: The Code of Sussex County, Chapter 99, Article VIII, Section 99-40A is hereby amended by addition of the underlined language and deletion of the strike-through language, as follows:

"A. Unless an extension is granted in accordance with § 99-40F below, any ~~Any~~ major subdivision approval granted by the Commission subsequent to the effective date of this section shall be rendered null and void if substantial construction is not commenced thereon within five years of the date of recordation of the final plat pursuant to § 99-11.

Section 3: The Code of Sussex County, Chapter 99, Article VIII, Section 99-40 is hereby amended by the addition of the following underlined language as subsection (F):

"F. The applicant of any preliminary subdivision plat under § 99-9B, and any recorded subdivision plat valid under § 99-11 and § 99-40; any Residential Planned Community District valid under Article XVI of Chapter 115 of the Sussex County Code; or any conditional use action approved and valid pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code and relating to new residential, commercial, or industrial developments may seek up to a six-month extension of said approval pursuant to this § 99-40F.

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(1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in this § 99-40F may request an extension up to six months for the validity of said approval. The six-month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:

(a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.

(b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Examples of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.

(c) For subdivisions with recorded final plats that are valid in accordance with § 99-11 and § 99-40, a specific schedule and plan demonstrating that the improvements on the subdivision plat will be "substantially constructed" within six months of the expiration of the current approval.

(d) For conditional uses, a specific schedule and plan demonstrating that the construction or use will be "substantially underway" within six months of the expiration of the current approval.

(2) The Director, after consultation with and input from other County departments or public agencies as the Director sees fit, shall consider any written request and the accompanying documentation submitted pursuant to this § 99-40F. Time extensions shall be recommended to Sussex County Council by the Director only upon a finding that all of the following criteria have been met: (i) that the approval constitutes one of the approvals defined in the first paragraph of this § 99-40F; (ii) that the request for said extension was timely filed; (iii) that all of the information required herein has been supplied; (iv) that there is good cause for the granting of the requested extension; (v) that necessity for

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the extension is due primarily to reasons beyond the reasonable control of the applicant, such as undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders; (vi) with respect to subdivisions with recorded final plats that are valid in accordance with § 99-11 and § 99-40, that there is a reasonable plan and schedule demonstrating that the improvements set forth on the subdivision plat in conformance with Chapter 99, Article VI of the Sussex County Code will reach "substantial construction" within six months; and (vi) with respect to a conditional use under Chapter 115, Article XXIV of the Sussex County Code, that there is a reasonable plan and schedule demonstrating that the construction or use shall be "substantially underway" within six months.

(3) After consideration of the relevant factors in accordance with this § 99-40F, the Director shall make a written recommendation whether to grant an extension to the applicant. This recommendation will be provided to Sussex County Council, who shall render the final decision whether to grant an extension to the applicant for up to six months from the expiration date of the current approval."

Section 4: The Code of Sussex County, Chapter 115, Article XXIV, Section 115-174 shall be amended by the addition of the following underlined language:

"Approval of a conditional use under this article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any conditional use shall expire upon abandonment or expiration of the use. Construction shall be deemed to be "substantially underway" if the right-of-way has been cleared, the roadways, internal streets and/or parking areas have been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained. In a case where no new construction is required to implement the approved use, the use shall be deemed "substantially underway" if the activity permitted by the approved conditional use is actively underway. "Abandonment" shall mean that the subject parcel remains idle or unused, or that no construction activity is actively underway, for a continuous period of two years, whether or not equipment or fixtures are removed. An extension of this time period may be sought in accordance with § 99-40F."

Section 5: The Code of Sussex County, Chapter 115, Article XXVIII, Section 115-218F shall be amended by the addition of the following underlined language:

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"F. A preliminary site plan for an RPC shall be valid for the period of time set forth in § 99-9B of Chapter 99, Subdivision of Land. A final site plan for an RPC shall be valid for the period of time set forth in § 99-40A of Chapter 99, Subdivision of Land. An extension of these time periods may be sought in accordance with § 99-40F."

Section 6: This Ordinance shall become effective upon its adoption by a majority of all members elected to the County Council of Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. _____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, 20___.

Robin A. Griffith
Clerk of the Council

DRAFT

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: ***DNREC SEDIMENT & STORMWATER PROGRAM REGULATORY ADVISORY COMMITTEE***

DATE: November 6, 2015

During Tuesday's meeting, I am scheduled to discuss the DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC). Please see attached letter relative to the RAC.

TFL/sww

Attachment

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE: (302) 739-9000
FAX: (302) 739-6242

October 26, 2015

Mr. Todd F. Lawson, County Administrator
Sussex County
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

RECEIVED
NOV - 2 2015
SUSSEX COUNTY ADMINISTRATION

Todd

Dear Mr. Lawson:

A recent ruling by the Delaware Superior Court in *Baker, et al. v. DNREC, et al.* (C. A. No. S13C-08-026 THG) on October 7, 2015 invalidated the 2013 and 2014 version of the Delaware Sediment & Stormwater Regulations on procedural grounds. In its decision, the Court ruled that supplementary technical documents that contain guidelines, standards and requirements necessary for compliance must be treated the same as regulations, and must therefore be adopted in accordance with the Administrative Procedures Act (APA). The Department issued Emergency Regulation Order 2015-WS-0040 on October 15, 2015 including both the 2014 Sediment and Stormwater Regulations and the latest version of the Technical Document, dated October 2015, as regulation to correct the procedural flaw.

Following the Emergency Regulation Order, the Department enters the regulatory development process to formalize the regulations. The regulation development process must be completed prior to expiration of the emergency regulations which are effective for 120 days from the date of the Emergency Regulation Order, with a possible one-time 60-day extension.

We are requesting the participation of one of your key staff in serving on the Delaware Sediment and Stormwater Regulations Regulatory Advisory Committee to review the proposed regulation prior to submittal to the State Register of Regulations. The group of individuals that I am asking to serve on this committee represents those with regulatory interest as well as technical expertise. I hope that you will accept my invitation to provide staff to this committee in serving the citizens of Delaware as we strive to protect the natural resources of the state.

The Regulatory Advisory Committee meeting is scheduled for Tuesday, November 10, 2015, beginning at 9am at the Kent County Administration Building, 555 Bay Road, Dover, DE 19901. Please have your staff designee contact Elaine Webb with the Division of Watershed

Stewardship at (302) 739-9921 or by email at elaine.webb@state.de.us regarding their intent to participate in the committee no later than November 5, 2015.

Thank you in advance for your willingness to participate, and I look forward to the conclusion of this important task.

