



Sussex County Council Public/Media Packet

**MEETING:
June 6, 2017**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
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Sussex County Council

AGENDA

JUNE 6, 2017

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 259-2
Sussex County Project No. 81-04
The Reserves – Clubhouse
Ocean View Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 597-2
Sussex County Project No. 81-04
The Woodlands – Phase 2
Miller Creek Sanitary Sewer District

Todd Lawson, County Administrator

1. Second Quarter Employee Recognition Awards
2. Proclamation - Home Ownership Month
3. Discussion regarding the definition of “Special Events” within Chapter 115 of the Sussex County Code
4. Administrator’s Report



Jamie Sharp, Assistant County Attorney

1. Discussion and possible introduction of an amendment to the Sussex County Code regarding on-premises and off-premises signs

Janelle Cornwell, Director of Planning and Zoning

1. McCormick Taylor Contract
 - A. Scope of Work related to the Comprehensive Land Use Plan

Gina Jennings, Finance Director

1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”
2. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

Hans Medlarz, County Engineer

1. Infrastructure Flood Avoidance Assessment and Action Plan
 - A. DNREC Sustainable Communities Planning Grant Match Request
 - B. Approval of Memorandum of Understanding with CIB
2. Milton Library Foundation Repair Design Engineering Contract
3. Pump Station 210 Force Main to Inland Bays Regional Wastewater Facility - Plantation and Kendale Roads – Contract 15-08B
 - A. Balancing Change Order

John Ashman, Director of Utility Planning

1. Request to Prepare and Post Notices for Route 54, Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)

2. Resolution establishing the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District

Grant Request

1. Selbyville Middle School for Heart in the Game Health Fair

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 30, 2017, at 4:35 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 23, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 23, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Vince Robertson	Assistant County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 235 17
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of May 16, 2017 were approved by consent.

**Public
Comments**

Public Comments

Karen Merry was in attendance on behalf of the American Legion Post 28 Auxiliary to present memorial poppies to the Council in remembrance of our Veterans. For more than 90 years, the American Legion Auxiliary has distributed the memorial poppy to remind Americans that millions sacrificed their lives and health to keep our nation free.

Paul Reiger commented on a recent Board of Adjustment meeting and matters relating to variances and fencing; he also questioned the Rules of Procedure of the Board.

Dan Kramer suggested changes/improvements to the Council Chambers to make it more handicap accessible.

Challenge to End Veteran Homelessness Rachel Stucker with Housing Alliance Delaware gave a presentation on the Delaware Challenge to End Veteran Homelessness. Also in attendance were Susan Kent, Director of LOVE, Inc., and Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer.

Wastewater Agreement Mr. Lawson presented a Wastewater Agreement for the Council's consideration.

M 236 17 Execute Wastewater Agreement A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Wastewater Agreement 891-1, that Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and CMF Tidewater Landing LLC for wastewater facilities to be constructed in Tidewater Landing (aka Love Creek Landing – Phase 1) (Plan Review and Construction Record) located in the West Rehoboth Expansion North Planning Area.

Motion Adopted: 5 Yeas.

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

Administrator's Report Mr. Lawson read the following information in his Administrator's Report:
1. 2017 Delaware NAHRO Ambassador Award

I am pleased to announce that Brandy Nauman, the County's Housing Coordinator and Fair Housing Compliance Officer, has been selected to receive the 2017 Delaware National Association of Housing & Redevelopment Officials (NAHRO) Ambassador Award for her outstanding work in the housing field.

Brandy has been the driving force behind the County's very successful implementation of the Neighborhood Stabilization Programs, which assisted many of the County's low to moderate income households achieve the dream of home ownership. As the County's Housing Coordinator and Fair Housing Compliance Officer, Brandy has been instrumental in many changes to modernize the County's fair and affordable housing policies.

Brandy serves on the Board of Directors for Delaware NAHRO, Delaware Financial Literacy Institute, Continuum of Care, Community Development Network, the advisory board for Sussex County's Mayor's Challenge to End Veterans Homelessness, the Delaware Interagency Council on Homelessness, and the Sussex Housing work groups.

Brandy has provided outstanding leadership and efforts to assist the residents of Sussex County and the State of Delaware. Her dedication to serve the housing needs of all residents has been a shining example to all.

Administrator's
Report
(continued)

Brandy has also been elected as Vice President of the DE NAHRO Board. Congratulations, Brandy!

2. Memorial Day Holiday

Please note, County offices will be closed on Monday, May 29th, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 30th. The next regularly scheduled Council meeting will be held on Tuesday, June 6th.

Draft
Ordinance/
Commercial
Zoning
Districts

Vince Robertson, Assistant County Attorney, and Janelle Cornwell, Director of Planning and Zoning, presented for the Council's consideration a Draft Ordinance relating to the establishment of new commercial zoning districts. A brief overview of the proposed new districts was presented and discussed by Council.

Introduction
of Proposed
Ordinance/
Commercial
Zoning
Districts

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS".

The Proposed Ordinance will be advertised for Public Hearing.

Landfills/
Site Main-
tenance
Project/
Change
Order

Hans Medlarz, County Engineer, presented Change Order No. 1 for Sussex County Landfills – 2017 Site Maintenance Project 17-13.

Mr. Medlarz referenced the five year landfill maintenance agreement and the County's recent acquisition of the King Farm property (Sussex County Business Park), and stated that the Engineering Department proposes to including the landscaping maintenance for the Business Park property into a new request to include the dredge site in Seaford and the access trails along Woodland. He noted, however, that there is a stop-gap need that can be filled by a Change Order with the contractor for the landfill maintenance. This one-time Change Order would roll into the landfill maintenance contract; however, in the future, it would become a stand-alone multi-year contract.

M 237 17
Approve
Change
Order/
Landfills
Site Main-
tenance
Project

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based on the recommendation of the Engineering Department, that Change Order No. 1 for Contract No. 17-13, Sussex County Landfills Site Maintenance Contract, be approved which increases the contract amount by \$3,600.00 for a new total of \$41,490.00.

Motion Adopted: 5 Yeas.

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

Middle
Creek
Preserve
Expansion/
Angola
Neck Area
of SCUSSD/
Request to
Prepare
and Post
Notices

John Ashman, Director of Utility Planning, presented a request for permission to prepare and post notices for an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area) for a project known as Middle Creek Preserve. The expansion was requested by Solutions IPEM, LLC for their client BDRP, LLC. The project consists of six parcels; the remaining four parcels are already part of the sewer district. The project is proposing 314 single family lots and a pool house. The project will be responsible for System Connection Charges in place at the time of connection. A Public Hearing is tentatively scheduled for June 20, 2017.

Hans Medlarz, County Engineer, clarified that the number of units quoted by Mr. Ashman is for the entire area.

M 238 17
Authorize
Posting
Notices for
Middle
Creek
Preserve
Expansion
of SCUSSD/
Angola
Neck Area

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the Middle Creek Preserve Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area) to include Parcels 234-11.00-51.00 and 234-12.00-14.00, as presented.

Motion Adopted: 5 Yeas.

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

Grant
Requests

Andrea Wall, Director of Accounting, presented grant requests for the Council's consideration.

M 239 17
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$300.00 (\$100.00 each from Mr. Wilson's, Mr. Arlett's and Mr. Cole's Councilmanic Grant Accounts) to the American Legion Post 28 Auxiliary for their poppy fund.

Mr. Cole and Mr. Arlett withdrew their Motions.

M 240 17 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the American Legion Post 28 Auxiliary for the poppy fund.**

Motion Adopted: 5 Yeas.

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

M 241 17 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,400.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for the Western Sussex Tourism Project.**

Motion Adopted: 5 Yeas.

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

M 242 17 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 (\$1,250.00 each from Mr. Vincent's, Mr. Cole's, Mr. Arlett's, and Mr. Wilson's Councilmanic Grant Accounts) to the Home of the Brave Foundation's Capital Campaign.**

Motion Adopted: 5 Yeas.

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

M 243 17 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Town of Greenwood for the Police Department's Night Out Against Crime.**

Motion Adopted: 5 Yeas.

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

M 244 17 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 (\$2,500.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Bethany Beach Volunteer Fire Company for staffing.**

Motion Adopted: 5 Yeas.

