

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

August 13, 2024

12:30 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - July 30, 2024

[Draft Minutes 073024](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA 522
Plantation Medical and Professional Building (Building #4), West Rehoboth Area**
[Consent Agenda](#)

Todd Lawson, County Administrator

1. **Recognition of Retiree – Bobby Schoonover**
2. **Administrator’s Report**

Gina Jennings, Finance Director

1. **Delaware Transit Reimbursement Program Request**
[Fin Delaware Transit Reimbursement Program](#)



Mike Harmer, County Engineer

1. **Wolfe Neck Regional WWF Electrical Service & Switchgear Replacement**
 - A. **Electrical Construction, Project S24-09 – Change Order No. 1**
[Wolfe Neck Electrical CO No. 1](#)
2. **J.P. Court Annex/Building Project, Project C25-06**
 - A. **Request Authorization to Solicit Proposal**
[JP Courthouse Annex](#)

Mark Parker, Assistant County Engineer

1. **Ocean Outfall Repairs, Project G23-18**
 - A. **Project Completion & Balancing Change Order**
[Ocean Outfall Repairs](#)
2. **Delaware Coastal Business Park Improvements, Project A21-11**
 - A. **Project Closeout & Change Order No. 5**
[DE Coastal Airport Closeout CO No. 5](#)
3. **Paramedic Station 103, Project C21-18**
 - A. **Change Order No. 2**
[Paramedic Station 103 CO No. 2](#)

Hans Medlarz, Project Manager

1. **Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main, Project S20-08**
 - A. **Change Order No. 4**
[Herring Creek CO No.4](#)
2. **Winding Creek Village – Water District**
 - A. **Findings and Recommendations**
[Winding Creek Findings & Recommendations](#)

Old Business

1. [Conditional Use No. 2431 filed on behalf of Play It Safe, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS” (property lying on the east side of Savannah Road [Rt. 9] at the intersection of Savannah Road [Rt. 9] and Quaker Road, approximately 0.33-mile northeast of Westcoats Road [Rt. 12]) (911 Address: 1510 Savannah Road, Lewes) (Tax Map Parcel: 335-12.06-10.00)

[Old Business CU2431](#)

Grant Requests

1. **Ron G. Williams Jr. Foundation, Inc. for their Delaware Law Enforcement Thank You Ride 2024**
[Ron G Williams Jr Foundation Inc](#)
2. **Trinty Foundation for their 2024 Golf Tournament**
[Trinty Foundation](#)
3. **New Coverdale Outreach Mission, Inc. for back-to-school supplies**
[New Coverdale Outreach Mission, Inc.](#)
4. **Sussex County Land Foundation Inc. for Sponsorship of Dogfish Dash**
[Sussex County Land Foundation](#)
5. **Delaware Botanic Gardens Inc. for their 2024 DBG Dinner Party Sponsorship**
[Delaware Botanic Gardens](#)
6. **Bridgeville Apple-Scrapple Festival, Inc. for their 32nd Annual Apple-Scrapple Festival**
[Bridgeville Apple-Scrapple Festival, Inc.](#)
7. **Western Sussex Chamber of Commerce, Inc. for their Broad Creek Bike and Brew event**
[Western Sussex Chamber of Commerce Inc](#)
8. **American Cancer Society, Inc. for their Sussex County Relay for Life event**
[American Cancer Society Inc](#)
9. **Rehoboth Concert Band, Inc. for their concert honoring veterans**
[Rehoboth Concert Band, Inc](#)
10. **CHEER Inc. (Georgetown) for their 14th Annual Classic Car, Truck and Bike Show**
[CHEER Inc \(Georgetown\)](#)
11. **Delaware State College Alumni Association for their Band to the Beach event**
[Delaware State College Alumni Association](#)

Introduction of Proposed Zoning Ordinances

[Ord Intro CU2545](#)

Council Members' Comments

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C. §10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **South Blades Area creation of the Sussex County Unified Sanitary Sewer District**
[Public Hearing South Blades](#)
2. **Zion Church Road Storage Annexation of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area)**
[Public Hearing Zion Church Road](#)
3. [Conditional Use No. 2428 filed on behalf of TN Hitch, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1713 (ORDINANCE NO. 1961) TO ALLOW FOR AN ADDITIONAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS” (property lying on the north side of Roxana Road [Rt. 17] approximately 177 feet southwest of Pyle Center Road [Rt. 20]) (911 Address: 35160 Roxana Road, Frankford) (Tax Map Parcel: 533-6.00-30.00)

[Public Hearing CU2428](#)

4. [Conditional Use No. 2429 filed on behalf of Jason Hignutt](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS” (property lying on the west side of Camp Road [S.C.R. 532], approximately 0.19 mile north of Eskridge Road [S.C.R. 531]) (911 Address: 20914 Camp Road, Bridgeville) (Tax Map Parcel: 331-2.00-17.02)

[Public Hearing CU2429](#)

5. [Conditional Use No. 2432 filed on behalf of Simon Fares & Lorne Crawford](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.56 ACRE, MORE OR LESS” (property lying on the east side of Old Landing Road [S.C.R. 274], approximately 0.28 mile south of Warrington Road [S.C.R. 275]) (911 Address: 19747 Old Landing Road, Rehoboth Beach) (Tax Map Parcel: 334-12.00-181.03)

[Public Hearing CU2432](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on August 6, 2024 at 4:15 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 may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 30, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 30, 2024, at 1:00 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order **The Invocation and Pledge of Allegiance were led by Mr. Vincent.**
Mr. Vincent called the meeting to order.

M 390 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to approve the**
Approve **agenda.**
Agenda

Motion Adopted: 5 yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Minutes **The minutes of July 16, 2024, were approved by consent.**

Correspondence **There was no correspondence.**

Public **There was no public comment.**
Comments

M 391 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve**
Approve **the following items listed under the Consent Agenda:**
Consent
Agenda

1. Use of Existing Wastewater Infrastructure Agreement – IUA-1112
Mitchells Corner, West Rehoboth Area

2. Use of Existing Wastewater Infrastructure Agreement – IUA-1230
Mulberry Knoll Store, West Rehoboth Area

Motion Adopted: 5 yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Recognition Retiree/ Medlarz Mr. Lawson recognized Hans Medlarz, County Engineer, for his retirement.

General Assembly Legislative Update Mr. Lawson and Mrs. Jennings provided a review of 153rd General Assembly legislative session. Mr. Lawson reviewed HB403 w/HA 3 Assessment Functions, HB127 w/HA1 and 2 – Fire Protection Fee, HS2 for HB 168 w/HA 1 – Lodging Tax, SB 244- Lodging Tax, HB 352 w/ SA 1 – Abandoned Vehicles, SS No.1 for SB 23 – Accessory Dwelling Units, as well as the state budget and the bond bill.

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Tanager Woods – Phase 2A (Construction Record) and Tanager Woods – Phase 2B (Construction Record) effective June 28th, Chase Oaks – Phase 4 (Construction Record) effective July 3rd, Ocean View Beach Club North – Residual Lands Phase 5 (FKA Lighthipe) Plan Review & Construction Record effective July 9th, Bay Knolls – Phase 1 (Construction Record) effective July 11th, Milos Haven – Phase 3 (Construction Record) effective July 17th and Heritage Shores – Villas At Bridgeville – Phase 5D (Construction Record) effective July 18th.

2. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for June 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of June.

3. Delaware Animal Services Performance Report – Fourth Quarter & Annual Report

The Delaware Animal Services Annual Performance Reports for 2023 and the first quarter of 2024 are attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 6,625 calls for service in 2023 and 1,443 calls for service in the first quarter of 2024.

**Adminis-
trator's
Report
(cont.)**

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, August 6th. The next regularly scheduled Council meeting will be held on Tuesday, August 13th at 10:00 a.m.

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

**Second
Quarter
Shining Star
Awards**

Karen Brewington, Human Resources Director, presented the Second Quarter Shining Star Awards. Mrs. Brewington reported that there were 54 submissions received for the quarter with two winners being selected. This quarter's winners were Kelly Jackson from the Constables Office and Ann Lepore from Planning & Zoning.

**Proposed
Ordinance/
North
Ellendale**

Mike Harmer, County Engineer, presented a Proposed Ordinance for Council's consideration for the North Ellendale sewer flow diversion project to alleviate capacity issues at the Georgetown facility.

**Introduction
of Proposed
Ordinance**

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,236,846 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH ELLENDALE SEWER FLOW DIVERSION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"

**James Farm/
CO No. 2**

Patrick Brown, Project Engineer III, presented Change Order No. 2 for the James Farm Ecological Preserve Project C23-21.

**M 392 24
Approve
James Farm/
CO. No. 2/**

A Motion was made by Mr. Hudson seconded by Mr. Schaeffer that be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for contract C23-21 proposed campus at James Farm Ecological Preserve be approved in the credit amount of \$2,294.28 for Project C23-21.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

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

**M 393 24
Town of
Blades**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to the Town of Blades for their Community Outreach Program.

- M 393 24** **Motion Adopted: 5 Yeas**
Town of
Blades **Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
(cont.) **Mr. Hudson, Yea; Mr. Rieley, Yea;**
 Mr. Vincent, Yea
- M 394 24** **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750**
Urban **(\$750 from Mr. Vincent’s Councilmanic Grant Account) to the Urban Youth**
Youth **Program Association for their Sussex County Expansion.**
Program
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea
- M 395 24** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000**
Lewes Lions **(\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to the Lewes**
Foundation **Lions Foundation, Inc. for their Beach Bash.**
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea
- M 396 24** **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$1,500**
Lewes **(\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account and \$500 from**
Public **Mr. Rieley’s Councilmanic Grant Account) to the Lewes Public Library for**
Library **their Spoken Word Society Fall 2024 Performance Series.**
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea
- M 397 24** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Town of **(\$2,000 from Mr. Rieley’s Councilmanic Grant Account) to the Town of**
Millsboro **Millsboro for Police Department Basketball Court fencing.**
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

M 398 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2000**
Greater **(\$2,000 Mr. Rieley’s Councilmanic Grant Account) to the Greater Millsboro**
Millsboro **Chamber of Commerce for upgrades to their website and visitor center.**
Chamber of
Commerce

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Proposed **Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE**
Ord. Intro **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL
OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 0.99 ACRE, MORE OR LESS (Conditional Use No.
CU2438) filed on behalf of Robert Frey (Sandy Hill Acre, LLC) (Tax ID No.
533-18.00-68.00) (911 Address: 33142 Lighthouse Road, Selbyville)

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR
GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING
0.27 ACRE MORE OR LESS (Conditional Use No. 2450) filed on behalf of
GGA Construction (Tax ID No. 334-13.20-27.00 & 27.01) (911 Address:
37411 & 37417 Malloy Street, Rehoboth Beach)

CC Member **Mr. Moore stated that Georgetown has a connection to the Olympics. Dr.**
Comments **Davis’ in Georgetown, has a cousin, Daleny Vaughn, who is participating on**
the BMX team. Councilman Rieley recognized past Councilman Sam Wilson.

Rules **Mr. Moore read the rules and procedures for public hearings.**

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2416 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND**
OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO
HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR
LESS”. (property is lying on the northeast corner of the intersection of
Parker Road (S.C.R. 415) and Line Road (S.C.R. 419) (911 Address: 38531
Parker Road, Millsboro) (Tax Map Parcel: 333-15.00-20.00.)

The Planning & Zoning Commission held a Public Hearing on the application
on June 26, 2024. At the meeting of July 24, 2024, the Planning & Zoning
Commission recommended a partial approval/partial denial of the

**Public
Hearing/
CU2416
(cont.)**

application for the 11 reasons stated and subject to the 8 recommended conditions as outlined.

The Council found Mike Smith, Esq., with the Smith Firm, spoke on behalf of the Applicants, Over the Hill Holdings, LLC.; that also present were Mr. Chad Behney, Mr. Jeff Behney and Mr. Lloyd Behney. Mr. Smith stated that the Board of Adjustment approved a special use exception case number 12083, on March 6, 2018, for 5 years for an indoor shooting and archery range. The application today is for an indoor and outdoor range. Of note, the Board of Adjustment found that there was no evidence presented or found to exist that would suggest that there would be any substantial adverse effects on any of the neighboring properties; that the operation has been an asset to the community; that there has been a harmonious working relationship with neighboring properties and that the facility has operated in a clean and safe manner. Given the nature of this use a rural setting is probably the best location for this type of application and type of use; that there are no known tax ditches or wetlands on the site; that the facility provides training for hunting related education and firearm carrying that has a direct correlation to the agricultural business operations in the area; that there is a 25,000 gallon sprinkler system tank that was installed as a measure of security; that there is a western dirt berm for the outdoor range plus a vegetated buffer which includes some green giant trees and natural vegetation between the outdoor range and the homes along Parker road; that there is an anticipated need for 12 parking spaces; that there is an intercom system; that there is always a range officer present; that the shooting at this outdoor range is restricted in the sense that there are no rounds permitted that will fire over 3,000 feet per second and home loaded ammunition is not permitted; that the earthen berms are around 150 feet wide around the facility and the sides are 330 feet wide; and that they were constructed 22 feet tall; that the berms are u-shape with the building being in the opening of the U. There was some question regarding the building permit. Mr. Whitehouse informed Council that a building permit was pulled in 2023 for a 53 x 41 meeting room (farm use) not for commercial use. There are firearms available for renting for training purposes; that a vault is locked and secured for those to be stored overnight; that the facility is alarmed and monitored by an elaborate camera system for both the indoor and outdoor facilities; that a specialty cleaning company handles the cleaning of lead or metal that may go down range after firing, that they monitor the outdoor facility on an annual basis; that the indoor facility currently houses two classrooms that can be rented by customers; or used by area police departments for training; that Range Time staff also teaches Stop the Bleed training, CPR training, and a hunters education class. Included in the presentation were letters from local police departments that are anticipating using the facility; that the facility is open Tuesday to Sunday, to the public, it is closed to the public on Mondays with the intention that it only be used for law enforcement on that day. Mr. Smith presented noise readings that the Behney's had conducted; that there are constitutional protections for the possession of a firearm and the proposal here is safer than what a person is permitted to do on an agricultural

**Public
Hearing/
CU2416
(cont.)**

residential parcel without an approval; if these gentlemen owned this parcel and it's not developed for commercial use they could fire 10,000 rounds a day within that compliance. Mr. Smith responded to concerns that were mentioned during the P&Z meeting regarding the EPA discouraging outdoor ranges.

Mr. Glenn Moore, who owns the parcels on both sides of the property was in support of the conditional use.

The Public Hearing and public record were closed.

**M 399 24
Defer
Action/
CU2416**

A Motion was made by Mr. Rieley and seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS"

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2417**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS" (property is lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park. (911 Address: N/A). (Tax Map Parcel: 234-30.00-6.00) (p/o)

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 5 recommended conditions as outlined.

The Council found that Mr. John Roach of, John B. Roach Engineering LLC, spoke on behalf of the Applicant. White House Beach has been in existence since the 1950's; that it is a sought-after location for vacation homes; that eight lots were identified on the northern end of the parcel; that they have water and sewer and that this would allow the park to grow. County

**Public
Hearing/
CU2417
(cont.)**

engineering has confirmed the sewer, and the water is provided by the Long Neck Water Company.

There were no public comments.

The Public Hearing and public record were closed.

**M 400 24
Adopt
Ordinance
No. 3033/
CU2417**

A Motion was made by Mr. Hudson and seconded by Mr. Schaeffer to Adopt Ordinance No. 3033 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. White House Beach was originally established in 1956 and is a legally nonconforming manufactured home park with the AR-1 Zoning District. The legal existence of the park was first confirmed by Conditional Use #2 in 1971 and there have been several subsequent conditional uses to create additional lots. This application seeks to add 8 additional lots within a formerly undeveloped area of the community.
2. The current layout of the community is shown on a plan dated January 24, 2011. However, given the age and evolution of this community there is not a clear record of the number, location, and type of lots within it. For this reason, there is a condition of approval requiring a new “master-plan”-type drawing showing the entire community and showing the general layout and location of the lots and the type of each lot.
3. In addition to the existing lots within White House Beach that surround these 8 new lots, the community is also in an area where C-1 Zoning exists along with townhomes and other manufactured home parks. These 8 lots will be consistent with the existing uses that are in the area.
4. White House Beach is located within the Coastal Area according to the current Sussex County Future Land Use Map. This 8-lot expansion of the White House Beach community is appropriate in this Area according to the Comprehensive Plan and the Future Land Use Map.
5. DelDOT has determined that the traffic impact from these 8 new lots will be “diminutive”.
6. The community and these 8 new lots will be served by central water and connected to the Sussex County sewer system.
7. The additional 8 lots will not adversely affect nearby properties or area roadways.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
 - a. No more than 8 new lots shall be added to the existing, approved White House Beach Manufactured Home Park.

**M 400 24
Adopt
Ordinance
No. 3033/
CU2417
(cont.)**

- b. **The additional 8 lots shall conform to the current requirements for a manufactured home park as set forth in the Sussex County Zoning Code as to size, setbacks, parking, and other dimensional requirements.**
- c. **The area where the 8 new lots are to be located shall meet or exceed the stormwater management requirements of the State and County and the Final Site Plan shall contain the approval of the Sussex Conservation District.**
- d. **The addressing for these 8 new lots shall be established by the Sussex County Geographical Information Office.**
- e. **A Final Site Plan depicting the area of these 8 new lots shall be reviewed and approved by the Sussex County Planning & Zoning Commission. This Final Site Plan shall also depict the proximity of any of these 8 lots to the nearest State or Federal Wetlands. In addition, at the same time that a Final Site Plan is submitted for approval, the Applicant shall submit a revised “Master Plan” of the entire White House Beach Community identifying all lot locations by number, and further identifying lots that are set aside for tent camping, RV camping and manufactured homes. This Master Plan does not need to comply with the level of detail required of a Final Site Plan for the entire community; it shall be sufficient, subject to staff’s approval, to generally depict the layout of the community**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing
CU 2515**

A public hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS” (property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331). (911 Address: N/A.) (Tax Map Parcel: 233-2.00-2.01)

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 7 recommended conditions as outlined.

The Council found, Mr. Jim Fuqua, Esq., spoke on behalf of the Applicant, Renewable Redevelopment LLC, with him were Gener Gotiangco from Renewable Redevelopment LLC and Megan Welling from McCormick Taylor Engineering. Renewable Redevelopment LLC is a subsidiary of US Wind Inc. which is an offshore wind energy development co. Renewable

**Public
Hearing
CU 2515
(cont.)**

Redevelopment LLC is seeking a conditional use permit for an electric substation and utility uses on a 140-acre parcel of land located on the northwest side of Gate A road. The land was purchased from the Indian River Power LLC, December 2023 and the land was part of the Indian River Power Plant property; that the purpose of today's hearing is to consider a conditional use for an electric substation on a portion of the property; that this hearing was not about the development of offshore wind energy projects or the federal or state permitting process that authorizes that development; nor is it about differing opinions about the of benefits and impacts of offshore wind energy development; the focus of the presentation is about whether the site is appropriate for an electrical substation under the applicable Sussex County land use regulations; many residents and respected organizations support offshore wind development; that the site contains 140.25 acres consisting of 71.42 acres of mostly wooded wetlands and 68.83 acres of mostly wooded uplands; that the development of the site itself will require the removal of approximately 21.89 acres of wooded uplands and the remaining wooded uplands and wetlands will remain undisturbed to the greatest extent possible; of the 140 acre site approximately 23.59 acres will be disturbed for the location of the underground cable vaults that contain the transmissions lines and the site of the actual substation will utilize 13.32 acres of the property. The Renewable Development site surrounds the DP&L substation on three sides; that an electrical substation changes the high transmission voltage from the generating source to a lower distributing voltage, which can then be transmitted to the electric grid and ultimately delivered to the user; that the substation is a combination of various components of equipment to accomplish the voltage change and to ensure safety of the operation; that the main pieces of equipment are the transformers, circuit breakers, isolators, surge arrestors, voltage regulators, cooling equipment; that there are control buildings which house the control and monitoring systems that manage the operation of the substation; that the substation and control buildings are unmanned; that operation takes place remotely; that traffic generated will be minimal and related to the maintenance, inspection and repair of equipment when required; that there would be ground maintenance and periodic security inspections; that it is buffered by a significant natural barrier of existing mature trees; that the only sounds associated with the substation would be a low hum or a buzz from the transformers and other equipment, a clicking from circuit breakers, relays and switches; that there are no noticeable odors, that there is a grounding system comprised of ground wire sand rods that would dissipate electricity from lightning into the ground to prevent damage to equipment and ensure safety; that the entire substation pad area and all critical equipment will be constructed at a height to avoid potential flood impact that will exceed FEMA elevation requirements and that the entire substation area will be enclosed by a security fence. The entire 140-acre site is currently zoned HI-1 heavy industrial, as is all the adjacent power plant property. Mr. Gotiangco and Mrs. Welling both confirmed that everything Mr. Fuqua stated in the record was correct.

**Public
Hearing
CU 2515
(cont.)**

There were questions regarding the advertising of the hearings, according to Mr. Fuqua, everything was complied with. There was an allegation that US Wind was using a different named company to try to deceive people, it is common in business that the real estate would be owned by a subsidiary of the company for tax and liability reasons.

Mr. Moore stated that the code section has been referenced and much information in the public that this is a “Maryland project” the code reference to: the public the importance of the relationship to the comp plan which is Sussex County’s plan references property and general welfare of Sussex county Delaware – does this actually benefit Sussex county Delaware or is it feeding Maryland. The substation is part of the whole system in the wind generating project; that the benefits to Sussex County will increase the electric grid reliability of the area, jobs in the area, funding for dredging projects, clean energy, work force training, climate changes projects, a community benefit package for coastal towns, and renewable energy credits. Mr. Gotiangco, representing the applicant, stated that the applicant will pay for all the upgrades; that there may be a commercial transaction to supply power to another jurisdiction; that when they do the calculation a project of this scale and size it is obligated to meet certain commercial requirements; that there will likely be excess energy generated and renewable energy credits that can be sold in the marketplace so that other states including Delaware can purchase; that there is a direct benefit to Delaware because the applicant is providing all the funding to build out all the transmission infrastructure.

Mr. Rieley asked if there are contracts in place that will direct this power source to go outside of Delaware. US Winds has a contract with the State of Maryland for capacity out of this project so those obligations have to be fulfilled first; that if there is excess capacity beyond what is on the contract it will be sold to the other entities and Delaware; that based on the modeling Renewable Redevelopment Energy the project will generate more than what is required; however, there is no way to be sure; that it is being designed for excess capacity. Currently the State of Delaware is not in a position to procure excess energy from US Wind.

Mr. David Stevenson, Director Caesar Rodney Institute, spoke in opposition to the Renewable Redevelopment, LLC application. Mr. Stevenson stated the turbines from the offshore project will lead to a loss of tourism, lower property values; noise from construction and operations will harass marine life; turbines will interfere with radar, risking vessel collisions, will affect Coast Guard operations and reduce military security; flashing lights; commercial fishermen will abandon fishing in these areas due to accidents and insurance rates.

Ms. Stephanie Ballard Wagner, Esq. speaking on her own behalf, spoke in opposition to the application due to lack of meaningful notice; no one knew Renewable Redevelopment LLC was a subsidiary of US Wind; the entity operating this is not a public utility – it is not regulated, they are a private for

**Public
Hearing
CU 2515
(cont.)**

profit organization; that upgrades are to US Winds property; that the sole purpose is to enable US Winds to fulfill their contract with Maryland. Maryland will get the utility credits; that there are no benefits to Sussex county; Maryland rejected their plans to bring the power on shore; that there are safety risks; loss of tourism and tourism dollars; lower property values, loss of fishing (commercial and recreational), no jobs other than perhaps temporary construction, danger to marine life; potential for turbine blade failure; a blade came off a turbine in Nantucket and 15 beaches had to be closed during the height of the summer; cables will go under the inland bays and could potentially damage the ecosystems also the potential for danger to human life if the cables were to become exposed.

Mr. Ken Reuter, stated he is not against what US Wind is trying to do; however, this is a Maryland issue; that there is no direct substantial benefit to Sussex County.

Ms. Natalie Magdeburger, Mayor of the Town of Fenwick Island, spoke on her on personal behalf as well as the Town of Fenwick Island, in opposition to the application stating the project is being pushed by Washington DC and Dover; that there would be damage to the marine environment, there would be an economic impact; in Nantucket pieces of the turbine are falling into the ocean; it will impede the use of sonar and radar.

Mr. Mark Tingle spoke in opposition of the application citing that the turbines will be visible with the naked eye.

The Honorable Jane Brady, spoke in opposition to the project citing the impact on subaqueous lands of the Indian River Bay; concerns about transmission lines only being six feet deep and the impact on marine life; reiterated that this is Maryland's project and Maryland's problem.

Ms. Tina Dempster, opposes the project, stated that the sound created by the turbines is deafening; if a blade is broken it stops, the blades are made of canvas and plastic composites they never decompose.

Ms. Xandy Waesche, President Sussex Shores Beach Association; spoke in opposition of the application – citing the risk of sabotage for the power station; no infrastructure to deal with it if there is a crisis; that it is unmanned if an emergency happens.

Ms. Andrea Caggiano, spoke in opposition to the application referencing the cable interference in Europe, that there are studies that are unclear stating the lack of knowledge on the intensities of the EMF's; that sea life are affected by the dangers of these cables; that in Massachusetts there are no anchor zones due to exposed cables.

Mr. Jason Dean, spoke in opposition to the project and stated that the site plan doesn't show where the transmission lines come onto the parcel; that the

**Public
Hearing
CU 2515
(cont.)**

applicant plans to clear cut 21 acres of woods; that the limit of disturbance goes into the wetlands into the Indian River and Rehoboth Bay; that the address on the application comes back to US Wind and not Renewable Redevelopment; that there are zero contracts with offshore wind with DMEC, Delaware Electric Coop and DP&L; that 3R's beach is located next to the swimming beach and what is the impact of where this thing crosses on the beach.

Ms. Mary Morton, spoke in opposition to the project citing security concerns; that this a highly targeted area by our enemies; that this plan has zero benefit to residents or wildlife of Sussex County, that it provides inconsistent power; that it poses a constant clear and present danger to national security; that there will be a detrimental impact to the waterways; and that there are health concerns for the human impact.

Ms. Maria McCutcheon, spoke in opposition to the application citing concerns that tethering the cables to the substation will create an extension and will increase the scope and impact turning the parcel as well as the wetlands, Indian River Bay and 3R's Beach into one heavy industrial site.

Ms. Georgeanna Linthicum, spoke in opposition to the application, that it is dangerous; that what happened in Nantucket can happen here; that it can harm whales; that the lifespan of the project is 20-25 years; and then what happens.

Ms. Mary Mullins called in opposing this application.

The Public Hearing and public record were closed.

**M 401 24
Defer
Action/
CU2515**

A Motion was made by Mr. Hudson and seconded by Mr. Schaeffer to defer action on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 402 24
Go Into
Executive
Session**

At 4:38 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition.

- M 402 24** **Motion Adopted: 5 Yeas**
Go Into
Executive **Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Session **Mr. Hudson, Yea; Mr. Rieley, Yea;**
(cont.) **Mr. Vincent, Yea**
- Executive** **At 5:00 p.m. an Executive Session of the Sussex County Council was held in**
Session **the Basement Caucus Room to discuss matters related to land acquisition.**
 The Executive Session concluded at 5:13 p.m.
- M 403 24** **At 5:15 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**
Reconvene **come out of Executive Session back into Regular Session.**
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea
- M 404 24** **Mr. Schaeffer made a motion, seconded by Mr. Rieley be it moved that the**
Authorize **Sussex County Council agrees to participate in round 28 of the Delaware**
Ag Land **AG land preservation program and authorize the County Administrator to**
Preservation **allocate funding to the state for 7 properties identified as 2024E through**
Participa- **2024K.**
tion
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea
- M 405 24** **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at**
Adjourn **5:17 p.m.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;**
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

Respectfully submitted,

Bobbi Albright
Executive Administrative Assistant

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

Consent Agenda 08-13-2024

**Plantation Medical and Professional Building (Building #4) – IUA 522
Existing Wastewater Infrastructure Use Agreement
Double R Holdings, LLC to pay \$29,401.00 for 8.41 EDUs.
West Rehoboth Area**

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW
(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov
MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Plantation Medical & Professional Center IUA 522
File: OM 9.01*

DATE: August 13, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Double R Holdings, LLC** for **Plantation Medical & Professional Center (Building 4)** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Plantation Medical & Professional Center (Building 4)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Double R Holdings, LLC** will contribute **\$29,401.00** for the financial catch-up contribution of the existing infrastructure to serve **8.41** Equivalent Dwelling Units. Payments of the contribution will be required upon execution of the agreement.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Plantation Medical and Professional Center (Building 4) IUA522

THIS AGREEMENT (“Agreement”), made this 24th day of July 2024, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

DOUBLE R HOLDINGS, LLC., a Delaware Limited Liability Corporation and developer of a project known as **Plantation Medical and Professional Center (Building 4)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-12.00-53.03 to be known as **Plantation Medical and Professional Center** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **8.41** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$29,401.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted upon execution of the agreement.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **1009 Kings Highway Lewes DE 19958**.

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR DOUBLE R HOLDINGS LLC

By:  _____ (Seal)
Jeff Burton

07/24/2024 _____ (DATE)

WITNESS: _____

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: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable, John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Gina A. Jennings
Finance Director/COO

RE: **DELAWARE TRANSIT CORPORATION FUNDING BUDGET**

DATE: July 26, 2024

As in the past, DART, a division of DelDOT, has allocated funding for transportation expenses for various senior centers in Sussex County. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2024 as per State law. This process is an allocation of State grant funds to various senior agencies for transportation purposes. The amount the State has allocated is \$846,868. This amount is up \$50,000 due to a change in epilogue language in the State's budget. Typically, the \$50,000 goes straight to CHEER but this year the amount was included in the County's amount to allocate. I recommend that the funds still go back to CHEER and the other funding stay consistent as in the past. The recommended funding for each agency is:

Nanticoke Senior Center	\$ 44,962
Indian River Senior Center	2,100
Laurel Senior Center	99,083
Lewes Senior Center	27,123
Cape Henlopen Senior Center	43,066
CHEER, Inc.	<u>630,534</u>
TOTAL	\$846,868

Attached is a spreadsheet displaying the history of allocations, the requested amount, and the recommended allocation. Copies of each agency's request are also attached. At the August 13th County Council meeting, I will be asking for your approval to allocate these State funds to these various agencies. Please feel free to contact me if you have any questions.