Sincerely,

David S. Small
Secretary

ENGINEERING DEPARTMENT

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

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 04, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE OVERLOOK (AKA BAYVILLE POINTE), PHASE 3
AGREEMENT NO. 685 - 3

DEVELOPER:

Tom Natelli
Bayville Communites LLC
506 Main Street
Gaithersburg, MD 20878

LOCATION:

Bayville Road, Fenwick Island
Southeast end CR 58B

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

SYSTEM CONNECTION CHARGES:

$179,025.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/25/14

Department Of Natural Resources Plan Approval
08/01/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin And Construction Inspection Cost – $25,731.48
Proposed Construction Cost – $171,543.23

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 10, 2015

PROPOSED MOTION

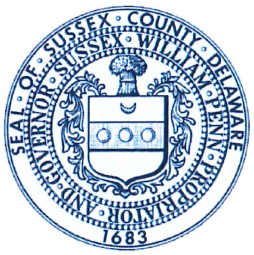
BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 685-3 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "BAYVILLE COMMUNITIES, LLC." FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "THE OVERLOOK (AKA BAYVILLE POINTE), PHASE 3", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 685-3

TODD LAWSON
COUNTY ADMINISTRATOR

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: The Honorable Michael H. Vincent
President, Sussex County Council

The Honorable Samuel R. Wilson, Jr.
Vice President, Sussex County Council

The Honorable Robert B. Arlett
Sussex County Councilman

The Honorable George B. Cole
Sussex County Councilman

The Honorable Joan R. Deaver
Sussex County Councilwoman

FROM: Gina A. Jennings
Finance Director

RE: ***2016 HUMAN SERVICE GRANTS***

DATE: November 6, 2015

Attached is a schedule of the 2016 Human Service Grants, as well as an overview of the program. On Tuesday, November 10, 2015, I will be recommending to Council that we approve those grants listed for payment.

Please call me if you would like to discuss further.

GAJ/nc

Attachments

FY2016 Human Service Grants

Name of Organization	Project Name	Last Year's Grant	Grant Request	Recommended Grant
Abbott's Mill Nature Center of the Delaware Nature Society	Delaware Nature Society's "New To Nature" Program	1,000	$ 1,500	1,500
Alzheimer's Association Delaware Valley Chapter	Dementia-Specific Caregiver Support Services	500	$ 1,000	1,000
American Legion Auxiliary, Department of Delaware	American Legion Auxiliary Delaware Girls State	750	$ 1,000	1,000
Best Buddies International, Inc.	Best Buddies Delaware	500	$ 2,500	1,500
Booker Street Church of God	House of Ruth	750	$ 7,229	1,250
Boys & Girls Clubs of Delaware at Dagsboro	Power Hour	1,500	$ 5,000	1,550
Boys & Girls Clubs of Delaware at Laurel	Power Hour	1,500	$ 5,000	1,550
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale	Power Hour	1,500	$ 5,000	1,550
Boys and Girls Clubs of Delaware at Georgetown	Power Hour	1,500	$ 5,000	1,550
Boys and Girls Clubs of Delaware at Rehoboth	Power Hour	1,500	$ 5,000	1,500
Boys and Girls Clubs of Delaware at Western Sussex	Power Hour	1,500	$ 5,000	1,550
Bridgeville Senior Citizens Center Inc.	Homebound Meals Reserves & Heating	5,000	$ 8,800	5,000
Cadbury Senior Lifestyles, Lewes	Cadbury Health Care Patio Shade Garden	2,000	$ 2,500	2,000
Cancer Support Community Delaware	Lung Cancer Prevention and Education Program	1,000	$ 5,000	1,500
Cape Henlopen Senior Center, Inc.	Cape Henlopen Senior Center	5,000	$ 6,307	5,000
Catholic Charities, Inc.	Transportation Services for Sussex County homeless	750	$ 5,000	1,250
Cheer, Inc.	Cheer at Lewes	5,000	$ 5,000	5,000
Cheer, Inc.	Cheer at Georgetown	5,000	$ 5,000	5,000
Cheer, Inc.	Cheer at Greenwood	5,000	$ 5,000	5,000
Cheer, Inc.	Cheer at Milton	5,000	$ 5,000	5,000
Cheer, Inc.	Cheer at Ocean View	5,000	$ 5,000	5,000
Cheer, Inc.	Cheer at Roxana	5,000	$ 5,000	5,000
Cheer, Inc.	Cheers at Long Neck	5,000	$ 5,000	5,000
Church of God and Saints of Christ	Sussex County Free Thanksgiving Dinner	1,750	$ 2,500	2,500
Clothing Our Kids	Clothing Purchases FY 2015-2016	1,500	$ 4,000	3,100
DE Community Reinvestment Action Council, Inc.	Low Income Tax Clinic	-	$ 1,000	1,000
Delaware Center for Homeless Veterans, Inc.	Delaware Center for Homeless Veterans Reentry Program	750	$ 5,000	2,025
Delaware Crime Stoppers	Delaware Crime Stoppers	700	$ 1,500	1,500
Delaware Guidance Services for Children and Youth, Inc.	Outpatient Mental Health Counseling for Children and Families	2,000	$ 2,000	2,000
Delaware Helpline, Inc.	Delaware 2-1-1 System Improvements	-	$ 25,100	3,100
Delaware Hospice, Inc.	New Hope	-	$ 3,500	1,775
Delaware Housing Coalition, Inc.	Delaware Housing Coalition - Sussex Housing Group	750	$ 3,000	1,500
Delaware Lions Foundation, Inc.	Delaware Lions Foundation, Grants for Community Service Projects	500	$ 3,000	3,100
Delaware Police Chiefs' Council, Inc.	Local Police Coordination Request	870	$ 3,000	2,500
Delaware SPCA	Delaware SPCA Wellness Clinic at the Georgetown Shelter	-	$ 2,500	2,500
Delmarva Clergy United In Social Action Foundation	Griffin's Place of DCUSA	1,500	$ 25,000	1,500
DFRC Inc.	DFRC Blue-Gold Hand-in-Hand Program	750	$ 5,000	1,775
Easter Seals Delaware & Maryland's Eastern Shore	Early Intervention Services	500	$ 1,000	1,000
Everlasting Hope Ministries	Tony's House	500	$ 5,000	2,525
Food Bank of Delaware	Food Bank of Delaware's Sussex County Mobile Pantry Program	750	$ 5,500	1,775
Generations Home Care	Fall Prevention Program – Sussex County	-	$ 5,000	1,500