M 244 17
(continued)

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

Introduction of Proposed Zoning Ordinances

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Conditional Use No. 2098) filed on behalf of Fenwick Commons, LLC (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS” (Conditional Use No. 2101) filed on behalf of 1st State Paving (Tax I.D. No. 233-11.00-17.00 (portion of) (911 Address: 31005 Iron Branch Road, Dagsboro).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.62 ACRES, MORE OR LESS, OF A 15.94 ACRE PARCEL” (Change of Zone No. 1826) filed on behalf of JKJ Properties, LLC (Tax I.D. No. 131-6.00-11.00 (portion of) (911 Address: Not Available).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Change of Zone No. 1827) filed on behalf of Fenwick Commons, LLC (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

Council Members’ Comments

Council Members’ Comments

Mr. Arlett commented on his participation at Career Day at Phillip Showell Elementary School, the State of Delaware’s financial decisions to be made, and the County’s collection of school taxes. Mr. Arlett also commented on

**Comments
(continued)**

Memorial Day and graduation ceremonies.

Mr. Cole commented on concerts scheduled at Hudson Fields and asked that this matter be placed on a future agenda.

**M 245 17
Recess**

At 11:22 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

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

**M 246 17
Reconvene**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to reconvene at 1:33 p.m.

Motion Adopted: 5 Yeas.

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

Rules

Mr. Robertson read the Rules of Procedure for Public Hearings.

**Public
Hearing/
CZ 1818**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS” (Change of Zone No. 1818) filed on behalf of Ocean Highway, LLC (Tax I.D. No. 334-6.00-497.08 (portion of) (911 Address: 34130 Citizens Drive, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on March 23, 2017 at which time action was deferred. On April 6, 2017, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated March 23, 2017 and April 6, 2017.)

Janelle Cornwell, Director of Planning and Zoning, presented a summary of the Commission’s Public Hearing and recommendation of approval.

The Council found that Mark Davidson of Pennoni Associates was present with Joe Reed, owner of the property. They explained the purpose of the Change of Zone application, reviewed the location of the site, and referenced the buildings that currently exist on the site and the two businesses currently

**Public
Hearing/
CZ 1818
(continued)**

operating on the site. They stated that there is a small portion of the back of the shopping center that is zoned AR-1 and that it is a small strip of land that is approximately 80 feet wide (approximately 1.1 acres of the existing shopping center) and that are asking that this area be rezoned; that it is currently being used for personal storage; and that the reason for the zoning application is for the expansion of the Quality Roofing facility that currently exists on the site and to keep trucks from having to parking on Dartmouth Drive. They stated that no new buildings are proposed; that a renovation of the existing storage building is proposed; that a portion of the building will be removed to allow for driveway access; and an expansion of the storage yard is proposed. They stated that DelDOT did not require a Traffic Impact Study and that the zoning is in character with the area zonings.

Public comments were heard.

Kevin Mitchell of Quality Roofing spoke in support of the application and referenced deliveries to the site.

There were no public comments in opposition to the application.

The Public Hearing and public record were closed.

**M 247 17
Adopt
Ordinance
No. 2497/
CZ 1818**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2497 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS" (Change of Zone No. 1818) filed on behalf of Ocean Highway, LLC.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2072**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (20 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS" (Conditional Use No. 2072) filed on behalf of KHM Ventures DE, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on April 20, 2017 at which time action was deferred. On May 18, 2017, the Commission recommended approval with the following

**Public
Hearing/
CU 2072
(continued)**

conditions:

- A. The maximum number of residential units shall not exceed 20 units.**
- B. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.**
- C. The project will be served by a County Sewer District. It must be constructed in accordance with the requirements of the Sussex County Engineering Department, including any offsite upgrades necessary to provide service to the project.**
- D. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable state and county requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of the stormwater management system.**
- F. The interior street design shall be in accordance with or exceed Sussex County street design requirements. As proffered by the Applicant, sidewalks shall be installed along both sides of all streets.**
- G. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, as well as buffers along the upland perimeter of the project.**
- H. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.**
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.**
- J. The Final Site Plan for the development shall be subject to approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated April 20 and May 18, 2017.)

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

The Council found that Jim Fuqua, Attorney, was present with Frank Kea, member of KMH Ventures DE, LLC; Jason Palkiewicz with Solutions IPEM; and Ed Launey with Environmental Resources, Inc. They discussed the proposed use of the property for 20 single family detached residential condominium units; densities of other properties in the area; mixed residential uses in the area and commercial uses in the area; delineated wetlands; stormwater management; negligible traffic impact; layout of the site including streets, parking, buffers, setbacks and a community gathering area; and estimated price range of the condominium units. It was noted

**Public
Hearing/
CU 2072
(continued)**

that DelDOT did not require a Traffic Impact Study.

An Exhibit Booklet was previously submitted by the Applicant and distributed to the Council.

Public comments were heard.

Paul Reiger commented on the GR General Residential District versus the AR-1 Agricultural Residential District.

Fran Haneschlager spoke in opposition to the application and stated his concern about traffic (automobile, pedestrian and bicycle) on Munchy Branch Road, one of the main routes to Wolfe Neck State Park. He also stated concerns about the lack of bike paths and shoulders on the road, and the fact that the property backs up to wetlands. (Mr. Haneschlager submitted his comments in writing into the record including pictures and a map.)

There were no additional public comments.

The Public Hearing and public record were closed.

**M 248 17
Adopt
Ordinance
No. 2498/
CU 2072**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2498 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (20 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS" (Conditional Use No. 2072) filed on behalf of KHM Ventures DE, LLC, with the following conditions:

- A. The maximum number of residential units shall not exceed 20 units.**
- B. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.**
- C. The project will be served by a County Sewer District. It must be constructed in accordance with the requirements of the Sussex County Engineering Department, including any offsite upgrades necessary to provide service to the project.**
- D. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- E. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable state and county requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of the stormwater management system.**

**M 248 17
Adopt
Ordinance
No. 2498/
CU 2072
(continued)**

- F. The interior street design shall be in accordance with or exceed Sussex County street design requirements. As proffered by the Applicant, sidewalks shall be installed along both sides of all streets.**
- G. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, as well as buffers along the upland perimeter of the project.**
- H. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.**
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.**
- J. The Final Site Plan for the development shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2074**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL USE AS A THERAPY AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS” (Conditional Use No. 2074) filed on behalf of Quail Valley 1525, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on April 6, 2017 at which time action was deferred; on May 11, 2017, the Commission recommended that the application be approved with the following conditions:

- a. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County West Rehoboth Expansion of the Dewey Beach Sanitary Sewer System.**
- b. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.**
- c. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and the Inland Bays Pollution Control Strategy. The Applicant, its successors and assigns, shall operate the stormwater management facilities using Best Management Practices and Best**

**Public
Hearing/
CU 2074
(continued)**

Available Technologies.

- d. All entrances, intersections, roadway improvements, and multi-modal facilities required by DeIDOT shall be completed by the Applicant as required by DeIDOT.**
- e. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the property adjacent to any residential properties so that the facility will be screened from view from any residential properties. The landscape buffer must be located on the project site. Final Site Plan shall contain a landscape plan showing the planned vegetation within this buffer area.**
- f. An 8 foot tall fence shall be constructed along the boundaries of the project adjacent to any residential properties.**
- g. The proposed therapy and fitness center shall be set back at least 40 feet from all property lines.**
- h. The number of parking spaces required for this proposed project is clearly excessive and unreasonable. Accordingly, the number of parking spaces required shall be modified and reduced. The proposed project shall have 200 parking spaces. All vehicle parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.**
- i. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.**
- j. Hours of operation shall be between 5:00 a.m. and 9:00 p.m., Monday through Friday and between 5:00 a.m. and 5:00 p.m. (Saturday and Sunday).**
- k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated April 6 and May 11, 2017.)

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

Ms. Cornwell reported that, since the Public Hearing before the Commission, the Planning and Zoning Department received the following: an additional letter from the Applicant, 9 additional letters in opposition to the application, 5 letters requesting certain conditions of approval, and 8 additional letters in support of the application.

The Council found that Glenn Mandalas, Attorney, was present with Zach Crouch of Davis Bowen & Friedel, Inc., and Rich Garrett and Janet Hohnholt, Principals of Quail Valley 1525, LLC.

Mr. Mandalas presented a revised Exhibit Book and a revised site plan, both received by the Planning and Zoning Department on May 22, 2017.