Attachments

	Approved FY 2015	Approved FY 2016	Approved FY 2017	Approved FY 2018	Approved FY 2019	Approved FY 2020	Approved FY 2021	Approved FY 2022	Approved FY 2023	Approved FY 2024	Recommended FY 2025	Requested FY 2025
Cape Henlopen Senior Center	43,066	43,066	43,066	43,065	43,065	43,065	43,066	43,066	43,066	43,066	43,066	48,196
CHEER, Inc.	580,534	580,534	580,534	580,525	580,525	580,525	580,534	580,534	580,534	580,534	630,534	718,400
Indian River Senior Center	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,500
Lewes Senior Center	27,120	27,120	27,120	27,120	27,120	27,120	27,120	27,123	27,123	27,123	27,123	60,100
Laurel Senior Center	99,083	99,083	99,083	99,081	99,081	99,081	99,083	99,083	99,083	99,083	99,083	105,083
Nanticoke Senior Center	44,959	44,959	44,959	44,959	44,959	44,959	44,959	44,962	44,962	44,962	44,962	55,000
	796,862	796,862	796,862	796,850	796,850	796,850	796,862	796,868	796,868	796,868	846,868	989,279



July 16, 2024

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

Dear Mr. Lawson,

The amount of money approved for the FY'25 Sussex County Reimbursable Program is \$846,868. Please determine the amount for each agency and write that amount on the attached budget forms. Please sign each form and email them to my attention at mary.wahl@delaware.gov.

If you have any questions, I can be reached at 302-576-6113.

Sincerely,

A handwritten signature in black ink that reads "Mary Wahl". The signature is written in a cursive, flowing style.

Mary Wahl
Finance Administration Manager

Enclosures

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '25
JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME **Cape Henlopen Senior Center**

ADDRESS: **11 Christian Street Rehoboth, DE 19971**

CONTACT PERSON: **Linda Bonville, Administrator**

TELEPHONE #: **302-227-2055** EMAIL ADDRESS: **Lindachsc@aol.com**

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$ 35,036.00	\$
d. Fuel, Oil and Fluids	\$ 7,200.00	\$
e. Client Vehicle Maintenance	\$ 2,000.00	\$
f. Client Vehicle Insurance	\$ 3,000.00	\$
g. Client Transportation Misc. Expense	\$ 960.00	\$
2. Admin. Wages & Benefits (< 10% Total)	\$	\$
3. Overhead (<=2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 48,196.00	\$

Funding: **Approved Sussex County Apportionment** \$ _____

Linda Bonville
 Cape Henlopen Senior Center

2/23/2024
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '25
JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME CHEER, Inc.

ADDRESS: 546 S. Bedford St., Georgetown, DE 19947

CONTACT PERSON: Beckett M. Wheatley

TELEPHONE #: 302-515-3040

EMAIL ADDRESS: bwheatley@cheerde.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 960	\$
b. Personal Vehicle Reimbursement	\$ 1,500	\$
c. Client Transportation Drivers	\$ 396,000	\$
d. Fuel, Oil and Fluids	\$ 85,630	\$
e. Client Vehicle Maintenance	\$ 55,000	\$
f. Client Vehicle Insurance	\$ 50,000	\$
g. Client Transportation Misc. Expense	\$	\$
2. Admin. Wages & Benefits (< 15% Total)	\$ 107,760	\$
3. Overhead (< 3.03% Total)	\$ 21,550	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 718,400	\$

Funding: Approved Sussex County Apportionment \$ _____
~~State Epilogue Apportionment~~ \$ _____
~~Total Amount for FY'25~~ \$ _____



 CHEER, Inc. Beckett M. Wheatley, CEO

3/11/2024
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '25
JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME Indian River Senior Center

ADDRESS: 214 Irons Ave, Millsboro DE 19966

CONTACT PERSON: Suzanne Gordon

TELEPHONE #: 302-934-8839 x4

EMAIL ADDRESS: indian river senior center inc@gmail.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 2500.00	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$	\$
d. Fuel, Oil and Fluids	\$	\$
e. Client Vehicle Maintenance	\$	\$
f. Client Vehicle Insurance	\$	\$
g. Client Transportation Misc. Expense	\$	\$
2. Admin. Wages & Benefits (<= 10% Total)	\$	\$
3. Overhead (<= 2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 2500.⁰⁰	\$

Funding: **Approved Sussex County Apportionment** \$ _____

Suzanne M. Gordon
 Indian River Senior Center

03-15-2024
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '25
JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME Laurel Senior Center, Inc.

ADDRESS: 113 N/ Central Ave.-PO Box 64- Laurel, DE 19956

CONTACT PERSON: Penelope Duncan

TELEPHONE #: 302-875-2536

EMAIL ADDRESS: lsc5830@comcast.net

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$61749	\$
d. Fuel, Oil and Fluids	\$ 16000	\$
e. Client Vehicle Maintenance	\$4000	\$
f. Client Vehicle Insurance	\$ 15000	\$
g. Client Transportation Misc. Expense	\$	\$
2. Admin. Wages & Benefits (<= 10% Total)	\$8334	\$
3. Overhead (<= 2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 105083	\$

Funding: **Approved Sussex County Apportionment** \$ _____

Penelope Duncan
 Laurel Senior Center

2/26/24
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
 Delaware Transit Corporation
 Reimbursable Transportation Program
 Proposed Program Description
 FY '25
 JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME Lewes Senior Activity Center
 ADDRESS: 32083 Janice Rd, Lewes, DE 19958
 CONTACT PERSON: Patricia Fleming
 TELEPHONE #: 302.645.9293 EMAIL ADDRESS: lewesseniorcenter@gmail.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 0	\$
b. Personal Vehicle Reimbursement	\$ 1,100 ⁰⁰	\$
c. Client Transportation Drivers	\$ 33,400 ⁰⁰	\$
d. Fuel, Oil and Fluids	\$ 10,000 ⁰⁰	\$
e. Client Vehicle Maintenance	\$ 4,500 ⁰⁰	\$
f. Client Vehicle Insurance	\$ 7,500 ⁰⁰	\$
g. Client Transportation Misc. Expense	\$ 400 ⁰⁰	\$
2. Admin. Wages & Benefits (< 10% Total)	\$ 6,000 ⁰⁰	\$
3. Overhead (< 2% Total)	\$ 2,000 ⁰⁰	\$
4. Less Client Transportation Income	(\$ 4,800 ⁰⁰)	(\$)
TOTAL	\$ 60,100⁰⁰	\$

Funding: Approved Sussex County Apportionment \$ _____

Patricia M. Fleming
 Lewes Senior Center

3/7/2024
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '25
JULY 1, 2024 - JUNE 30, 2025

AGENCY'S NAME: Nanticoke Senior Center

ADDRESS: 1001 West Locust Street, PO 406, Seaford, DE 19973

CONTACT PERSON: Brenda Givens

TELEPHONE #: 302 629-4939 EMAIL ADDRESS: brenda.givens@nanticokeseniorcenter.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$ 36,000.00	\$
d. Fuel, Oil and Fluids	\$ 6,500.00	\$
e. Client Vehicle Maintenance	\$ 2,300.00	\$
f. Client Vehicle Insurance	\$ 7,200.00	\$
g. Client Transportation Misc. Expense	\$ 800.00	\$
2. Admin. Wages & Benefits (< 10% Total)	\$ 6,200.00	\$
3. Overhead (< 2% Total)	\$ 1,000.00	\$
4. Less Client Transportation Income	(\$ 5,000.00)	(\$)
TOTAL	\$ 55,000	\$

Funding: **Approved Sussex County Apportionment** \$ _____

Brenda Givens
 Nanticoke Senior Center

02/23/2024
 Date

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Mike Harmer, P.E., County Engineer 

RE: **Wolfe Neck RWF Electrical Service & Switchgear Replacement**
A. Electrical Construction, Project S24-09 – Change Order No. 1

DATE: August 13, 2024

Due to the limited land owned by Sussex County and the existing hydraulic profile any treatment expansion at the Wolfe Neck RWF can only occur in the location of the primary treatment lagoon requiring removal of the accumulated biosolids. As prerequisite of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3 requiring additional aerators. In addition, the biosolids removal & dewatering equipment has a significant temporary power demand. Therefore, a new electrical service and power distribution center was required.

On August 15, 2023, Council awarded GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,000. The electrical design accommodates the immediate power needs associated with the biosolids project as well as the future plant expansion load. Under any discharge scenario, the treated effluent must be stored prior to final discharge. The compliance points of any future discharge permit will be at the effluent pump station. In order to maintain compliance, the algae growth in the storage lagoon must be controlled by limiting the incoming light. A costly liner is one option, but research revealed a similar outcome can be achieved with floating solar panels providing solar power while reducing or possibly eliminating any required electric utility upgrades.

Council approved the Engineering Department to request proposals from qualified solar developers to lease the effluent lagoon surface at the Wolfe Neck RWF and on December 6, 2023, four (4) fully compliant submittals were received. The RFP review committee ranked the proposals and on February 27, 2024, Council authorized finalization of lease terms with Noria-Chaberton JV LLC and ultimately approved the Solar Energy Lease and Easement Agreement with Addendum, the Memorandum of Solar Energy Lease and Easement Agreement as well as the Decommissioning Funding Agreement with Noria-Chaberton JV LLC on March 19, 2024.



Subsequently GHD developed construction documents for the associated electrical and general construction scopes with the option to bid on one or both segments of the work. Invitations to Bid were advertised and five (5) contractors attended the pre-bid meeting but ultimately only two (2) bids were received for the Electrical Construction and one (1) bid for the General Construction. BW Electric, On April 30, 2024, Council approved award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000 while at the same meeting rejecting the sole General Construction bid.

Council also approved an alternate delivery method for the General Construction by soliciting all qualified contractors with open County contracts to submit a proposal. Subsequently four (4) proposals were received with Bancroft Construction submitting the lowest responsible offer in the amount of \$1,376,000. Council issued Change Order No. 1 under Bancroft Construction's James Farm contract on June 11, 2024 with separate accounting. During that same meeting Council also approved GHD's Amendment No. 25 in the not to exceed amount of \$736,342 for construction phase services covering both contracts at the Wolfe Neck RWF.

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel.

BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. After review of the proposal by GHD, the Engineering Department recommends approval of Change Order No. 1 in said amount.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Wolfe Neck Regional RWF – Electrical Construction**
2. Sussex County Project No. 24-09
3. Change Order No. 1
4. Date Change Order Initiated - 8/13/24
5.
 - a. Original Contract Sum \$5,000,000.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$5,000,000.00
 - d. Requested Change \$87,423.45
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$5,087,423.45
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Provide additional duct bank and manholes to accommodate a future solar project at the Wolfe Neck Facility.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. B.W. Electric, Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

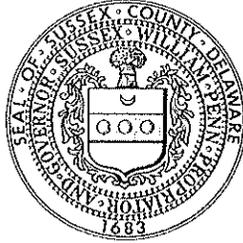
ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Mike Harmer, P.E., County Engineer 

RE: **JP COURT ANNEX**
A. AUTHORIZATION TO REQUEST A PROPOSAL

DATE: August 13, 2024

On December 2, 2022, Council discussed the Conditional Option Agreement (“The Agreement”) with the State of Delaware for the property commonly referred to as the “JP Annex Property”. Specifically, this is the building and grounds adjacent to the County Administration Building that houses the Justice of the Peace Court #14 and the Register of Wills office, among others.

The Agreement was part of a comprehensive arrangement made between Sussex County and the State of Delaware to allow the State’s construction of the new Family Courthouse and parking garage in Georgetown. As part of said arrangement, in 2021 the Council agreed to sell four (4) parcels to the State on East Pine Street and East Market Street where the courthouse and garage are to be built. Next, the State agreed to sell the JP Annex Property, if the County opts to buy it, when the State has vacated the Annex Building. And last, the State agreed to reserve 100 parking spaces for the County in the new parking garage.

In summary, the Agreement gives the County the option to purchase the JP Annex Property in the future at the Council’s discretion. In consideration of the terms of the Agreement, the County paid the State \$100.00. If the County opts to purchase the JP Annex Property, the cost will be \$2,150,000.00, which is the agreed upon sales amount based on the reconciliation of both the State and County’s respective appraisals.

The date of substantial completion for the new Family Courthouse is reported as August 14, 2025. It is timely for us to start our project to assure we are ready to construct when the State vacates. The State is required to notify the County of its intent to vacate the JP Annex Building



within five (5) years after the Agreement is executed or after the State's renovations to the existing Family Court Building located at 22 the Circle are completed. The County has the option to purchase the JP Annex Building for the same five (5) years. At the expiration of the five (5) years option period, the Agreement shall terminate.

As County Council is aware, at the conclusion of the courthouse project, it is my understanding that we will move forward with programming, design and construction of this building. The County FY 25 approved budget includes an item for the Annex Building. Assuming we are purchasing the building, we would like to exercise our right to tag onto the State of Delaware architectural contract OMB242422-SW_MJCAP, Statewide Major Capital Projects, to solicit a proposal from Tevebaugh Associates, Inc., who is an awarded architect on the contract and who is Architect of Record for the new courthouse project ongoing next door. We anticipate planning and programming services in FY 25 with design and construction administration services to follow as we implement this project. We will also finalize purchase with the State as we move forward.

In summary, we are requesting County Council to authorize the Engineering Department to move forward with a proposal request from Tevebaugh Associates, Inc.

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

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TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: Ocean Outfall Repairs, Project G23-18
A. Project Completion & Balancing Change Order

DATE: August 13, 2024

The Ocean Outfall system located between Bethany Beach and Middlesex Beach discharges treated wastewater from the South Coastal Regional Wastewater Facility (SCRWF) into the Atlantic Ocean. Special Condition No. 8 of the Facility's current NPDES Permit No. DE 0050008 states; "The permittee shall visually inspect the ocean outfall structure prior to May 31, 2021, and every 5 years thereafter." These inspections confirm proper condition and function of the Ocean Outfall system, with repairs performed if necessary.

Through a competitive Request For Proposal (RFP) Bid process, TNJ Marine, Inc. was retained to perform the Ocean Outfall system inspection for the last inspection cycle. The inspection was completed by TNJ Marine in May 2021 and the final inspection report submitted on July 2, 2021. Based on the results of the inspection report and at the recommendation of the Engineering Department, Council approved the hiring of a *Subject Matter Expert* in marine construction, Specialty Underwater Services (SUS), on July 21, 2021 to assist in scoping out required repairs and performing additional system observations. Ultimately, a full proposal was submitted by SUS to address the necessary system repairs and visual observations based on the original TNJ Marine inspection report. That proposal was approved by Council on May 24, 2022 in the amount of \$64,250.00.

SUS subsequently completed the scoped system repairs as well as the additional observations along a portion of the pipe outfall in late Summer 2022 timeframe with a final report of findings submitted on November 8, 2022. The repairs primarily consisted of attachment of new bonding wirings to sections of steel bents that support the exposed force main diffuser pipes near the physical system outfall point. The SUS team reported that they observed a significant number of additional wires that were not intact or missing altogether - conditions not noted in the original inspection report. It was also reported by SUS that some of the



anodes attached to the steel bents have less remaining life than documented in the original report; the anodes also play a critical role in overall system cathodic protection.

The Engineering Department recommended that an RFP be developed to address the additional repairs needed, and Council approved such action on February 28, 2023. The RFP was created to incorporate a “Best Value” evaluation process, considering both price and Vendor qualifications, due to the specialty nature of the marine repairs to be performed. The RFP was advertised on May 26, 2023 and a total of five (5) bids were received on June 22, 2023, with one (1) of the bids being found non-responsive. The four (4) remaining bids were from Ballard Marine Construction, J.F. Brennan Company, Underwater Construction, and McLean Contracting.

Based on the results of the Best Value evaluation process and recommendation of the Engineering Department, Council approved award of the project on July 18, 2023 to Ballard Marine Construction for a total Base Bid price of \$154,500, with standby crew time and contingent items used only if deemed necessary per the Unit Prices submitted.

Repair work on the Ocean Outfall began in early September 2023 and work progressed until all scoped base bid repairs were completed approximately thirty days later. During the repair work, Ballard Marine identified a fairly extensive list of additional items that were not identified in the last system inspection that required repair. These items consisted of 34 bonding wires and 16 anodes worn below the established acceptable threshold.

The Engineering Department authorized the additional repairs identified using the bid pricing for contingent items and Ballard Marine initiated the additional repair work on November 16, 2023. Work progressed until December 2, 2023 when marine conditions become too unfavorable to continue and the Engineering Department directed that the diving crew demobilize until the following season. This was done to eliminate excessive charges associated with standby crew time.

With good marine conditions reported, Ballard Marine again mobilized to the site and reinitiated the contingency repair work on June 21, 2021, and work continued until fully completed by July 3, 2024. The Final Repair and Inspection Report along with dive videos and an accounting of all contingency unit quantities used were submitted and reviewed by the Engineering Department. With the project repairs and reporting being satisfactorily completed, **the Engineering Department recommends project close-out and approval of Balancing Change Order No. 1 reflecting \$70,406.97 worth of contingency repairs added to the base bid of \$154,500.00.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **2023 Ocean Outfall Repairs**
2. Sussex County Project No. G23-18
3. Change Order No. (Final Balancing) 1
4. Date Change Order Initiated - 07/17/2024
5.
 - a. Original Contract Sum \$154,500.00
 - b. Net Change by Previous Change Orders \$0
 - c. Contract Sum Prior to Current Change Order \$154,500.00
 - d. Requested Change \$70,406.97
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$223,916.97
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below): use of contingent bid items

C. **BRIEF DESCRIPTION OF CHANGE ORDER:**

- Additional repairs to the outfall cathodic protection system based on additional inspections performed in conjunction with initial base repairs

D. **JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes No

E. **APPROVALS**

1. Ballard Marine Construction, Contractor

Chris Bauer 08/08/2024
Chris Bauer (Aug 8, 2024 11:19 CDT)
Signature Date
Chris Bauer
Representative's Name in Block Letters

2. Sussex County Assistant Engineer

Mark Walker 8/8/24
Signature Date

3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Delaware Coastal Business Park Improvements, Project A21-11
A. Project Closeout & Change Order No. 5***

DATE: August 13, 2024

The Delaware Coastal Business Park Improvements project consists of two separate infrastructure improvement initiatives in the business park: upgrades to a section of Baltimore Avenue in the original section of the Business Park and final build-out (Phase 2) of the new section of Business Park off Park Avenue. Following a public advertisement process, Council authorized award of the Delaware Coastal Business Park Improvements project to A-Del Construction in the amount of \$3,839,433.00. Notice to Proceed for construction was subsequently issued by the Engineering Department on January 25, 2022.

On September 20, 2022, Council authorized Change Order No. 1 in the amount of \$128,630.00 related to construction changes that were needed to accommodate the planned build-out of one of our Business Park tenants, Great Outdoor Cottages. The construction changes involved grading, stormwater management, and storm drainage modifications in the Phase 2 portion of the Business Park, and are now fully complete.

On date October 18, 2022, Council authorized Change Order No. 2 in the amount of \$9,999.00 related to the installation of two (2) additional speed humps along Baltimore Avenue to address continued observed vehicular speeding. The speed humps have been installed and subsequent observations have confirmed that the speeds of vehicles traveling along the roadway have reduced to approximately the posted speed limit of 25 MPH.

On March 21, 2023, Council authorized Change Order No. 3 in the amount of \$319,990.00 related to the T-Hanger Building that was proposed to be built on the airport. The change order included site and utility work by A-Del Construction necessary to support construction of the T-Hanger Building.



On August 29, 2023, Council authorized Change Order No. 4 in the amount of \$56,970.00 which was also related to the T-Hanger Building. This change order included additional work efforts that were required to complete the site work.

All construction activities were completed on the Delaware Coastal Business Park Improvements project in late 2022 and the project was determined to be Substantially Complete as of November 26, 2022. As is customary, retainage monies were held until all close-out project documentation was provided including As-Built Drawings for roadway, site, utilities, and stormwater management facility. In the following months, all close-out documentation was provided with the exception of the stormwater As-Built. An extended period of time was required for the Contractor to complete all As-Built documentation and obtain final approval from the Sussex Conservation District, which was finally issued on July 24, 2024.

Change Order 5 reflects release of retainage monies and final balancing of all project quantities, and results in a reduction of the overall Contract Price due to unused contingency items. **The Engineering Department recommends approval of Balancing Change Order No. 5 reducing the Contract Price by \$264,590.09 to \$4,090,431.91.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: Delaware Coastal Business Park Improvements
2. Sussex County Project No. A21-11
3. Change Order No. 5 (Final Balancing)
4. Date Change Order Initiated - 6/10/2024
5.
 - a. Original Contract Sum \$ 3,839,433.00
 - b. Net Change by Previous Change Orders \$ 515,589.00
 - c. Contract Sum Prior to Change Order \$ 4,355,022.00
 - d. Requested Change (\$ 264,590.09)
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$ 4,090,431.91
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion
7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Change Order 5 addresses Final Balancing of the Contract Amount to decrease the total contract amount.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. A-Del Construction, Inc., Contractor



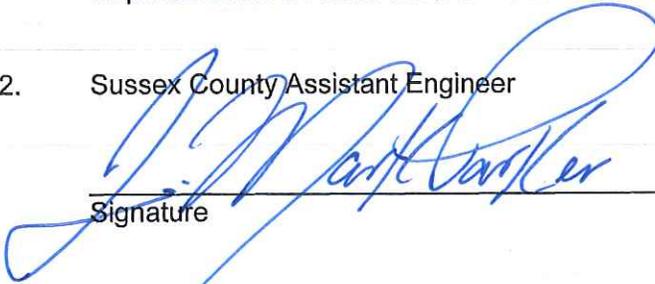
Signature

8/6/2024
Date

ROBERT C. KEMSKE II

Representative's Name in Block Letters

2. Sussex County Assistant Engineer



Signature

8/6/24
Date

3. Sussex County Council President

Signature

Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
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TO: Sussex County Council:
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Paramedic Station 103, Project C21-18***
A. Change Order No. 2

DATE: August 13, 2024

The new Paramedic Station 103 was programmed to replace the current temporary EMS location in Dagsboro, and to support the new station a 0.92-acre parcel of land was purchased in February 2020 off Dickerson Road just outside of Millsboro Town limits. The Engineering Department coordinated to have the parcel annexed into the Town in order to have public water and sewer service, and the annexation was officially approved in April 2023.

In coordination with our EMS Team, our Design Consultant George, Miles and Buhr, Inc. (GMB) spearheaded the development of a Building Prototype for the new EMS Station, in part based on the building layout that was implemented for the Seaford Station completed in 2022. The Building Prototype was adapted to fit the Millsboro site, and was approved by the EMS/Engineering Teams in February 2023 which in turn kicked-off the detailed design phase for the project.

Final Bidding Documents were subsequently developed and the project was advertised for public bid on December 15, 2024, and on January 24, 2024 a total of five (5) bids were received. The low bidder was The Whayland Company with a total bid of \$1,812,700.00 which included three (3) Bid Alternates and eight (8) Site Contingent Items. Based on a recommendation for award by the Engineering Department following a detailed review of all bids, Council approved award of the project to Whayland Company in the amount of \$1,812,700.00 on February 6, 2024. Notice to Proceed was subsequently issued by the Engineering Department and project construction officially commenced on February 20, 2024.



The Engineering Department had initially been tracking a number of minor changes to the project scope in the April-May timeframe. Some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. Since the overall Contract was bid on a Lump Sum basis, project scope changes require Council approval of individual Change Orders.

The following is a summary of items comprising Change Order No. 1:

- Delete concrete foundation waterproofing (Contractor request) – **Credit of \$4,000**
- Expand sediment pond/reshape for final conversion (field condition) – **Charge of \$6,000**
- Abandon existing two 2" water line services/alter tap location (field condition) – **Charge of \$3,500**
- Delete compost logs (field condition) – **Credit of \$1,260**
- Delete paving and pipe culvert at driveway entrance (Owner direction) – **Credit of \$2,500**
- Modify alignment of forcemain (Contractor request) – **Credit of \$3,500**
- Delete emergency lite in sprinkler room (Owner direction) – **Credit of \$186**

Tabulation of all items contained in Change Order No. 1 results in a **credit of \$1,946.00** and a reduction in the overall Contract amount from \$1,812,700.00 to \$1,810,754.00. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 1 on May 14, 2024.

Since this time, additional items have arisen that have resulted in additional changes in project scope. As with Change Order No. 1, some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. The items involved in Change Order No. 2 are summarized below:

- Removal of redundant fire alarm pull station (Owner direction) – Credit of \$225.00
- Flagpole model change (Owner direction) – Credit of \$425.00
- Addition of water feed to janitor closet mop basin (Owner direction) – Charge of \$770.00
- Change in roof valley flashing installation method (Contractor request) – Credit of \$615.00
- Recessing of electric panel into wall (field condition) – Charge of \$210.45
- Removal of twist lock plugs from Contract (Owner direction) – Credit of \$358.00
- Gutter downspout routing modifications (Owner direction/field condition) – Charge of \$11,200.00
- Dickerson Road paving scope modifications (Owner direction) – Credit of \$3,000.00
- Contractor Overhead & Profit - \$755.75

Tabulation of all items contained in Change Order No. 2 results in a net **charge of \$8,313.20** and an increase in the overall Contract amount from \$1,810,745.00 to \$1,819,067.20. **Based on the above, The Engineering Department recommends approval of Change Order No. 2 as submitted.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Millsboro Paramedic Station 103**
2. Sussex County Project No. C21-18
3. Change Order No. 2
4. Date Change Order Initiated - 06/26/24
5.
 - a. Original Contract Sum \$1,812,700.00
 - b. Net Change by Previous Change Orders (\$1,946.00)
 - c. Contract Sum Prior to Current Change Order \$1,810,754.00
 - d. Requested Change \$8,313.20
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$1,819,067.20
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below): altered Contractor means & methods

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Cost Change:

1. Removal of fire alarm pull station – \$225 (credit)
 2. Flagpole model change - \$425.00 (credit)
 3. Addition of water feed to janitor closet mop basin - \$770.00 charge
 4. Change in roof valley flashing installation method - \$615.00 (credit)
 5. Recessing of electric panel into wall - \$210.45 charge
 6. Removal of twist lock plugs from Contract - \$358.00 (credit)
 7. Gutter downspout routing modifications - \$11,200.00 charge
 8. Dickerson Road paving scope modifications - \$3,000.00 (credit)
- | | |
|---------------------------|-------------------|
| Subtotal | \$7,557.45 |
| GC Overhead & Profit | <u>\$755.75</u> |
| Total Change Order | \$8,313.20 |

Time Change:

N/A

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. The Whayland Company, Contractor


 _____ 08/09/2024
Steven Hentschel (Aug 9, 2024 14:08 EDT)
 Signature Date

Steve Hentschel

 Representative's Name in Block Letters

2. Sussex County Assistant Engineer

 Signature Date

3. Sussex County Council President

 Signature Date



Sussex Lumber
 Sussex Lumber Company, Inc.
 PO Box 509
 Millsboro DE 19966
 302-934-8128
 Fax: 302-934-6866



QUOTE

2408-002810

PAGE 1 OF 1

SOLD TO
The Whayland Co., Inc. 100 West 10th Street Laurel DE 19956

JOB ADDRESS
The Whayland Co., Inc. (302) 875-5445

ACCOUNT	JOB
0000353	0
CREATED ON	08/08/2024
EXPIRES ON	08/13/2024
BRANCH	1000
CUSTOMER PO#	
STATION	S22
CASHIER	180
SALESPERSON	100
ORDER ENTRY	180
MODIFIED BY	

Thank you for your business!

Item	Description	D	Quantity	U/M	Price	Per	Amount
LBR248	2 X 4 X 8 CONST STD FRAMING		5	EA	3.0900	EA	15.45
	3 man hours				65.00	EA	195.00
SUSSEX LUMBER IS NOT RESPONSIBLE FOR QUOTING ERRORS. CUSTOMER MUST VERIFY ACCURACY.				DE 0.00%	Subtotal		15.45
					Sales Tax		0.00
					Total		15.45

Buyer: MIKE

Signature

Mike Cassell

From: Michael Moesle <mmoesle@shoresidingmd.com>
Sent: Tuesday, July 16, 2024 8:17 AM
To: Mike Cassell
Subject: RE: Sussex EMS - Roofing Valley Flashing

Here you go

Valley material- 495.00 Total 615.00
Valley labor- 120.00

Brackets Fypon BKT25X25 2,104.00
Brackets Wrapped in Pvc 946.00 Difference 543.0

From: Mike Cassell <mike@whayland.com>
Sent: Tuesday, July 16, 2024 6:58 AM
To: Michael Moesle <mmoesle@shoresidingmd.com>
Subject: RE: Sussex EMS - Roofing Valley Flashing

Good Morning Mike,

Could you break this down. They are asking for an itemized list showing material and labor.

Thank you,

Michael Cassell
The Whayland Company, LLC
Office: 302.875.5445
Cell: 757.642.5308



From: Michael Moesle <mmoesle@shoresidingmd.com>
Sent: Monday, July 15, 2024 5:36 PM
To: Mike Cassell <mike@whayland.com>
Subject: RE: Sussex EMS - Roofing Valley Flashing

750.00

From: Mike Cassell <mike@whayland.com>
Sent: Monday, July 15, 2024 4:08 PM

To: Michael Moesle <mmoesle@shoresidingmd.com>

Cc: John Russ <Johnr@whayland.com>; Jamie Absher <jamie@whayland.com>; Keith LeCates <Keith@whayland.com>

Subject: FW: Sussex EMS - Roofing Valley Flashing

Hey Mike,

Could you shoot me a ball park of the price difference between the metal valleys and the shingle valleys?

Thank you,

Michael Cassell
The Whayland Company, LLC
Office: 302.875.5445
Cell: 757.642.5308



From: Thomas Van Dyke <thomas.vandyke@sussexcountyde.gov>

Sent: Monday, July 15, 2024 3:15 PM

To: Mike Cassell <mike@whayland.com>

Cc: Jamie Absher <jamie@whayland.com>; Mark Parker <mark.parker@sussexcountyde.gov>; Robert Schoonover <RSchoonover@sussexcountyde.gov>; Kristen McAfee <kristen.mcafee@sussexcountyde.gov>; Morgan H. Helfrich <mhelfrich@gmbnet.com>; Christopher M. Kalicki <ckalicki@gmbnet.com>; Keith LeCates <Keith@whayland.com>; John Russ <Johnr@whayland.com>

Subject: Sussex EMS - Roofing Valley Flashing

Hi Mike,
After having several conversations internally, the County does not object to the proposed method of installing the shingles in the valleys. This method being the "California Valley or Cut".
However the acceptance of the proposed method is contingent upon the two items listed below being addressed.

- We would like something in writing from the shingle manufacturer stating that the California Valley is an acceptable method of installation and does not void the warranty in any way. We want this confirmation BEFORE the roofer continues with the installation of the shingles in the valleys.
- The County also wants an itemized credit for the metal flashing material and labor to install.

Let me know if you have any questions.