FY2016 Human Service Grants

Name of Organization	Project Name	Last Year's Grant	Grant Request	Recommended Grant
Harry K Foundation	Harry K Foundation Halt Hunger Initiative	2,000	$ 5,000	2,500
Immanuel Shelter Inc.	Support Immanuel Shelter Inc. in 2015-16	250	$ 62,106	1,775
Indian River Senior Center, Inc.	Grant-in-Aid Program	5,000	$ 5,000	5,000
ITN Southern Delaware	ITN Southern Delaware	2,000	$ 5,000	3,050
Joseph Patrick Fabber Memorial Foundation	Promoting Reading Enthusiasm in Preschoolers "PREP"	-	$ 5,000	3,050
Junior Achievement of Delaware, Inc.	Junior Achievement for K-12 students in Sussex County	1,750	$ 5,000	3,050
Just Us Cat Rescue	Just Us Cat Rescue Spay and Neuter Program	-	$ 10,000	1,000
Kent-Sussex Industries, Inc.	Transportation for Employment	750	$ 4,000	1,775
Kiwanis foundation of Rehoboth Beach	Kiwanis Foundation of Rehoboth Beach	-	$ 2,200	1,250
La Esperanza	Program Assistance	1,750	$ 3,000	2,525
La Red Health Center, INC.	Integration of Behavioral Health and Primary Care Services	1,500	$ 10,000	2,500
Laurel Lions Club Foundation, Inc.	Laurel Lions Club Recreation Center Maintenance	1,000	$ 1,000	1,000
Laurel Senior Center, Inc.	Meal Program	5,000	$ 6,342	5,000
Lewes Senior Citizens Center, Inc.	Lewes Senior Citizens Center, Inc.	5,000	$ 5,000	5,000
Love INC of Mid-Delmarva	Supportive Services for Homeless and Low-Income Residents	-	$ 5,000	2,500
Meals on Wheels of Lewes & Rehoboth, Inc.	Meals on Wheels of Lewes & Rehoboth Home Delivered Meal Program	6,000	$ 11,000	6,000
Mental Health Association of Delaware	Community Education for Youth Mental Health and Suicide Prevention	-	$ 5,000	1,775
Milford Senior Center, Inc.	Transportation 8 passenger van	5,000	$ 5,000	5,000
Nanticoke Senior Center, Inc.	Homebound Meals - Walk-in Freezer & Refrigerator Improvements	5,000	$ 11,205	5,000
New Hope Recreation and development Center	New Hope RDc - After School program	500	$ 800	800
Our Youth Inc.	Nor Enterprises Turkey Drive & Give Away	-	$ 2,400	1,000
People's Place II, Inc.	Transportation for Sussex County Veterans	750	$ 5,000	1,000
Primeros Pasos Inc.	Primeros Pasos Early Care and Education	250	$ 2,500	1,250
Read Aloud Delaware	Read Aloud Delaware	1,750	$ 2,500	2,500
Reading Assist Institute	RAI Reading Intervention Program	500	$ 2,500	1,250
Ronald McDonald House of Delaware	Ronald McDonald House of Delaware	1,000	$ 2,500	2,500
Shechinah Empowerment Center	YES, I CAN	500	$ 5,000	1,775
Sussex Community Crisis Housing Services , Inc.	Crisis House Emergency Shelter	750	$ 2,500	1,500
Sussex County Habitat for Humanity, Inc.	Family Services Program	750	$ 7,500	1,250
Sussex County RSVP Advisory Council	Nimble Fingers	800	$ 850	850
Sussex Pregnancy Care Center, Inc.	Abstinence Focus Education for Teens ~ "Wait, The Smart Choice"	1,000	$ 1,000	1,000
Teens In Perspective, Inc.	Sussex Girls Rock! 2 Empowerment Program/Conference	500	$ 4,035	1,500
Arc of Delaware	The Arc of Delaware, Case Advocacy	750	$ 1,000	1,000
ARK Educational Consulting, Inc.	The ARK Educational Resource Center	750	$ 5,000	1,500
Delaware Adolescent Program, Inc. (DAPI)	The DAPI Education and Maternal Health Program	750	$ 1,500	1,500
Jefferson Awards Foundation	Student In Action Fall Conference	-	$ 1,275	1,275
Lewes Historical Society	Lewes Life-Saving Station Renovations	750	$ 2,500	2,500
Way Home, Inc.	The Way Home, Inc.	2,000	$ 12,000	3,050
United Way	Young Health Program	2,000	$ 3,000	2,500
Vision To Learn	Vision To Learn	2,000	$ 5,000	3,050

FY2016 Human Service Grants

Name of Organization	Project Name	Last Year's Grant	Grant Request	Recommended Grant
West Side New Beginnings, Inc.	After School Computer Tutorial Program for At-Risk Students.	500	$ 2,000	1,000
YMCA of Delaware - Sussex Family YMCA Branch	Sussex Family YMCA Camp Oowassis 2015 Scholarships	750	$ 5,400	1,250
YWCA Delaware	YWCA Sussex Youth Program	1,000	$ 3,000	2,500
			$ 455,049	199,975

Sussex County
Human Service Grant Program

Fiscal Year 2016

Human Service Grant Purpose

Grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

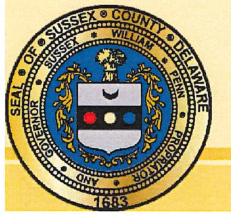
Process

- Organizations submitted application online
- Finance reviewed
  - Non-profit status
  - Scope of request
- Finance created a formula, based on number of beneficiaries and need, to best utilize the grant funds

Formula to Distribute (Budget of $200,000)

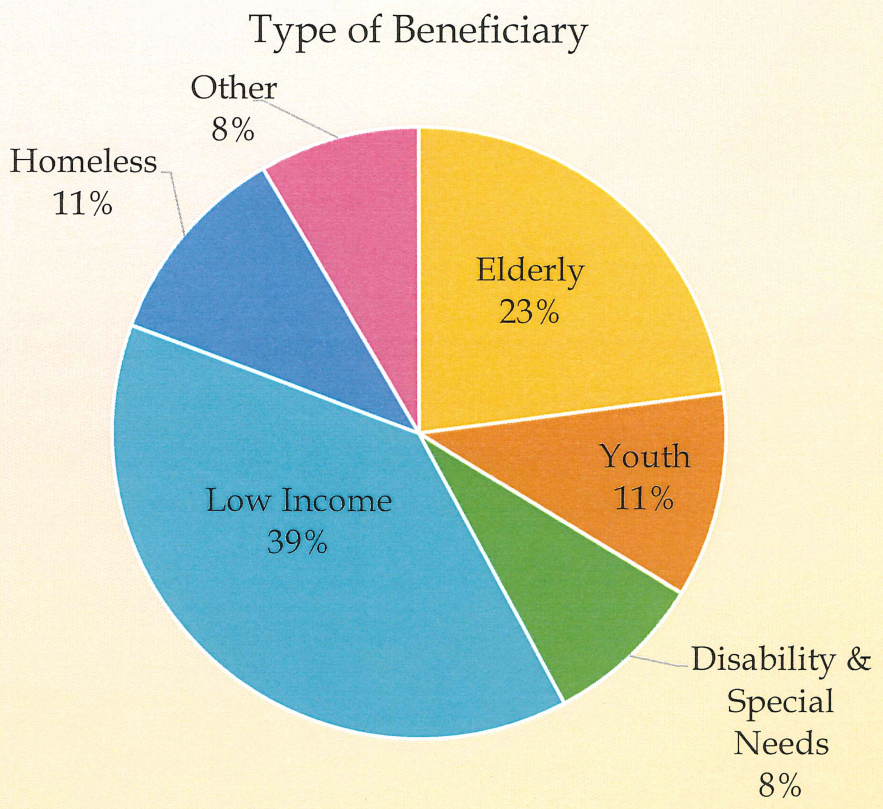
Sussex County Beneficiary Criteria	Base Grant Amount	Additional Amount if need is greater than $10,000	Maximum Grant Amount
Less than 100 Beneficiaries	$1,000	$500	$1,500
Between 100 and 200 Beneficiaries	$1,250	$525	$1,775
Between 200 and 400 Beneficiaries	$1,500	$525	$2,025
Between 400 and 1,000 Beneficiaries	$2,000	$525	$2,525
1,000 or more Beneficiaries	$2,500	$550	$3,050

All organizations were capped at their demonstrated need	
All Boys & Girls Clubs	$1,550
All CHEER & Senior Centers	$5,000
Meals on Wheels	$6,000



Application Statistics

- Received $455,049 in requests from 83 qualified organizations
- 203,612 Sussex County beneficiaries
- Organizations raise approximately $8.5 million of other types of support for these projects



Fiscal Year 2016 Recipients

Abbott's Mill Nature Center of the Delaware Nature Society
Alzheimer's Association Delaware Valley Chapter
American Legion Auxiliary, Department of Delaware
Best Buddies International, Inc.
Booker Street Church of God
Boys & Girls Clubs of Delaware at Dagsboro
Boys & Girls Clubs of Delaware at Laurel
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale
Boys and Girls Clubs of Delaware at Georgetown
Boys and Girls Clubs of Delaware at Rehoboth
Boys and Girls Clubs of Delaware at Western Sussex
Bridgeville Senior Citizens Center Inc.
Cadbury Senior Lifestyles, Lewes
Cancer Support Community Delaware
Cape Henlopen Senior Center, Inc.
Catholic Charities, Inc.
Cheer, Inc. – Lewes
Cheer, Inc. – Georgetown
Cheer, Inc. – Greenwood
Cheer, Inc. – Milton
Cheer, Inc. – Ocean View
Cheer, Inc. – Roxana
Cheer, Inc. – Long Neck
Church of God and Saints of Christ
Clothing Our Kids
DE Community Reinvestment Action Council, Inc.
Delaware Center for Homeless Veterans, Inc.