**Public
Hearing/
CU 2074
(continued)**

Mr. Mandalas and Mr. Crouch described the project known as Gateway Motion & Fitness and provided information for the Conditional Use application including size of the project, buffers and fencing, parking areas, setbacks, stormwater management, hours of operation, surrounding land uses and zonings including 28 Conditional Uses, renderings of the proposed building, site layout, compatibility with the area, Mr. Garrett's and Ms. Hohnholt's ties to the area, estimated number of cars per day, and DelDOT's study and contribution requirements. They stated that the revised plan proposes a 56,626 square foot building which is approximately a 10,000 square foot reduction in size in comparison to the proposal presented to the Planning and Zoning Commission; additionally, the building height has been reduced from 40 feet to 32 1/2 feet, a 20 foot wide thick vegetative buffer from the Village of Five Points and Covey Creek; a 20 foot vegetative buffer from all the residential communities around the parcel; an 8 foot fence around the perimeter (material to be specified); reduction in the parking from 322 to 200 spaces, which would allow them to move the building and parking further away from the property lines thereby providing more pervious space. They also stated that the facility will house Gateway Motion & Fitness and also the Cape Center for Movement & Disabilities. Facilities proposed are a gym, wellness center, therapy center to help those with disabilities and especially for people with Parkinson's Disease, a community center, racquetball courts, pool, therapy pool, and functional fitness arena. It was noted that the business is currently known as Midway Fitness Center and that the Applicants have outgrown the facility.

In response to questions raised by Council, Mr. Mandalas referenced the revised Exhibit Booklet and the revised Site Plan. He stated that he would review and compare the two plans; that the new plan meets all the conditions recommended by the Planning and Zoning Commission, with the exception of two. He noted that all the changes are directly related to the conditions recommended by the Commission. He also noted that they did not receive the written conditions until very recently and this is the reason for the delay in submitting the revised Exhibit Book and revised site plan.

Mr. Mandalas stated that the revised plan meets all of the conditions recommended by the Planning and Zoning Commission with the exception of two of them: a 40 foot setback from all property lines and the hours of operation (5:00 a.m. to 9:00 p.m. Monday through Friday and 5:00 a.m. to 5:00 p.m. Saturdays and Sundays).

He stated that they have achieved the 40 foot setback from all property lines except for at the rear of the building, which has a 30 foot setback.

In regard to the hours of operation, to be competitive they would like to operate from 5:00 a.m. to 11:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. Saturdays and Sundays.

**Public
Hearing/
CU 2074
(continued)**

In conclusion, Mr. Mandalas stated that, since this type of facility is appropriate on this site as long as the Applicant meets the requisite standards and the Code, it should be approved with conditions to address any health, safety and welfare concerns. Mr. Mandalas referenced the application's compliance with the Comprehensive Development Plan and referenced the Planning and Zoning Director's staff analysis.

Public comments were heard.

Beatrix Richards, Carol Wayne and Sue Fegan spoke in support of the application and referenced the quiet nature of the business, the compatibility of the business with the area, and the services provided including classes for people with Parkinson's Disease and other disabilities.

The following people spoke in opposition to the application: Jan Allmaras, Rob Coupe, Carole Kohr, Vance Parker, Barry Segel, Shellace James, Robert Viscount, Mark Angeline, James Walpole, and Michael Elrod. It was noted that Jan Allmaras spoke on behalf of a group of residents from The Villages of Five Points, Covey Creek and the single family homes along Savannah Road. Ms. Allmaras stated that on May 16th she delivered a letter and information to the Council about the group and the group's efforts as well as an Analysis of Consistency with Existing Professional and Medical Office Buildings in the Area, including additional recommended conditions for commercial use to ensure consistency with existing professional and medical office buildings in the area. Ms. Allmaras presented information on the location, size, and height of existing professional and medical buildings in the area and perspectives on the size of the proposed Quail Valley building.

Those in opposition expressed concerns about the inconsistency of the proposed building with the area; the size and scope of the building; the project's proximity to residences; insufficient setbacks; inconsistent hours with medical/professional offices in the area; a premanufactured steel building being out of character with the area; the need for a solid fence; noise; the large traffic burden to an area that already has traffic problems and resulting safety hazards; financial impact to the community including property values; the unsuitability of this location; the proposed conditions not addressing the enormous building proposed; project is out of character with the area; increased traffic affecting Beebe Medical Center, emergency response vehicles, school buses, the fire department; the lack of room for future growth; and the uncertainty of what the building will look like.

Mr. Walpole referenced the minutes of the Planning and Zoning Commission Public Hearing and stated that "it appears that there are many disputed facts in the Commission's Administrative Record". (Mr. Walpole submitted his letter with attachments into the record.)

The Public Hearing was closed.

(continued) The Council discussed leaving the record open due to the recent submittal of the revised Exhibit Book and revised site plan.

M 249 17 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on**
Defer **Conditional Use No. 2074 filed on behalf of Quail Valley 1525, LLC and to**
Action on **leave the public record open for written comments only, until June 20, 2017.**
CU 2074

Motion Adopted: 5 Yeas.

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

M 250 17 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at**
Adjourn **4:55 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

ENGINEERING DEPARTMENT

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



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

May 30, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE WOODLANDS - PHASE 2 (PHASE 2 PLAN REVIEW AND CONSTRUCTION
RECORD)
AGREEMENT NO. 597 - 2

DEVELOPER:

Mr. Robert Harris
Woodlands Development, LLC
27 Atlantic Avenue
Ocean View, DE 19970

LOCATION:

N/E Corner of CR 363 & CR 84 / Double Bridges
RD

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision 28 lots and the clubhouse.
Lots 21-39,46-47, & 71-77

SYSTEM CONNECTION CHARGES:

\$167,475.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
04/18/17

Department of Natural Resources Plan Approval
04/10/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin and Construction Inspection Cost – \$18,229.88
Proposed Construction Cost – \$121,532.50



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 6, 2017

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 597-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "WOODLANDS DEVELOPMENT, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "THE WOODLANDS – PHASE 2", LOCATED IN MILLER CREEK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 597-2

TODD LAWSON
COUNTY ADMINISTRATOR



SUSSEX COUNTY COUNCIL



PROCLAMATION

PROCLAIMING THE MONTH OF JUNE AS "HOME OWNERSHIP MONTH" IN SUSSEX COUNTY

WHEREAS, owning a home is an important part of the American Dream; and

WHEREAS, the Sussex County Council realizes that home ownership benefits individuals and families, strengthens our communities, and is integral to our economy; and

WHEREAS, the Sussex County Council realizes that home is where we make memories, build our futures, and feel comfortable and safe; and

WHEREAS, the Sussex County Council, in partnership with the Delaware State Housing Authority, USDA Rural Development, non-profit housing agencies, and the Sussex County Association of Realtors®, will continue to provide assistance for home ownership for Sussex County citizens;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council proclaims the month of June as "Home Ownership Month" for the American Dream in Sussex County; and urges all citizens to wholeheartedly recognize this effort throughout the year.



Michael H. Vincent, President

Dated: June 6, 2017

TODD F. LAWSON
COUNTY ADMINISTRATOR
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tlawson@sussexcountyde.gov



Sussex County
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson
County Administrator

RE: **“SPECIAL EVENT” DISCUSSION**

DATE: June 2, 2017

During Tuesday’s meeting, the Council is scheduled to discuss the “Special Event” definition within County Code. This topic was brought up during the May 23rd meeting and staff was asked to prepare a presentation for June 6.

As you know, certain sections within Chapter 115 of County Code allow “special events”. A copy of the language is listed below:

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.



Over the years, several events have been approved using this Code language, including Punkin Chunkin, car shows, children’s festivals, rodeos, etc. The special event language was intended to permit temporary events with a short duration, of which requiring a conditional use approval for a short event seems over burdensome.

Due to interpretation issues involving the special events language, staff recommends a review of the County Code to better define a special event that does not require a conditional use approval. Specific considerations are listed below.

Event Timing

First, the “timing” of the event needs to be clearly defined. This includes the “start time” and “finish time” of the event. Consideration should also be given to the “trigger” of the start time and finish time.

Thus, for this topic, an event will “start” the moment the property begins to be prepared for the event. For example, say the event is a circus, the moment the circus tent is delivered to the property, the “event clock” begins. The event clock concludes when the property is transformed back to its original state.

Historically, the Planning & Zoning Department counted the “set up” and “clean up” process as part of the event’s days.