Regards,

Thomas Van Dyke

Project Engineer I

Sussex County Government



Revised Acknowledgement

Date	W.O. #
5/15/2024	56970

Bill To: The Whayland Company, LLC
 100 West 10th Street
 Laurel, DE 19956

Ship To: Sussex EMS Millsboro
 c/o Whayland Co
 26929 Dickerson Road
 Millsboro, DE 19966

Project: Sussex EMS Millsboro	Work Type: Shipment
P.O. #: 2024 05 - 00053338	Required:
Terms: Net 30	

Quantity	Description	Unit Price	Total Price
1	30' exposed x 33' overall x 7" butt x .188" wall Aluminum Tapered Flagpole, Satin Brush Finish, Cam-Internal System, Ground Sleeve Mounting	2,900.00	2,900.00
1	Deduct: For Internal Cam System in lieu of Internal Winch System	-425.00	-425.00
1	Freight Charges	500.00	500.00
	Please provide flag size to ensure correct cable rigging		

We Manufacture FLAGPOLES, BANNER POLES, FIRE DEPT SLIDE POLES, COMMUNICATION POLES, SIREN POLES, CAMERA POLES, SPIRES AND BOLLARD COVERS	Subtotal:	\$2,975.00
* Please Fax or email Specs/Details For All These Products to 631-689-5528 or info@poletech.com*	Sales Tax: (0.0%)	\$0.00

<small>This is an acknowledgement to confirm your order. If there are any changes, please notify us immediately. Be advised lead times may vary. Inspect all packages upon delivery for any damages. All claims must be submitted in writing within 5 days after delivery. No material returns without prior approval. A 1.5% finance charge may be applied to all past due invoices.</small>	Total:	\$2,975.00
---	---------------	-------------------

Harry Caswell, Inc.

Change Order

Phone: 302-945-5322
FAX: 302-945-7746

34836 Long Neck Rd.
Millsboro, DE 19966

July 23, 2024

Whayland Company
100 West 10th Street
Laurel, DE. 19956

RE: Paramedics Station 103

We are pleased to provide a change in cost to provide and install chrome wall mounted mop sink faucet. Cost includes all labor and additional water piping and insulation materials.

Pipe, fittings, brass nipples, etc \$63.00
Mop sink faucet with vacuum breaker \$317.00
Insulation \$90.00
Labor 2 hrs. \$300.00

Total cost \$770.00

Payment Schedule: upon request as work progresses.

Greg Caswell
Authorized Signature

Acceptance of change: The above prices, specifications and terms have been accepted.

Signature

Date

Tri-County Electrical Service

P.O. Box 644
Sharptown, MD 21861
(443) 359-1542 (410) 883-3968 Fax

Change Order Request

TO: THE WHAYLAND COMPANY DATE: 5-8-2023
100 WEST 10st.
LAUREL, DELAWARE 19956

ATTENTION: Mike Cassell

PROJECT: Millsboro EMS 103

SUBJECT: Cord Reel Plug Credit

Gentlemen,

We propose to decrease our contract total in the amount of \$ 358.00

Three hundred and Fifty-Eight-----00/100

Proposal:

This credit is for removal of the material cost to supply 9 L530 plug ends originally in contract.

Sussex county to provide nine county preferred plugs. Labor for installation is still included in contract.

In order to incorporate this change, we estimate that we will require additional time for completion and have based our proposal upon receiving calendar day's extension. This proposal is form for acceptance within 30 days. We cannot proceed with the work covered by the proposed change until we are so directed in writing approving costs, or until we receive your change authorization, which must be by _____ to prevent additional costs.

This proposal is based upon the usual cost elements necessary to perform the changed work such as labor, material, and normal markups, plus allowances for additional labor, overtime, and inefficiency, special handling and other costs which may be incurred in order that the changed work may be performed.

The foregoing shall not be construed as a release or an accord and satisfaction with respect to claims for delays, schedule impact, or so called ripple effect costs due to the cumulative effect of multiple change orders on the project. Tri-county Electric Company reserves the right to assert a claim for these costs and acknowledges that any such claim must comply with the terms of the contract between the parties.

To substantiate our proposal, we are enclosing one (1) set of our pricing sheets.

C. L. Booze Jr.
PROJECT MANAGER

Tri-County Electrical Service

P.O. Box 644
Sharptown, MD 21861
(443) 359-1542 (410) 883-3968 Fax

Change Order Request

TO: THE WHAYLAND COMPANY DATE: 8-8-2023

100 WEST 10st.
LAUREL, DELAWARE 19956

ATTENTION: Mike Cassell

PROJECT: Millsboro EMS 103

SUBJECT: Delete Pull station in the It Room

Gentlemen,

We propose to decrease our contract total in the amount of \$225.00

Two Hundred and Twenty-Five-----00/100

Proposal:

Pull station is not required in the IT Room. Per instruction TCES will not install.

In order to incorporate this change, we estimate that we will require additional time for completion and have based our proposal upon receiving calendar day's extension. This proposal is form for acceptance within 30 days. We cannot proceed with the work covered by the proposed change until we are so directed in writing approving costs, or until we receive your change authorization, which must be by _____ to prevent additional costs.

This proposal is based upon the usual cost elements necessary to perform the changed work such as labor, material, and normal markups, plus allowances for additional labor, overtime, and inefficiency, special handling and other costs which may be incurred in order that the changed work may be performed.

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To substantiate our proposal, we are enclosing one (1) set of our pricing sheets.

C. L. Booze Jr.
PROJECT MANAGER



August 9, 2024

Whayland Construction
100 W. 10th Street
Laurel, DE 19956

Attn: Mike Cassell

Reference: Millsboro EMS Station – Additional Roof Drain Pipe/Entrance Revision

Dear Mike,

Per your request and revised drawing sent on July 26, 2024, and entrance revisions sent on July 31, 2024, Dixon Contracting, Inc. has attached an itemized breakdown of the following change order request:

- | | |
|--|---------------|
| • Additional roof drain pipe and fittings | \$ 11,200.00 |
| • Entrance plan revision removing 26' of entrance road | (\$ 3,000.00) |
| Total this request | \$ 8,200.00 |

Please note that the original roof drain system pipe, fittings, cleanout and splash blocks were deducted from the original change order request from July 26, 2024. (attached)

Please let me know if you have any questions or concerns. Thank you.

Regards,

John Hutchings
Estimator

Millsboro EMS

Roof drains (additional)			-
8" HDPE	130	lf	7,200.70
8"x 4" roof drain adapter	2	ea	200.00
8" 45o bend	6	ea	900.00
8"x 8" wye	5	ea	1,250.00
8"x 8" tee	1	ea	250.00
8" plug	2	ea	80.00
8" Riser and cleanout	2	ea	700.00
8" 90o bend	4	ea	680.00
Deduct splash blocks	2	ea	(40.00)
			-
			11,220.70
			-
Entrance Plan Revision			
GPS Model Revision	1	ls	1,400.00
Haul additional excess away	60	cy	1,500.00
Deduct 8" GABC	33	ton	(2,563.77)
Deduct Type B asphalt	10	ton	(1,750.00)
Deduct Type C asphalt	8	ton	(1,560.00)
			-
			(2,973.77)
			-
			8,246.93

OCO#2 -add roof pipe; mop sink; deduct cam sys;cord reel;pullstation

Final Audit Report

2024-08-09

Created:	2024-08-09
By:	Kendra Pleasants (kendra@whayland.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsZAVnhDNTJHK2LmCxLMo4IBOD6BbHxUU

"OCO#2 -add roof pipe; mop sink; deduct cam sys;cord reel;pull station" History

-  Document created by Kendra Pleasants (kendra@whayland.com)
2024-08-09 - 3:23:55 PM GMT
-  Document emailed to Steven Hentschel (steve@whayland.com) for signature
2024-08-09 - 3:24:02 PM GMT
-  Email viewed by Steven Hentschel (steve@whayland.com)
2024-08-09 - 3:39:33 PM GMT
-  Document e-signed by Steven Hentschel (steve@whayland.com)
Signature Date: 2024-08-09 - 3:39:42 PM GMT - Time Source: server
-  Agreement completed.
2024-08-09 - 3:39:42 PM GMT

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: *Herring Creek Sanitary Sewer District, Project S20-08*
A. Teal Construction, Inc. – Change Order No. 4

DATE: August 13, 2024

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). On November 1, 2016, the first scope of work for the EJCDC Herring Creek Sanitary Sewer District Agreement was approved, in the amount of \$102,649.00, for aerial mapping and environmental assessment issues.

On August 2, 2016, County Council approved the addition of the Herring Creek area to the Unified Sewer District. On March 20, 2017, the Finance & Engineering Departments filed a funding application with USDA/Rural Development and by September of 2018 all the associated loans/grants were in place. Subsequently on October 2, 2018, Council approved WRA's Amendment No. 1 for the design of the Herring Creek Sanitary Sewer District Pump Stations, Force Main and Sewers was subsequently approved by Council.

Due to the size of the project USDA requested a phasing plan. Phase I encompassed the pump stations and pressure mains, Phase II the sewer collection system off Sloan Road, Phase III the collection system for all minor and major subdivisions off Banks Road and Phase IV the collection system in the Winding Creek Village subdivision.

The pump station contract was publicly advertised under Project S20-06 and on October 8, 2019, County Council awarded Project S20-06 to Chesapeake Turf, LLC. On November 19, 2019, Council approved WRA's Amendment No.2 to the EJCDC Base Agreement in a "not to exceed" amount of \$307,304.00 for construction administration and project inspection of Project S20-06.



Construction contracts associated with the other phases of the Herring Creek expansion were awarded by Council as follows:

- On August 11, 2020, JJID, Inc. was awarded the Phase II under Project S20-07
- On July 13, 2022, Teal Construction, Inc. was awarded Phase III under Project S20-08
- On March 29, 2022, George & Lynch, Inc. was awarded Phase IV under Proj. S20-09

On February 16, 2021, Council approved WRA's Amendment No. 3 in the not to exceed amount of \$448,676.00 for construction administration and inspection services associated with the gravity sewer construction Project S20-07 & 08.

Chesapeake Turf, LLC experienced significant delays beyond reasons justified by the pandemic and weather-related delays. This additional time triggered contract administration as well as inspection requirements and on August 31, 2021, Council approved Amendment No. 4 in the amount of \$68,852.00 for additional construction administration & inspection services.

The construction administration and inspection for Project S20-09 awarded to George & Lynch, Inc. was never covered under a standalone professional services amendment but instead WRA provided the services under Amendment No. 3. After these funds were depleted Council approved Amendment No. 5 on December 13, 2023, in the amount of \$ 359,704.00.

JJID, Inc. experienced significant delays and on August 12, 2022, submitted two claims one related to restoration requirements imposed "above & beyond" permit by DelDOT, the other one related to previously unknown cable interferences. The claims limited merit but nowhere near the compensation levels requested. Therefore, the Department and JJID, Inc. agreed to pause operations to allow review of this issue by Council. In order to achieve a mutually agreeable solution, the Department suggested seeking a "no-fault" contract close out balancing change order where both parties withdraw any and all claims, the County grants acceptance of the infrastructure installed and pays out any retainage held under the contract.

JJID completed all punch list items and executed the quantity adjustment Change Order No. 6 in the credit amount of (\$1,334,027.06) for a net reduction of the Project S20-07 cost in the amount of \$1,054,877.00. Teal Construction assumed the remainder of the infrastructure under the S20-07 Project at their unit prices bid with a non-compensable contract extension of 210-calendar days. Both change orders were approved by Council on July 11, 2023.

In the later part of 2023, Delaware utility construction companies experienced significant labor shortages. Consequently, Teal Construction requested a 210 day no cost time extension, 11 of which were weather related. The extended construction time depleted the available construction administration funds. Therefore, on January 23, 2024, Council approved Teal Construction's time extension Change Order No. 3 as well as WRA's Amendment No.7 in the amount of \$259,551.00 for construction administration & inspection under contract S20-08.

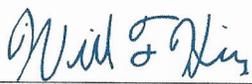
In July 2024, Teal Construction finished their original contract scope and restarted the remaining scope under the S20-07 Project. However, the local skilled labor shortages persist, and Teal Construction was forced to request another 112 day no cost extension, 13 of which were weather related. WRA's Amendment No. 7 has sufficient funding. Therefore, WRA and the Engineering Department support the extension and request Council's approval contingent upon USDA concurrence.

Date of Issuance: 8/1/2024	Effective Date: 8/1/2024
Owner: Sussex County	Owner's Contract No.: S20-08
Contractor: Teal Construction Inc.	Contractor's Project No.: T-21018
Engineer: Whitman, Requardt & Associates	Engineer's Project No.: 14256.036
Project: Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Addition of 112 Calendar Days

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,242,738.00</u>	Original Contract Times: Substantial Completion: <u>3/21/2023</u> Ready for Final Payment: _____ 365 calendar days
Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : \$ <u>1,054,877.00</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : Substantial Completion: <u>8/22/2024</u> Ready for Final Payment: _____ 885 calendar days
Contract Price prior to this Change Order: \$ <u>5,297,615.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>8/22/2024</u> Ready for Final Payment: _____ 885calendar days
Increase of this Change Order: \$ <u>0.00</u>	[Increase] [Decrease] of this Change Order: 112 days Substantial Completion: <u>12/12/2024</u> Ready for Final Payment: _____ 997 calendar days
Contract Price incorporating this Change Order: \$ <u>5,297,615.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>12/12/2024</u> Ready for Final Payment: _____ 997 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u>	By: _____	By: <u></u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Vice President</u>	Title _____	Title <u>PRESIDENT</u>
Date: <u>8/1/2024</u>	Date _____	Date <u>8/1/2024</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

TEAL

CONSTRUCTION INC.

July 16, 2024

Whitman, Requardt & Associates, LLP
Attn: Will F. Hinz, P.E.
9030 Stony Point Parkway
Richmond, VA 23235

RE: Request for Contract Duration Time Extension for Herring Creek Sanitary Sewer District:
South Gravity Sewer and Force Main Contract No. S20-08

Dear Mr. Hinz,

Teal Construction, Inc. would like to request a non-compensable contract duration time extension, allowing for the new completion date to be December 12, 2024 for the Herring Creek Sanitary Sewer District: South and North Gravity Sewer and Force Main Project.

Our original plan, when we bid on this project, was to have two crews working simultaneously to meet the project deadline. However, due to current work force conditions, we have been unable to properly maintain current crews and have also been unable to hire additional crews.

In addition, we have lost about 13 working days from January 1, 2024 – July 12, 2024, due to inclement weather. Attached you will find a breakdown of those days.

Lastly, the extra time will allow for Teal Construction, Inc., to finish the work from Contract No. S20-07 that has been added.

Thank you for consideration of our request and if you have any questions, please do not hesitate to contact us at our office at 302-678-9500.

Sincerely,



John W. Stant, III

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.

1 day

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: 75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Generated on 07/16/2024

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation				Evaporation		"Soil Temperature (F)"								
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth						
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.		
2024	02	01				0.00		0.0												
2024	02	02																		
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2024	02	09																		
2024	02	10																		
2024	02	11				0.08														
2024	02	12				0.21														
2024	02	13	RAINED OUT				0.86													
2024	02	14				0.08														
2024	02	15				0.00		0.0												
2024	02	16				0.00		0.0												
2024	02	17				0.25		T												
2024	02	18				0.00		0.0												
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2024	02	29				0.66														
Summary			0	0		2.39		0.0												

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Empty, or blank, cells indicate that a data observation was not reported.
 *Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
 "s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation
 "T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.
 "A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
 Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.

2 days

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: 75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Generated on 07/16/2024

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

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Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2024	04	01				0.04													
2024	04	02				0.06													
2024	04	03	RAINED OUT			0.33													
2024	04	04				0.19													
2024	04	05				0.05													
2024	04	06				T													
2024	04	07				0.00		0.0											
2024	04	08																	
2024	04	09				0.00		0.0											
2024	04	10																	
2024	04	11				0.00		0.0											
2024	04	12				0.34													
2024	04	13				0.06													
2024	04	14				0.00		0.0											
2024	04	15																	
2024	04	16				0.02													
2024	04	17				0.00		0.0											
2024	04	18				0.00		0.0											
2024	04	19																	
2024	04	20				0.00		0.0											
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2024	04	22				0.05													
2024	04	23																	
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2024	04	25				T													
2024	04	26				0.01													
2024	04	27				0.00		0.0											
2024	04	28																	
2024	04	29																	
2024	04	30																	
Summary			0	0		1.17													

Empty, or blank, cells indicate that a data observation was not reported.
 *Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
 "s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation
 "T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.
 "A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
 Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.

D. Day

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: 75.3159° W
 Station: **MILLSBORO 1.3 W, DE US US1DESS0041**

Generated on 07/16/2024

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

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Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag			Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2024	05	01				0.00		0.0											
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2024	05	08				0.18													
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2024	05	10				0.44													
2024	05	11				0.02													
2024	05	12				0.08													
2024	05	13				0.59													
2024	05	14				0.00		0.0											
2024	05	15				0.90													
2024	05	16				0.03													
2024	05	17				0.00		0.0											
2024	05	18				0.02													
2024	05	19				0.04													
2024	05	20																	
2024	05	21				0.00		0.0											
2024	05	22				0.00		0.0											
2024	05	23				0.00		0.0											
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2024	05	26				T													
2024	05	27				0.06													
2024	05	28				0.38													
2024	05	29				0.00		0.0											
2024	05	30				0.08													
2024	05	31				0.00		0.0											
Summary			0	0		4.12		0.0											

Empty, or blank, cells indicate that a data observation was not reported.

*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCEI's quality control tests. "At Obs." = Temperature at time of observation

"T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.

"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.

Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.
 Generated on 07/16/2024

8 days

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: 75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation				Evaporation		"Soil Temperature (F)"							
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)				Flag	Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2024	06	01																	
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2024	06	24				0.00		0.0											
2024	06	25				0.00		0.0											
2024	06	26				0.00		0.0											
2024	06	27				0.59													
2024	06	28				0.00		0.0											
2024	06	29				0.00		0.0											
2024	06	30				T													
Summary			0	0		1.68		0.0											

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Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Generated on 07/16/2024

Current Location: Elev: 32 ft. Lat: 38.5819° N Lon: 75.3159° W
 Station: MILLSBORO 1.3 W, DE US US1DESS0041

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

1 day

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Year	Month	Day	Temperature (F)			Precipitation				Evaporation		"Soil Temperature (F)"							
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)				Flag	Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2024	07	01				0.97													
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2024	07	03																	
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2024	07	12				RAINED OUT	2.78												
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Summary			0	0		5.65													

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ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Hans M. Medlarz, P.E. County Engineer, ret.
John J. Ashman, Director of Utility Planning & Design Review

RE: *Winding Creek Village – Water District
Public Hearing on Method of Billing
Hearing Findings and Recommendation*

DATE: August 13, 2024

In September 2017, eligible voters in the optimized Winding Creek Village water district boundary approved the creation of the water district area in a referendum by a margin of 5 to 1. The referendum was based on a uniform service charge not tied to individual water meter readings consistent with the County's standard service approach.

The design was completed, and the project competitively bid on April 30, 2024, without meters. The County applied for the supplemental funding and the apparent low bidder has agreed to hold the price until DHSS finalizes a supplemental funding offer in early September. The project will move forward independent of the service charge billing approach.

However numerous inquiries to revising the uniform service charge by introducing a metered component were received and on June 4, 2024, residents presented the Department with a binder containing 69 petitions, two of which ineligible resulting in 67 valid petitions by far exceeding the minimum requirement of 50 under Delaware Code.

On June 25, 2024, County Council authorized to prepare and post notices for an August 2nd public hearing. At the hearing the Department presented the technical as well as the cost implications of introducing a metered billing component. (copy of presentation attached) Because individual metering was not an original cost component, additional up-front capital costs associated with the metered system would have to be borne by the property owners. In



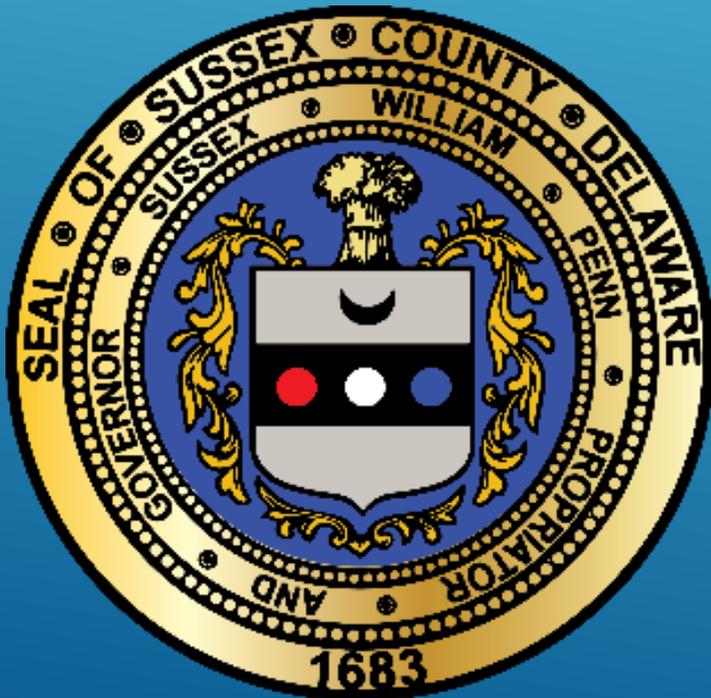
addition, the County would have to charge a minimum amount per user per year to cover the fixed system expenses.

Under the uniform service charge approach, the Winding Creek Village water district is included with all other water customers, resulting in economy of scale while under a metered approach. The Winding Creek Village service area is a stand-alone cost center. After the presentation and associated Q&A, the Department asked for a straw poll in favor of metering with 9 out of 30 represented property owners indicated support. This constitutes 30% of owners in attendance and 9% of owners overall. Given the limited support, the Engineering and Finance Departments do not recommend proceeding to a referendum.

However, some residents in attendance requested Council's consideration to delay a final decision allowing additional time for residents from either side to express their opinion in writing based on the facts contained in the official presentation.

Winding Creek Village Water District

Revised Billing Method



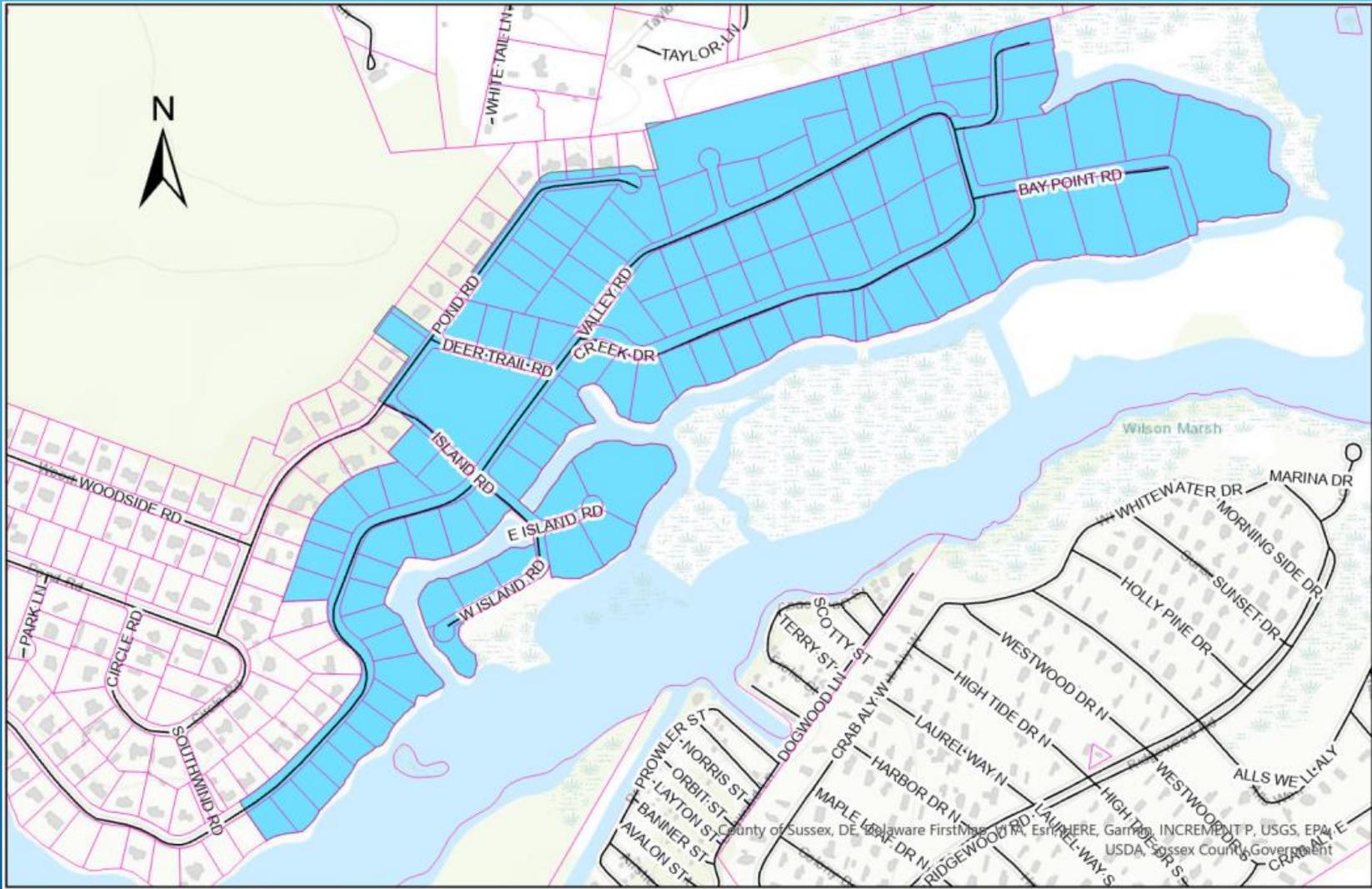
Public Hearing

Conley's United Methodist
Church

5:30pm, August 2, 2024



Existing Water District Boundary





Current Estimated User Charges

As voted on in 2017

Annual Front Foot Assessment	\$8.75 per front foot
Annual Operating Cost	\$500.00/EDU*
Permit Fee (one-time)	\$100.00
System Connection Charge (one-time)**	\$0.00

Typical annual costs are shown below using these charges:

50 FF with home (50 FF x \$8.75/FF) + \$500.00	=	\$937.50
75 FF with home (75 FF x \$8.75/FF) + \$500.00	=	\$1,156.25
100 FF with home (100 FF x \$8.75/FF) + \$500.00	=	\$1,375.00

* EDU = Equivalent Dwelling Unit or Single-Family Dwelling Unit

** Existing Homes Only



Revised Billing Method Charges

One-Time Fees

System Connection Charge (one-time fee)	\$0.00 Existing Homes only
Cost to add Meters (one-time fee)	\$2,240.00/parcel
Permit Fee (one-time)	\$130.00
One-time upload for meter reading	\$200.00
County Billing Setup	\$40.00
Total One-Time Fees	\$2,610.00 + Plumber Fee

Annual Fees

Front Foot Assessment	\$8.75 per front foot
Metered Usage Charge	\$Varies based on usage
Metered Operating Cost	\$349.00
Total Estimated Annual Fees	\$1,686.00**

** Based on using 170 Gallons Per Day (GPD) 365 days per year



Explanation of the Charges

Usage calculation

Average home uses 170 gallons per day $((170 \times 365)/1000) = 62.05$

Water rate is \$7.45 per 1000 gallons

$62.05 \times \$7.45 = \462.23

Potential Annual Cost for 100' lot

$\$875.00 + \$349.00 + \$462.23$ (water usage) = \$1,686.23

Potential Additional Costs

Meter Replacement

\$1,000.00 every 10 yrs.

We will share a spreadsheet to estimate usage and the impacts.



Comparison

Calculated Based 100-front foot lot / 170 Gallons Per Day / 365 days per year

As Voted

One-Time Fee	\$2,130.00 (Based on \$2,000.00 Plumber Fee)
Annual Fees	\$1,375.00

Metered Method

One-Time Fee	\$4,610.00 (Based on \$2,000.00 Plumber Fee)
Annual Fees	\$1,686.00

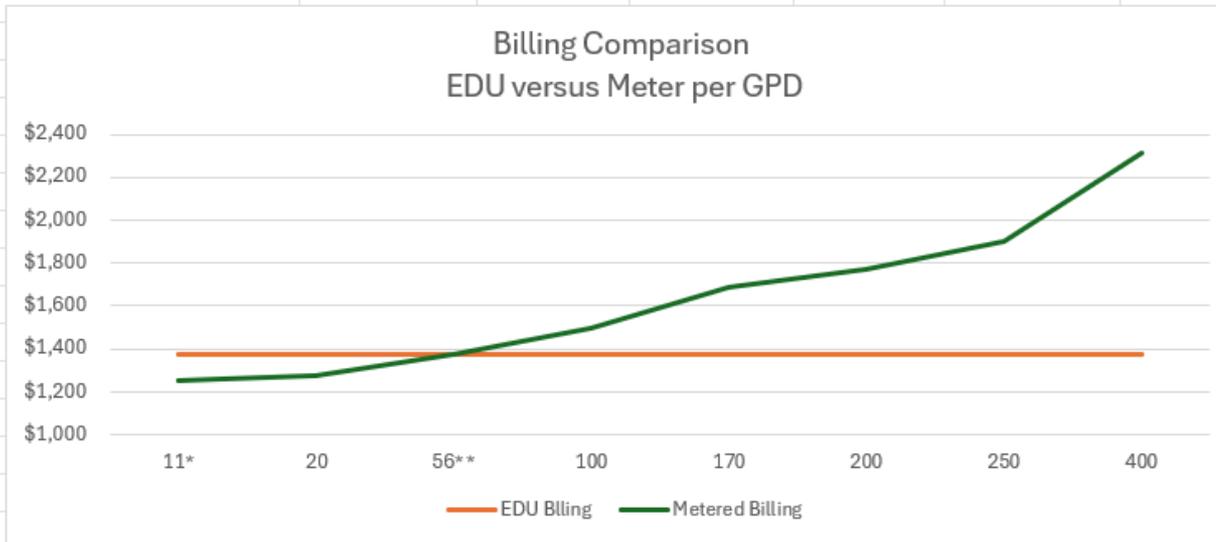


Billing Comparison

	Gallons per day							
	11*	20	56**	100	170	200	250	400
EDU Billing	\$ 1,375	\$ 1,375	\$ 1,375	\$ 1,375	\$ 1,375	\$ 1,375	\$ 1,375	\$ 1,375
Metered Billing	\$ 1,254	\$ 1,278	\$ 1,376	\$ 1,496	\$ 1,686	\$ 1,768	\$ 1,904	\$ 2,312
Annual savings (cost) by doing meters	\$ 121	\$ 97	\$ (1)	\$ (121)	\$ (311)	\$ (393)	\$ (529)	\$ (937)
How many years it would take to make up the upfront costs	20.48	25.67						

* 11 gallons a day would be 2 people using their home for summer weekends only

**56 gallons is the break even point which works out to be using the house 100 days a year with 2-person household





Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 9, 2024

RE: County Council Report for C/U 2431 filed on behalf of Play It Safe, LLC

The Planning and Zoning Department received an application (C/U 2463 filed on behalf of Play It Safe, LLC) for a Conditional Use for a professional office in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 335-12.06-10.00. The property is located at 1510 Savannah Road, Lewes. The parcel size is 0.26 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 22, 2024. At the meeting of June 5, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 12 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting of July 16, 2024. At the conclusion of the Public Hearing action on the application was deferred for further consideration. Below is a link to the minutes of the July 16, 2024 County Council meeting.