Delaware Crime Stoppers
Delaware Guidance Services for Children and Youth, Inc.
Delaware Helpline, Inc.
Delaware Hospice, Inc.
Delaware Housing Coalition, Inc.
Delaware Lions Foundation, Inc.
Delaware Police Chiefs' Council, Inc.
Delaware SPCA
Delmarva Clergy United In Social Action Foundation
DFRC Inc.
Easter Seals Delaware & Maryland's Eastern Shore
Everlasting Hope Ministries
Food Bank of Delaware
Generations Home Care
Harry K Foundation
Immanuel Shelter Inc.
Indian River Senior Center, Inc.
ITN Southern Delaware
Joseph Patrick Fabber Memorial Foundation
Junior Achievement of Delaware, Inc.
Just Us Cat Rescue
Kent-Sussex Industries, Inc.
Kiwanis foundation of Rehoboth Beach
La Esperanza
La Red Health Center, INC.
Laurel Lions Club Foundation, Inc.
Laurel Senior Center, Inc.

Lewes Senior Citizens Center, Inc.
Love INC of Mid-Delmarva
Meals on Wheels of Lewes & Rehoboth, Inc.
Mental Health Association of Delaware
Milford Senior Center, Inc.
Nanticoke Senior Center, Inc.
New Hope Recreation and development Center
Our Youth Inc.
People's Place II, Inc.
Primeros Pasos Inc.
Read Aloud Delaware
Reading Assist Institute
Ronald McDonald House of Delaware
Shechinah Empowerment Center
Sussex Community Crisis Housing Services , Inc.
Sussex County Habitat for Humanity, Inc.
Sussex County RSVP Advisory Council
Sussex Pregnancy Care Center, Inc.
Teens In Perspective, Inc.
Arc of Delaware
ARK Educational Consulting, Inc.
Delaware Adolescent Program, Inc. (DAPI)
Jefferson Awards Foundation
Lewes Historical Society
Way Home, Inc.
United Way
Vision To Learn
West Side New Beginnings, Inc.
YMCA of Delaware - Sussex Family YMCA Branch
YWCA Delaware

ENGINEERING DEPARTMENT

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

Sussex County

DELAWARE
sussexcountyde.gov

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Berzin Annexation Fact Sheet

Follow Up to Council

- Spoke to Charlie McMullen at the City of Ocean View on 11/6/15. He notified us that the plan has Preliminary Site Plan Approval through the town.

- The ablility to be connected to Sanitary Sewer is a condition of approval for the town, the same as DNREC or DelDOT comments. So our Concept Plan Approval would be required for the Town of Ocean View to approve a project.

- He stated that an approved Concept Plan of from Sussex County Engineering in no way guarantees that a plan will be approved by the Town of Ocean View.

From: Charles McMullen [mailto:admintov@oceanviewde.com]
Sent: Friday, November 06, 2015 2:08 PM
To: Buddy Lynch <blynch@sussexcountyde.gov>
Subject: RE: Evergreen Companies-Berzin P-282

Buddy,

Your approval of a sewer district annexation and/or a sewer concept plan does not guarantee Town approval for the project but sewer capability is one of the requirements for project approval. The project, being reviewed under application P-282, received preliminary site plan approval by the Town of Ocean View Planning and Zoning Commission on September 17, 2015. Minutes of that review are attached.

Chaley McMullen

Charles F. McMullen
Town of Ocean View
Administrative Official /
Director of Public Works
201 Central Ave. – 2nd Floor
Ocean View, DE 19970
Office: 302-539-1208 ext. 113
Fax: 302-537-5306

From: Buddy Lynch [mailto:blynch@sussexcountyde.gov]
Sent: Thursday, November 05, 2015 9:59 AM
To: Charles McMullen <admintov@oceanviewde.com>
Subject: Evergreen Companies-Berzin P-282

Mr. McMullen,

Can you please provide me an update of where the above mentioned project sits in the approval process for the Town of Ocean View. We took a sewer district annexation request to the County Council this past Tuesday and they delayed the approval for 1 week in which time we were directed to contact the town to see if the project has been approved by you. A resident on west end of Double Bridges came in to our public hearing to speak against the project. Her concern was if we approved a sewer district annexation it would guarantee approval by the Town of Ocean View for the project. So can you please let us know where it falls in your approval process and can you also give me a written acknowledgement that a sewer district annexation and a sewer concept plan approval by Sussex County does not guarantee an approval of the subdivision by the Town of Ocean View.

Thank you,
Buddy

Buddy Lynch
Sussex County Utility Planning
P.O. Box 589
Georgetown, DE 19947

PLANNING AND ZONING COMMISSION
MEETING MINUTES
September 17, 2015

1. Chairman Gary Meredith called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Damiano, Smith, and Sharpe were in attendance. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue. .

2. COMMISSION BUSINESS – none

3. APPROVAL OF AGENDA
A motion was made by Mr. Smith, seconded by Mr. Wichmann, to approve the agenda. The motion carried unanimously 5/0.

4. APPROVAL OF MINUTES
A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the July 16, 2015 minutes as presented. The motion carried unanimously 5/0.

5. NEW BUSINESS

A. Application P-294 – 3 & 5 Captain's Court

B. Application P-295 – Ordinance to amend Article III, Chapter 187

6. OLD BUSINESS

A. Application P-282 – S/RD 361 Parcel B and SW Corner SRD's 363 & 364 Muddy Neck and Double Bridges Roads.

Mr. Meredith read the public notice for this application. The Commission will review a Preliminary Land Development Plan on Application P-282, submitted by The Evergreene Companies on behalf of the property owners Raze Properties, LLC and Sigurd Berzins – Trustee, to create a community with fifty (50) single family lots and an area set aside for future commercial development on land zoned MXPC (Mixed Use Planned Community), located at S/RD 361 Parcel B and SW Corner SRD's 363 and 364 – Muddy Neck and Double Bridges Roads (PIDN: 410.000 / Sussex CTM#: 134-17.00-30.03 and 134-17.00-30.04)
Mr. McMullen read his overview of Application P-282. He said the applicant is before the Commission this evening for the review of a preliminary land development plan for a parcel located at the corner of Muddy neck and Double Bridges Roads. The parcel was annexed into the Town on March 9, 2011 by Ordinance 271 that became effective April 11, 2011. It was zoned Mixed Use Planned Community (MUPC) that allows for a mix of commercial and residential as

outlined in §140-49. The Commission reviewed the Concept Plan for this project on July 18, 2014 at which time the applicant proposed the following:

- 51 Townhomes
- 30 Single family homes
- 1 lot for amenities
- 1 lot for a commercial site

The plan has changed from what was proposed during the concept plan and I have confirmed through the Office of State Planning that they require no additional review. The applicant is now proposing:

- 50 single family lots
- 1 lot for amenities
- 1 lot for commercial use

A preliminary land development plan is defined as "*a detailed map showing the proposed layout of a site, parcel, tract, land, property, or residential planned community submitted for preliminary approval.*" It is required to comply with a number of the Land Use and Development Chapter of the Town Code (LUDC) sections of the Code. A review of each section is included below indicating those requirements that have not been addressed:

E. Plan Contents – The preliminary development plan shall include the following:

(5) The current names of all abutting landowners or subdivisions, and the names of the owners of all adjacent unplotted land;

(9) Location and elevation of the datum used shall be known, established USC&G benchmark;

(10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 100 feet outside the boundaries of the proposed subdivision or land development;

(13) Proposed development, including:

a) Location and width of all streets and right-of-way, with a statement of any conditions governing their use; (*note for minimum 50' ROW should be provided*)

b) Suggested street names. These should be in conformance with the provisions of §185 and coordinated with Sussex County 911 Addressing and Mapping Department;

c) Utility easement locations;

g) A statement of the intended use of all nonresidential lots and parcels and acreage of such lots or parcels;

h) Sanitary and storm sewers (and other drainage facilities), with the grades, size and material of each indicated, and any proposed connections with existing facilities;

i) Parks, playgrounds, and other areas dedicated or reserved for public use, with any conditions governing such use;

j) Stormwater management plan, and erosion and sedimentation control plan;

k) Proposed landscaping and lighting;

l) Proposed sidewalks and walkways;

m) Demarcation of existing vegetation "to remain" or "to be removed." MAY NOT EXIST

(19) Source of title;
(20) Total site gross and net acreage;

F. Supplemental Data – The preliminary plan shall be accompanied by the following information.

(1) Preliminary Improvement Construction Plan, containing the following data.
  a) A preliminary plan for the surface drainage facilities f the tract to be developed including stormwater runoff calculations for the water shed and entire property being developed, and showing the proposed method of accommodating the anticipated runoff, all soils mapping and soil data.

(2) Wetlands report – Wetlands delineation and wetlands mitigation pan prepared by a Delaware registered engineer, surveyor, biologist, or other environmental scientist with experience and qualifications in wetlands delineation prepared pursuant to Article II, §116.

(3) Floodplain Delineation and Management Plan – A plan for the management of special flood hazard areas defined under "Flood Damage Reduction" in §116.

(4) Such plan shall comply with the applicable standards in §116.

(5) Source Water Protection – An Environmental Assessment Report prepared pursuant to Article III, §116. *If applicable*

(6) Traffic Study – Operational analysis report prepared by a Delaware registered engineer with experience and qualifications in the preparation of operational analysis and traffic impact studies. *Required by DelDOT letters dated 02/04/15 & 02/11/15.*

(7) Title Search – Title Search of the pertinent property that included at least ownership of the property, easements, deed restrictions and other similar information.

G. Additional Information – The Planning and Zoning Commission may request any additional needed to make an informed decision.

H. Referrals to Other Agencies – Each preliminary development plan shall be referred to the following agencies and departments:

(1) Sussex Conservation District – *required to provide approved plan prior to final review;*
(2) Water provider; *required to provide approved plan prior to final review;*
(3) Sewer provider - *required to provide approved plan prior to final review;*
(4) DelDOT – *Letter of No Objection required;*
(5) Sussex County 911 Addressing; *will be completed prior to final review*
(6) State Fire Marshal's office; *sign off for site required*
(7) Electricity provider; *DPL provided a willing able to serve letter during annexation*
(9) DNREC;
(10) Army Corp of Engineers; *letter noting whether the Corps has jurisdiction*
(11) Town Engineer; *Report provided.*

I. Review and Approval.

(1) Before taking action on a Preliminary Development Plan, the Planning and Zoning Commission shall allow sufficient time the Office of State Planning Coordination, departments, and agencies to comment on the plan.

(2) The Planning and Zoning Commission may approve a preliminary development plan with conditions.
(3) The applicant is responsible for demonstrating, to the satisfaction of the Planning and Zoning Commission, compliance with conditions as a prerequisite to sending a preliminary development plan to the Town Council for final development plan approval.

The Code allows for a maximum of four (4) dwelling units per gross tract area and requires minimum open space of 40% of the gross tract area. The proposed lots for swelling units presented in this preliminary plan are well within the maximum allowable and the open space exceeds the minimum required by .9%, although the applicant should provide clarification of the numbers shown in the site data on the cover sheet. These parcels lie within the AE-6 flood zone with a LIMWA (limited wave action) as delineated on the current FEMA maps dated March 16, 2015. This should be inclusive in the exiting Flood Zone Note.
A point noted with the concept plan that has not been addressed us:

- Access to the community from Double Bridges Road

The Town Engineer has provided a review that is included with this overview as well as applicable copies of the Code.

Additional comments and requirements:

- Please explain compliance with §140-51 of the LUDC;
- Wetlands delineated as running through lots 7, 8, 9, 10 and adjacent roadway as well as lots 24 and 25;
- Delineation of 25' wetland buffer;
- Wetlands certification signature block required;
- Interconnectivity between residential and commercial;
- Please explain ability to develop required commercial area that includes extensive wetlands;
- Please explain abandonment of 50' easement that runs behind lots 33 to 35 and out to Muddy Neck Road;
- Required parking (2per dwelling unit in addition to garage space) should be indicated in notes;
- Overflow parking in residential developments as required by §140-59-E(2) not shown;
- Compliance with §140-73, §140-74, §140-75, §140-79 and Article XIII of the LUDC required;
- Compliance with §187 required;
- Passive open space.

Following his overview Mr. McMullen read the detailed report of Mr. Lober, of Kercher Engineering. Mr. Loper stated that based upon their review they find the preliminary plan acceptable and offered the following comments to the Planning and Zoning Commission:

Floodplain:

1. The entirety of the site lies within a FEMA –zone AB – 100-year floodplain – elevation 6. The project will be required to comply with Sections 116-3, 4 and 5 regarding environmental protection of floodplains.
2. The interpretation has been made that the existing watercourses on-site are considered to be "man-made", and therefore do not qualify as "natural channels". Therefore the following comment from our concept review letter is no longer applicable.
    a) Section 140-79-B-2 requires all natural channels to be located in public open space and covered by an easement sized to encompass the limits of the 100-year

floodplain. This requires that public open space be created for all of the natural channels that traverse the site and an easement created to cover the 100-year floodplain. Only the area outside of the easements, and, therefore, the floodplain, maybe subdivided into lots. As the entire site lies within the floodplain, the current layout shown on the plan is unacceptable. Two alternatives exist.

i. The developer may pursue a conditional letter of map (CLOMR) in accordance with FEMA requirements. A subdivision plan reflecting a revised 100 year floodplain boundary and appropriately sized easement based on an approved CLOMR could then be reviewed by the Town; or

ii. The developer may pursue a variance from the Town Code for relief of the easement requirement.

Until one of those two options is completed, the plan cannot be deemed code complaint.