Event Duration

Second, the event duration needs to be considered. This refers to the number of days the event may run. Currently, the Code allows three days. As stated above, the event duration includes the “set up” and “clean up” days.

Going back to the circus example, if the tent arrives Friday, and the circus opens on Saturday, and the tent is torn down and shipped away on Sunday, this example encompassed three days.

Number of Events

Third, the number of permitted events per calendar year needs to be clearly defined. The Code is silent as to the maximum number of events that can be held on the same property per year. Historically, the Planning & Zoning Department only allowed three events of the same kind per calendar year on the same property.

Consideration should be made regarding different types of events occurring on the same property in a single calendar year. For example, does the Council want to permit a circus in August, a car show in September, a rug sale in October, an RV show in November and a wreath show in December?

Other Considerations

In addition to the items listed above, the Council may wish to consider the “type” of event when defining a special event. For example, should an event’s impact on the surrounding property be considered, like an event that may be loud such as a

demolition derby? Or, should an event's attendance be a consideration, like a 50,000-person outdoor art show?

On Tuesday, staff will provide an overview of these topics and seek your direction.

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

TFL/nc

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Memorandum

To: Sussex County Council Members
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable I.G. Burton III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator
Everett Moore, County Attorney
Vince Robertson, Assistant County Attorney

Date: June 2, 2017

RE: Scope of Work with McCormick Taylor regarding the 2018 Comprehensive Plan

Since the original discussion at the 2018 Comprehensive Land Use Plan kick-off workshop on March 1, 2016, there have been recommendations by the Planning & Zoning Commission to expand the scope. On Tuesday, I will be asking for your approval to expand the scope.

The expanded scope includes an additional 1,337 hours of work for an additional cost not to exceed \$165,087.25. Much of the additional hours are for the meetings with the Planning and Zoning Commission. The scope also recognized the additional meetings/interviews requested with the County Council and various cities and towns. Please note the approval is for a not to exceed amount; therefore, if some of the hours are not used, the County will not be charged. For example, as we have been moving through the process, we have reduced hours for plan publicity, media coordination and communication support, as staff has been completing those tasks.

The expanded scope of work covers the entire Comprehensive Plan from initial meetings through the final plan for total estimated hours of 3,172 for a total cost not to exceed \$435,193.31.

Progress has been made on many chapters of the comprehensive plan through public involvement, commission meetings, and various interviews. Therefore, staff recommends the approval of the expanded scope, as it continues additional public input and participation.

Please let me know if you have any questions.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

EXHIBIT B

Below is the format to be used for future Project Orders:

.....

Exhibit __

PROJECT ORDER

Sussex County Comprehensive Plan

Including Enhanced Public and Stakeholder Outreach

McCormick Taylor, Inc.

April 14, 2017

SCOPE OF SERVICES:

The below information provides an overview of the tasks to be performed to be undertaken to arrive at completion of a Final Comprehensive Plan under this task order.

Task 1 – PROJECT MANAGEMENT/ADMINISTRATION (Subtasks 1.1 through 1.5)

Project management/administration tasks will include:

Subtask 1.1: Draft Plan Monthly Planning Team Progress Meetings (16)

Planning team progress conference calls throughout the course of the study to communicate needs, issues, and progress on the Draft Comprehensive Plan. Up to 16 of these meetings (approximately one per month) will occur during the development of the Draft Comprehensive Plan.

Subtask 1.2: Draft Plan Project Management Activities (16 months)

Daily project oversight on each task and phase during the development of the Draft Comprehensive Plan includes client coordination, contracts, and progress report/invoice preparation.

Task 1.3 (New): Final Plan Monthly Planning Team Progress Meetings (8)

Planning team progress conference calls throughout the course of the study to communicate needs, issues, and progress on the Final Comprehensive Plan. Up to eight (8) of these meetings (approximately one per month) will occur during the development of the Final Comprehensive Plan.

Task 1.4 (New): Final Plan Project Management Activities (8 months)

Daily project oversight on each task and phase during the development of the Final Comprehensive Plan includes client coordination, contracts, and progress report/invoice preparation.

Task 1.5 (New): Weekly Coordination Calls (40)

Weekly planning team progress conference calls with County Staff, County Counsel, and one member of the County Planning & Zoning Commission throughout the course of the study. The calls will be utilized to communicate needs, issues, and progress on the Draft Comprehensive Plan. Up to 40 of these calls (approximately one per week) will occur over the course of the study.

Task 2 – PUBLIC OUTREACH/COORDINATION APPROACH (Subtasks 2.1 through 2.12)

The text that follows describes McCormick Taylor’s Outreach/Coordination Approach to meet the public involvement needs of Sussex County. Activities for this task include:

Subtask 2.1: Stakeholder Identification & Focus Group Meetings (6)

McCormick Taylor will organize and facilitate up to six (6) focus group meetings with key stakeholders early in the planning process. These meetings will be located at up to three (3) locations within the County that offer the most convenience to stakeholder participants. The focus group meetings will be organized by particular areas of interest to allow for in-depth discussions of relevant issues, perceptions and conditions in Sussex County. McCormick Taylor will prepare materials to be used in the sessions, lead the discussions and facilitate these meetings.

Subtask 2.2: Public Meetings

McCormick Taylor will organize and facilitate up to three (3) rounds of Public Meetings in order to bring the Plan to a wider audience, and invite participation and comment from all citizens of Sussex County. As part of this effort, it is anticipated one (1) Public Meeting will be held in each of the six (6) Council Districts in Sussex County so that all residents have the opportunity to attend. The first round of Public Meetings will be held at the culmination of Phase A and provide an opportunity County Council, key stakeholders, and residents to provide input into needs, constraints, opportunities, trends, and policies. Feedback from the public meetings and other Phase A public input will be used to develop a set of goals and objectives for the plan. The second round of Public Meetings will be held during the exploration of land use and transportation alternatives, as the framework for the future evolution of Sussex County is being developed. This second round of meetings will demonstrate to the public how the consultant team has drawn upon the Phase A analysis and community input to define goals and objectives and develop a range of land use alternatives. Feedback gathered during this second Public Meeting will be used to improve and shape the concepts that will ultimately be defined in more detail in the Draft Comprehensive Plan. The third round of Public Meetings will allow County Council, key stakeholders and the public to review the Draft County Comprehensive Plan to be sure that it accurately represents the vision, goals, objectives and actions desired by residents of Sussex County. Following these meetings, McCormick Taylor will prepare a Final Draft Comprehensive Plan according to the feedback received at the third round of Public Meetings.

Subtask 2.3: Graphic Design Support and Collateral Development

McCormick Taylor will work with the County to develop a design template for all electronic and hard copy materials used for the project. This includes developing a branding theme and a Plan-specific logo that will be unique and memorable to the public. The theme and motto will be incorporated into all project materials, including the website, social media program, and PowerPoint slides, handouts and plans displays. In addition, the Plan’s website URL and social media links will be included on all materials to better integrate information under a single communications umbrella.

Subtask 2.4: Website & Social Media Support

It is anticipated County staff will be responsible for designing, hosting and managing the Plan website and social media program over the course of the project. As part of this effort, McCormick Taylor will work with County staff to identify the website URL and planning motto/theme, and provide the necessary text, images, graphics and figures required for the site. McCormick Taylor will also provide input regarding the website's design and navigability as it pertains to accessing the latest news and information for the Plan.

Subtask 2.5: Plan Publicity, Media Coordination & Communications Support

McCormick Taylor will support the County planning staff in its efforts to promote the development of the Plan. This includes developing meeting notices and posters that would be circulated in the weeks leading up to a scheduled public meeting or public hearing. This also includes reviewing and providing input on news releases and other communications developed by the County.

Subtask 2.6 (New): County Leader Interviews

Activities for this task include the completion of 11 in-person interviews with members of County Council, current and former members of the Sussex County Planning and Zoning Commission, current and former Sussex County Administrators, and the Planning and Zoning Commission Attorney. This task also involves preparation of question lists in advance of the interviews, schedule coordination, and preparation of an interview summary document following completion of the interviews.

Subtask 2.7 (New): County Council Meetings (2 Completed)

Subtask 2.8 (New): County Council Meetings (5 Upcoming)

Activities for this task include completion of up to seven (7) meetings with the Sussex County Council regarding the status of the Sussex County Comprehensive Plan. Activities may include preparation of workshop agendas, handouts, and PowerPoint presentations.