Below are the minutes from the Planning & Zoning Commission meetings of May 22, 2024, and June 5, 2024.

[Minutes of the May 22, 2024, Planning & Zoning Commission Meeting](#)

C/U 2431 Play It Safe, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS. The property is lying on the east side of Savannah Road (Rt. 9) at the intersection of Savannah



Road (Rt. 9) and Quaker Road, approximately 0.33-mile northeast of Westcoats Road (Rt. 12). 911 Address: 1510 Savannah Road, Lewes. Tax Map Parcel: 335-12.06-10.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the DelDOT SLER, a copy of the DelDOT letter of no objection to approval, a copy of a letter received from the state Fire Marshall, a copy of a letter received from the Sussex Conservation District, the applicants proposed conditions of approval and 12 written responses a mixture of support and opposition.

Ms. MacKenzie Pete, Esq., from the law firm of Saul Ewing, spoke on behalf of Dr. Mary Vaughn the applicant/owner of Play It Safe, LLC.; that they are seeking a conditional use of land in an AR-1 district for the operation of a professional office; that Doctor Vaughan is a licensed psychologist who holds a doctorate in clinical psychology, works with children, adolescents, adults, and families in various settings; that her practice focuses on difficulties related to depression, anxiety, relationship issues, anger problems, personality disorders, trauma, grief and behavioral difficulties; that Doctor Vaughn also provides psychological evaluations for the courts and offers services such as parent coordination, reunification, therapeutic visitation and custody evaluation; that the applicant filed its supplemental exhibit booklet, which included its current conditional use plan, 1510 Savannah Rd., outside the City of Lewes, tax map parcel 335-12.06-10.00; that 14 conditional uses have been sought within a one mile radius, 13 of them being approved, nine of those uses are office related, indicating a demand for offices in this area; that this suggests that the site is located in area experiencing growth and development, especially in terms of office space; that currently Dr. Vaughn is operating in an office space at 1518 Savannah Rd and she is in need of an upgraded space to better serve her clients and team; that currently her office serves approximately 1000 patients and hope to continue to support their existing and growing client base; that Dr. Vaughn's use is semipublic and character is consistent with other existing businesses in the area where office type and residential uses coexist along Savannah Rd.; that this use is certainly and can be consistent with zoning district and future land use map, and will offer the residents of Sussex County much needed psychology services; that currently the new office is under renovations, but they are strictly interior renovations that have been permitted as necessary; that the only exterior changes to the building will be primarily landscaping; that access will be provided off of Quaker Rd. into the site and then exit only onto Savannah as dictated by DelDOT; that a letter of no impact was submitted into record; that addressing traffic concerns, we anticipate minimal traffic generated by the office, the Delaware Department of Transportation has already confirmed that Doctor Vaughn's proposal does not create any transportation impacts; that her current practice sees an average of 55 clients a week and an average of 11 clients a day that actually come into the office with a balance of clients taking advantage of telehealth appointments; that the maximum number of clients in the office at one time is generally 4, but more consistent actually with between zero and two clients; that this show that there's very little traffic to and from the site and parking has been considered with 11 spaces being provided, one more than required; that the prior daycare use had overflow parking on Quaker Rd., but I would put neighbors at ease with the on site parking it is intended to address their concern about any overflow parking on Quaker Rd.; that as more spaces have been provided on site than required by code; that the proposed two spaces in the back are for employee use only; that not a lot of traffic coming in and out of those two spaces particularly as they will only be employees arriving a leaving; that the applicant's also agreeable to installing no parking signs on her property to confirm that patients can't park along Quaker Road or to put a notice on the door to strictly park in the provided spots; that the site is served by a private well and is on county sewer; that the proposed hours of operation are from 7:00AM to 8:00PM Monday through Friday and between 8:00AM and 4:00PM on Saturdays, which is consistent with her current practice hours; that

sometimes she sees patients outside of normal business hours to accommodate her patients schedules; that Doctor Vaughn mailed a letter to certain residents that she thought were most impacted; that Mr. David Green, who is located immediately behind the site and is also here today, suggested that the Quaker Rd. residents were the most impacted and in should have also been sent a letter; that there was no intention to exclude, we selected immediately adjacent and one over neighbors; that we have been communicating directly with Mr. Green since July of 2023; that Mr. Green was provided an initial plan on July 24, 2023, our application on July 25, 2023, an amended plan that was shared with him on September 1st, 2023, that showed the parking spaces in the rear, and then finally the plan that was submitted to the county and was posted on the docket on May 10, 2024; that the link to the docket was sent to Mr. Green on Monday, on May 13, 2024; that some concerns have been raised by the neighbors, which include DelDOT's allowance of an entrance off Quaker Rd., parking proposed in the rear yard and on Quaker Rd. and hours of operation; that in response the office is a positive change from the daycare that was there, DelDOT requires access from Quaker Rd. and exit onto Savannah, and signage will be confirmed; that the proposed hours of operation are consistent with the current practice and that of other nearby offices; that the application received positive responses from relevant agencies, DelDOT has issued its letter of no impact, the Sussex Conservation District has confirmed exemption from the Delaware sediment and stormwater regulations and the fire Marshall has also approved the proposal; that there's an existing fence in place to provide some screening along the back of the property; that if the fence was damaged the applicant would replace it to maintain the screening.

Mr. Collins asked what percentage of patients are seen in office after hours?

Dr. Mary Vaughn responded that for the month of April she saw 6 patients after hours out of her 55 appointments, so approximately 10% of her clients.

Ms. Janet Burns, of 1508 Savannah Rd., spoke on behalf of herself in opposition to the application that she lives right next door to the office and is concerned about the hours of operation expanding past what the business website states the hours are; that online it states that hours are Monday through Thursday 9am to 5pm and now they are being told they will be Monday through Friday 7am to 8pm and Saturday 8am to 4pm; that the extension into the late evening is not necessary; that as a person who lives alone, I don't feel comfortable with that and my neighbor on the other side is also a single woman and she doesn't feel comfortable with that; that 8:00pm would be not necessary, if it's an emergency telehealth would be acceptable; that if it's somebody in an extreme emergency meeting in person could be a danger, in my opinion; that the concern is there about living next to a large parking lot from all of the spaces proposed.

Ms. Wingate stated that the parking spots within the site are determined by DelDOT and that is their requirement so the applicant cannot change the number of spaces that they will need to provide.

Mr. David Green, who resides behind the office, spoke on behalf of himself in opposition to the application; that Mr. Green has been in contact with Dr. Mary Vaughn and Ms. Mackenzie Peet, Esq. directly over the past year about his concerns and questions regarding the application; that the biggest issues are the extra hours of operation, the no parking in the side and back yards and no parking along Quaker Rd.; that a request on conditions of approval to consider is the accessory structure in the rear be utilized per code as it is currently being used you can hear people working out there from his property; that clarification on the responsibility of the fence be on the applicant if anything was to

happen to the fencing; that under the old business the parking on Quaker Rd. was a major issue and there is concern that it will continue under the new business; that with most of the opposition stemming from parking and traffic along Quaker Rd., that why can't the 2 spots that are designated for the rear of the building be moved up front considering there is enough room; that by allowing the parking in the rear and having an entrance to the lot it will allow for people to use that as a place to turn around if they needed to; that by allowing parking on the side of the building will encourage more people to park along Quaker Rd. making it more problematic for the residents of that area.

Mr. Robertson stated that that the difference between the previous business (the daycare) and the new proposed one is that a daycare goes before the Board of Adjustment and is approved through them; that the Board of Adjustment has the ability to put conditions on an approval, but they typically don't, like Planning & Zoning and County Council do; that the daycare is not under a Conditional Use and if this application get approved there will be an Ordinance that allows for many conditions to be in place and enforced where the daycare was not required to do so; that under a Conditional Use it is more black and white on what can be enforced and the Constable will be the one to do that.

Chairman Wheatley stated that Quaker Rd. is a public road that anyone can drive up and down and park along as long as they are not blocking the flow and traffic and not blocking any driveways; that if there is concern about the ability of people being parked on the road then it would need to be addressed through State of Delaware and they would need to make it a no parking on road, as that is not governed by the County.

Mr. Robertson asked about the parking parallel to Quaker Rd. and the building; that the site plan shows the removal of the existing driveway, but the plan is to put it back?

Ms. Peet responded that the driveway will be removed and replacing it with clamshell material so that they employees can pull through there to the rear and also park parallel to the building; that there is a space along Quaker Rd., there are five that are designated up front, four designated adjacent to Miss Burns property, one running parallel to the property, marked as one, and one space in the back; that we left space between the fence line along Mr. Green's property and the site is so that someone isn't parking in that potential space, most adjacent to Mr. Green's; that there is two spots in the back of the building, but to try and avoid conflict they chose to utilize only one and one on the side of the building; that DelDOT has requested that there be a break in the fence that runs along Quaker Rd. so that there can be an entrance to that rear parking; that DelDOT's plan is to have three entrance/exits, two of which are on Quaker Rd. and an EXIT ONLY on Savannah Rd.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2431 Play It Safe, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4 - 0.

Minutes of the June 5, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 22, 2024.

Mr. Collins moved that the Commission recommend approval of C/U 2431 Play It Safe, LLC for a professional office based upon the record made during the public hearing and for the following reasons:

1. This application seeks to allow the conversion of an existing day care facility into a professional office.
2. The use of this property as an office is in character with the development trend of medical and professional office space along Savannah Road. For example, there are approximately 14 other conditional uses within a one-mile radius of this site. Many of these are office uses very similar to what is sought here.
3. The use as a professional office is supported by the Sussex County Comprehensive Plan.
4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways. In fact, it is likely to have less of an impact on neighboring properties and roadways than the prior more intensive use as a day care facility.
5. DelDOT will review the proposed entrance locations and may require design changes for the entrances as well as roadway improvements.
6. There is sufficient space on the property for parking to serve the office building.
7. The Applicant has stated the intention to maintain the residential appearance of the building that currently exists on the site.
8. This recommendation is subject to the following conditions:
 - A. The building shall be used for office use only. No retail sales or other commercial uses shall occur on the site.
 - B. The building shall be permitted to have one lighted sign. The sign shall not exceed 32 square feet in size on each side.
 - C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - D. The business hours shall be limited to 7:00 am until 8:00 pm, Monday through Friday, and 8:00 am until 4:00 pm on Saturdays. Additional hours for emergency services are permitted, but only on a limited “as-needed” emergency basis.
 - E. All entrances and roadway improvements shall be modified or installed as required by DelDOT. All required DelDOT improvements or modifications shall be shown or documented on the Final Site Plan.
 - F. The Applicant shall install “no parking” signs along both Savannah Road and Quaker Road. All parking shall occur on site and in accordance with the requirements of the County Zoning Code for this use. The parking spaces located at the rear of the site shall only be utilized by employees of the use of the site. All parking shall be clearly shown on the Final Site Plan and on the site itself.
 - G. The existing fence located on the property that separates this site from the adjacent property to the rear along Quaker Road shall remain in its current configuration and location, including restoration or repair as needed by the owner of this site.
 - H. All trash receptacles shall be of a residential type and design. No commercial dumpsters shall be utilized on this site.
 - I. The existing outbuilding on the rear of the site shall only be used for storage.

- J. As stated by the Applicant during the public hearing, the residential appearance of the structure shall be maintained.
- K. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.
- L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2431 Play It Safe, LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

Play It Safe, LLC - Proposed Amendment to Condition E

CURRENT

Condition E. The Applicant shall install “no parking” signs along both Savannah Road and Quaker Road. All parking shall occur on site and in accordance with the requirements of the County Zoning Code for this use. The parking spaces located at the rear of the site shall only be utilized by employees of the use of the site. All parking shall be clearly shown on the Final Site Plan and on the site itself.

PROPOSED¹

Condition E. The Applicant shall install “no parking” signs along both Savannah Road and Quaker Road, [as may be permitted by DeIDOT](#). All parking shall occur on site and in accordance with the requirements of the County Zoning Code for this use. The parking spaces located at the rear of the site shall only be utilized by employees of the use of the site. All parking shall be clearly shown on the Final Site Plan and on the site itself.

¹ Proposed amendment reflected in blue.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: May 22nd, 2024

Application: C/U 2431 Play It Safe, LLC

Applicant: Mary Vaughn Moor
139 East Buckingham Drive
Rehoboth Beach, DE 19971

Owner: Play It Safe, LLC
1510 Savannah Road
Lewes, DE 19958

Site Location: Located on the northeast corner of the intersection of Savannah Road (Rt. 9) and Quaker Road, Lewes, at 1510 Savannah Road.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Professional Office

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Public

Site Area: 11,722 s.f. +/-

Tax Map ID.: 335-12.06-10.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 29th, 2024
RE: Staff Analysis for C/U 2431 Play It Safe, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2431 Play It Safe, LLC to be reviewed during the May 22nd, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 335-12.06-10.00

Proposal: The request is for a Conditional Use for Tax Parcel 335-12.06-10.00 for Professional Offices. The property is lying on the east side of Savannah Road (Rt. 9), at the intersection of Savannah Road (Rt. 9) and Quaker Road in Lewes, Delaware. The property consists of 0.26 acres +/-

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, east and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District. Further north and west, properties are zoned General Commercial (C-1), Neighborhood Business, and Medium Density Residential (MR) Zoning Districts.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Low Density” as outlined in the Sussex County’s 2018 Comprehensive Plan.

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Future Land Use designation of “Coastal Area.” The properties to the north, south, east, and west also have a Future Land Use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Coastal Area” are areas that “contain ecologically important and sensitive characteristics” and are “areas that can accommodate development provided special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units”



(2018 Sussex County Comprehensive Plan, 4-15). Furthermore, the Plan notes, “Medium and higher density could be supported in areas where there is central water and sewer” of which this property has sewer connectivity available (2018 Sussex County Comprehensive Plan, 4-16).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is not located within the vicinity of lands that are actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas subject to inundation from the 0.2% annual chance Flood Zone.

The property does not lie within any established Tax Ditch Areas.

The County’s Online Mapping System indicates that the property is located within a Well Head Protection Area and that the property is located within an area of “Excellent” Groundwater Recharge Potential. The provisions outlined within Chapter 89 sections 6 and 7 will apply.

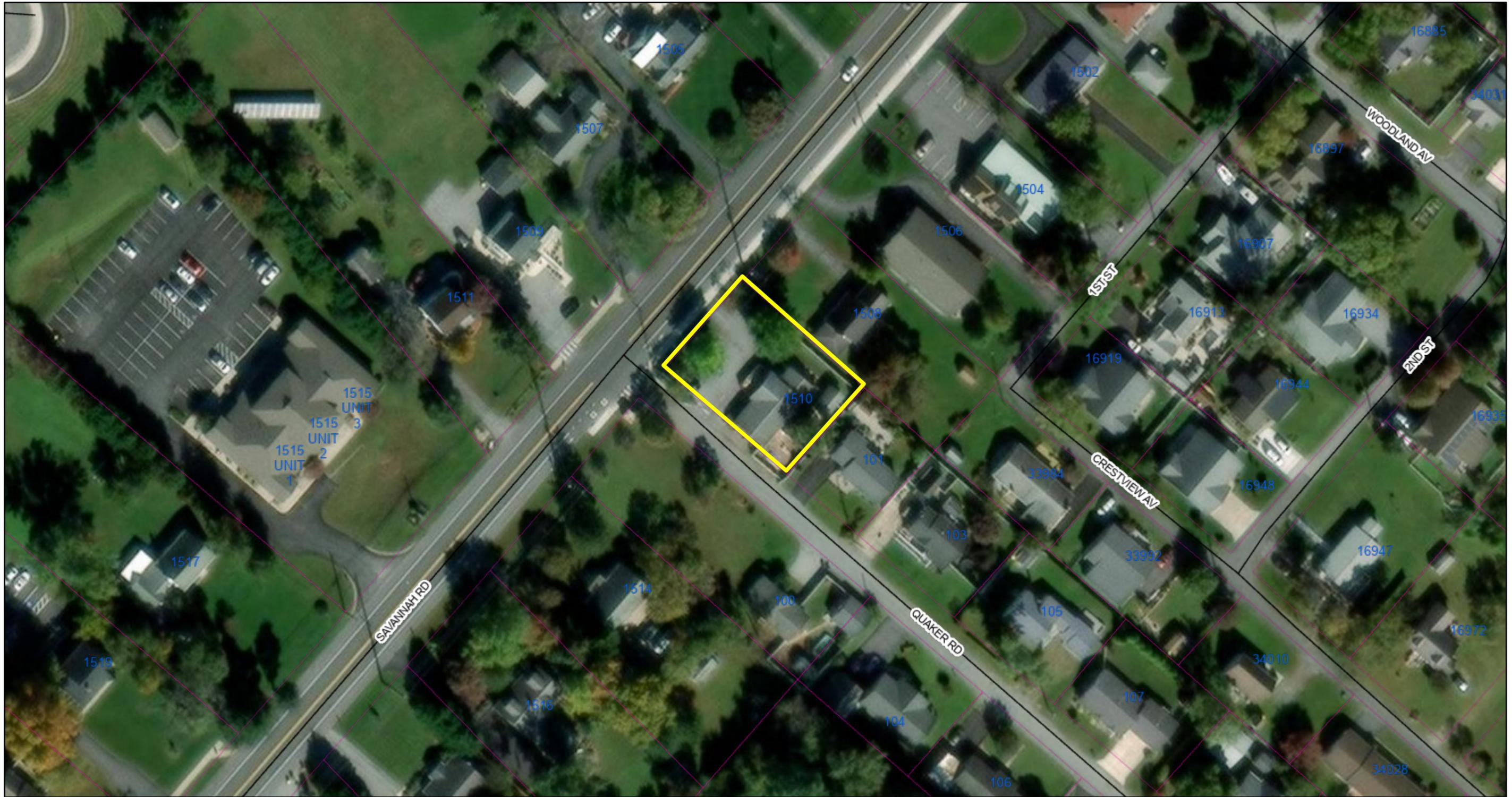
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2011, that are within a 0.5-mile distance from the subject site.

Conditional Use Applications						
(Within a 1-mile radius of the subject site)						
Application Number CU #	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
2313	John Ford	AR-1	Reality Office	Approved	9/20/2022	2885
2264	Laudan Investments, LLC	AR-1	General Office Use	Approved	11/16/2021	2813
2169	Robert & Deborah Reed	AR-1	Multi-Family	Approved	6/18/2019	2663
2160	Procino, Wells, and Woodland, P.A.	AR-1	Professional Office	Approved	3/19/2019	2638
2159	Elisabeth Ann Burkhardt	AR-1	Professional Office	Approved	1/15/2019	2628
2136	Christine Degnon	AR-1	Medical Office	Approved	10/23/2018	2608
2137	John W. Ford	AR-1	Professional Office	Approved	7/31/2018	2592
2132	Dorothy Darley	AR-1	Hair Studio	Approved	7/31/2018	2590
2116	William and Stacey Smith	AR-1	Professional Office	Approved	3/20/2018	2569
2074	Quail Valley 1525, LLC (Midway Fitness)	AR-1	Therapy & Fitness Center	Denied	8/8/2017	
2069	Rudolph Joseph Johnson	AR-1	Workout Studio	Approved	4/25/2017	2494
2064	R & K Partners	AR-1	Medical Office	Approved	3/7/2017	2484

1974	Sara Kay I. Phillips	AR-1	Hair Salon	Approved	1/14/2014	2334
1912	Wm. A. Bell & Kathleen M. Sperl- Bell	AR-1	Professional Office	Approved	11/8/2011	2226

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for an professional offices, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Sussex County



May 15, 2024

layer46

- Red: Band_1
- Green: Band_2
- Blue: Band_3

polygonLayer

- Override 1
- Override 2
- Tax Parcels

911 Address

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

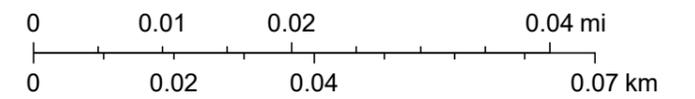
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

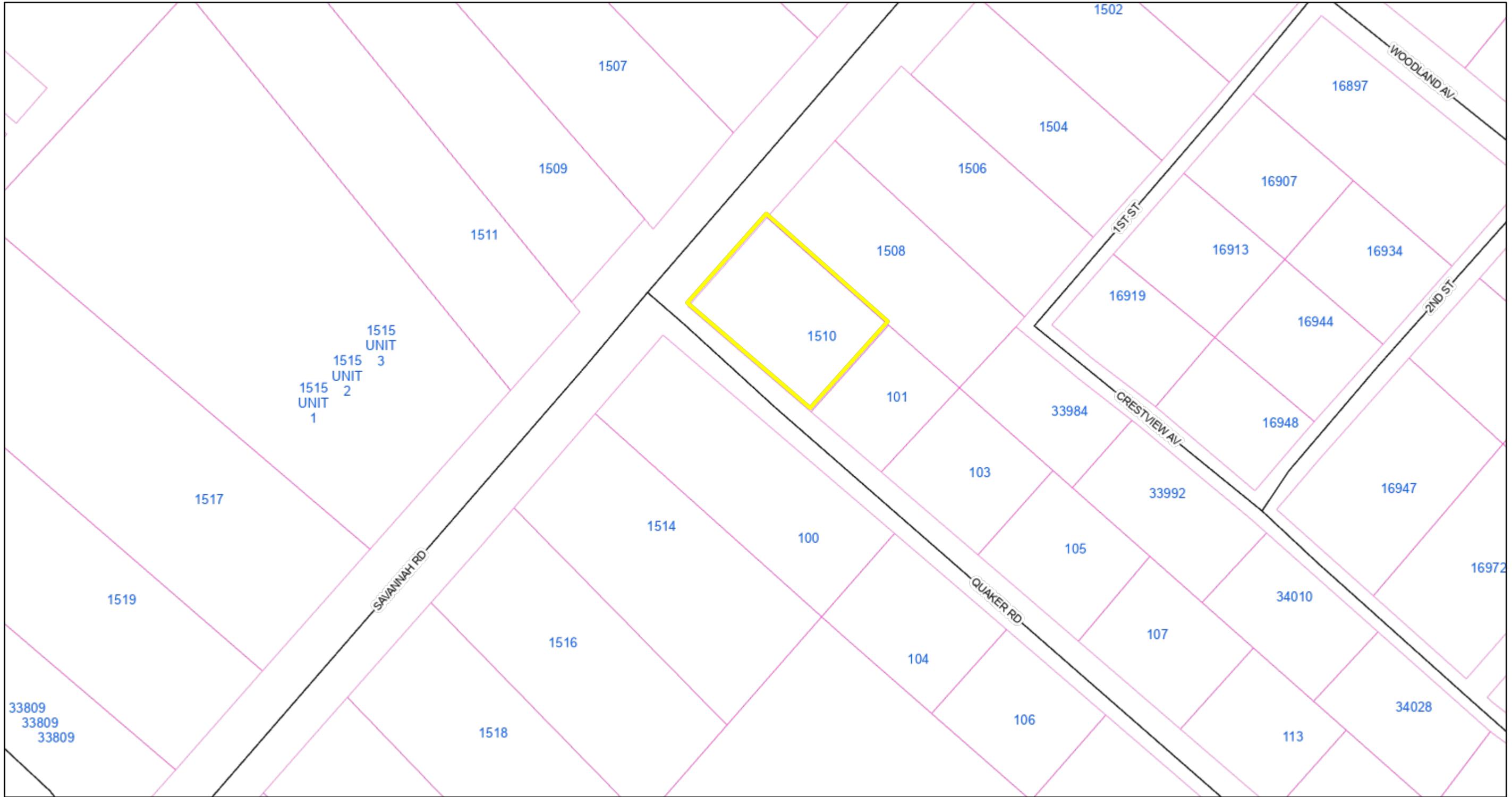
30cm Resolution Metadata

1:1,128



Maxar, Microsoft, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

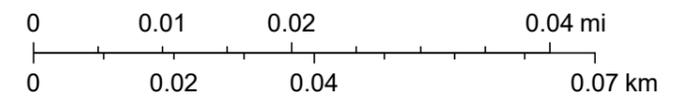
Sussex County



May 15, 2024

1:1,128

- | | | |
|---|---|---|
| <p> Tax Parcels
 Override 1
 Override 2 </p> | <p> Streets
 County Boundaries
 Green: Band_2
 Blue: Band_3
 Red: Band_1 </p> | <p> 911 Address
 layer47 </p> |
|---|---|---|



DNREC, Division of Watershed Stewardship, Drainage Program,
john.inkster@state.de.us, Sussex County, Sussex County
Government, Sussex County Mapping and Addressing

Introduced: 4/30/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.06-10.00
911 Address: 1510 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS

WHEREAS, on the 27th day of March 2023, a Conditional Use Application, denominated Conditional Use No. 2431 was filed on behalf of Play It Safe, LLC; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2431 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2431 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Savannah Road (Rt. 9) at the intersection of Savannah Road (Rt. 9) and Quaker Road approximately 0.33 mile northeast of Westcoats Road (Rt. 12) and being more particularly described in the attached legal description prepared by Wilson, Halbrook & Bayard, P.A., said parcel containing 0.26 acre, more or less.

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

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, July 11, 2024 2:44 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Ronnie Williams Foundation

Project Name Delaware Law Enforcement Thank You Ride 2024

Federal Tax ID 72-1547515

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission To raise awareness and show appreciation for members of the law enforcement community with a special emphasis on the fallen men and women in the history of Delaware. Now in the fourth year, the bicycle tour is comprised of family members of the fallen, active and retired law enforcement and members of emergency services. Multiple honor stops (with brief ceremonies) are planned from Wilmington to Dewey Beach on 9.12 & 9.13 When we stopped in Georgetown in 2023, members of fallen officer Chad Spicer's family were present and we were touched that Council member Cynthia Green greeted the delegation

of bicyclists escorted by police motorcade, as we rolled in to the circle from Rt. 113.

Address	Il Iowa Avenue
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	JuneRose "JR" Futcher
Contact Title	Rider Survivor
Contact Phone Number	302-645-8829
Contact Email Address	jrfdelaware@gmail.com
Total Funding Request	\$1,500
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes

If YES, approximately what percentage of the project's funding does the Council grant represent?	20
Program Category (choose all that apply)	Cultural Educational Other
Program Category Other	Public safety/fallen law enforcement advocacy
Primary Beneficiary Category	Other
Beneficiary Category Other	Public Safety/Community goodwill
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2000
Scope	<p>As a statewide bicycle tour with a message of appreciation in a "Thank You," the mission of awareness for law enforcement fallen, their families and members of public safety is a great one with a message of goodwill. The ultimate ride goal is to be entirely sponsored financially so riders and support may participate fully, while being shown appreciation and respect for their service to community. Funds also pay for meals, lodging, equipment, transport, logistics, refreshments, fallen memorial banners, fuel, supplies, photographs, printing with primary support for survivors participation.</p> <p>As the grand-daughter survivor of my fallen grand-father of the Lewes PD, End of Watch, 8.13.193 while I raise funds to make this ride affordable to all members, I also am able to</p>

participate fully with generous financial support. I am blessed to be a living legacy to my family's heritage in Sussex County & Delaware and an ambassador of goodwill in community law enforcement programs and memorial bicycle tours with the generosity of Sussex County Council. Thank you for many years of support so we may honor and remember all members of public safety. Sincerely, JuneRose "JR" Futcher, Active member, Concerns of Police Survivors, Delaware Chapter.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Operation and logisitics
Amount	0.00
Description	Lodgiing and meals
Amount	0.00
TOTAL EXPENDITURES	0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0.00
Name of Organization	Delaware Law Enforcement Thank You Ride
Applicant/Authorized Official	JR Futcher
Date	07/11/2024

**Affidavit
Acknowledgement**

Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
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To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Trinity Foundation

Project Name 2024 Golf Tournament

Federal Tax ID 203303713

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission To continuously improve people's lives by serving and investing in our COMMUNITY to promote wellness, inspire GIVING, and influence FUTURE LEADERS.

Address 50 Fallon Ave

City Seaford

State DE

Zip Code 19973

Contact Person	Chris Parker
Contact Title	Treasurer
Contact Phone Number	302-253-3509
Contact Email Address	chris.parker@trinitylogistics.com
Total Funding Request	5000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other

Beneficiary Category Other	All who are in need in our community
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	1000
Scope	<p>This is our main General Fund fundraiser of the year and your contributions are instrumental in enabling us to serve our community effectively. Since our inception in 2005 as a 501c3 non-profit organization, the Trinity Foundation has proudly donated over \$700,000 to various charitable causes. We are committed to supporting initiatives that combat heart disease, cancer, and other health challenges, as well as providing essential community services and fostering youth leadership and education.</p> <p>Partnering closely with Love Inc and local schools, we have extended our impact by offering scholarships to graduating seniors and organizing initiatives like providing Thanksgiving meals and Christmas gifts to local families in need.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	30,000.00
Description	Golf Course Fees
Amount	15,000.00
Description	Other supplies needed and awards

Amount	5,000.00
Description	General Fund Giving to the community
Amount	50,000.00
TOTAL EXPENDITURES	70,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-40,000.00
Name of Organization	Trinity Foundation
Applicant/Authorized Official	Chris Parker
Date	07/29/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, July 30, 2024 1:31 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	New Coverdale Outreach Mission
Project Name	Back to School supplies
Federal Tax ID	31-1695369
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	Yes
Organization's Mission	feed the hungry, clothe the naked and educate the public
Address	22215 coverdale rd
City	seaford
State	DE
Zip Code	19973-____
Contact Person	Diane Lofland

Contact Phone Number	3026293036
Contact Email Address	cutiepie14k@gmail.com
Total Funding Request	\$2000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2500.00
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Educational
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County	100

Beneficiaries served, or expected to be served, annually by this program	
Scope	we serve multiple underprivileged families back to school supplies in our community and neighboring communities
Religious Components	no one is refused because of religion, nor is religion during any events
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	1,000.00
Description	electric
Amount	7,000.00
Description	building insurnace
Amount	3,600.00
Description	telephone
Amount	1,200.00
Description	supplies
Amount	2,000.00
Description	alarm system
Amount	650.00
TOTAL EXPENDITURES	14,450.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-13,450.00
Name of Organization	New Coverdale Outreach Mission
Applicant/Authorized Official	Diane Lofland
Date	07/30/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Yes. 8/2.