Drainage:

1. The property is bordered to the south by the Little Bay tax ditch. Information regarding the easement specific to that portion of the tax ditch should be obtained from DNREC and incorporated into the plan.
2. Provide design calculations in accordance with the code for all of the drainage systems on-site, including both open and piped conveyance networks and the culvert under the proposed entrance. (Sections 132-6, 132-7, 132-8 & 140-104)

Grading:

1. The minimum slope on paved areas and roads is 0.5%. The minimum slope on pervious surfaces in 1%. (Sections 132-2-F & 140-104)
2. Provide grading plans including all of the required detail as outlined in §132 of the Town Code.

Stormwater Management:

1. Provide a full stormwater management analysis and design report, including design details for all stormwater management facilities in accordance with code requirements. (Section 140-104)

Streets and Sidewalks:

1. Provide street and sidewalk design in accordance with §187.

Miscellaneous:

1. Ensure that the open space provided meets the requirements of Section 149-71.

Mr. Josh Mastrangelo, Evergreene Companies, spoke on behalf of Raze Properties and Sigurd Berzins Trustee. He responded to some of the items Mr. McMullen listed as missing or incomplete and updated the Commission on the project. He said one of the changes on this plan is there are less units than the previous plan. Now there are 50 single family units and no townhomes. He also said that they succeeded in avoiding the wetlands. The project will be done in phases.

Mr. Mastrangelo stated they prefer not to include an entrance from Double Bridges Road to avoid use as a shortcut. He said they have an approved sewer concept plan and will have to build a "shared use" path on Muddy Neck Road. The development will have sidewalks on both sides of the street and privacy because the houses will back-up to open space.

Mr. Mastrangelo said there will be 18 different facades to choose from. He said there will be no commercial at this time, it will be a future phase. Open space accounts for 40% including recreational areas. He said there will be buffers around the entire community. Each unit will have two parking spaces and there will be overflow parking near the recreational center.

Mr. McMullen asked if there was any planned inter-connectivity between the commercial and the residential sections. Mr. Mastrangelo said they were still working on some sort of connectivity.
Rick Seifert, Clearwater, questioned whether the drainage outflow would be maintained. He also questioned when the plan would be available a final site plan. Mr. Mastrangelo stated there were no proposed plans to change the outflow.

A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the preliminary site plan with the conditions that Mr. McMullen's comments and Kercher Engineering's comments as noted be addressed. The motion carried unanimously 5/0.

7. ADJOURNMENT

A motion was made by Mr. Damiano, seconded by Mr. Smith, to adjourn the meeting at 8:00pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, SITUATED ALONG COUNTY ROAD 361, (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD), AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the South Bethany Sanitary Sewer District; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County in the area of Muddy Neck Rd and Double Bridges Rd; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Robert Lynch, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within thirty days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE, BE IT RESOLVED the Sussex County Council hereby revises the boundary of the South Bethany Sanitary Sewer District to encompass the lands of situated in the area of Muddy Neck Rd and Double Bridges Rd, as follows:

BEGINNING at a point, situate on the westerly right of way (ROW) of Double Bridges Rd, said point being approximately 1190' southwest of the intersection of Kent Ave & Double Bridges Rd and southeasternmost corner of lands N/F of Pito LLC and a point on the existing boundary of the SBSSD, thence following said SBSSD boundary the following directions and distances: southwesterly 15± feet, northwesterly 777± feet, northerly 337± feet, southwesterly 410± feet, northeasterly 430± feet, easterly 1083± feet, southwesterly 50± feet, southeasterly 780± feet, southerly 1635± feet to a point, said point being a point on the existing boundary of the SBSSD and the southeasternmost corner of lands N/F of Elbridge & Betty Murray; thence following said lands of Murray the following directions and distances: northwesterly 100± feet, northwesterly 585± feet to a point, said point being the northeasternmost corner of lands N/F of State of Delaware and a point on the existing boundary of the SBSSD; thence following said boundary of the SBSSD the following directions and distances: southwesterly 815± feet, northwesterly 515± feet, southwesterly 175± feet, northwesterly 50± to a point, said point being that of the BEGINNING.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and

right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes;

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

SOUTH BETHANY SANITARY SEWER DISTRICT ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
:
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, ROBERT LYNCH personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

A. On October 5, 2015 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and

B. On October 5, 2015 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

1. On the area of land being considered for the proposed annexation of the South Bethany Sanitary Sewer District being part of tax map reference 134-17.00 in four (4) locations as follows:

   a. On a driven stake located on parcel 134-17.00-30.01. Approximately 920' southwest of the intersection of Double Bridges Rd. and Muddy Neck Rd. ;
   b. On a driven stake located on parcel 134-17.00-30.04. Approximately 300' northwest of the intersection of Double Bridges Rd. and Muddy Neck Rd;
   c. On Delaware Electric Cooperative Pole 25097 located on the easterly side of Double Bridges Rd.;
   d. On a driven stake located on parcel 134-17.00-30.04. Approximately 115' southwest of the intersection of Double Bridges Rd. and Muddy Neck Rd;

2. On a driven stake near a stop sign within the Villages of Clearwater subdivision located at the intersection of Oceanside Pkwy and Muddy Neck Rd.

3. On a driven stake near a stop sign within the Homes of Waterside subdivision located at the intersection of Oceanside Pkwy and Muddy Neck Rd.

4. On a driven stake near a stop sign within the Ocean Farm subdivision located at the intersection of Neptune Dr. and Double Bridges Rd.

5. On a driven stake near a stop sign located at the intersection of S Coastal Ln. and Beaver Dam Rd. at the South Coastal Regional Wastewater Facility.

ROBERT LYNCH

SWORN TO AND SUBSCRIBED before me on this 7 day of OCT A.D., 2015.

NOTARY PUBLIC

My Commission Expires _____

THOMAS W. FERET, SR.
MY COMMISSION
EXPIRES ON
MAY 28, 2019
NOTARY PUBLIC
STATE OF DELAWARE

PUBLIC NOTICE OF PROPOSED
EXPANSION OF THE SOUTH BETHANY SANITARY SEWER DISTRICT
PARCELS LOCATED IN THE AREA OF DOUBLE BRIDGES RD AND KENT AV
LANDS OF BERZIN
FILE NUMBER: OM – 3.15

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on September 29, 2015, to consider expanding the boundary of the South Bethany Sanitary Sewer District (SBSSD) to include parcels situated on the south side of County Road 361, Kent Avenue, and on the both sides of County Road 363, Double Bridges Road. These parcels are located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate on the westerly right of way (ROW) of Double Bridges Rd, said point being approximately 1190' southwest of the intersection of Kent Ave & Double Bridges Rd and southeasternmost corner of lands N/F of Pito LLC and a point on the existing boundary of the SBSSD, thence following said SBSSD boundary the following directions and distances: southwesterly 15± feet, northwesterly 777± feet, northerly 337± feet, southwesterly 410± feet, northeasterly 430± feet, easterly 1083± feet, southwesterly 50± feet, southeasterly 780± feet, southerly 1635± feet to a point, said point being a point on the existing boundary of the SBSSD and the southeasternmost corner of lands N/F of Elbridge & Betty Murray; thence following said lands of Murray the following directions and distances: northwesterly 100± feet, northwesterly 585± feet to a point, said point being the northeasternmost corner of lands N/F of State of Delaware and a point on the existing boundary of the SBSSD; thence following said boundary of the SBSSD the following directions and distances: southwesterly 815± feet, northwesterly 515± feet, southwesterly 175± feet, northwesterly 50± to a point, said point being that of the **BEGINNING.**