Subtask 2.9 (New): Planning & Zoning Commission Meetings (6 Completed)

Subtask 2.10 (New): Planning & Zoning Commission Meetings (15 Upcoming)

Activities for this task include completion of up to 21 meetings with the Sussex County Planning and Zoning Commission regarding the status of the Sussex County Comprehensive Plan. Activities may include preparation of workshop agendas, handouts, and PowerPoint presentations.

Subtask 2.11 (New): Intergovernmental Coordination (1 Complete)

Subtask 2.12 (New): Intergovernmental Coordination (5 Upcoming)

This task includes intergovernmental coordination with Sussex County towns in the form of up to six (6) in-person or phone meetings. This task includes enhanced coordination with DelDOT and its subconsultant regarding preparation of the transportation chapter of the comprehensive plan.

TASK 3: IDENTIFYING OPPORTUNITIES (PHASE A) (Subtasks 3.1 through 3.7)

The text that follows first describes McCormick Taylor's research and data collection activities to meet the Identifying Opportunities phase of the Sussex County Comprehensive Plan. Activities for this task include:

Task 3.1: Project Initiation (A1)

Following authorization to proceed with the work, McCormick Taylor will undertake the following steps to ensure a smooth and efficient initiation of the Sussex County Comprehensive Plan preparation process:

- Obtain from Sussex County, relevant state agencies, and from other sources, all relevant and available base maps, GIS data, existing plans, and studies;
- Facilitate a series of focus group meetings for an in-depth discussion of topics;
- Prepare a questionnaire intended to solicit initial perceptions regarding important planning issues, development problems, future opportunities and needs, and desirable goals for Sussex County, for distribution to key stakeholders identified to more directly assist in the development of the Plan; and
- Prepare a base map for use throughout the comprehensive planning process.

Task 3.2: Update Planning Database (A2)

Previous planning efforts in the area have produced important databases in the form of inventories and maps of existing development, transportation elements, historic resources, agricultural resources, park and open space resources, utilities, community facilities, natural features, and environmentally sensitive areas. The list below identifies the subject areas where we expect to utilize existing Geographic Information Systems (GIS) data to develop the Sussex County Comprehensive Plan:

- Document current land use in Sussex County and surrounding areas, including the full array of land uses;
- Review existing inventories and assessments of historic and cultural resources in Sussex County;
- Review inventories of community, utility, and recreational facilities;
- Review existing inventories of environmental and conservation data; and
- Review existing agricultural information.

Task 3.3: Document 2006-2017 Change (A3)

To enable both County staff and the consultant team more fully understand the pattern of recent development activity in the study area, we will review and document the history of subdivision and site plan approvals, public facility improvements, open space and conservation activities, and agricultural conservation easements from 2006 to 2017. Selected comparisons will then be made of the development activity noted in this documentation to projections of future population and development.

Task 3.4: Demographic, Economic Development, & Housing Analysis (A4)

This task will run concurrently with Task A3. We understand that one of the goals of this planning effort is to provide a plan that is accessible and therefore not filled with pages of inscrutable demographic tables. In this task, we will:

- Review the present composition of employment and current employment trends in the study area, employment projections, and identify expected future changes. Our subconsultant, Econsult Solutions, Inc. (Econsult) will perform the economic development analysis which will form the foundation of the Economic Development Element of the plan;
- Analyze the existing housing stock and housing development trends; and
- Review projections for the growth of population and the number of households expected to reside in Sussex County to the year 2045.

Task 3.5: Critical Review of Trends (A5)

McCormick Taylor will undertake the following steps during this task:

- Identify undeveloped land areas;
- Identify significant currently-developed land areas that may be susceptible to change;
- Construct a hypothetical picture of Sussex County's likely future development pattern if current development trends continue for the foreseeable future; and
- In conjunction with County planning staff identify problems and opportunities related to such issues such as public open space preservation, potential impacts on environmentally-sensitive and culturally-valuable features, the traffic implications.

Task 3.6: Identify Planning Issues & Initial Goals (A6)

We will identify and briefly describe the significant planning issues to be addressed and resolved, to the extent possible, in the comprehensive planning process. These issues will likely include such topics as: protection of natural features, the adequacy of local open space and recreational opportunities, protection of historic and cultural resources, preservation of farmland, water resources, anticipated future traffic conditions, diversity of housing opportunities, impacts of development, opportunities for expanded community facilities and services, economic development opportunities, and general prospects for community character. We will construct an initial statement of goals and objectives for the County for these aspects.

Task 3.7: Identify Alternative Development Themes (A7)

We will identify a number of alternative development futures and related planning characteristics that may be worthy of systematic exploration during the study of alternatives in Phase B. Themes will emerge naturally from the process of updating the planning database, reviewing development trends, codifying planning issues, and identifying initial goals for Sussex County.

TASK 4: VISIONING / LAND USE FRAMEWORK (PHASE B) (Subtasks 4.1 through 4.3)

The text that follows first describes McCormick Taylor's exploration of alternatives and land use concepts activities to meet the Visioning / Land Use Framework phase of the Sussex County Comprehensive Plan. Activities for this task include:

Task 4.1: Explore Initial Alternative Development Concepts (B1)

Based on the alternatives themes identified in Task A7, we will create a set of initial alternative development concepts. These alternative development concepts will be prepared as schematic maps of possible future land use patterns. Each concept will be described and evaluated in broad comparative terms.

Task 4.2: Evaluate Advanced Alternative Development Concepts (B2)

We will further evaluate those alternative concepts determined worthy of additional study. To the best extent possible, these evaluations will be quantitative as well as qualitative.

Task 4.3: Construct Future Land Use Plan & Development Framework (B3)

We will prepare a preliminary future land use plan for Sussex County after review and consensus on land use goals and policies and the basic physical land use and transportation framework for the Sussex County Comprehensive Plan to be prepared in detail in subsequent tasks.

TASK 5: DRAFT COMPREHENSIVE PLAN DEVELOPMENT (PHASE C) (Subtasks 5.1 through 5.3)

The text that follows first describes McCormick Taylor's preparation of the Draft Comprehensive Plan activity to meet the Draft Comprehensive Plan Development phase of the Sussex County Comprehensive Plan. Activities for this task include:

Task 5.1: Prepare Preliminary Draft Comprehensive Plan (C1)

Using the conceptual physical land use and transportation plan, the goals, objectives, and policy framework described above as a constant point of reference, we will proceed to prepare all of the required elements of the Sussex County Comprehensive Plan. This document will be developed so that it is readable and easily understood by all.

It is anticipated the Preliminary Draft Comprehensive Plan will contain a majority of the following sections and/or elements:

- Cover / Index
- Introduction / Overview / Existing Conditions
- Future Land Use Element
- Mobility Element
- Housing Element
- Conservation Element
- Recreation and Open Space Element
- Economic Development Element
- Utilities Element
- Historic Preservation Element
- Intergovernmental Coordination Element

- Capital Improvements Plan
- Community Design Element

Task 5.2: Prepare Implementation Strategy & Action Plan (C2)

During the preparation of the Preliminary Draft Comprehensive Plan, the McCormick Taylor team will also prepare a short-term, five-year “action plan” of recommended implementation steps, along with an identification of the roles and responsibilities of all participants in the implementation process. We will also prepare a long-range implementation strategy intended to guide longer-term actions.

Task 5.3: Prepare Final Draft Comprehensive Plan (C3)

Following the review and comment by County staff and key stakeholders, McCormick Taylor will revise the Preliminary Draft Comprehensive Plan and prepare the Final Draft Comprehensive Plan.

TASK 6: FINAL COMPREHENSIVE PLAN / PUBLIC HEARINGS (PHASE D) (Subtasks 6.1 through 6.4)

The text that follows first describes McCormick Taylor’s preparation of the Final Comprehensive Plan and Public Hearing activity to meet the Final Comprehensive Plan / Public Hearing phase of the Sussex County Comprehensive Plan. Activities for this task include:

Task 6.1 (New): Comprehensive Plan Public Hearing (1)

The Final County Comprehensive Plan will be presented to County Council, key stakeholders and the general public during a formal Public Hearing. It is anticipated that only one (1) Public Hearing will be held at this stage of the planning process, and will occur at or near the County Administration Building.

Subsequent to completing the Public Hearing, it is anticipated the County Council will take formal action to adopt the Final Comprehensive Plan as presented or with minor substantive changes.