Schaeffer.
Rienny.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, July 30, 2024 5:16 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization ✓ ~~Sussex County Land Foundation DBA Sussex County Land Trust~~ *Inc.*

Project Name ~~Public Awareness and Programming~~ *- sponsorship of Dogfish Dash*

Federal Tax ID ✓ 04-3611220

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission Protection of Sussex County's natural, cultural, recreational and agricultural resources. Providing opportunities to County residents to enjoy healthy lifestyles and family recreational opportunities through visitation to our Parks and Preserves

Address P. O. Box 372

City Lewes

State DE

Zip Code 19958

Contact Person Mrk Chura

Contact Title Executive Director

Contact Phone Number 3025423305

Contact Email Address mark@chura-assc.com

Total Funding Request \$5,000

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 25

Program Category (choose all that apply) Educational

Primary Beneficiary Category	Other
Beneficiary Category Other	Public at large and their families
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	250000
Scope	The Land Trust, in partnership with County Council, has worked diligently to protect open space throughout the County and to open its Parks and Preserves to the general public. A grant of \$5k is requested to supplement a total public outreach, programming and awareness budget of \$15k the Trust has established. Provision of requested funds will allow the Trust to build awareness of protected open space and understand how and when it can assess these resources and public programs held on the grounds.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	15,000.00
Description	Public outreach, programming and public awareness
Amount	20,000.00
TOTAL EXPENDITURES	20,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-5,000.00

Name of Organization	Sussex County Land Trust
Applicant/Authorized Official	Ring Lardner
Date	07/30/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Non-Profit Grant Program

The Council Grant Program provides grants to non-profit agencies. These funds assist organizations with resources in support of programs, or capital purchases, that benefit Sussex County residents.

Each fiscal year, \$175,000 is available for distribution. Please realize that we receive over 100 applications for this program per year; therefore, Council asks that your request for funding be reasonable, realistic, and within our budgetary constraints.

To be eligible for a grant, you must fill out the online application below. County Council will receive a copy of the application for their consideration to place on a future Council agenda.

If you are having trouble filling out the form below, please fill out the hard copy and mail it to the address on the form.

Please do not hesitate to contact Casey Hall if you have additional questions.

Please fill in the required fields

Section 1: Applicant Information

Legal Name of Agency/Organization *

Delaware Botanic Gardens

Project Name *

2024 DBG Dinner Party Sponsorship

Federal Tax ID *

32-0371538

Non-Profit *

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) *

No

Organization's Mission *

The Delaware Botanic Gardens at Pepper Creek celebrates the coastal plain by creating a world-class, sustainable garden that delights and educates visitors and inspires them to preserve Delmarva's native landscapes.

Address *

P. O. Box 1390

Address 2

City *

Dagsboto

State *

Delaware

Zip Code *

19970

Contact Person *

Sheryl J. Swed

Contact Title

Executive Director

Contact Phone Number *

202-262-9856

Contact Email Address *

sherylswed@delawaregardens.org

Total Funding Request *

\$5,000.00

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

Yes

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

4,000

Only enter valid numeric values

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

Yes

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

3 %

Only enter valid numeric values

Section 2: Program Description

Program Category (choose all that apply)

- Cultural
 Educational
 Fair Housing
 Health and Human Services
 Infrastructure [1]
 Other

Program Category Other

Conservation/Recre

[1] Infrastructure could include roadway construction, trash disposal, well and septic repair, public water and sewer hookup, street lighting, and construction for accessibility purposes.

Primary Beneficiary Category *

- Disability & Special Needs
 Elderly Persons (62 +)
 Homeless
 Low to Moderate Income [2]
 Minority
 Victims of Domestic Violence
 Youth
 Other

Primary Beneficiary Category Other

All Sussex County n

[2] To qualify as low to moderate income, the project must benefit households that have less than 80% of AMI for Sussex County which is defined annually by the U.S. Department of Housing & Urban Development. For 2020, 80% of AMI for a household of one is \$42,500.

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program *

30,000

Only enter valid numeric values

Section 3: Program Scope

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

Building a garden that preserves and protects our native coastal plain, as well as providing a legacy to its character through community outreach and education, benefits

southern Delaware both aesthetically and economically. Delaware Botanic Gardens provides a venue that supports ecotourism, and subsequently local town and county economics.

DBG remains in need of funding not only for the beautiful habitat-specific plantings, but also funding for operations and infrastructure to support public visitors, particularly an educational pavilion. Your sponsorship of our Dinner Party event on September 26, 2024 will provide DBG the opportunity to continue progress toward those goals.

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

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

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

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

Section 4: Budget

REVENUE

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) *

\$ 0.00

EXPENDITURES

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.

	\$	Description	Amount
<input type="text"/>	<input type="text"/>	Salary for Director of Horticulture, Grounds Super	\$ -5,000.00
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
TOTAL EXPENDITURES \$			<input type="text" value="-5,000.00"/>

***TOTAL DEFICIT FOR PROJECT OR ORGANIZATION \$**

*The project will not be eligible for a grant unless there is a deficit.

Section 5: Statement of Assurances

If this grant application is awarded funding,

Name of Organization *

Delaware Botanic G

agrees that:

1. For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the

- organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
2. For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
 3. No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
 4. All information and statements made in this application are accurate and complete to the best of my information and belief.
 5. All funding will benefit only Sussex County residents.
 6. All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
 7. All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
 8. **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Applicant/Authorized Official *

Sheryl J. Swed



Date

07/28/2024

Affidavit Acknowledgment *

I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding.

Please fill in the required fields

Submit Application

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

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

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

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

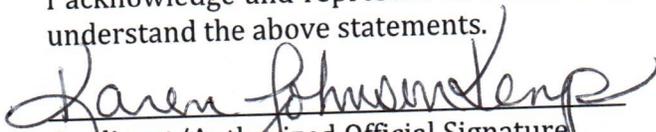
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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

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


Applicant/Authorized Official Signature


Witness Signature

Executive Chair

Title

07/23/2024

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Bridgeville Apple-Scrapple Festival, Inc.
PROJECT NAME: 32nd Annual Bridgeville Apple Scrapple Festival
FEDERAL TAX ID: 51-0399198 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Promote local agri-business and tourism in Western Sussex County, Delaware. Provide fundraising opportunities to civic groups, youth and school groups, and support businesses in the area.

ADDRESS: 600 South Cannon Street
P.O. Box 206
Bridgeville Delaware 19933
(CITY) (STATE) (ZIP)

CONTACT PERSON: Karen Johnson-Kemp
TITLE: Executive Chair
PHONE: 302-245-2038 EMAIL: kjohnsonasf@yahoo.com

TOTAL FUNDING REQUEST: \$3,000.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 5

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
25,000

SECTION 3: PROGRAM SCOPE

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

Our popular and well-attended annual festival provides an opportunity to many local organizations (civic, school, youth, non-profits) to raise funds to support their missions in Western Sussex County, Delaware. Our list of non-profits include the public library, fire company, Little League, Youth Football, Senior Center, and several school groups that support our Woodbridge students. Each year, our festival can attract 20,000+ visitors to the area and the influx of visitors is an economic benefit to many of our local businesses; from our gas stations, to our small family agri-businesses. Our festival prides itself with no admission, free entertainment, open-air streets, and free transportation to all that attend. Funds requested are used to offset the expenses to organize and run our festival, including sanitation, transportation, equipment, advertising, seating, and comfort stations.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	40,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Equipment Rentals: Stage, tents, seating, carts,	-\$ 21,000.00
Transportation (busing)	-\$ 12,000.00
Advertising	-\$ 12,000.00
Traffic Control	-\$ 2,700.00
TOTAL EXPENDITURES	-\$ 47,700.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 7,700.00

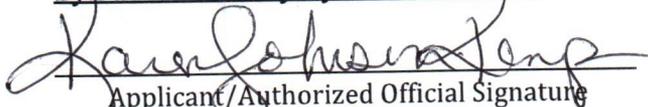
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Bridgeville Apple-Scrapple Festival, Inc. agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

07/23/2024

Date



Witness Signature

07/23/2024

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, July 19, 2024 1:31 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Western Sussex Chamber of Commerce

Project Name Broad Creek Bike and Brew

Federal Tax ID 51-0109649

Non-Profit No

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission To support the mission of the Chamber, to establish and maintain itself as the primary advocate, voice and resource for businesses and organizations in our Western Sussex area.

Address PO Box 26

City Seaford

State Delaware

Zip Code 19973

Contact Person	Suzanne Barger
Contact Phone Number	704-792-5702
Contact Email Address	admin@westernsussexcoc.com
Total Funding Request	1000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1000
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other

Beneficiary Category Other	local non-profits
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	12
Scope	This is our 12th Annual Broad Creek Bike and brew. This event brings over 400 riders to Western Sussex County. We have volunteers from over 12 local business and non-profits. With their participation at the event, we will in exchange donate to either their charity of choice or if they are a non-profit, donate to them directly.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Rental of chairs and tables
Amount	950.00
Description	Band
Amount	1,000.00
Description	Food
Amount	4,000.00
Description	stage, bathrooms and dumpster

Amount	2,000.00
Description	supplies for riders
Amount	200.00
TOTAL EXPENDITURES	8,150.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-8,150.00
Name of Organization	Western Sussex Chamber of Commerce
Applicant/Authorized Official	Suzanne Barger
Date	07/19/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, July 17, 2024 3:08 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization American Cancer Society

Project Name Relay For Life of Sussex County, DE

Federal Tax ID 13-1788491

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The mission of the American Cancer Society is to improve the lives of people with cancer and their families through advocacy, research, and patient support, to ensure everyone has an opportunity to prevent, detect, treat, and survive cancer.

Address PO Box 1877

City Salisbury

State Maryland

Zip Code	21802
Contact Person	Debbie White
Contact Title	Sr. Development Manager
Contact Phone Number	4108453049
Contact Email Address	debbie.white@cancer.org
Total Funding Request	1,500.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	5
Program Category (choose all that apply)	Educational Health and Human Services

Primary Beneficiary Category	Other
Beneficiary Category Other	general public - cancer patients & families
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	159
Scope	Relay For Life is the signature fundraising event for the American Cancer Society, and primary funding source in Sussex County to fund our 100+ years of lifesaving programs: cancer research to advance treatments and diagnose cancer earlier and find causes, ensuring greater access to quality care for all. We provide free patient support to anyone in need through our 24/7/365 website and 800#, including free rides to treatment and free lodging for Sussex residents when being treated in the Baltimore or Philadelphia cancer treatment center hubs, and peer to peer support through our Cancer Survivor Network and via ACS CARES. Thanks in large part to these decades of work, a cancer diagnosis does not come without hope, and the cancer journey is not one that is traveled alone.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	60,000.00
Description	Operating Expenses
Amount	1,700.00

Description	Fundraising Expenses
Amount	2,500.00
Description	Personnel
Amount	500.00
Description	Education & Marketing
Amount	800.00
TOTAL EXPENDITURES	5,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	54,500.00
Name of Organization	American Cancer Society
Applicant/Authorized Official	Debbie White
Date	07/17/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, July 19, 2024 12:20 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Rehoboth Concert BAnd

Project Name A Concert to Honor Veterans

Federal Tax ID 46-1034039

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The mission of Rehoboth Concert Band is to provide area instrumentalists the opportunity to make beautiful music while enriching community life. RCB is comprised of 60 musicians, the vast majority of whom are Sussex County residents. We play 6-8 concerts in Sussex County annually. In the 2023-2024 season, we played concerts in Rehoboth Beach (2), Lewes (2), Georgetown and Milton.

Address 16043 Fox Cub Cir

Address 2 P.O. Box 3, Rehoboth Beach, DE 19971

City	Milton
State	DE
Zip Code	19968
Contact Person	Dianne Deming
Contact Title	President, Board of Directors
Contact Phone Number	302-381-6620
Contact Email Address	rehobothconcertband@gmail.com
Total Funding Request	\$1,175.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50

Program Category (choose all that apply)	Cultural Other
Program Category Other	Patriotic
Primary Beneficiary Category	Other
Beneficiary Category Other	Veterans & General Public
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	400
Scope	Rehoboth Concert Band seeks financial assistance to produce a concert to honor and thank area veterans on Sunday, November 10, 3:00 p.m. at the Rehoboth Convention Center. Our hope is to have the concert expenses underwritten, so that we can make this a pay-as-you-can/wish event. Any proceeds will be donated to a nonprofit organization benefiting veterans. The concert would be open to the public with a mostly patriotic program and special recognition honoring our veterans on the eve of Veterans Day.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Venue

Amount	1,000.00
Description	Promotion
Amount	700.00
Description	Truck Rental
Amount	250.00
Description	Guest Soloist Stipend
Amount	250.00
Description	Printed Programs
Amount	150.00
Amount	0.00
TOTAL EXPENDITURES	2,350.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,350.00
Name of Organization	Rehoboth Concert BAnd
Applicant/Authorized Official	Dianne Deming
Date	07/17/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, July 16, 2024 1:03 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization CHEER, Inc.

Project Name 14th Annual Classic Car, Truck & Bike Show

Federal Tax ID 51-0112599

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission CHEER's mission is to promote and maintain the highest quality of life and independence by developing and providing services that meet the continuing needs of Sussex County senior citizens age 50 and over.

Address 546 S. Bedford Street

City Georgetown

State DE

Zip Code 19947

Contact Person	Beckett Wheatley
Contact Title	CEO
Contact Phone Number	302-854-9500
Contact Email Address	bwheatley@cheerde.com
Total Funding Request	500.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	54800.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Elderly Persons (62 +)

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	1000
Scope	Requesting that Sussex County Council be a \$500 Sponsor for the "Best Sussex County Vehicle in Show" trophy for our 14th annual car show fundraiser and homebound meals awareness campaign. Net funds raised go toward our home delivered meals program that serves qualified Sussex County adults aged 60+.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	3,000.00
Description	Car Show supplies, adv, DJ
Amount	4,000.00
TOTAL EXPENDITURES	4,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,000.00
Name of Organization	CHEER, Inc.
Applicant/Authorized Official	Beckett Wheatley
Date	07/16/2024

**Affidavit
Acknowledgement**

Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

✓ Delaware State College Alumni Association

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: D. S. UAA Sussex County Chapter
PROJECT NAME: Band To The Beach, Rehoboth, D.E.
FEDERAL TAX ID: ✓ 237 004 665 NON-PROFIT: YES NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
YES NO *IF YES, FILL OUT SECTION 3B.
ORGANIZATION'S MISSION: To bring Delaware State Marching Band to Rehoboth, DE.
ADDRESS: P.O. Box 179
Lewes DE 19958
(CITY) (STATE) (ZIP)
CONTACT PERSON: Elizabeth Allen
TITLE: Treasurer
PHONE: (302) 236-4078 EMAIL: Elizabeth.Allen@CapeKR.DE.us

TOTAL FUNDING REQUEST: \$ 2500.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO ✓

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO ✓

Are you seeking other sources of funding other than Sussex County Council? YES NO ✓

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
 Infrastructure¹

- Health and Human Services
Other _____

Cultural
Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
 Elderly Persons
 Minority

- Victims of Domestic Violence
 Low to Moderate Income²
 Other _____

Homeless
Youth

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

Sussex County has been supporting D.S.U. Marching Band to Rehoboth for Labor Day. We asking for your help to pay for the buses to transport them here. This is something the summer crowd looks forward to every year, a large crowd is saway here. Thanks for your support.

Elizabeth Allen

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Jnr-Lin Buses (3)	\$ 4275.00
Pizza	\$ 600.00
Water / Drinks	\$ 250.00
TOTAL EXPENDITURES	\$ 5125.00 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 5125.00 \$ 0.00

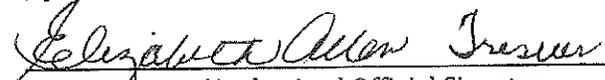
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the DSAA / Sussex County agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature


Witness Signature

6/25/24

Date
6/25/24

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

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

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

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

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

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

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

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

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

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

Elizabeth Allen
Applicant/Authorized Official Signature

M. Q. Dand
Witness Signature

Jusur
Title

6/25/24
Date

To Be Introduced: 8/13/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.00-3.00 (p/o)
911 Address: 16673 Kings Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "H" AND THE AMENDMENT/DELETION OF CONDITION "R" CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING, AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS

WHEREAS, on the 5th day of August 2024, a Conditional Use application, denominated Conditional Use No. 2545 was filed on behalf of J. G. Townsend Jr. & Co.; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2545 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsections 115-31 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2545 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Kings Highway (Rt. 9) and on the south side of Gills Neck Road (S.C.R. 267) at the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 25.56 acres, more or less.

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



**Proposed South Blades Area of the
Sussex County Unified Sanitary Sewer District**

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for a public hearing on June 11, 2024, for Expansion of the Sussex County Unified Sanitary Sewer District by creation of a new Area.
- Parcels 132-6.00-95.00 & 88.01 and parcels 132-11.00-41.00 & 41.02
- The Engineering Department had received a request from BioEnergy Devco for sewer service for the proposed Delmarva Bioenergy Center-Seafood (BDC) facility south of Blades. The facility is not contiguous to the existing boundary therefore it needs to be established as a new area, holding this public hearing and a referendum.
- The request comes for a flow allocation of 100,000 GPD fully equalized with BDC obtaining a pretreatment agreement with the City of Seaford. BDC will be responsible for all system connection charges at the completion of the referendum process, if in the affirmative.
- BDC will be responsible for design & construction of a pumpstation and forcemain to connect to the County's existing infrastructure. And will be responsible for a catch-up contribution as outlined in the Use of Existing Infrastructure Agreement.
- The Engineering Department posted notices on July 23rd, 2024, placed on the County website and advertised the proposed expansion the weeks of July 31 and August 7th.
- To date we have received no correspondence either in support or opposition to this expansion.



PUBLIC NOTICE

PROPOSED SOUTH BLADES AREA OF THE SUSSEX COUNTY UNIFIED

SANITARY SEWER DISTRICT (BLADES SANITARY SEWER DISTRICT)

NOTICE IS HEREBY GIVEN that the Sussex County Council will hold a public hearing on the question of organizing a sanitary sewer district for the South Blades Area to be part of the Sussex County Unified Sanitary Sewer District. The description of the proposed area, consisting of four properties owned by BDG DE, LLC, which lie south of the City of Seaford in the Broadcreek Hundred, Sussex County, Delaware is:

BEGINNING at a point situate on the western right of way (ROW) of Seaford Road (Rt. # 13A), said point being $\pm 1,020'$ northwest of the intersection of the centerlines of Seaford Road and O'Neal's Road, said point also being the northeast corner of lands, now or formerly (N/F) of Glen W. Eskridge, Trustee; thence by and with said lands of Eskridge in a southwesterly direction $\pm 1360.5'$ to a point, said point being on the eastern edge of a ROW of the Consolidated Rail Corp; thence passing through said ROW, $\pm 100'$ in a southeasterly direction to a point, being the northeastern corner of the lands N/F of Javed Farms, LLC; thence by and with said lands of Javed Farms LLC in the following directions and distances: (1) southwest $\pm 1496'$ to a point, and (2) southeast $\pm 2,032'$ to a point, said point also being the northerly ROW of O'Neal's Road; thence proceeding in a southwesterly direction and following an arc by and with said ROW a distance of $\pm 451'$ to a point, said point being in the centerline of Gum Branch Ditch and the northeastern corner of lands N/F of Peter and Natasha Singleton; thence proceeding with the centerline of said ditch in a generally westerly direction $\pm 2190'$ to a point, said point being the northeastern corner of lands N/F of Laurel Farm LLC; thence by and with said lands of Laurel Farm LLC in a southwesterly direction $\pm 329'$ to a point and the northwestern corner of lands N/F of O'Neal Farm LLC; thence by and with said lands of O'Neal Farm LLC in a westerly direction $\pm 328'$ to a point and the southeastern corner of lands N/F of Timothy and Julia Conaway, trustees, thence by and with said lands of Conaway in a northerly direction $\pm 1,080'$ to a point, said point being the southeastern corner of lands of Conaway and the southwestern corner of lands N/F of Donald Eisenbery, trustee; thence by and with said lands of Eisenbery, in the following directions and distances: (1) northeast $\pm 398'$ to a point, and (2) northwest $\pm 1,169'$ to a point, said point being on the southern property line of lands N/F of Jane Givens; thence by and with said lands of Jane Givens the following directions and distances: (1) northeast $\pm 2088'$ to a point, and (2) northwest $\pm 431'$ to a point and the southern corner of other lands of Jane Givens; thence proceeding with lands of Jane Givens in a northeasterly direction $\pm 818'$ to a point and the southern corner of lands N/F of Ronald Fensick; thence by and with said lands of Fensick in a northeasterly direction $\pm 412'$ to a point, said point being the southern corner of lands N/F of Edward and Sandra Dickerson; thence by and with said lands of Dickerson in a northeasterly direction $\pm 209'$ to a point and western corner of HH&JS LLC; thence by and with said lands of HH&JS LLC in a southeasterly direction $\pm 612'$ to a point being the southeastern corner of said lands of HH&JS LLC and the western edge of a ROW of the Consolidated Rail Corp; thence passing through said ROW, $\pm 112'$ in a southeasterly direction to a point being the eastern corner of said ROW and the southwestern corner of Sussex Manor; thence by and with Sussex Manor in the following directions and distances: (1) southeast $\pm 99'$ to a point, (2) northeast $\pm 473'$ to a point, and (3) east $\pm 624'$ to a point and the northwestern corner of lands of Jason and Leslie Waldridge; thence by and with said lands of Waldridge in the following directions and distances: (1) south $\pm 261.92'$ to a point, and (2) east $\pm 351.30'$ to a point situate on the westerly right of way (ROW) of Seaford Road (Rt. # 13A); thence by and with said ROW in a southeasterly direction $\pm 1036'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 132-11.00 & 132-6.00 and Sussex County property assessment records. The annexation contains 225.1 acres more or less.

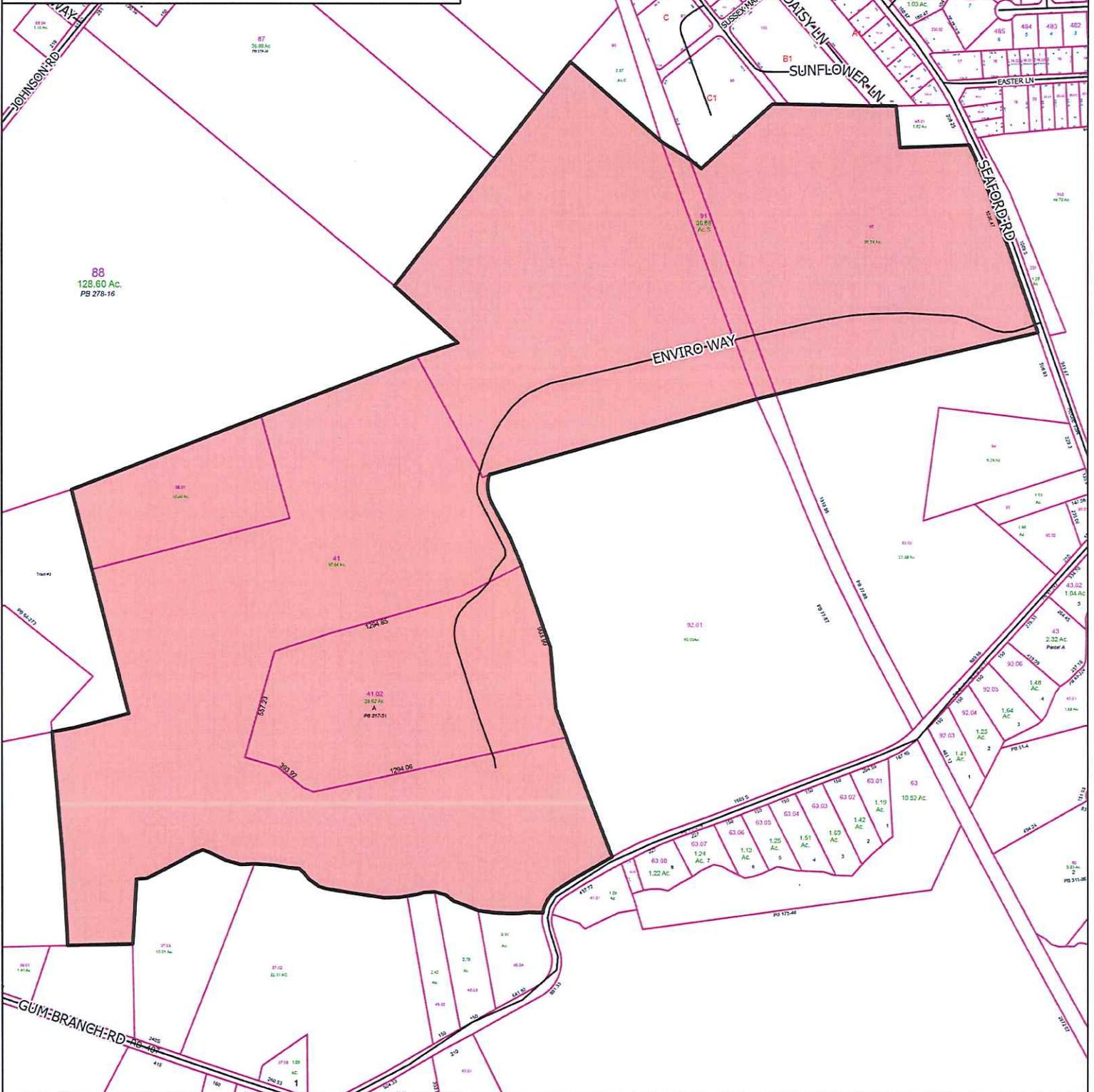
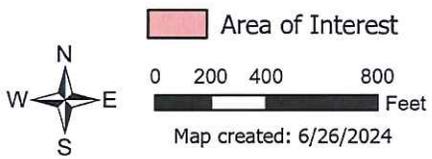
A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 p.m. on August 13, 2024, in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this area creation 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 area creation.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-8384.

Mike Harmer, P.E.
County Engineer

PROPOSED ANNEXATION South Blades - New SCUSSD Area



The proposed annexation is scheduled to be discussed August 13, 2024 at 1:30 PM
in the Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

PROPOSED SOUTH BLADES AREA
AFFIDAVIT FOR PUBLIC HEARING

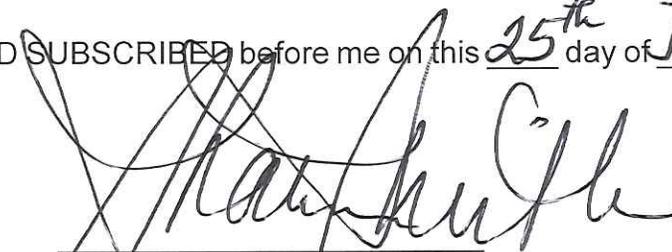
STATE OF DELAWARE)(
:
COUNTY OF SUSSEX)

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, 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 July 23, 2024, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 23, 2024, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On DPL Pole 47040/01958 in the westerly Right-of-Way (ROW) of Seaford Road, 673' +/- south of Easter Lane,
 - 2. On DPL Pole 47045/01944 in the westerly ROW of Seaford Road, 819' +/- south of Easter Lane,
 - 3. On DPL Pole 47050/01930 in the westerly ROW of Seaford Road, 957' +/- south of Easter Lane,
 - 4. On a post in front of DPL Pole 47050/01916 in the westerly ROW of Seaford Road, 190' +/- north of Enviro Way,
 - 5. On a post in front of DPL Pole 47062/01892 in the westerly ROW of Seaford Road, 47' +/- south of Enviro Way,
 - 6. On a post in front of a STOP sign at the intersection of Enviro Way and Seaford Road,
 - 7. On a post in front of DPL Pole 46848/01628 in the northerly ROW of Oneals Road, 3,264' +/- southwest of Seaford Road,
 - 8. On a post in front of DPL Pole 46822/01613 in the northerly ROW of Oneals Road, 3,464' +/- southwest of Seaford Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 25th day of July, A.D., 2024


NOTARY PUBLIC



My Commission Expires 6/14/2026

A RESOLUTION ESTABLISHING THE PROPOSED BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) SOUTH BLADES AREA.

WHEREAS, requests were received from a property owner requesting the Sussex County Council to submit the question of organizing a sanitary sewer area to a vote of electors residing or owning property in that area; the description is below, and a map of the proposed boundary is attached as **Exhibit "A"**; and

WHEREAS, a public hearing was held on **August 13, 2024**, on the question of organizing a sanitary sewer district dealing with the location of the boundaries of the proposed South Blades Area of the Sussex County Unified Sanitary Sewer District as shown in Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Council that the establishment of a sanitary sewer area is deemed to be in the public interest and will be conducive to the preservation of the public health; and

BE IT FURTHER RESOLVED that the area shown as **Exhibit "A"** is hereby established as the "Proposed South Blades Area of the Sussex County Unified Sanitary Sewer District " and is more fully described as follows:

BEGINNING at a point situate on the western right of way (ROW) of Seaford Road (Rt. # 13A), said point being $\pm 1,020'$ northwest of the intersection of the centerlines of Seaford Road and O'Neal's Road, said point also being the northeast corner of lands, now or formerly (N/F) of Glen W. Eskridge, Trustee; thence by and with said lands of Eskridge in a southwesterly direction $\pm 1360.5'$ to a point, said point being on the eastern edge of a ROW of the Consolidated Rail Corp; thence passing through said ROW, $\pm 100'$ in a southeasterly direction to a point, being the northeastern corner of the lands N/F of Javed Farms, LLC; thence by and with said lands of Javed Farms LLC in the following directions and distances: (1) southwest $\pm 1496'$ to a point, and (2) southeast $\pm 2,032'$ to a point, said point also being the northerly ROW of O'Neal's Road; thence proceeding in a southwesterly direction and following an arc by and with said ROW a distance of $\pm 451'$ to a point, said point being in the centerline of Gum Branch Ditch and the northeastern corner of lands N/F of Peter and Natasha Singleton; thence proceeding with the centerline of said ditch in a generally westerly direction $\pm 2190'$ to a point, said point being the northeastern corner of lands N/F of Laurel Farm LLC; thence by and with said lands of Laurel Farm LLC in a southwesterly direction $\pm 329'$ to a point and the northwestern corner of lands N/F of O'Neal Farm LLC; thence by and with said lands of O'Neal Farm LLC in a westerly direction $\pm 328'$ to a point and the southeastern corner of lands N/F of Timothy and Julia Conaway, trustees, thence by and with said lands of Conaway in a northerly direction $\pm 1,080'$ to a point, said point being the southeastern corner of lands of Conaway and the southwestern corner of lands N/F of Donald Eisenbery, trustee; thence by and with said lands of Eisenbery, in the following directions and distances: (1) northeast $\pm 398'$ to a point, and (2) northwest $\pm 1,169'$ to a point, said point being on the southern property line of lands N/F of Jane Givens; thence by and with said lands of Jane Givens the following directions and distances: (1) northeast $\pm 2088'$ to a point, and (2) northwest $\pm 431'$ to a point and the southern corner of other lands of Jane Givens; thence proceeding with lands of Jane Givens in a northeasterly direction $\pm 818'$ to a point and the southern corner of lands N/F of Ronald Fensick; thence by and with said lands of Fensick in a northeasterly direction $\pm 412'$ to a point, said point being the southern corner of lands N/F of Edward and Sandra Dickerson; thence by and with said lands of Dickerson in a northeasterly direction $\pm 209'$ to a point and western corner of HH&JS LLC; thence by and with said lands of HH&JS LLC in a southeasterly direction $\pm 612'$ to a point being the southeastern corner of said lands of HH&JS LLC and the western edge of a ROW of the Consolidated Rail Corp; thence passing through said ROW, $\pm 112'$ in a southeasterly direction to a point being the eastern corner of said ROW and the southwestern corner of Sussex Manor; thence by and with Sussex Manor in the following directions and distances: (1) southeast $\pm 99'$ to a point, (2) northeast $\pm 473'$ to a point, and (3) east $\pm 624'$ to a point and the northwestern corner of lands of Jason and Leslie Waldrige; thence by and with said lands of Waldrige in the following directions and distances: (1) south $\pm 261.92'$ to a point, and (2) east $\pm 351.30'$ to a point situate on the westerly right of way (ROW) of Seaford Road (Rt. # 13A); thence by and with said ROW in a southeasterly direction $\pm 1036'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 132-6.00 & 132-11.00 and Sussex County property assessment records.