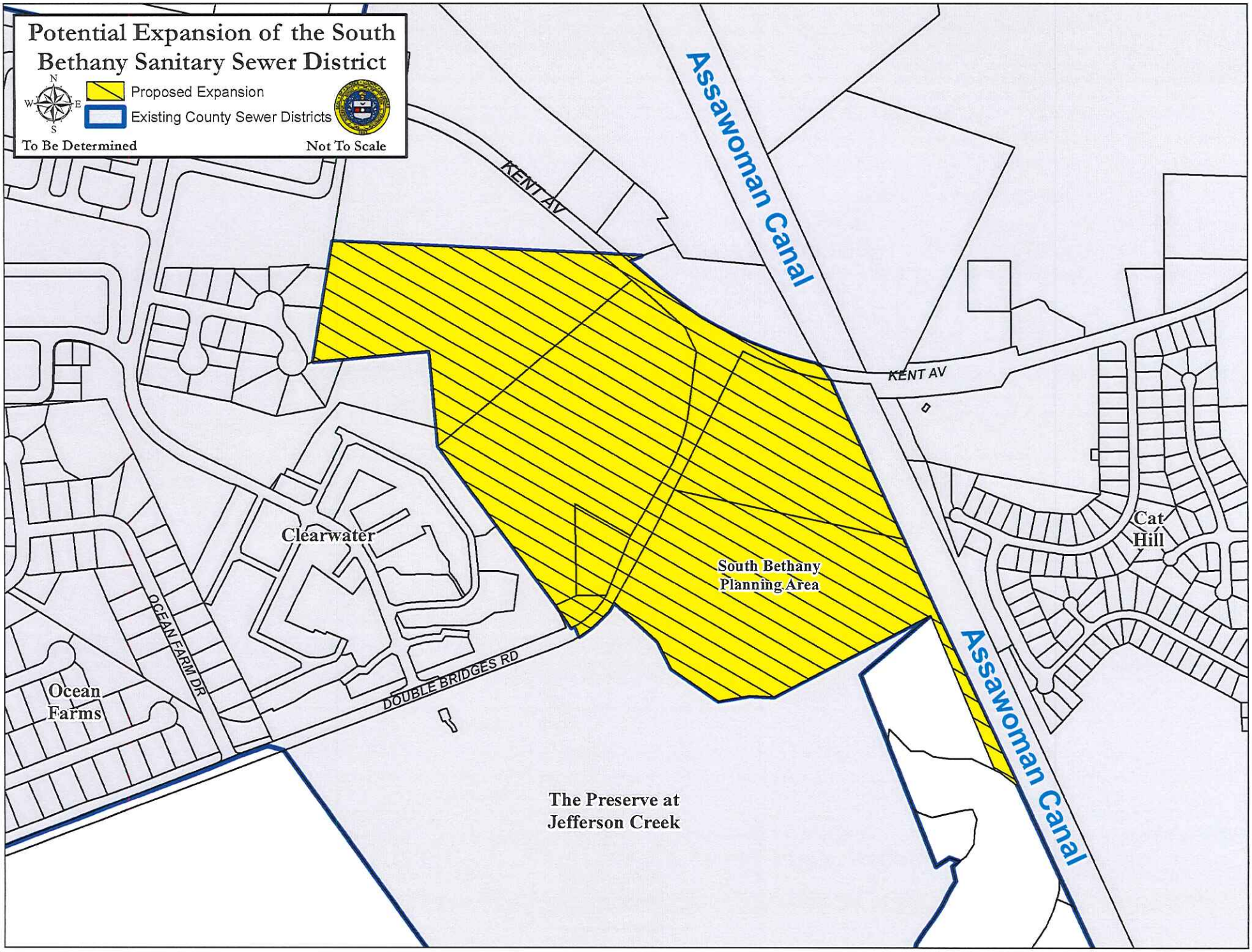
The proposed expansion of the SBSSD is within these boundaries and said to contain 45.34 acres, more or less. The boundary description has been prepared using Sussex County tax map number 134-17.00.

A map outlining and describing the extension to the SBSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15am, November 3, 2015 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Joseph Wright, P.E.
Assistant County Engineer


Potential Expansion of the South Bethany Sanitary Sewer District
Proposed Expansion
Existing County Sewer Districts
To Be Determined
Not To Scale
N
S
E
W
Assawoman Canal
KENT AV
KENT AV
Clearwater
South Bethany Planning Area
Cat Hill
OCEAN FARM DR
DOUBLE BRIDGES RD
Ocean Farms
The Preserve at Jefferson Creek
Assawoman Canal

DCUSA Foundation INC.

Bishop M. Foster
President/CEO

Helena Gibbs
Board Member

Zabrina Gibbs
Secretary

Raffaela Ballard
Board Member

Harold Truxon
Board Member

Elder William Downing
Board Member

Juanita Gill
Fundraiser

Nichole Pacheco
Board Member

Pattie Hinton
Board Member

Fran Rachles
Board Member

Vanessa Hinton
Board Member

Sandra baynard
Board Member

Grace Young
Board Member

August 23, 2014

Sam Wilson
15376 Wilson Neal Road
Georgetown, DE 19947

Re: Projects and Program

Proposal: Background information and description of organization's activities

Background Information

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

Since 1986, DCUSA has provided a means for residents in local low-income communities to move from dependence towards independence. For over a decade DCUSA has provided services to single adolescent parents, youth at risk for negative life outcomes, pregnancy, disease, crime, poverty and those who are education deprived. DCUSA is a catalyst in which persons in the community will be able to acquire their education and everyday life skills from our programs.

The mission of DCUSA Inc. Foundation:

* To improve self-esteem in the community.

* To decrease illiteracy.

* To help decrease child abuse.

* To increase the knowledge and technology skills.

* To decrease juvenile crime, alcohol and drugs within the area.

* To curtail those individuals who are low-income and disadvantaged to improve or enhance their lives.

13726 South Old State Road, Ellendale, DE 19941
302-422-2350 (Office) 302-422-6848 (Fax)
info@dcusafoundation.org
EIN: 22-5330018

DCUSA Foundation Inc.

The Computer World Program is designed to educate/train youth as young as 10 years of age and up on the basic fundamental skills of the proper way in using a computer. To elaborate on some of the things our students become knowledgeable in is: Mouse, modem and keyboard basics, basics of files and folders, computer dictionary, basics of menus, buttons and windows, basics of working with written text documents, how to avoid 5 common & costly computer mistakes. Followed by a mini-course on learning to type. We also train our students on the entire Microsoft office suite and show them how to properly use the internet to job seek, do research and be safe while doing so.

The After School Program is designed to assist with providing education after-school for children that struggle with reading, writing or math skills. This program is designed to serve youth ages 6-18 years of age. In addition to educating the youth in these basic areas, the curriculum is designed to incorporate age appropriate trainings in financial literacy as well. The youth will learn how to make, manage and save money. They will learn the importance of investing money (turning it into more money), and how they can go about donating to help others.

The Griffin Place Program provides educational training, safe and stable housing and life skill resources for young adult males between the ages of 18 through 21 years old have exhausted foster care services.