Task 6.2 (New): Preparation of Final Comprehensive Plan

Following the public presentation of the Final Draft Comprehensive Plan in Task C, McCormick Taylor will revise the Final Draft Comprehensive Plan to a Final Comprehensive Plan based on direction provided from County Council, Planning and Zoning Commission, and County staff.

Task 6.3 (New): Preparation of Summary Plan

McCormick Taylor will prepare a Summary Plan document to compliment the Final Comprehensive Plan. This visually appealing, short document will present key recommendations, maps, statistics, and other figures from the Final Comprehensive Plan.

Upon approval, printed and electronic copies of the Final Comprehensive Plan will be delivered to Sussex County. The delivery of the materials for the Final Comprehensive Plan, Summary Plan and State

Coordination activities will complete McCormick Taylor's proposed scope of work for the Sussex County Comprehensive Plan preparation process.

Task 6.4 (New): State Coordination

This task includes coordination with the Delaware State Planning Office regarding final review and adoption of the Final Comprehensive Plan document.

SCHEDULE FOR COMPLETION OF SERVICES

January 2016 – June 2018

UPSET LIMIT FOR THIS SCOPE OF SERVICES

<u>Activity</u>	<u>Hours</u>	<u>Dollars</u>
Task 1: PROJECT MANAGEMENT / ADMINISTRATION	328 hours	\$56,769.84
Task 2: PUBLIC OUTREACH / COORDINATION APPROACH	1,372 hours	\$198,978.84
Task 3: IDENTIFYING OPPORTUNITIES (PHASE A)	277 hours	\$36,325.47
Task 4: VISIONING / LAND USE FRAMEWORK (PHASE B)	264 hours	\$34,511.12
Task 5: DRAFT COMPREHENSIVE PLAN DEVELOPMENT (PHASE C)	500 hours	\$53,265.12
Task 6: FINAL COMPREHENSIVE PLAN / PUBLIC HEARINGS (PHASE D)	308 hours	\$34,547.32
Subtotal	3,049 hours	\$414,397.71
Subconsultant: Econsult Solutions, Inc.	122 hours	\$14,570.00
Travel & Production		\$6,225.60
Total		\$435,193.31

EMPLOYEE HOURLY RATES: The employee hourly rates as set forth in Exhibit A shall apply to this Scope of Services. Hourly rates shall not increase by more than 2% per year without prior written approval of the County.

McCormick Taylor billing rates attached separately in Exhibit A.

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 George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Gina A. Jennings
Finance Director

RE: **INTRODUCTION OF DEBT ORDINANCES**

DATE: June 2, 2017

On Tuesday, I will present the attached two ordinances for introduction. The first ordinance is to authorize the issuance of \$2,048,682 of General Obligation Bonds of Sussex County for the cost of the design, construction and equipping of the Route 54 expansion of the Fenwick Island Area of the Unified Sanitary Sewer District.

These bonds are expected to be paid back over 30 years through revenues from the Route 54 expansion. At the end of the project, the County expects to receive a grant of \$621,650 to reduce the principal amount.

The second ordinance is to authorize the issuance of \$1,300,000 of General Obligation Bonds of Sussex County for the cost of the design, construction and equipping of the Angola North Sewer Project of the Unified Sanitary Sewer District. This increases the total issuance for this project to \$7,997,774. The County expects to receive a grant of \$1,468,000 to reduce the principal amount. These bonds are expected to be paid back over 30 years through revenues from the Angola North Sewer Project.

These ordinances authorize the sale of bonds to the State of Delaware Water Pollution Control Revolving Fund. With these issuances, the County will still be able to offer the rates as stated at the respective public hearings that were held for the residents benefiting from these projects.

Both bond issuances are backed by the County's full faith credit and are within the legal debt limit of the County.

Please let me know if you have any questions.

Attachments



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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Route 54 expansion of the Fenwick Island Sewer Area of the Unified Sanitary Sewer District (the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$2,048,682 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that a grant in the amount of \$621,650 will be provided by the 21st Century Fund (acting on their own behalf or by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency) to reduce the principal amount of the Bonds outstanding to \$1,427,032 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for

a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Fenwick Island Sewer Area of the Unified Sanitary Sewer District.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

TO BE INTRODUCED

ADOPTED this 20th day of June, 2017.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

TO BE INTRODUCED

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,048,682 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Route 54 expansion of the Fenwick Island Sewer Area of the Unified Sanitary Sewer District (the "Project") with the expectation that a grant in the amount of \$621,650 will be provided by the 21st Century Fund to reduce the principal amount of the Bonds outstanding to \$1,427,032 upon Project completion.

TO BE INTRODUCED

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the north expansion of the Angola Neck Sanitary Sewer Area of the Unified Sanitary Sewer District (the "Project");

WHEREAS, the County has already issued its \$6,697,774 General Obligation Bond (Angola North Sewer Expansion Project), Series 2015-SRF on April 22, 2015 (the "2015 Bond") to fund the Project;

WHEREAS, additional funding is needed for the Project and the County has applied for and received a supplemental loan from the Delaware Department of Natural Resources and Environmental Control in the amount of \$1,300,000;

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,300,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that a grant in the amount of \$1,468,000 will be provided by the 21st Century Fund (acting on their own behalf or by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency) to reduce the combined aggregate principal amount of the Bonds and the 2015 Bond outstanding to \$6,529,774 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Angola Neck Sanitary Sewer Area of the Unified Sanitary Sewer District.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this 20th day of June, 2017.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

TO BE INTRODUCED

SYNOPSIS: This Ordinance provides for the issuance of up to \$1,300,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Angola North Sewer Expansion Project (the "Project") with the expectation that a grant in the amount of \$1,468,000 will be provided by the 21st Century Fund to reduce the combined aggregate principal amount of the Bonds and the 2015 Bond outstanding to \$6,529,774 upon Project completion.

TO BE INTRODUCED

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson Jr.
The Honorable I.G. Burton III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, County Engineer

RE: ***DNREC SUSTAINABLE COMMUNITIES PLANNING GRANT MATCH
REQUEST AND APPROVAL OF A MEMORANDUM OF
UNDERSTANDING WITH CIB***

DATE: June 6, 2017

Sussex County has partnered on numerous occasions with the Delaware Center for Inland Bays (CIB), a nonprofit organization formed in 1994, most notably on the operation of the James Farm, a County owned property, which is currently leased to the CIB. An opportunity has arisen to expand on this partnership by applying for funding under the 2017 Delaware Division of Energy and Climate's Sustainable Communities Planning Grant Program. CIB and the Engineering Department share a concern for vulnerability to tidal, as well as storm related, flooding of wastewater infrastructure. To assess these vulnerabilities, the CIB would like to partner with Sussex County to develop a coordinated Flood Avoidance Assessment and Action Plan for Delaware's Inland Bays Watershed. The CIB proposed to apply for the maximum grant in the amount of \$100,000 through the Delaware Sustainable Communities Grant Program whereby CIB will be providing most of the deliverables while Sussex County provides the required \$20,000 match and the necessary data for the assessment. For DNREC to consider the application, the match must be secured in the current fiscal year, which we propose to accomplish via the attached memorandum. In case the grant is not obtained, the matching funds will be returned in full to Sussex County. The Engineering Department is requesting Council's support of the project.



MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), made and entered into this 6th day of June, 2017, by and between SUSSEX COUNTY ("COUNTY") and the CENTER FOR THE INLAND BAYS ("CIB") for the purpose of achieving the objectives relating to the FLOOD AVOIDANCE ASSESSMENT AND ACTION PLAN FOR DELAWARE'S INLAND BAYS ("PROJECT").

WHEREAS the COUNTY and CIB desire to enter into an agreement in which the COUNTY and the CIB will collaborate in the completion of the PROJECT; and

WHEREAS the CIB is charged with the wise use and enhancement of Delaware's Inland Bays watershed through implementation of its Comprehensive Conservation and Management Plan of which the COUNTY is a signatory; and

WHEREAS the COUNTY and CIB agree that completion of the PROJECT is contingent upon receipt of grant award under the 2017 Delaware Division of Energy and Climate's Sustainable Communities Planning Grant ("GRANT"); and

WHEREAS the CIB must identify \$20,000 matching funds to be eligible for the GRANT to complete the PROJECT; and

WHEREAS the COUNTY agreed to provide matching funds of \$20,000 to CIB to pursue the GRANT to complete the PROJECT;

THEREFORE, in consideration of the mutual covenants and payment contained herein, the sufficiency of which is hereby acknowledged by the parties' signature of this MOU, the parties agree as follows:

1. The COUNTY will provide \$20,000 matching funds by June 30, 2017 for the PROJECT.
2. In the event the CIB does not receive the GRANT, CIB will terminate the PROJECT, and return the \$20,000 matching funds to the COUNTY within sixty (60) days without further obligation by the COUNTY.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above-mentioned.