The proposed South Blades Area of the Sussex County Unified Sanitary Sewer District is within these approximate boundaries containing 225.1 acres more or less.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Roxana Storage Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for a public hearing on June 11, 2024, for the Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area)
- The Engineering Department had received a request from Davis, Bowen & Friedel, Inc on behalf of their clients Zion Church Ventures, LLC for the western area and AWH Properties, LLC for the eastern area, for the projects known as Roxana Storage (East & West).
- The request includes parcels 533-11.00-23.00, 23.02, 23.03 & 23.04.
- The projects are proposed as storage facility & warehouses.
- The projects will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- The Engineering Department posted notices on July 23rd, 2024, placed on the County website and advertised the proposed expansion the weeks of July 31 and August 7th.
- To date we have received no correspondence either in support or opposition to this expansion.



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

PUBLIC NOTICE

PROPOSED ROXANA STORAGE EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (JOHNSON'S CORNER AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **June 11, 2024** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Johnson's Corner Sanitary Sewer District, to include four parcels north of the intersection of Zion Church Road and Deer Run Road, being situate in The Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

AREA 1: Parcels 23.00, 23.03, & 23.04

BEGINNING at a point situate on the southwestern right of way (ROW) of Zion Church Road (US Rt. # 20), said point being $\pm 670'$ northwest of the intersection of the centerlines of Zion Church Road, and Deer Run Road, said point also being the northern corner of lands now or formerly (N/F) of Kenneth and Mellissa Bertrand; thence by and with said lands of Bertrand the following courses: (1) southwest $\pm 343.1'$ to a point, and (2) southeast $\pm 83.94'$ to a point and a corner of other lands of Bertrand; thence by and with said lands of Bertrand the following courses: (1) southeast $\pm 110.65'$ to a point, and (2) east $\pm 230.0'$ to a point also being a western corner of the lands N/F of Cornerstone Rentals LLC; Thence by and with said lands of Cornerstone Rentals LLC the following courses: (1) south $\pm 69.97'$ to a point, (2) southeast $\pm 34.25'$ to a point, and (3) southeast $\pm 50.58'$ to a point on the northern ROW of Deer Run Road; Thence by and with said ROW in a southwesterly direction $\pm 1,307'$ to a point and a corner of lands N/F of Betty Jo Magee; thence by and with said lands of Magee the following courses: (1) northwest $\pm 374.4'$ to a point, and (2) southwest $\pm 210'$ to a point and a eastern corner of lands N/F of Harry Orvin Strickler, Jr. and Patricia A. Kagarise; Thence with said lands of Strickler and Kagarise $\pm 947.37'$ to a point in the centerline of a ditch and a southern corner of lands N/F of Howard Edward Johnson and Naomi B. Johnson; thence by and with said lands of Johnson and along the centerline of said ditch the following courses: (1) east $\pm 434.7'$ to a point, (2) northeast $\pm 252.7'$ to a point and the end of said ditch, and (3) northeast $\pm 382.27'$ to a point and a western corner of lands N/F of Houston G. and Patricia Allen Curd; Thence by and with said lands of Curd in a southerly direction $\pm 25'$ to a point and a corner of lands N/F of Joseph M. Roselini and Susan E. Harris; thence by and with said lands of Roselini and Harris in a southerly direction $\pm 174'$ to a point and a corner of lands N/F of Carol S. Coulson; thence by and with said lands of Coulson the following courses: (1) south $\pm 308'$ to a point, and (2) southeast $\pm 152'$ to a point and a western corner of lands N/F of James Brian Nelson Frey; Thence by and with said lands of Frey the following courses: (1) southeast $\pm 233'$ to a point, and (2) northeast $\pm 249.7'$ to a point on the southeastern ROW of Zion Church Road; Thence with said ROW, following an arc to the southeast $\pm 230'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-11.00 and Sussex County property assessment records. The annexation contains 31.78 acres more or less.

AREA 2: Parcels 23.02

BEGINNING at a point situate on the northeastern right of way (ROW) of Zion Church Road (US Rt. # 20), said point being $\pm 250'$ northwest of the intersection of the centerlines of Zion Church Road, and Deer Run Road, said point also being the western corner of lands now or formerly (N/F) of Brent and Joan Sunderline; thence by and with said lands of Sunderline and along the centerline of a ditch in a generally northeasterly direction $\pm 187'$ to a point and a western corner of lands N/F of Treehouse Beach Resort LLC; thence by and with said lands of Treehouse Beach Resort LLC and along the centerline of said ditch in a generally northeasterly direction $\pm 703'$ to a prong in said ditch and a point on the southern property line of lands N/F of Charles R. and Norma A. Daly, trustees; thence by and with said lands of Daly, along the centerline of said ditch in a generally southwesterly direction $\pm 660'$ to a point on the bank of said ditch and a corner of lands N/F of Thomas Wayne Quillen; thence by and with said lands of Quillen in a southwesterly direction $\pm 311.06'$ to a point on the northeastern ROW of Zion Church Road; thence with said ROW following an arc to the southeast $\pm 641'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-11.00 and Sussex County property assessment records. The annexation contains 6.95 acres more or less.

The public hearing will be held on this issue at 1:30 p.m. on July 16, 2024, in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. 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) 855-7370.

Mike Harmer, P.E.
County Engineer

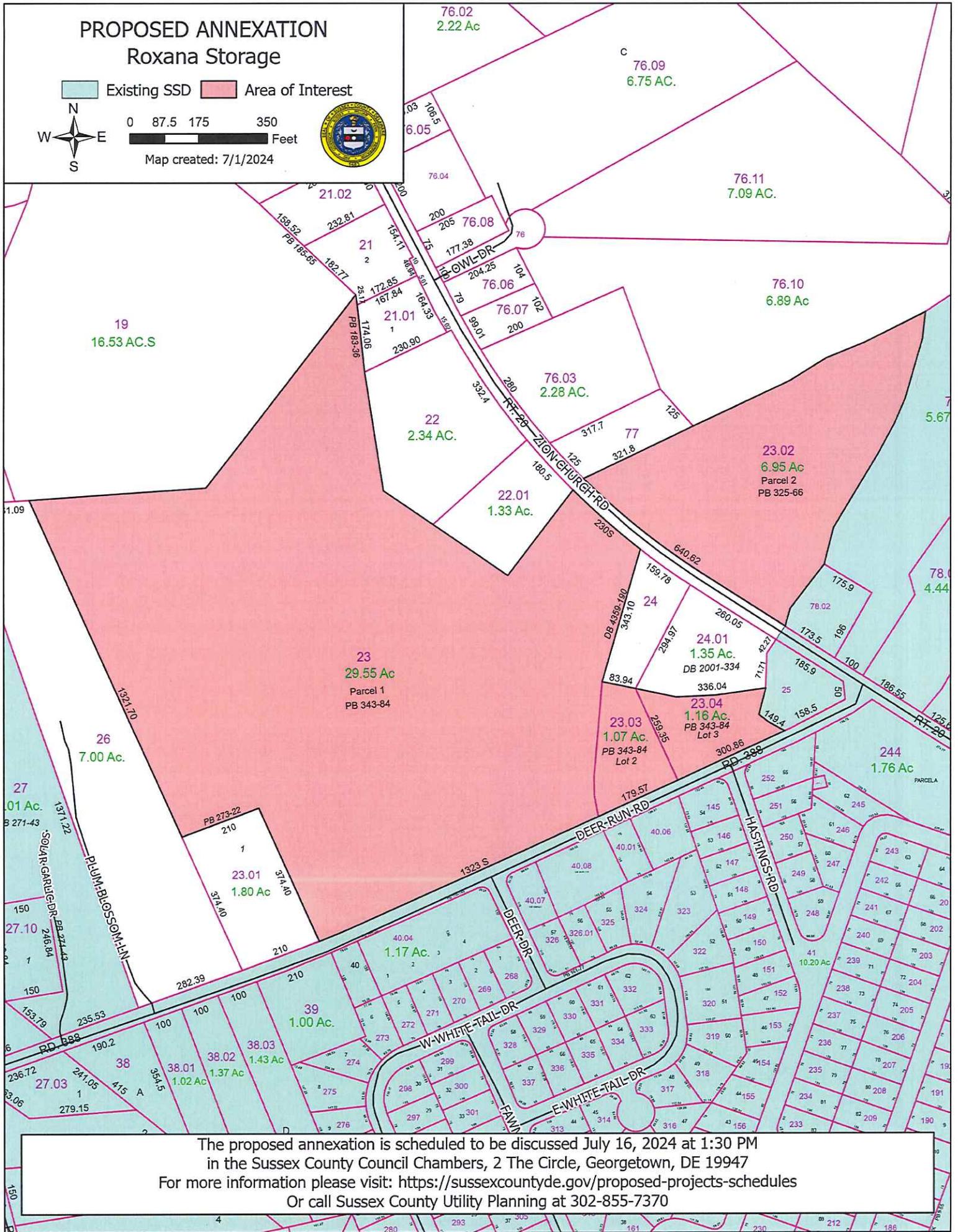
PROPOSED ANNEXATION Roxana Storage

Existing SSD Area of Interest



0 87.5 175 350
Feet

Map created: 7/1/2024



The proposed annexation is scheduled to be discussed July 16, 2024 at 1:30 PM
in the Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
ROXANA STORAGE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

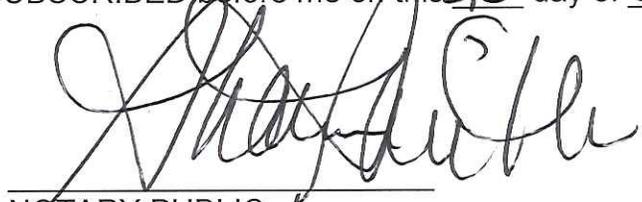
STATE OF DELAWARE)(
:
COUNTY OF SUSSEX)(
:

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, 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 July 23, 2024, he was a Planning Technician IV for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 23, 2024, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of DEC Pole 21731 in the northerly Right-of-Way (ROW) of Deer Run Road,
 - 2. On DEC Pole 21749 in the northerly ROW of Deer Run Road,
 - 3. On a post at the entrance of Deer Run Acres on the south side of Deer Run Road,
 - 4. On a post in front of a STOP sign at the intersection of Zion Church Road and Deer Run Road,
 - 5. On a post in front of a STOP sign at the intersection of Zion Church Road and Foxhall Road at the exit from Fox Haven subdivision,
 - 6. On a post in front of a STOP sign at the intersection of Whitebay Road and Zion Church Road at the exit from Sweetbay subdivision,
 - 7. On a post in the northeasterly ROW of Zion Church Road, 790' +/- northwest of Deer Run Road,
 - 8. On a post in the southwesterly ROW of Zion Church Road, 790' +/- northwest of Deer Run Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 25th day of July A.D., 2024


NOTARY PUBLIC



My Commission Expires 6/14/2026

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) JOHNSON'S CORNER AREA, TO INCLUDE THE ROXANA STORAGE AREA AND LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); 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 vicinity of Roxana Storage, the inclusion of this area will be beneficial; 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 Phillip C. Calio, 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 ninety 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 SCUSSD to encompass the lands mentioned above in the Roxana Storage area and further described as follows:

AREA 1: Parcels 23.00, 23.03, & 23.04

BEGINNING at a point situate on the southwestern right of way (ROW) of Zion Church Road (US Rt. # 20), said point being $\pm 670'$ northwest of the intersection of the centerlines of Zion Church Road, and Deer Run Road, said point also being the northern corner of lands now or formerly (N/F) of Kenneth and Mellissa Bertrand; thence by and with said lands of Bertrand the following courses: (1) southwest $\pm 343.1'$ to a point, and (2) southeast $\pm 83.94'$ to a point and a corner of other lands of Bertrand; thence by and with said lands of Bertrand the following courses: (1) southeast $\pm 110.65'$ to a point, and (2) east $\pm 230.0'$ to a point also being a western corner of the lands N/F of Cornerstone Rentals LLC; Thence by and with said lands of Cornerstone Rentals LLC the following courses: (1) south $\pm 69.97'$ to a point, (2) southeast $\pm 34.25'$ to a point, and (3) southeast $\pm 50.58'$ to a point on the northern ROW of Deer Run Road; Thence by and with said ROW in a southwesterly direction $\pm 1,307'$ to a point and a corner of lands N/F of Betty Jo Magee; thence by and with said lands of Magee the following courses: (1) northwest $\pm 374.4'$ to a point, and (2) southwest $\pm 210'$ to a point and a eastern corner of lands N/F of Harry Orvin Strickler, Jr. and Patricia A. Kagarise; Thence with said lands of Strickler and Kagarise $\pm 947.37'$ to a point in the centerline of a ditch and a southern corner of lands N/F of Howard Edward Johnson and Naomi B. Johnson; thence by and with said lands of Johnson and along the centerline of said ditch the following courses: (1) east $\pm 434.7'$ to a point, (2) northeast $\pm 252.7'$ to a point and the end of said ditch, and (3) northeast $\pm 382.27'$ to a point and a western corner of lands N/F of Houston G. and Patricia Allen Curd; Thence by and with said lands of Curd in a southerly direction $\pm 25'$ to a point and a corner of lands N/F of Joseph M. Roselini and Susan E. Harris; thence by and with said lands of Roselini and Harris in a southerly direction $\pm 174'$ to a point and a corner of lands N/F of Carol S. Coulson; thence by and with said lands of Coulson the following courses: (1) south $\pm 308'$ to a point, and (2) southeast $\pm 152'$ to a point and a western corner of lands N/F of James Brian Nelson Frey; Thence by and with said lands of Frey the following courses: (1) southeast $\pm 233'$ to a point, and (2) northeast $\pm 249.7'$ to a point on the southeastern ROW of Zion Church Road; Thence with said ROW, following an arc to the southeast $\pm 230'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-11.00 and Sussex County property assessment records. The annexation contains 31.78 acres more or less.

AREA 2: Parcels 23.02

BEGINNING at a point situate on the northeastern right of way (ROW) of Zion Church Road (US Rt. # 20), said point being $\pm 250'$ northwest of the intersection of the centerlines of Zion Church Road, and Deer Run Road, said point also being the western corner of lands now or formerly (N/F) of Brent and Joan Sunderline; thence by and with said lands of Sunderline and along the centerline of a ditch in a generally northeasterly direction $\pm 187'$ to a point and a western corner of lands N/F of Treehouse Beach Resort LLC; thence by and with said lands of Treehouse Beach Resort LLC and along the centerline of said ditch in a generally northeasterly direction $\pm 703'$ to a prong in said ditch and a point on the southern property line of lands N/F of Charles R. and Norma A. Daly, trustees; thence by and with said lands of Daly, along the centerline of said ditch in a generally southwesterly direction $\pm 660'$ to a point on the bank of said ditch and a corner of lands N/F of Thomas Wayne Quillen; thence by and with said lands of Quillen in a southwesterly direction $\pm 311.06'$ to a point on the northeastern ROW of Zion Church Road; thence with said ROW following an arc to the southeast $\pm 641'$ to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-11.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

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; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized 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.

JAMIE WHITEHOUSE, AICP
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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 9, 2024

RE: County Council Report for C/U 2428 filed on behalf of TN Hitch, LLC

The Planning and Zoning Department received an application (C/U 2428 filed on behalf of TN Hitch, LLC) for a Conditional Use to amend the conditions of approval for Conditional Use No. 1713 (Ordinance No. 1961) to allow for an additional building, in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 533-6.00-30.00. The property is located at 35160 Roxana Road, Frankford. The parcel size is 1.28 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 2 recommended revised conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of July 10, 2024.

Minutes of the July 10, 2024, Planning & Zoning Commission Meeting

C/U 2428 TN Hitch, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1713 (ORDINANCE NO. 1961) TO ALLOW FOR AN ADDITIONAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS. The property is lying on the north side of Roxana Road (Rt. 17) approximately 177 feet southwest of Pyle Center Road (Rt. 20). 911 Address: 35160 Roxana Road, Frankford. Tax Map Parcel: 533-6.00-30.00.



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

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff Analysis, a copy of the Applicant's Conceptual Site Plan, a copy of the Minutes from the Planning and Zoning Commission meeting of December 13, 2007, a copy of the Minutes from the County Council meeting of April 1, 2008, a copy of DelDOT's Service Level Evaluation Response, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. There were no comments received from members of the public.

The Commission found that Mr. Ray Blakeney with Plitko Engineering, spoke on behalf of the Applicant, TN Hitch, LLC; also present was the Applicant, Mr. Tyler Hitch. Mr. Blakeney stated that Mr. Hitch purchased the property in January 2017; that at the time of the purchase, all the existing buildings were present on site; that Mr. Hitch cleaned up the property; that Mr. Hitch was unaware of the Conditions of Approval which prevented additional buildings on the site; that the existing buildings are used by the owner for storage and one building is rented out; that the proposed building would be used by the owner for storage for his expanding business; that the typical traffic on the site is 3 trucks once a day; that there will not be a dramatic change in traffic if the new building is built; that the Applicant is working with Sussex Conservation District regarding stormwater management and drainage; and that there may be minor changes based on comments from the Planning and Zoning Department in addition to Sussex Conservation District which include the removal of some hardscape, a driveway to serve the proposed pole building, landscape plan, etc.

Ms. Wingate asked if there would be grinding performed on-site.

Mr. Blakeney stated that there would not be any grinding on site.

Mr. Mears stated that it is a great location, and he is glad to see it back in use.

Mr. Robertson stated that is reviewing the history of the CU 1713, there was no clear indication of why the Conditions of Approval limited the number of buildings to four. Mr. Robertson asked if the Commission want any changes to the other ten Conditions of Approval from CU 1713.

The Commission stated that there are no issues with the other ten Conditions.

Mr. Blakeney asked if the Applicant would require a variance from the Board of Adjustment for the non-conforming buildings.

Mr. Robertson stated that variances would not be required for the non-conforming buildings.

Mr. Hitch stated that the dumpsters are in one central location; that there are two dumpsters, one for trash and one for recycling.

The Commission found that no one was present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

Mr. Mears moved that we recommend approval of Conditional Use # 2428 for TN Hitch, LLC to amend a condition of approval that was included in Conditional Use # 1713 (Ordinance # 1961) to allow an additional building based upon the record made during the public hearing and for the following reasons:

1. A four-building conditional use was approved several years ago. That was in addition to the two legally nonconforming grandfathered buildings that already existed on the site.
2. The site had a history of commercial uses, as referenced in the approval of Conditional Use #1713.
3. Although Conditional Use # 1713 limited the site to 4 additional buildings, there was no opposition to that conditional use and no clear basis for the limitation, other than the fact that only 4 buildings were sought as part of that initial approval.
4. There are a variety of commercial and business uses in this area, and this additional building will be consistent with the surrounding and nearby uses.
5. In the years that Conditional Use #1713 has been in existence, there is no record of any adverse impact of the use on the neighboring properties and roadways. There is nothing in the record to indicate that this expansion will create any adverse issues.
6. This is a reasonable expansion of the existing conditional use that is consistent with the development trends in this area.
7. No parties appeared in opposition to this application.
8. This Conditional Use is subject to the following conditions:
 - a. Condition #1 of Conditional Use #1713 and Ordinance # 1961) shall be amended to allow one additional building as shown on the site plan presented during the public hearing along with one additional dumpster for that building.
 - b. The Final Site Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2428 TN Hitch, LLC. for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 10th, 2024

Application: C/U 2428 TN Hitch, LLC

Applicant: TN Hitch, LLC (c/o Mr. Tyler Hitch)
35867 E. Crane Road
Selbyville, DE 19975

Owner: TN Hitch, LLC (c/o Mr. Tyler Hitch)
35867 E. Crane Road
Selbyville, DE 19975

Site Location: Located on the north side of Roxana Road (Route 17), approximately 177-ft southwest of Pyle Center Road (Route 20) at 35160 & 35148 Roxana Road in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: To amend the Conditions of Approval for Conditional Use No. 1713 (Ordinance No. 1961) to allow for an additional building (a 4,900 square foot storage pole building for warehouse storage.)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Company

TID: Not within any established TIDs.

Sewer: N/A

Water: N/A

Site Area: 1.28 acre +/-

Tax Map ID.: 533-6.00-30.00



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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 12th, 2024
RE: Staff Analysis for C/U 2428 TN Hitch, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2428 TN Hitch, LLC to be reviewed during the July 10th, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 533-6.00-30.00

Proposal: The request is for a Conditional Use for Tax Parcel 533-6.00-30.00 to amend the Conditions of Approval for Conditional Use No. 1713 (Ordinance No. 1961) to allow for an additional building (a 4,900 square foot storage pole building for warehouse storage) to be located in an Agricultural Residential (AR-1) District. The property is approximately 1.28 acres +/- and is lying on the north side of Roxana Road (Route 17), approximately 117-ft southwest of Pyle Center Road (Route 20) and is located at 35160 & 35148 Roxana Road in Frankford, Delaware.

Application History/Background: There was a previously approved Conditional Use Application on the subject property. This Application was Conditional Use No. 1713 filed on behalf of Keith Smith to allow for commercial storage buildings to be located in an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval of the Application at their meeting of Thursday, January 10th, 2008. The Sussex County Council approved the Application at their meeting of Tuesday, April 1st, 2008, subject to eleven (11) conditions and the change was adopted through Ordinance No. 1961.

It was noted as part of the record made at the Public Hearing that *“the site contains two (2) pre-existing structures that have historically been used for commercial uses, including an antique store, upholstery shop and blacksmith shop”* (1/10/08 Meeting Minutes, Page 2).

Staff have included the previous Minutes of these decisions in the Commission’s Paperless Packet.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, east and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District. There are two (2) Parcels located on the opposite side (the south side) of Roxana Road (Route 17)



that are zoned General Commercial (C-1) District. There is also a 1.58-acre Parcel to the south of these Parcels that is zoned Neighborhood Business (B-1) District. Additionally, there is one Parcel to the northeast which consists of 8.09 acres +/- on the opposite side of Pyle Center Road (Route 20) and appears to be utilized by the Roxana Athletic Club Corporation.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Coastal Area” as outlined in the Sussex County’s 2018 Comprehensive Plan.

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of “Coastal Area.” The properties to the south (on the opposite side of Roxana Road (Route 17) north, east, and west also have a Future Land Use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Coastal Area” are areas that “contain ecologically important and sensitive characteristics” and are “areas that can accommodate development provided special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). The Plan notes that, “appropriate mixed-use development should be allowed,” in these areas” (2018 Sussex County Comprehensive Plan, 4-15). Additionally, the Plan further notes, “In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that appear to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.

Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be “diminutive” in the context of the “Sussex County/Delaware

Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate areas of any wetlands or wetland areas on the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC’s Flood Planning Tool notes that the property is located within the Inland Bay Watershed and the Little Assawoman Bay Subwatershed. The Flood Planning Tool also notes that the approximate Ground Elevation Height at the Parcel is 29 to 31-ft.

The property is located within an area of “fair” Groundwater Recharge Potential and is not located within any Wellhead Protection Areas.

Staff note that the property lies within the Bear Hole Tax Ditch Area, but that the property does not appear to contain any Tax Ditches or tax ditch Rights-Of-Way (ROW). The adjacent Parcel to the west does have a Tax Ditch ROW, but it does not appear to impact the subject property.



Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are within a 1-mile distance from the subject site.

Since 1970, there have been 38 Conditional Use Applications within a 1-mile radius of the Application Site.

Conditional Use Applications w/in a 1 mile radius of the Application Site									
C/U Number	Applicant	Tax Parcel #	Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ord. Number
1750	John Gilman	533-6.00-25.01	B-1	Athletic Fields	Recommended Approval	10/23/2008	10/28/2008	Approved	2002
702	Judy Rogers & Asher	533-10.00-49.01	AR-1	beauty shop	Withdrawn	N/A	N/A	Withdrawn	N/A
188	J Parker Connor & Susan	533-6.00-16.01	AR-1	radio tower & transmitting building	N/A	N/A	N/A	Approved	N/A
438	Jessie E Bivens	533-10.00-51.00	AR-1	poultry house on less than 5-acres	N/A	N/A	N/A	Approved	N/A
718	Hazel J. Lynch	533-10.00-54.00	AR-1	antique sales & storage shop	Recommended Approval	3/24/1983	4/12/1983	Approved	N/A
848	Bruce G. & Mary Jane Bennett	533-10.00-70.00	AR-1	borrow pit	Recommended Approval	1/23/1986	7/29/1986	Approved	372
1383	Gregory P. Allen & Christopher Allen	533-6.00-16.00	AR-1	heating/air/plumbing/electrical	Recommended Approval	1/25/2001	3/13/2001	Approved	1436
1885	James Mershon	533-6.00-60.03	AR-1	Bait/tackle shop	Recommended Approval	3/24/2011	4/12/2011	Approved	2187
1956	Mark A. Giblin	533-6.00-60.02	AR-1	Towing Service and Landscape Business	Recommended Approval	2/28/2013	3/19/2013	Approved	2297
1804	Wayne Drywall	533-6.00-31.01	AR-1	office/ware housing	Recommended Approval	12/10/2009	1/5/2010	Approved	2093
1468	Lane N. Brown	533-5.00-46.00	AR-1	playing area for paintball games	Recommended Approval	11/14/2002	12/10/2002	Approved	1575
916	James W. Ward	533-10.00-78.03	AR-1	multi-family	Recommended Denial	9/14/1989	10/9/1990	Denied	N/A
1153	Mark Beam & Keith Smith	533-6.00-91.02	AR-1	storage	Recommended Denial	4/11/1996	N/A	Withdrawn	N/A
1641	Carroll & Diane Brasure	533-11.00-10.00	AR-1	service vehicles parking	Recommended Approval	3/23/2006	3/28/2006	Approved	1838

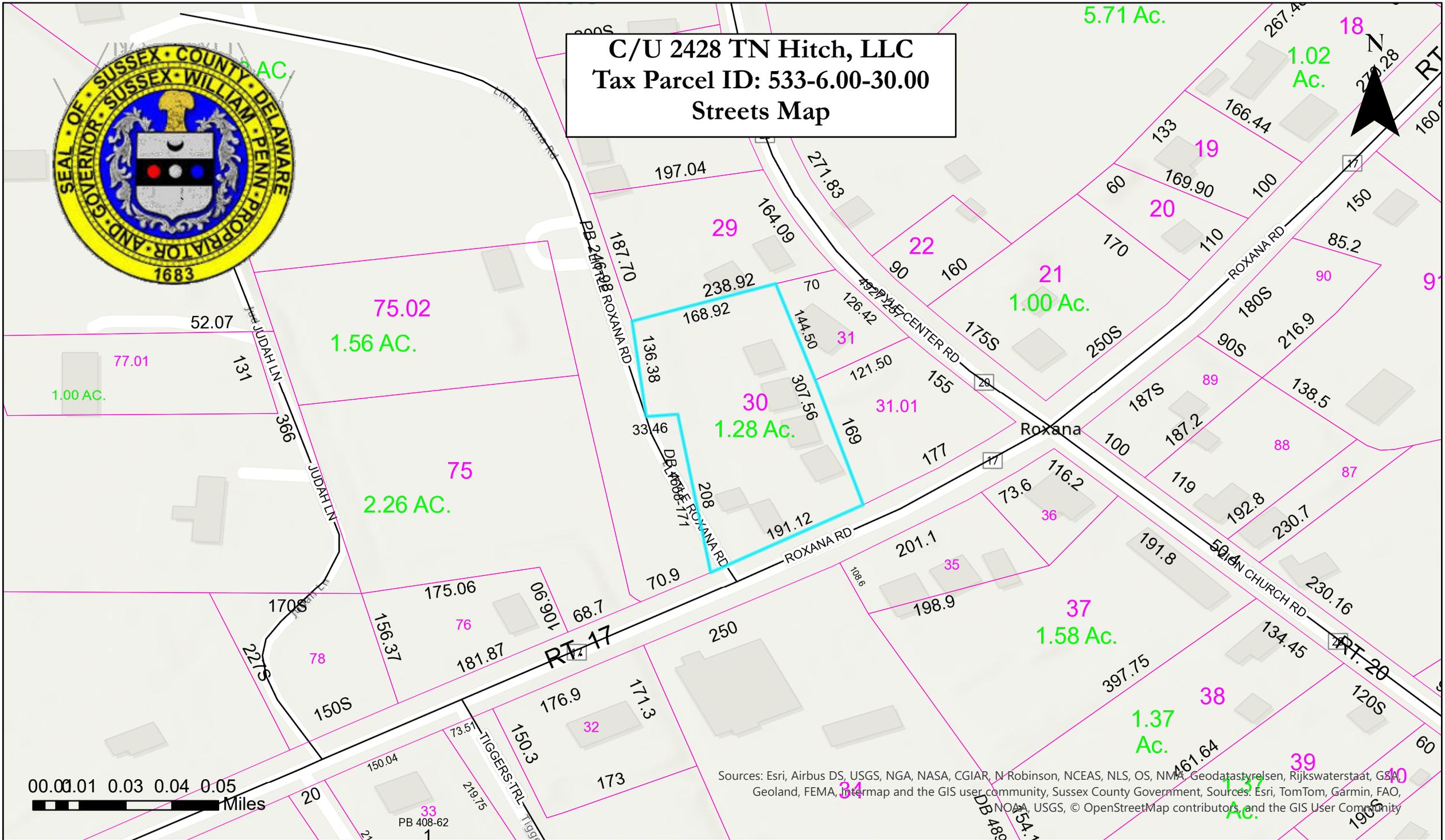
1137	Lawrence McKinney	533-10.00-34.00	AR-1	material/eq equipment storage for masonry	Recommended Denial	10/26/1995	12/12/1995	Approved	1067
818	Cygnets Construction Corp	533-11.00-31.00	AR-1	borrow pit expansion	Recommended Approval	4/11/1985	5/7/1985	Approved	246
1005	James E. Harrington	533-11.00-50.02	AR-1	Boat & Trailer Storage and Farm Equipment Repair	Recommended Approval	5/28/1992	7/14/1992	Approved	843
511	Charles & Holly Carmack	533-11.00-17.00	AR-1	drywall contractor, building material sales & warehouse of building materials	N/A	N/A	N/A	Approved	N/A
1273	Roxana Vol. Fire Company	533-11.00-52.00	AR-1	expansion of fire station	Recommended Approval	3/11/1999	3/30/1999	Approved	1296
173	Janice L. Bunting	533-5.00-81.00	AR-1	beauty shop	N/A	N/A	N/A	Approved	N/A
1690	Delmar Plumbing, Inc.	533-6.00-86.00	AR-1	Plumbing	Recommended Approval	7/12/2007	8/7/2007	Approved	1917
2087	John F. and Brenda L. Fegelein, Trustees	533-6.00-18.01	AR-1	Auto Repair Shop	Recommended Approval	7/27/2017	8/22/2017	Approved	2517
94	C S Holder	533-5.00-67.00	AR-1	manufactured home park	N/A	N/A	N/A	Approved	N/A
1713	Keith Smith	533-6.00-30.00	AR-1	Commercial Storage Building	Recommended Approval	1/10/2008	4/1/2008	Approved	1961
2256	Jerry Meiklejohn LLC	533-5.00-86.00	AR-1	Hardscaping, Outdoor Living Construction, and Commercial Business	Recommended Approval	8/12/2021	8/31/2021	Approved	2796
1652	Ken Gillam & Joan Gillam	533-11.00-27.00	AR-1	boat storage	Recommended Denial	5/11/2006	6/5/2006	Withdrawn	N/A
1071	Prettyman Broadcasting Co.	533-6.00-16.00	AR-1	radio station broadcast studio	Recommended Approval	3/24/1994	4/12/1994	Approved	962
156	Roxana Volunteer Fire Co	533-11.00-52.00	AR-1	Equipment Storage	N/A	N/A	8/21/1973	Approved	N/A