The Dolls Tea Party our latest program for girls ages 6-8 (the purpose of this program is to help the girls academically, with hygiene and obesity. We have expanded as the need has grown in an attempt to meet the diverse needs of those who seek our assistance; however, as we are a non-profit organization, receiving funding to cover these programs is always a challenge.

These programs and projects have allowed DCUSA's staff the needed tools to manage the financial and administrative aspects of each program and project effectively. By utilizing these skills the programs are sustainable resulting in several community members receiving services.

On behalf of the Board of Directors and Staff, I respectfully submit this request for funding in the amount of ***$5,000.00*** in support of our many Educational programs that DCUSA offers to the community (current focus: Griffins Place and After School Program).

Sincerely,

Helena Gibbs

Helena Gibbs
Executive Director

Dr. Bishop Major Foster
President/CEO

13726 South Old State Road, Ellendale, DE 19941
302-422-2350 (Office) 302-422-6848 (Fax)
info@dcusafoundation.org
EIN: 22-5330018

New Coverdale Outreach Mission

21165 Coverdale Road

Bridgeville, DE 19933

501C3

2015 N.C.O.M. Fund Request

Attention Council Manic Grant

New Coverdale Outreach Mission (NCOM) is a true Faith Based Organization. NCOM serves the Coverdale Community and neighboring communities near or far. We provide food, clothing, back to school supplies and toys to the underprivileged families annually. Now our additional project is temporary shelter that was so well needed this year. We would appreciate any source of funds to help us to continue in these well needed projects.

We have paid out last year 2014 expenses; commercial package Insurance $2,232, Utilities $5,000 , Alarm System $300, Purchased School Supplies $1,500, Purchased Turkeys $1,500 and Purchased Clothing and Toys $2,000.

NCOM would like to request $5,000.

We at NCOM thank you for any time or consideration concerning this urgent request.

Signed. Rev. Diane Lafland

Telephone: (302) 337-0247 or (302) 629-3036

31-1695369

Richard Allen Coalition

P.O. BOX 624, GEORETOWN, DE. 19947

Jane Hovington, Chairman
Darrell Melvin, Vice Chairman
Ivan Neal, Secretary
Harry Crapper, Treasurer
Ira Roach, Asst. Treasurer
Betty Deacon, Executive Director

October 16, 2015

Mr. Todd F. Lawson
County Administrator
Sussex County Administrative Office Bldg.
2 The Circle,
P.O. Box 589
Georgetown, Delaware 19947

Dear Mr. Lawson:

The Richard Allen Coalition is requesting a $2,000 grant from the Sussex County Council. This amount will allow us to complete the funds needed to secure the deed transfer from the Boys and Girls Club to the Richard Allen Coalition.

The Richard Allen Elementary School located on Railroad Avenue in Georgetown has been designated as a Delaware State Historical site. We are also in the process of applying for the building to be designated as a National Historic Site. Pierre S. DuPont funded the construction of over 80 "colored" schools in the 1920's including the Richard Allen Elementary School. The school served as the educational and cultural focal point for over 50 years.

We believe that since the building is located in the county seat of Georgetown this will bring positive economic development to this area. The restored building will provide a space that will house artifacts of the heritage of the African American community in Sussex County. It will also serve as a community center where educational programs for young people and artistic events for people of all ages will be held. Once again, the building will be serving as an educational and cultural focal point for all of Sussex County.

We have already spoken to representatives of Perdue and have had inquiries from the DuPont's concerning possible grants to move forward with this project. We know the interest and support are there from the local businesses and industries.

Thanks for your consideration and we are prepared to answer any questions the County Council may have.

Sincerely,

Jane Hovington

Jane Hovington,
President

art grows here ™

12 DODDS LANE, REHOBOTH BEACH, DE 19971 | P | 302-227-8408 | F | 302-227-4121
rehobothartleague.org

November 2, 2015

Sussex County Council
Mr. George Cole
P.O.Box 589, 2 The Circle
Georgetown, DE 19947

Dear George,

With almost twenty years of association with the Rehoboth Art League, I return to the post of Interim Executive Director—a position that I held here eight years ago. I could not be more excited about this homecoming to RAL—and the clever, engaging programs and exhibitions being offered to our membership. We have a fine community of artists and art appreciators in the greater Sussex County population.

I hope you know that our beautiful campus at Henlopen Acres has had a recent upgrade with the restoration of the Historic Stables, where our permanent collection of heritage artwork now has a safe and environmentally controlled home. Perhaps you also had a chance to join us at our Gala Fundraiser earlier this spring, where we debuted the RAL Art Studios and Gallery on Rt. 9 in Lewes, just west of Five Points. This is a lovely state-of-the-art facility you really need to visit and experience. Not only does this fabulous satellite location host artist studios and an up-to-the-minute print and media studio, but it also broadens the RAL tradition of showcasing member artwork and takes classroom programming out into the community. Additionally, our honored past has now been recognized and endorsed by the State of Delaware with a cultural conservation easement to preserve our historic Rehoboth property for future generations.

So, I write to ask for *your* return to the Rehoboth Art League. You can do so by writing a check today, or charging your gift, so that tomorrow, and into next year, the league's lights can shine much brighter. Our Henlopen Acres galleries and our new Rt. 9 space, along with exhibition space at the Peninsula resort, have showcased almost thirty exhibitions of artwork this year, sharing twenty Opening Receptions. Our RAL instructors are offering classes such as hand-building and wheel-throwing in the potter's studio, watercolor landscapes in plein air, Photoshop classes in our state-of-the-art computer lab at Rt. 9, and traditional Venetian glass bead-making for jewelry to name a few. We offered 170 classes/camps and workshops in 2015. We remain committed to offering the novice or experienced artists and artisans a wide variety of instruction, from the traditional to the cutting-edge. Equally important, our continuing commitment to Outreach programming takes art instruction to underserved children and seniors in Sussex County by facilitating weekly art lessons at schools and community centers.

A return to RAL with a donation to our Annual Fund means that you are supporting all of these activities and more. **Your tax-deductible gift** will help to ensure we fulfill and honor the vision of artists over our **77-year history,** continue to offer art education and exhibition programs, while providing a place that promotes the arts and artists, and ensures Delaware's artistic legacy endures in the future. If you believe in fostering creativity and community through the arts, **please make a donation to the Rehoboth Art League today.** I thank you for your strong support.

Sincerely,

Lee Wayne Mills
Interim Executive Director

Town Of Blades Kid's Christmas Fund

Dear Supporter,

The holidays are right around the corner, and we are in top gear in anticipation of the annual "Blades Kids Christmas Bazaar".
The event is held for kids from Blades, Bridgeville, Seaford, and Laurel, In general the whole local area. No one is turned away.
They receive gifts, make crafts, play games, have lunch, and get a photo and visit with Santa.
Funding is key for our continued success and past support has come from the Town and generous sponsors like yourself. I was hoping you may be able to help out again.
This years party is on Sunday, December 6th, from 1:00 to 3:00 P.M. and annually hosts over 100 kids.
All sponsors are recognized the day of the event and donations are tax deductible. No matter the amount, it all adds up to one special afternoon for some kids and their parents who could use a little holiday cheer.

Our Sincere Thanks
Robert Atkinson
Blades Mayor

If you can help, please send donations to...
Town Of Blades Kid's Christmas
20 West 4th Street
Blades, Delaware 19973

For more info call Bazaar coordinator Joe McCabe at 302-841-5232 or Blades Town Hall at 302-629-7366.