SUSSEX COUNTY

Clerk of Council

_____(Seal)
Michael H. Vincent, Council President

THE DELAWARE CENTER FOR INLAND BAYS

Board Secretary

_____(Seal)
Christopher Bason, Executive Director

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

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

RE: ***MILTON LIBRARY FOUNDATION REPAIR
DBF, Inc. DESIGN ENGINEERING CONTRACT AMENDMENT No.1***

DATE: June 6, 2016

On June 3, 2014, County Council awarded five (5) year on-call contracts for miscellaneous consultant services to George Miles and Buhr, Davis, Bowen and Friedel (DBF), Hazen and Sawyer, RK&K, EA Engineering, Science and Technology, Inc., KCI, and Pennoni, Inc. Since then Council utilized the services of DBF for the USDA funded Concord Road Expansion project by approving Amendments No.1 &2 to the agency required contract format.

The current structural engineering need at hand is at the Milton Library. Portions of the southerly exterior wall exhibit both vertical settlement and lateral displacement. In places the wall has settled over ½ inch in addition to an outward movement of almost 1 inch. The settlement resulted in numerous exterior cracks and open joints. The root cause of the problem is a compromised bulkhead losing soil during tide cycles.

An initial evaluation by DBF recommended to prevent public access to the area between the bulkhead and the building. Furthermore, Conclusion 7 of said evaluation states “The stability of the block wall is not an immediate concern but further deterioration of the bulkhead may jeopardize the wall foundation.” To catch further deterioration, the Engineering Department implemented monitoring of certain metrics as recommended by DBF. Insufficient data has been collected to date to determine the rate of deterioration.

After the initial evaluation, it became clear that the design could not commence unless geotechnical borings were conducted and analyzed by a geotechnical engineer as well as constructability feedback obtained from helical piling contractors.



Both pieces of information are now in hand and we have discussed the design approach with DBF. Funding for this project has been proposed in the FY 18 budget. Therefore, the Department is now presenting a request for the approval of Contract Amendment No.1 to the DBF non-USDA base contract on a time and material basis for the design of the Milton Library foundation repair in an amount not to exceed \$25,000.00.

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Project Order:

Owner: Sussex County Council

Engineer: Davis, Bowen & Friedel, Inc.

Project: Milton Library Foundation Repair Design Engineering

Description:

Please see attached scope of work

Project Order Summary:

Original Project Order amount:	\$ <u>0</u>
Net change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>25,000.00</u>
Adjusted Project Order amount:	\$ <u>25,000.00</u>

Change in time for services (days or date, as applicable): _____

The foregoing Project Order Summary is for reference only and does not alter the terms of the Agreement or the Project Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County Council

By: _____

Print name: Michael H. Vincent

Title: President, Sussex County Council

Date Signed: _____

(SEAL)

ENGINEER:

Davis, Bowen & Friedel, Inc.

By: _____

Print name: Michael Wigley, AIA, LEED AP

Title: Principal

Date Signed: _____

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith
Clerk of the County

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Rory W. Lardner, P.E.*

June 1, 2017

Sussex County Engineering Department
2 The Circle
Georgetown, Delaware 19947

Attn: Mr. Hans Medlarz
County Engineer

Re: Engineering Services
Milton Public Library Foundation/Wall Renovations
Milton, Delaware
DBF #P1897B015.B01

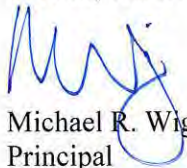
Dear Hans:

Pursuant to your request, we are pleased to present this proposal to perform engineering services for the above referenced project. Services will be consistent with the recommendations identified in our report letter to you of March 28, 2017 and further confirmed by John D. Hynes and Associates, Inc.

Design and engineering services will be provided on an hourly basis with a not-to-exceed limit of \$25,000 and utilizing the attached Schedule of Rates No. 46. If acceptable, we understand that the terms of this agreement will be further defined through a mutually agreeable EJCDC contract document to be issued by Sussex County.

Thank you for the opportunity to submit this proposal. Should you have any questions, or need additional information, do not hesitate to contact me or Andrew Welch.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Michael R. Wigley, AIA, LEED AP
Principal

MRW/jsp
N:\18\1897\1897B015.B01\Letters\Medlarz060117.mrw.doc

DAVIS, BOWEN & FRIEDEL, INC. ("DBF")
SCHEDULE OF RATES AND GENERAL CONDITIONS

SCHEDULE NO. 46
Effective June 1, 2015

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$170.00
Senior Architect	\$150.00
Architect	\$120.00
Senior Landscape Architect	\$150.00
Landscape Architect	\$120.00
Senior Engineer	\$150.00
Engineer	\$120.00
Construction Administrator	\$120.00
Senior Traffic Engineer	\$150.00
Traffic Engineer	\$120.00
Geologist	\$120.00
GIS Specialist	\$110.00
Senior Surveyor	\$150.00
Associate Surveyor	\$120.00
Surveyor	\$115.00
Senior Designer	\$115.00
Computer Graphics Designer	\$100.00
Designer	\$105.00
CADD I	\$95.00
CADD II	\$85.00
Computer Administrator	\$100.00
2 Man Field Crew	\$140.00
3 Man Field Crew	\$175.00
GPS Unit (1 man)	\$110.00
GPS Unit (2 man Crew)	\$150.00
GPS Unit (3 man Crew)	\$200.00
Resident Project Representative	\$80.00
Water/Wastewater Operator	\$120.00
Clerical	\$60.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

INVOICES & PAYMENT

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

TERMINATION OF CONTRACT

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

LIMITATION OF LIABILITY

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

INDEMNIFICATION

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

FORCE MAJEURE

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

CONSTRUCTION PHASE SERVICES

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

OWNERSHIP OF DOCUMENTS

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

USE OF ELECTRONIC MEDIA

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

SUCCESSORS & ASSIGNS

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

MISCELLANEOUS PROVISIONS

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

REIMBURSABLE EXPENSES

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, County Engineer

RE: *Pump Station #210 Forcemain to IBRWF:
Plantation, Robinsonville and Kendale Roads
Balancing Change Order and Substantial Completion
Project No. 15-08 B*

DATE: June 6, 2017

On November 3, 2015, Council awarded Project No. 15-08 B, Pump Station #210 Forcemain to IBRWF: Plantation, Robinsonville and Kendale Roads, to Teal Construction, Inc., in the amount of \$3,144,540.00. In April 2016, the Engineering Department requested Change Order No.1 for the addition of valves and piping for future community connections and offset the additional work with the reduction of some contingent bid items for an overall reduction to the contract amount by \$2,200.00. Council approved Change Order No. 1 on April 19, 2016 with an adjusted Contract amount of \$3,142,340.00

The attached Balancing Change Order No. 2 reduces the contract amount by an additional \$259,344.97, allows for a 47-day contract time extension, and adjusts all quantities to their final amounts; thereby lowering the final contract amount to \$2,882,995.03.

Construction began on January 4, 2016, and was declared Substantially Complete on February 18, 2017. Sussex County Engineering Department now recommends Substantial Completion for the project as of February 18, 2017.



Change Order

No. 2 - Final

Date of Issuance: May 30th, 2017 Effective Date: (As per Owner) June , 2017

Project: Pump Station 210 Force Main to IBRWF	Owner: Sussex County	Owner's Contract No.: 15-08B
Contract: Plantation, Robinsonville and Kendale Roads		Date of Contract: January 4 th , 2016
Contractor: Teal Construction, Inc. (TCI)		Engineer's Project No.: 14256-008

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

Description: Balancing of Used/Unused Quantities - Part A, Part B and Part C Bid Items (Line Item No. 1). Contract Time Extension (Line Item No. 2).

Attachments (list documents supporting change): Cost Summary Sheet for Line Items No. 1 and No. 2 with Quantity Balancing Summary Sheet (Line Item No. 1). TCI Contract Time Extension request/WRA response letter (Line Item No. 2).