190	Brasford Service Corp	533-5.00-46.00	AR-1	Borrow Pit	N/A	N/A	3/12/1974	Approved	N/A
365	Gladys Swann	533-11.00-31.00	AR-1	Manufactured Home Park	N/A	N/A	9/7/1976	Denied	N/A
517	Cygnets Construction Corp.	533-11.00-31.00	AR-1	Borrow Pit	N/A	N/A	3/17/1981	Approved	N/A
808	Bruce G. & Mary J. Bennett	533-10.00-70.00	MR	Borrow Pit	Recommended Denial	10/11/1984	N/A	Withdrawn	N/A
816	Bruce G. & Mary J. Bennett	533-10.00-70.00	MR	Borrow Pit	Withdrawn	N/A	N/A	Withdrawn	N/A
1933	Mark A. Giblin	533-6.00-60.02	AR-1	Towing Service and Landscape Business	Recommended Approval	8/9/2012	12/11/2012	Approved	2283
2288	Broom Solar Partners	533-5.00-47.00	AR-1	Solar Farm	Recommended Approval	3/10/2022	3/22/2022	Approved	2841
2300	MRBP, LLC	533-5.00-38.00	AR-1	Borrow Pit	Recommended Approval	8/11/2022	9/27/2022	Denied	N/A
2493	Rennie Hunt	533-6.00-19.00	AR-1	Operation of a Site Development business office w/ employees	Pending Application	N/A	N/A	N/A	N/A
2494	Rennie Hunt	533-10.00-46.02	AR-1	Storage of work equipment, trucks, associated with site development business	Pending Application	N/A	N/A	N/A	N/A

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application for the amendment of the Conditions of Approval for Conditional Use No. 1713 (Ordinance No. 1961) to allow for an additional building (a 4,900 square foot storage pole building for warehouse storage) and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



C/U 2428 TN Hitch, LLC
Tax Parcel ID: 533-6.00-30.00
Streets Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N- Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



C/U 2428 TN Hitch, LLC
Tax Parcel ID: 533-6.00-30.00
Zoning Map



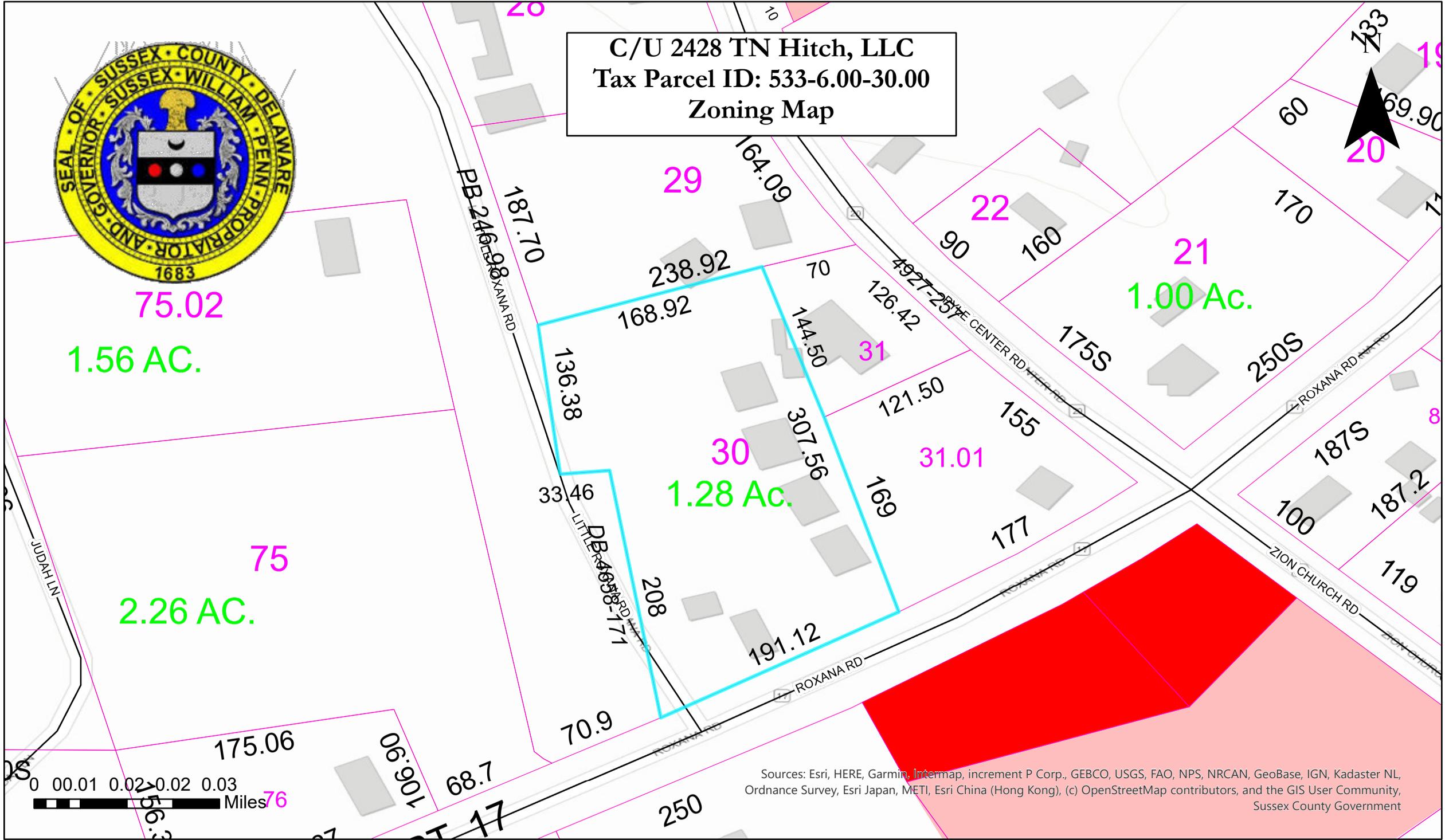
75.02
1.56 AC.

21
1.00 Ac.

30
1.28 Ac.

75
2.26 AC.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government





C/U 2428 TN Hitch, LLC
Tax Parcel ID: 533-6.00-30.00
Aerial Map



75.02
1.56 AC.

75
2.26 AC.

29

30
1.28 Ac.

22

21
1.00 Ac.

31

31.01

36

35

37

1.56 Ac.

PB 240 ROXANA RD

UTTERS RD

BYE CENTER RD

ROXANA RD

ZION CHURCH RD

0 00.01 0.02 0.02 0.03 Miles

Introduced: 12/5/23

Council District 4: Mr. Hudson
Tax I.D. No.: 533-6.00-30.00
911 Address: 35160 Roxana Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1713 (ORDINANCE NO. 1961) TO ALLOW FOR AN ADDITIONAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS

WHEREAS, on the 14th day of March 2023, a conditional use application, denominated Conditional Use No. 2428 was filed on behalf of TN Hitch, LLC.; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2428 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2428 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Roxana Road (Rt. 17) approximately 177 feet southwest of Pyle Center Road (Rt. 20) and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC., said parcel containing 1.28 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 9, 2024

RE: County Council Report for C/U 2429 filed on behalf of Jason Hignutt

The Planning and Zoning Department received an application (C/U 2429 filed on behalf of Jason Hignutt) for a Conditional Use for a landscaping business in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 331-2.00-17.02. The property is located at 20914 Camp Road, Bridgeville. The parcel size is 0.69 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 11 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of July 10 and July 24, 2024.

Minutes of the July 10, 2024, Planning & Zoning Commission Meeting

C/U 2429 Jason Hignutt

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS. The property is lying on the west side of Camp Road (S.C.R. 532), approximately 0.19 mile north of Eskridge Road (S.C.R. 531). 911 Address: 20914 Camp Road, Bridgeville. Tax Map Parcel: 331-2.00-17.02.



Mr. Whitehouse advised the Commission that submitted into record were a copy of the Staff Analysis, a copy of the Applicant's Survey Plan, a copy of the Applicant's Conceptual Site Plan with photographs, written comments from the Applicant, a copy of DelDOT's Service Level Evaluation Response, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. There were no comments received from members of the public.

The Commission found that Mrs. Keri Hignutt and Mr. Jason Hignutt spoke on behalf of the Application. Mrs. Hignutt stated that the application is for a landscaping company that provides a range of services such as paver installation, powerwashing, turf care, grass cutting, irrigation installation and maintenance, mulching; and planting; that there is a 32' X 36' pole building on the property that is used for storing materials used for the business; that some piping is stored outside the pole building; that there is an active farm directly across the road from the subject property; that there is a painting business to the rear of the subject property which is also going through the conditional use process, and some more residences.

Mr. Hignutt stated that there is a watermelon distribution center to the north of his property; that there are two landscape businesses and a massage parlor in the immediate area.

Mr. Butler asked if a lighted sign would be requested, what would the hours of operation be, and if there would be chemicals stored at the site.

Mr. Hignutt stated that there would be landscape lighting provided for the sign.

Mrs. Hignutt stated that the hours of operation would be 7:00 am – 3:00 pm – 7:00 pm Monday through Saturday with no Sunday hours. That there is no work performed after dark and mainly snow removal in the winter.

Mr. Hignutt stated that herbicides would be stored in the pole building.

Ms. Wingate asked if there would be grinding performed on site.

Mr. Hignutt stated that there would not be any grinding on site.

Mr. Mears asked if there would be vehicle or equipment maintenance on site and if there would be any retail sales on the site.

Mrs. Hignutt stated that all vehicle maintenance is performed off site. Mrs. Hignutt stated that currently no customers come to the site but what would happen in the future if they wanted to grow the business and have customers come to the site.

Mr. Robertson stated that adding to what is asked for and approved by this Conditional Use could trigger another application in the future.

Ms. Wingate advised the Applicant that if they intend to add additional employees next year, then to include that number in this application.

Chairman Wheatley stated that due to the size of the site, that if the business were to grow, it may require a new location and that if they ask for six employees it gives the Applicant room to grow.

Mr. Robertson asked if there would be mulch or dirt stored at the site.

Mrs. Hignutt stated that mulch and dirt would not be stored at the site.

The Commission found that no one was present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2429 Jason Hignutt. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 10, 2024.

Mr. Robertson read Mr. Butler's prepared motion per Mr. Butler's request.

Mr. Butler moved that the Commission recommend approval of C/U 2429 JASON HIGNUTT for a landscaping business based on the record made during the public hearing and for the following reasons:

1. The property is located on a small parcel of land, but the Applicant proposes a small landscaping business that will fit the location. As the business hopefully grows, another larger location may become necessary in the future.
2. The site is located within the Developing Area according to the Sussex County Comprehensive Plan. This low impact type of use is appropriate within this Area.
3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
4. The use will not adversely affect area roadways or neighboring properties.
5. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. There was no opposition to this application.
7. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business that performs off-site landscaping work.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. As stated by the Applicant, there shall not be any retail sales occurring from the site, and no materials such as dirt, topsoil, mulch, stone or compost shall be stored on the site.
 - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - E. The hours of operation shall be limited to 7:00 am through 7:00 pm, Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate

- beyond these hours on an as - needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
- F. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - G. Since this property also includes the Applicant’s residence, the Final Site Plan shall show the area where this landscaping business will be located on the property.
 - H. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. No more than 6 vehicles associated with the use shall be parked on the site. There shall not be any parking or storage within the property’s setbacks.
 - I. Because this Application was filed as a result of a Constable’s Violation, the Final Site Plan must be submitted within 6 months of approval of this Ordinance by County Council. Otherwise, the violation process shall continue with respect to the Applicant and this property.
 - J. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2429 JASON HIGNUTT for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 10th, 2024

Application: C/U 2429 Jason Hignutt

Applicant: Mr. Jason Hignutt
20914 Camp Road
Bridgeville, DE 19933

Owner: Mr. Jason Hignutt
20914 Camp Road
Bridgeville, DE 19933

Site Location: Located on the west side of Camp Road (S.C.R. 532), approximately 0.19 mile north of Eskridge Road (S.C.R. 531) at 20914 Camp Road in Bridgeville, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Landscaping Business

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Ms. Green

School District: Seaford School District

Fire District: Seaford Fire Company

TID: Not within any established TIDs.

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 0.69 acres +/-

Tax Map ID.: 331-2.00-17.02



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 12th, 2024
RE: Staff Analysis for C/U 2429 Jason Hignutt

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2429 Jason Hignutt to be reviewed during the July 10th, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 331-2.00-17.02

Proposal: The request is for a Conditional Use for Tax Parcel 331-2.00-17.02 to allow for a landscaping business to be located in an Agricultural Residential (AR-1) District. The property is lying on the west side of Camp Road (S.C.R. 532), approximately 0.19 mile north of Eskridge Road (S.C.R. 531). The Parcel consists of 0.69 acres +/- and is located at 20914 Camp Road in Bridgeville, Delaware.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, west and east (on the opposite side of Camp Road (S.C.R. 532) of the subject Parcel are also zoned Agricultural Residential (AR-1) District. There is a large area three Parcels to the west bordering Sussex Highway (Route 13) that is zoned General Commercial (C-1) District.

The subject property borders the existing and previously approved Meadow View Subdivision.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Developing Area” as outlined in the Sussex County’s 2018 Comprehensive Plan.

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of “Developing Area.” The property to the south as well as the properties on the opposite side of Camp Road (S.C.R. 532) to the east also have a Future Land Use Map designation of “Developing Area.”



As outlined in the 2018 Sussex County Comprehensive Plan Update, “Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures” and “Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality” (2018 Sussex County Comprehensive Plan, 4-14). Furthermore, the Plan notes that “a variety of office uses would be appropriate in many areas” and that “mixed-use development should also be allowed [where,] in doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-14).

There is a large area to the north and northwest of the subject property that has a Future Land Use designation of “Commercial Area.” “Commercial Areas” are areas that “include concentrations of retail and service uses that are mainly located along arterials and highways” and include “commercial corridors, shopping center, and other medium and large commercial vicinities geared towards vehicular traffic” (2018 Sussex County Comprehensive Plan 4-17).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the “Developing Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that appear to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.

Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be “diminutive” in the context of the “Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate areas of any wetlands or wetland areas on the property.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas determined to
- be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC’s Flood Planning Tool notes that the property is located within the Upper Nanticoke River Watershed and the Clear Brook-Nanticoke River Subwatershed. The Flood Planning Tool also notes that the approximate Ground Elevation Height at the Parcel is 37-ft.

Staff note that the property lies within the Middleford Tax Ditch Area, but that the property does not appear to contain any Tax Ditches or tax ditch Rights-Of-Way (ROW).

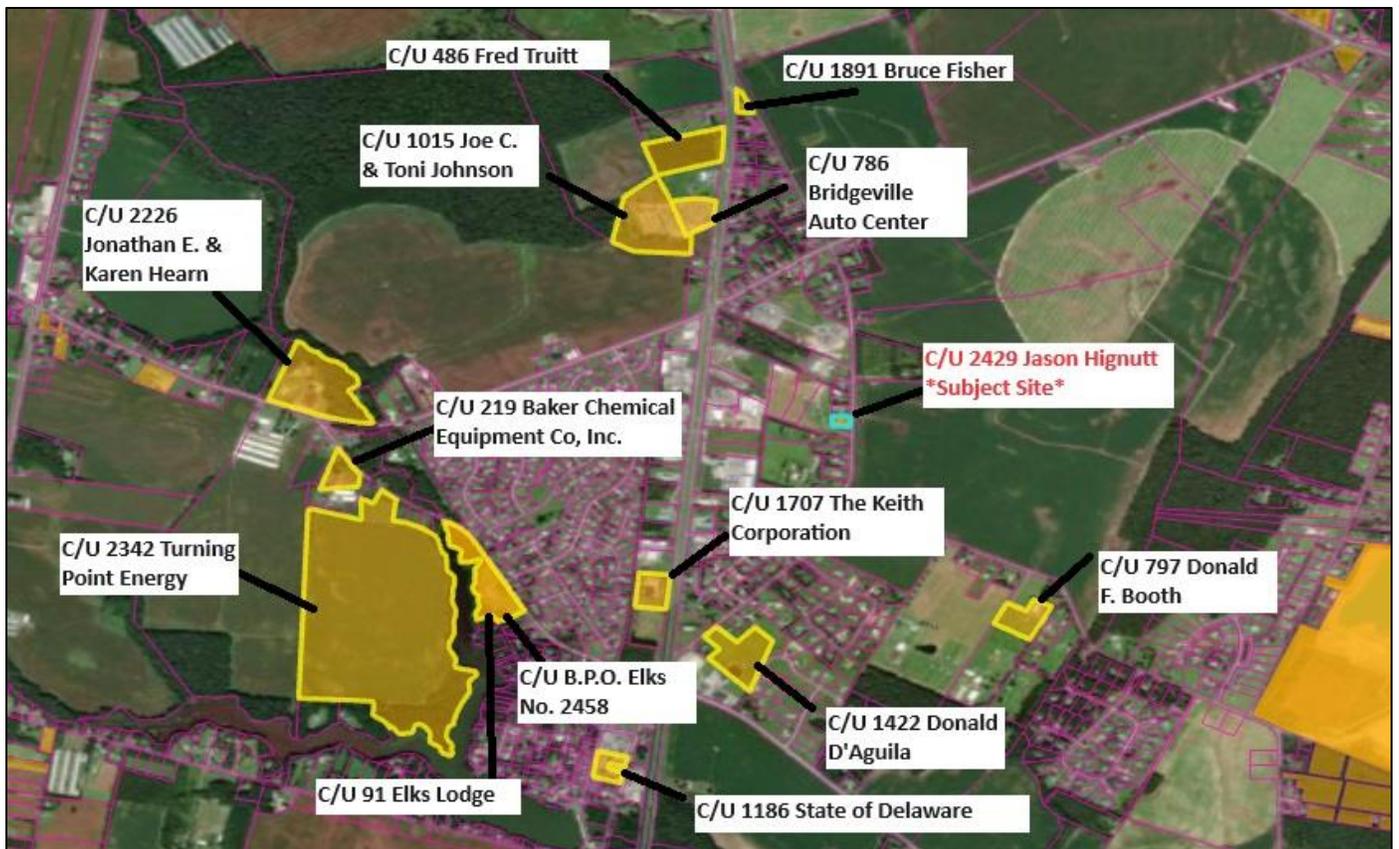
The property is located within an area of “fair” Groundwater Recharge Potential. The property is not located within any Wellhead Protection Areas.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are within a 1-mile distance from the subject site.

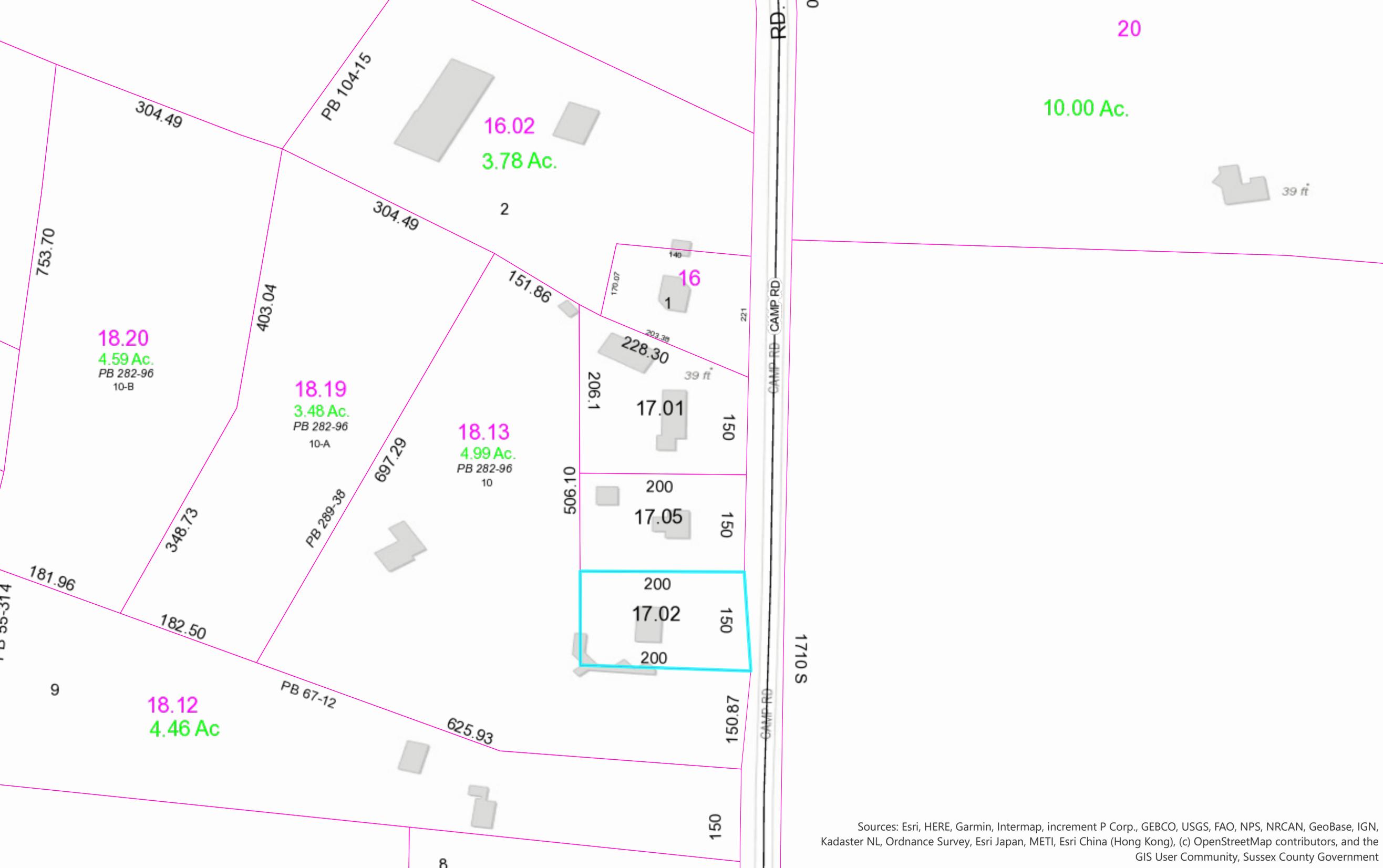
Since 1970, there have been 13 Conditional Use Applications within a 1-mile radius of the Application Site.

C/U Number	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ord. Number
1898	Bruce Fisher	131-19.00-10.01	AR-1	professional offices	Recommended Approval	5/26/2011	6/14/2011	Approved	2203
1015	Joe C. & Toni Johnson	131-19.00-8.01	AR-1	Expansion of CU 786 for Auto Recycling Center	Recommended Approval	9/10/1992	2/2/1993	Approved	872
786	Bridgeville Auto Center	131-19.00-5.01	AR-1	extension of non-conforming auto salvage	Recommended Approval	4/12/1984	5/1/1984	Approved	N/A
481	Fred Truitt	131-19.00-4.00	AR-1	paint & hardware store	N/A	N/A	N/A	Approved	N/A
1707	The Keith Corporation	331-4.00-119.00	AR-1	Retail Store & Mini Storage	Recommended Approval	1/24/2008	2/5/2008	Approved	1951
1422	Donald D'Aguila	331-4.00-26.00	AR-1	additional motel use	Recommended Denial	10/25/2001	11/13/2001	Withdrawn	N/A
797	Donald F. Booth	331-4.00-33.02	AR-1	glass & metal construction & fabrication	Recommended Approval	5/10/1984	5/29/1984	Approved	N/A
1186	State of Delaware	331-3.00-31.00	AR-1	450 ft radio tower	Recommended Denial	6/26/1997	12/30/1997	Denied	N/A

2226	Jonathan E. & Karen M. Hearn	131-18.00-33.00	AR-1	Event Venue	Recommended Approval	9/10/2020	9/29/2020	Approved	2742
219	Baker Chemical Equipment Co Inc	331-1.00-15.00	AR-1	addition to existing storage & office bldg	N/A	N/A	N/A	Approved	N/A
103	B.P.O. Elks No. 2458	331-3.00-1.00	AR-1	private lodge & connected activities	N/A	N/A	N/A	Approved	N/A
91	Elks Lodge	331-3.00-1.00	AR-1	Lodge Hall	N/A	N/A	N/A	Withdrawn	N/A
2342	Turning Point Energy	131-1.00-15.01	AR-1	Community Solar Facility	Recommended Approval	1/12/2023	2/21/2023	Approved	N/A



Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a landscaping business and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



18.20
4.59 Ac.
PB 282-96
10-B

18.19
3.48 Ac.
PB 282-96
10-A

18.13
4.99 Ac.
PB 282-96
10

18.12
4.46 Ac

16.02
3.78 Ac.

16

10.00 Ac.

20

1710 S

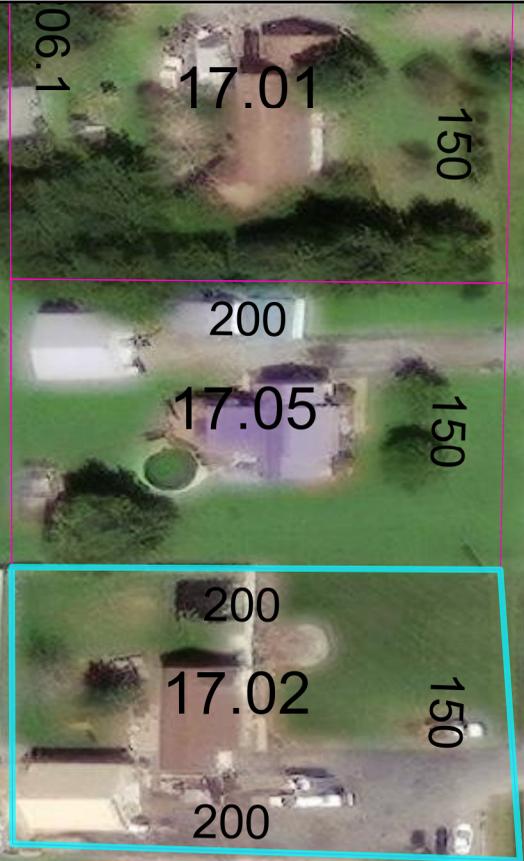
CAMP RD



C/U 2429 Jason Hignutt
Tax Parcel ID: 331-2.00-17.02
Aerial Map



18.13
4.99 Ac.
PB 282-96
10



PB 289-38

PB 67-12

625.93

1710 S

0 00.01 0.02 0.02 0.03
Miles

Introduced: 1/9/24

Council District 2: Mrs. Green
Tax I.D. No.: 331-2.00-17.02
911 Address: 20914 Camp Road, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS

WHEREAS, on the 23rd day of March 2023, a Conditional Use Application, denominated Conditional Use No. 2429 was filed on behalf of Jason Hignutt; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2429 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2429 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Seaford Hundred, Sussex County, Delaware, and lying on the west side of Camp Road (S.C.R. 532) approximately 0.19 mile north of Eskridge Road (S.C.R. 531) and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC., said parcel containing 0.69 acre, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: August 9, 2024

RE: County Council Report for C/U 2432 filed on behalf of Simon Fares & Lorne Crawford

The Planning and Zoning Department received an application (C/U 2432 filed on behalf of Simon Fares & Lorne Crawford) for a Conditional Use for a beauty salon in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 334-12.00-181.03. The property is located at 19747 Old Landing Road, Rehoboth Beach. The parcel size is 0.56 acre +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 11 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of July 10 and July 24, 2024.

Minutes of the July 10, 2024, Planning & Zoning Commission Meeting

C/U 2432 Simon Fares & Lorne Crawford

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.56 ACRE, MORE OR LESS. The property is lying on the east side of Old Landing Road (S.C.R. 274), approximately 0.28 mile south of Warrington Road (S.C.R. 275). 911 Address: 19747 Old Landing Road, Rehoboth Beach. Tax Map Parcel: 334-12.00-181.03.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff



Analysis, a copy of the Applicant's Exhibit Book, a copy of the Applicant's Conceptual Site Plan, a copy of DelDOT's Service Level Evaluation Response, and a copy of a letter from Sussex County Engineering Department Utility Planning Division. There were 38 written comments received from members of the public both in support and opposition to the Application.

The Commission found that Mr. Blake Carey, Esq. with The Smith Firm spoke on behalf of the Applicants, Simon Fares and Lorne Crawford who were also present. Mr. Carey stated that the property is located on the easterly side of Old Landing Road and the address is 19747 Old Landing Road, Rehoboth Beach; that the Applicants acquired this property around June 2020; that they have since spent time between this property and their other home in Pennsylvania; that they have removed a dilapidated sailboat and extensively renovated the exterior and interior of the buildings on the property; that Simon Fares has 33 years of experience in the hair industry around the globe and has been licensed in Pennsylvania for over 11 years; that it is the Applicant's goal to reside in Rehoboth Beach full-time and to continue to provide his services in Delaware; that the Applicant's are respectfully requesting a Conditional Use to allow for a salon at the property in an area which was formerly a garage and is existing on the property; that water for the property is provided by Tidewater and the property is on Sussex County sewer; that the hours of operation would be 9:00 am – 6:00 pm Monday through Saturday with no Sunday hours; that services would be limited to hair services only with limited sales of hair products to patrons in the salon; that the business will be by appointment only with no walk-in appointments; that there would be no outdoor storage relating to the salon and no manufacturing of any kind; that there will be a maximum of five employees including Mr. Fares; that the employee parking will be on the north side of the property and client parking will be on the south side of the property; that there would be no exterior improvements to the property if this Conditional Use is granted with the exception of parking lot stripes and some arrows for directional use; there would be no changes to the rear of the property with backs up to the Landing Association; that setbacks are met and exist within the property; that this use would be minimal compared to other Conditional Uses which surround the property; that if approved the Applicant would require additional approval from the State Department of Health to operate; that the proposed Conditional Use is similar in character to other Conditional Uses on Old Landing Road and within a mile radius which include several medical offices and other businesses including a salon, real estate business, investment office and offices for a cleaning business, self-storage, etc. which are within the AR-1 zoning district and have Conditional Uses; that the proposed use will not have an adverse effect on the surrounding areas or impact property values in the surrounding area; that DelDOT has determined that a Traffic Impact Study (TIS) is not required; that the property will retain its residential look and feel as it looks today; that the property is located in the Coastal Area pursuant to the Sussex County's Comprehensive Plan which is a growth area; that the Plan notes that mixed use development should be allowed and in doing so a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide for convenience services to allow people to work close to home; that the Applicant's proposal is not an intense use such as auto repair, gasoline sales or even as intense as some of the medical offices; that the proposed use is not large in scale and uses an existing structures on the property and therefore is permissible according to the Comprehensive Plan; that according the Planning and Zoning Department's Staff Analysis which states based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a salon at the site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses; that the proposed use will benefit the health, safety and welfare of future residents of Sussex County; that the proposed use of the existing building on the property as a salon benefits the needs of the residents in the immediate area and provide convenient services to neighboring properties on Old Landing Road, so that residents don't have to travel out to Route 1

and Route 24; that the use will increase competition in the Salon Business sector which is beneficial to residents and to the economy; that it is difficult to find commercial properties in the area, which is often very expensive and limiting this type of business to only commercially zoned areas stifles small businesses to operate in Sussex County; that the use will not impact neighboring properties or roadways; that the Applicants have spent significant time and resources improving the property and this benefits surrounding property owners; that the Application is consistent with the proposed requirements for a Conditional Use; that the following conditions of approval would be consistent with the code and Comprehensive Plan:

1. That the use of the existing building on the property shall be limited to the operation for a salon business including an office and salon type equipment within the same.
2. The hours of operation would be 9:00 am – 6:00 pm Monday through Saturday with no Sunday hours.
3. That lighting for the building would be downward screened and not shine on neighboring properties or roadways.
4. That there would be one unlighted sign on the property based on Sussex County size requirements.

Mr. Collins stated that the road is very busy and that some of the public comments stated concerns about people safely entering and exiting the property. Mr. Collins asked if there is room to further expand the driveway.

Mr. Carey stated that, if necessary, the driveway could be expanded, that as it exists currently the engineers who prepared the site plan felt that the driveway is large enough for five cars and K-style turns for exiting the property.

Ms. Wingate stated that based on the size of the building, she was surprised that there would be five employees.

Mr. Mears asked how many customers per day were anticipated.

Mr. Carey stated that he was unsure if that has been determined yet. Mr. Carey stated that there will be three chairs, someone to wash hair, and a receptionist.

The Commission found that Mr. Lorne Crawford spoke on behalf of his Application. Mr. Crawford stated that there would be no more than 20 customers per day and that with three stylists with five clients a day would be 15 but rounding up to 20; that they would never back out onto Old Landing Road and there is room to allow for K-style turns within the driveway.

Chairman Wheatley stated that if the salon is open for eight hours per day, that would be roughly 2.5 trips per hour; and that would not have a great impact on the highway.

Mr. Robertson stated that DelDOT will also have input on the entrances to the property and that the Planning and Zoning Department will require a letter of no objection from DelDOT before Final Site Plan approval.

Ms. Wingate asked to see Conditional Uses within the area on the County Map.

The Commission found that no one was present who wished to speak in support of the Application.

The Commission found that there were three people who wished to speak in opposition to the Application.

Mr. Michael Maybroda spoke in opposition to the Application. Mr. Maybroda asked that if this application is approved, would that allow for others to buy homes and open small businesses; that he is asking because of the congestion on Warrington and Old Landing Road; that there are some businesses on Old Landing Road but that this side is all residential; that if this business gets busy enough it may require a turning lane because the shoulder on Old Landing Road is narrow and too close to the stop sign; that before this is approved the intersection at Warrington and Old Landing road should be improved; and that he has concerns that this area will turn commercial if this application is approved.

Chairman Wheatley stated that anyone can apply for a Conditional Use, but it does not mean that it would be granted; that the road issues would be under DelDOT jurisdiction and if this application is approved by the County, it may not be approved by DelDOT.

Ms. Mary Frances Martin spoke in opposition to the Application. Ms. Martin stated that she has concerns that one part of the property is being used as an AirBnB and the other to be used for the business; will there still be an AirBnB on the property; that she is concerned about the traffic as there is a lot of residential development; that there is a proposal for a church which will create even more traffic on Sundays; that she has concerns that someday she may not be able to get out of her neighborhood.

Mr. Carey stated that the salon would be located on the right side of the property; that there is no AirBnB; that the property is utilized by the owners and their friends and family.

Ms. Kathy Weisbecker spoke in opposition to the Application. Ms. Weisbecker stated that she has concerns about headlights going into the homes that abut the rear of this property in the community that she represents; that there is concern about the removal of some brush from the rear of the property; that Old Landing Road is a no outlet road from the Warrington Road intersection and that there are only residential use on that section of the road with the exception of one property that is going to be a church; that the Conditional Uses in the area are closer to Route 1 and there are side streets to get to salons; that the issue is traffic and opening up a Pandora's Box for commercial uses; that she asked for clarification between a Conditional Use and a Commercial property.

Mr. Robertson stated that a Change of Zone for a commercial zoning would then allow for any use that is a permitted use within that zoning classification, whereas a Conditional Use is very specific to the requested use and the Conditions of Approval set forth by the County Council; that if the Conditions of Approval are violated, then the Conditional Use could be revoked.

Ms. Weisbecker stated that this would be the first commercial use on Old Landing Road between the Warrington Road intersection and the Point at the water.

Mr. Robertson stated that there was a golf course which was commercial and there is currently a landscape business on Old Landing Road, and it is not a commercial corridor.

Ms. Weisbecker stated that she is on the Old Landing Road HOA Coalition and that they were fighting Osprey Point, the proposed DelDOT circle and that they had no input on the Church.

Mr. Robertson stated that churches are a different category and are a permitted use in any zoning classification based on Federal Law and cannot be discriminated against. He stated that he remembers when money was collected from the residential communities to improve the intersection at Warrington and Old Landing Road.

Chairman Wheatley stated that the Commission may place very specific conditions on any approval, in particular to the headlight problem by requiring a fence or screening from neighboring properties; that a site plan would have to be submitted and would have to meet all Sussex County Code requirements; and that DelDOT may place conditions so onerous that the use may not happen.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2432 Simon Fares & Lorne Crawford. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 10, 2024.

Mr. Collins moved that the Commission recommend approval of C/U 2432 SIMON FARES AND LORNE CRAWFORD for a beauty salon business based on the record made during the public hearing and for the following reasons:

1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This use is appropriate within this Area.
2. The property is zoned AR-1 Agricultural Residential. The use of the property as a home-based salon business is consistent with the mix of other businesses in the area, of note are a Bed and Breakfast, a Boutique Hotel, two Landscaping businesses, and a storage facility within close proximity to the site.
3. The use will not adversely affect area roadways or neighboring properties with the conditions imposed with this CU.
4. A Beauty Salon provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County. In particular, it would be convenient to area residents who prefer to not travel Rt. 1 to reach a local salon.
5. There was a mix of support and opposition to the proposal, with supporters noting the benefits to locals who may prefer to avoid the highway, general support of small businesses, specific support for the owner's based on prior experiences with their business in Pennsylvania. Several neighboring property owners noted concerns about reduction of enjoyment of their properties due to customer or employee headlights shining into their properties and concerns about the traffic conditions on Old Landing Road and safety issues that might be worsened by adding this home-based business to the area. These concerns can be mitigated with appropriate conditions.
6. This recommendation is subject to the following conditions:

- A. This use shall be limited to a Beauty salon business.
- B. There shall be not more than two stylist stations with two accompanying washing and two drying stations. The Final Site Plan shall depict the area of the existing structure set aside for the business use and this floorplan shall show the locations of the two sets of stations.
- C. As stated by the Applicant, there shall only be retail sales occurring from the site that coincide with scheduled appointments of clients, not general retailing.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The hours of operation shall be limited to 8:00 am through 6:00 pm, Monday through Friday, and from 8:00 am until 6:00 pm on Saturdays. There shall not be any Sunday hours.
- F. There shall be a vegetative screen and/or Privacy Fence erected by the applicant on the back and South side of the property to reduce impact of customer and employee headlights on neighboring residents. The location and type of vegetation and fencing shall be shown on the Final Site Plan.
- G. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.
- H. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- I. The Final Site Plan shall clearly show all areas for employee and customer vehicle parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
- J. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2432 SIMON FARES AND LORNE CRAWFORD for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
SCOTT COLLINS
BRIAN BUTLER
J. BRUCE MEARS
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 10th, 2024

Application: CU 2432 Salon Simone.

Applicant: Simon Fares / Lorne Crawford
19747 Old Landing Road (S.C.R. 274)
Rehoboth Beach, DE 19971

Owner: Simon Fares / Lorne Crawford
19747 Old Landing Road (S.C.R. 274)
Rehoboth Beach, DE 19971

Site Location: Lying on the east side of Old Landing Road (S.C.R. 274) approximately
0.28 mile south of Warrington Road (S.C.R. 275)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Salon

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Co.

Sewer: Sussex County

Water: Tidewater

Site Area: 0.50 acres +/-

Tax Map ID: 334-12.00-181.03



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
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PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 3rd, 2024
RE: Staff Analysis for CU 2432 Salon Simone

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application (CU 2432) Salon Simone to be reviewed during the July 10th, 2024 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 334-12.00-181.03

Proposal: The request is for a Conditional Use for Tax Parcel 334-12.00-181.03 to allow for a salon on a Parcel lying on the east side of Old Landing Road (S.C.R. 274) approximately 0.28 mile south of Warrington Road (S.C.R. 275). The parcel is comprised (0.50) acres +/-.

Zoning: The Parcel is zoned Agricultural-Residential (AR-1) District with the adjacent parcels on all sides in the Agricultural-Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the Plan indicates that the subject property is designated as a Growth Area and has a land use designation of "Coastal Area." The properties adjacent & surrounding the subject Parcel are also categorized as "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, "Appropriate mixed-use development should also be allowed. In



doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex Comprehensive Plan 4-15). The Plan additionally notes the following regarding commercial improvements in the “Coastal Area”:

The “challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low” (2018 Sussex Comprehensive Plan 4-15).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” and in an area of “Good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a salon at the site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications

(Within a 1-mile radius of the subject site)

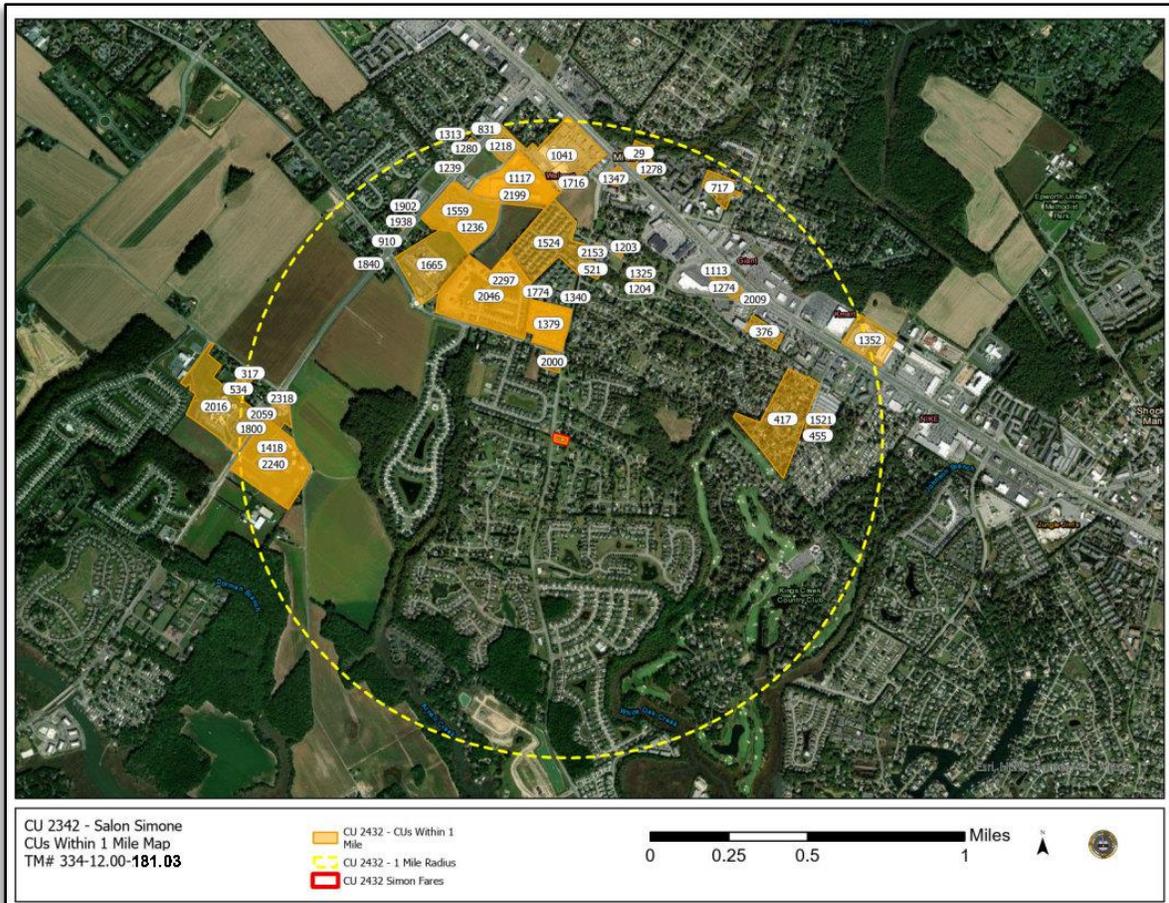
CU Number	Application Name	Zoning Dist.	Proposed Use	CC Decision	CC Decision Date	Ord Number
29	Howard Foster	MR	Motel	Approved	11/23/1971	N/A
33	Colonial East Inc	AR-1	Manufactured Home Park/Colonial East	Approved	1/25/1972	N/A
254	Frederick Karl	AR-1	Retail Store/Gas Station	Approved	2/11/1975	N/A
317	Clifford A Copp	AR-1	Retail Seafood Store	Approved	1/27/1976	N/A
376	Camelot Mobile Home Park	C-1	Addition To Existing Manufactured Home Park	Approved	10/12/1976	N/A
417	Camelot Mobile Home Park	AR-1/C-1	Addition To Existing Manufactured Home Park	Approved	6/14/1977	N/A
447	Willard C Wood t/a Mower Barn	GR	Sales & Service of Lawn Mowers (Small Motors)	Approved	12/27/1977	N/A
455	Sea Air Properties Inc	AR-1	Addition To Existing Manufactured Home Park	Approved	2/14/1978	N/A
521	John Marsh	AR-1	Rental Storage	Approved	4/10/1979	N/A
534	Clifford A Copp Sr	AR-1	Seafood Sales (Except Fish)	Approved	7/3/1979	N/A
611	E.R. Detwiler	GR	Ceramic Shop	Approved	2/17/1981	N/A
651	Walter Lehman, Jr. and Carolyn	GR	Manufactured Home Park	Approved	11/26/1981	N/A
717	DND Enterprises, Inc.	GR	Multi-Family	Withdrawn	4/12/1983	N/A

831	Tidewater Utilities, Inc.	MR	Public Utility for Public Water System	Denied	9/10/1985	<Null>
910	Theodore D. Shaffer	AR-1	Hair Salon	Denied	10/3/1989	N/A
1041	Rehoboth Mall Limited Partnership	C-1	Movie Theater W/In Existing Mall	Approved	6/29/1993	900
1113	Patty & Tom Derrick	C-1	Mini-Golf Course	Approved	5/16/1995	1027
1117	Angola Community Partnership	AR-1	Model Home/Sales/Display	Approved	6/13/1995	1035
1203	Lewes/Rehoboth Assoc. of Churches, Inc.	AR-1	N/A	N/A	Withdrawn	N/A
1204	Mary A. Bensinger	AR-1	Multi-Family	Approved	10/14/1997	1182
1218	Angola Community Partners	AR-1	Expansion Of CU 1117 Model Home Sales	Approved	1/6/1998	1203
1236	Beebe Medical Facility	AR-1	Outpatient Medical Facility	Approved	4/21/1998	1227
1239	Maplewood Dental Associates	B-1	2 Apartments Above Existing Dental Office	Approved	5/5/1998	1231
1274	Rehoboth Beach Vol. Fire Company	C-1	Radio Communication Tower	Approved	3/30/1999	1297
1278	Silver Properties, LLC	GR	Multi-Family	Approved	6/6/1999	1379
1280	Apple Electric Inc.	AR-1	Contractors Office	Approved	5/11/1999	1307
1313	Apple Electric Inc.	AR-1	Electric Contractor Office & Amend Stipulations	Approved	12/21/1999	1356

1325	Mark Wolfe	AR-1	Multi-Family	Approved	2/29/2000	1365
1340	Robino Sea Chase LLC	AR-1	Multi-Family	Withdrawn	8/1/2000	N/A
1342	Mark Wolfe	AR-1	Multi-Family	Approved	8/8/2000	1390
1347	Klasik Karts	C-1	Hot Dog Cart for Retail Sales	Denied	8/29/2000	N/A
1352	Rehoboth Outlets Center 3	C-1	Sales Of Soft/Hard Goods Off Carts	Approved	5/1/2001	1450
1379	Robino Seachase, LLC	AR-1	Multi-Family	Approved	5/8/2001	1455
1396	Jerome E. Groll MD	AR-1	Medical Office Building	Withdrawn	N/A	N/A
1418	Cape Henlopen School District	AR-1	Public School	Approved	11/6/2001	1504
1521	Storage Equity Partners LP II	AR-1	Self-Storage	Approved	3/9/2004	1663
1524	Rehoboth Beach Associates LLC	AR-1	Multi-Family	Approved	6/8/2004	1695
1559	Beebe Medical Center	AR-1	Expansion Outpatient Medical Center	Approved	3/30/2004	1673
1573	Robert Burton, Double R Holdings	AR-1	Medical Offices	Approved	11/30/2004	1732
1665	L. T. Assoc. LLC	AR-1	Medical Offices	Approved	9/19/2006	1873
1716	Andrew Lubin	AR-1	Office Park With Medical, Professional & Retail Buildings	Approved	1/16/2007	1887
1774	Robino Seachase, LLC	AR-1	Poolhouse	Approved	6/17/2008	1975

1800	Cheryl Normandeau	AR-1	Office/Retail	Approved	2/9/2010	2102
1836	Rehoboth Beach Film Society	MR	Office For Non-Profit	Approved	6/30/2010	2066
1840	Juliane Olber & William N. Hein	AR-1	Printing	Approved	9/28/2010	2147
1855	Double R. Holdings, LLC	AR-1	Offices	Approved	12/7/2010	2165
1902	Dorothy Garvey	AR-1	Medical Office	Withdrawn	6/5/2012	N/A
1938	Karen L. Barwick	AR-1	Therapist Office & Residence	Approved	1/22/2013	2289
1982	Gary Ennis-Southern Delaware Classic Cars, LLC	AR-1	Office For A Cleaning Service Business	Approved	5/20/2014	2348
2000	Jovid Venture, LLC	AR-1	Wedding Ceremonies & Receptions	Denied	12/16/2014	N/A
2009	Josh Grapski	C-1	Food Truck (Vendor)	Approved	3/31/2015	2392
2016	Cape Henlopen School District	AR-1	Elementary School	Approved	6/16/2015	2402
2046	Lockwood Design & Construction (Arbor-Lyn)	MR	202 Multi Family Development	Approved	12/13/2016	2479
2059	Julie Norwood	AR-1	Beauty Salon	Approved	10/25/2016	2478
2072	KHM Ventures, LLC (McKinney's Grove)	GR	Multi-Family Dwelling Structures (20 Units)	Approved	5/23/2017	2498
2153	Cassandra Toroian	AR-1	Real Estate Office	Approved	2/5/2019	2630
2199	OA-Rehoboth, LLC (Herola Property)	CR-1	Multi-Family (224 Units)	Approved	1/28/2020	2702

2240	Tidewater Utilities, Inc	AR-1	Elevated Storage Tank	Approved	11/10/2020	2751
2297	Schell Brothers LLC	MR	Amendment To Conditions Of Approval	Approved	2/22/2022	2831
2318	V&M, LLC	AR-1	Convenience Store & Office Building	Approved	5/17/2022	2853



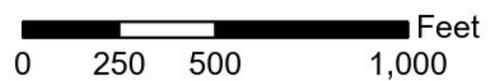




Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2342 - Salon Simone
Streets Map
TM# 334-12.00-181.03

 CU 2432 Simon Fares



Zoning

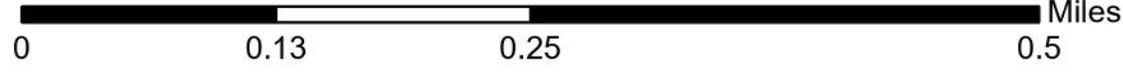
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-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
- B-3: Business Research



Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2342 - Salon Simone
 Zoning Map
 TM# 334-12.00-181.03

 CU 2432 Simon Fares



Zoning

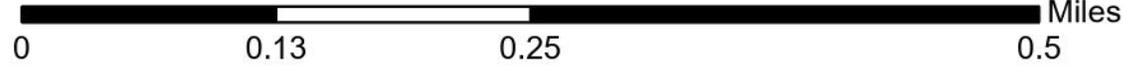
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Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2342 - Salon Simone
 Zoning Map
 TM# 334-12.00-181.03

 CU 2432 Simon Fares





Esri, HERE, Garmin, IPC, Maxar

CU 2342 - Salon Simone
 CUs Within 1 Mile Map
 TM# 334-12.00-181.03

- CU 2432 - CUs Within 1 Mile
- CU 2432 - 1 Mile Radius
- CU 2432 Simon Fares



CU 2432 Salon Simone - Aerial Map 4



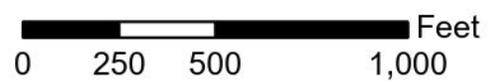
03/02/2023



Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2342 - Salon Simone
Streets Map
TM# 334-12.00-181.03

 CU 2432 Simon Fares



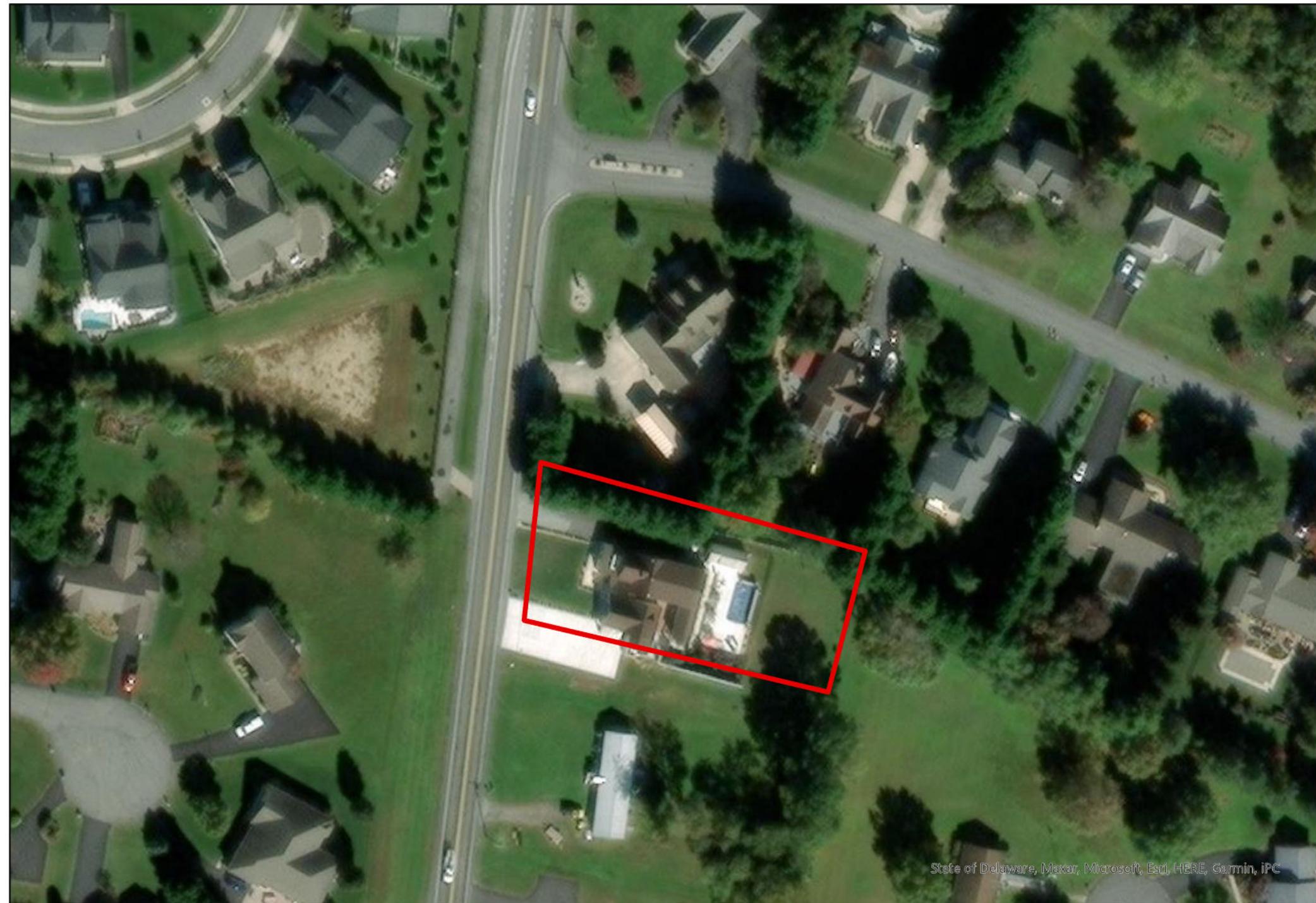


Esri, HERE, Garmin, IPC, Maxar

CU 2342 - Salon Simone
 CUs Within 1 Mile Map
 TM# 334-12.00-181.03

- CU 2432 - CUs Within 1 Mile
- CU 2432 - 1 Mile Radius
- CU 2432 Simon Fares





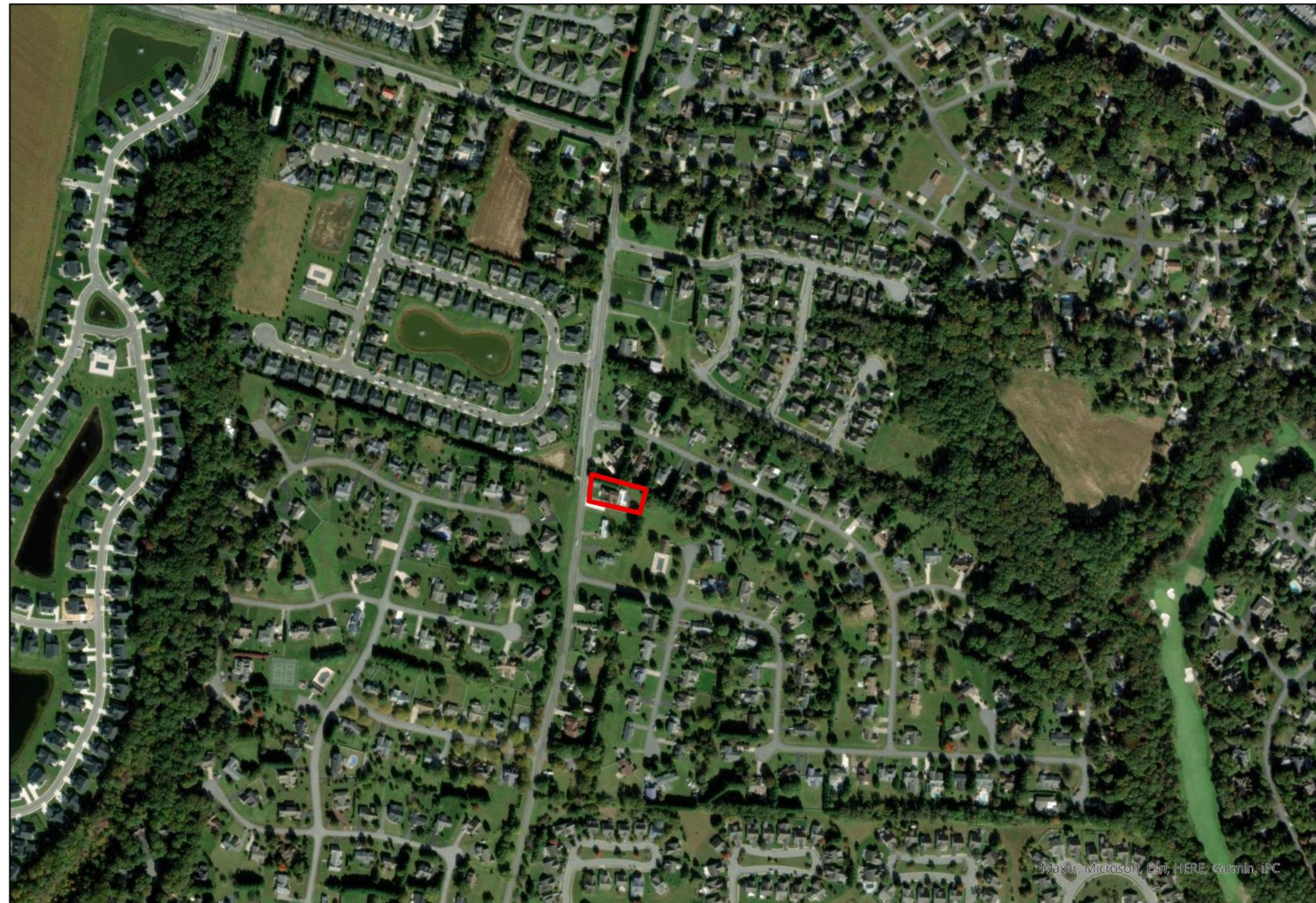
State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, iPC

CU 2342 - Salon Simone
Aerial Map
TM# 334-12.00-171.03

 CU 2432 Simon Fares

 Feet
0 75 150 300





Maxar, Microsoft, Esri, HERE, Garmin, IPC

CU 2342 - Salon Simone
Aerial Map
TM# 334-12.00-181.03

 CU 2432 Simon Fares

 Feet
0 250 500 1,000



CU 2432 Salon Simone - Aerial Map 3b



03/06/2023

Introduced: 5/7/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-12.00-181.03
911 Address: 19747 Old Landing Road, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.56 ACRE, MORE OR LESS

WHEREAS, on the 27th day of March 2023, a conditional use application, denominated Conditional Use No. 2432 was filed on behalf of Simon Fares & Lorne Crawford.; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2432 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2432 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Old Landing Road (S.C.R. 274) approximately 0.28 mile south of of Warrington Road (S.C.R. 275) and being more particularly described in the attached legal description prepared by Dunlap, Holland, Eberly & Rich, P.A., said parcel containing 0.56 acre, more or less.

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