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 3,144,540.00

[Unchanged] from previously approved Change Orders No. 1 to No. 1:

\$ (2,200.00)

Contract Price prior to this Change Order:

\$ 3,142,340.00

Decrease on this Change Order:

\$ (259,344.97)

Contract Price incorporating this Change Order:

\$ 2,882,995.03

CHANGE IN CONTRACT TIMES:

Original Contract Times: 365 Calendar Days

Substantial Completion (days or date): 365 days

Ready for final payment (days or date): _____

[Unchanged] from previously approved Change Orders No. 1 to No. 1:

Substantial Completion (days): 0 days

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial Completion (days or date): 365 days

Ready for final payment (days or date): _____

Changed on this Change Order: +47 days

Substantial Completion (days or date): 412 days

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial Completion (days or date): 412 days

Ready for final payment (days or date): _____

RECOMMENDED:

By: _____
Engineer (Whitman, Requardt & Assoc.)

Date: _____

ACCEPTED:

By: _____
Owner (Sussex County)

Date: _____

ACCEPTED:

By: _____
Contractor (Teal Construction, Inc.)

Date: _____

Contract 15-08B

**Pump Station #210 Force Main to IBRWF - Plantation, Robinsonville and Kendale Roads
Change Order No. 2 - Final: Cost Summary Sheet
(Balancing of Used/Unused Bid Item Quantities and Contract Time Extension)**

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line	Description of Individual Line Items	Proposed	Unit	Unit Price	Actual	Contract	Contract
Item No.		Quantity			Quantity	Added Cost	Credit
1	Balancing of Used/Unused Bid Item Quantities	1	LS	(\$259,344.97)	1	\$ -	\$ (259,344.97)
2	Contract Time Extension - 47 Calendar Days	1	LS	\$0.00	1	\$ -	\$ -

Sub-Totals for Costs and Credits \$ - \$ (259,344.97)

Total Change Order No. 2 - Final (Credit) \$ (259,344.97)

Summary of Contract Change Orders - Contract 15-08B

Original Contract Amount	\$ 3,144,540.00
Amount of Previous Change Order No. 1	\$ (2,200.00)
Contract Total Including Previous Change Orders	\$ 3,142,340.00
+	
Total of Change Order No. 2 - Final	\$ (259,344.97)
=	
Revised Contract No. 15-08B Total (including Change Order No. 2 - Final)	\$ 2,882,995.03

Line Item No. 1

(Balancing of Unused Contingent Items)

Contract 15-08B Cost Credit = (\$259,344.97)

Part A: Force Main Bid Items

Part B: Stipulated Contingent Bid Items

Part C: Non-Stipulated Contingent Bid Items

Contract 15-08B

**Pump Station #210 Force Main to IBRWF
Plantation, Robinsonville and Kendale Roads
Change Order No. 2 (Final): Balancing Change Order Cost Summary Sheet with WRA Verified Quantities
(Line Item No. 1)**

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - Force Main							
A-1	Mobilization	1	LS	\$100,000.00	1	\$ -	\$ -
A-2	Furnish & Install PVC Force Main - 16"	60	LF	\$ 70.00	37.00	\$ -	\$ (1,610.00)
A-3	Furnish & Install PVC Force Main - 24"	17,600	LF	\$ 125.00	17,506.00	\$ -	\$ (11,750.00)
A-4	Direction Drill - Love Creek	1	LS	\$179,900.00	1	\$ -	\$ -
A-5	Furnish & Install 2" Combo Air/Vac. Valve and Manhole	8	EA	\$ 10,600.00	9	\$ 10,600.00	\$ -
A-6	Type "C" Hot Mix Overlay	17,500	SY	\$ 13.00	16,795.55	\$ -	\$ (9,157.85)
A-7	Furnish and Install Isolation Valves - 16"	1	EA	\$ 12,250.00	1	\$ -	\$ -
A-8	Furnish and Install Isolation Valves - 24"	1	EA	\$ 29,000.00	1	\$ -	\$ -

Subtotals for Part A: \$ 10,600.00 \$ (22,517.85)

Part B - Stipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Actual	ADD	DEDUCT
B-1	Contingent Unclassified Excavation	1,000	CY	\$ 11.00	0.00	\$ -	\$ (11,000.00)
B-2	Contingent Borrow - Type "C" (Backfill)	6,000	CY	\$ 16.00	976.43	\$ -	\$ (80,377.12)
B-3	Contingent Aggregate - Graded Type "B" Crusher Run	100	Ton	\$ 26.00	0.00	\$ -	\$ (2,600.00)
B-4	Contingent Poursous Fill - No. 57 Stone	1,000	Ton	\$ 29.00	0.00	\$ -	\$ (29,000.00)
B-5	Contractor Down Time (Force Main Crew)	25	HR	\$ 400.00	5.50	\$ -	\$ (7,800.00)
B-6	Furnishing & Placing 4000 PSI Concrete	25	CY	\$ 150.00	0.00	\$ -	\$ (3,750.00)
B-7	Replacement of Existing Storm Drain Pipes < 18"	100	LF	\$ 30.00	0.00	\$ -	\$ (3,000.00)
B-8	Contingent Hot Mix	500	Tons	\$ 75.00	0.00	\$ -	\$ (37,500.00)

Subtotals for Part B: \$ - \$ (175,027.12)

Part C - Unstipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Actual	ADD	DEDUCT
C-1*	Relocation of Force Main from Grass into Travel Lane	1,200	LF	\$ 48.00	0	\$ -	\$ (57,600.00)
C-2*	Eliminate Road Closure Assoc. w/Bridge Construction	0	LF	\$ 6.00	0	\$ -	\$ -
C-3	Replacement of Existing Storm Drain Pipes > 18"	40	LF	\$ 46.00	0.00	\$ -	\$ (1,840.00)
C-4	Relocate Force Main from Grass into Paved Shoulder	500	LF	\$ 48.00	230.00	\$ -	\$ (12,960.00)

*Note: C-1 Reduced 300 L.F. and C-2 Reduced 2,700 L.F. in C.O. No. 1 Subtotals for Part C: \$ - \$ (72,400.00)

Grand Total = Parts (A + B + C): \$ 10,600.00 \$ (269,944.97)

**Balancing of Used/Unused Quantities Change Order No. 2 - Final
(Line Item No. 1)**

Decrease \$ (259,344.97)

Summary of Contract Change Orders - Contract 15-08B

Original Contract Amount	
Amount of Previous Change Orders (No. 1)	\$ 3,144,540.00
Contract Total Including Previous Change Orders	\$ (2,200.00)
	\$ 3,142,340.00

Change Order No. 2 - Final Summary

Line Item No. 1: Balancing of Used/Unused Quantities	
Line Item No. 2: 47 Calendar Day Contract Time Extension	(C.O. No. 2 - Final) \$ (259,344.97)
	(C.O. No. 2 - Final) \$ -
Amount of Change Order No. 2 - Final	(Credit) \$ (259,344.97)

Revised Final Contract No. 15-08B Total \$2,882,995.03

Line Item No. 2

(Contract Time Extension)

Contract 15-08B Cost = (\$0.00)

Contract Time Extension - 47 Calendar Days
For DelDOT Restrictions and Abnormal Weather
Events



March 24th, 2017

Charles W. Reed, III
Teal Construction, Inc.
612 Mary Street
Dover, Delaware 19903

Re: Sussex County Contract 15-08B – TCI Contract Time Extension Request Review

Dear Mr. Reed:

WRA has received Teal Construction, Inc.'s (TCI) March 20th, 2017 letter requesting a 75 calendar day time extension on the P.S. #210 Force Main to I.B.R.W.F. – Plantation, Robinsonville and Kendale Roads project (Contract 15-08B). The purpose of this correspondence is to provide WRA's assessment of TCI's request and formally state our recommendation to Sussex County Engineering Department (SCED).

Weather Related Items: TCI's letter references several weather events where TCI claims "lost work days" as a direct result of significant inclement weather events. Regarding any Contract time extension consideration for inclement weather dates, specification section 0700-4.05C(2) states that the Contractor shall be entitled to an "equitable adjustment" in Contract Times if "abnormal weather" conditions are encountered.

Of the dates claimed, four such events merit consideration based upon WRA's review of on-site RPR field observation and National Weather Service records. These four events include (1) four consecutive rains days (4 calendar days) from Tuesday, February 23rd, through Friday, February 26th, 2017; (2) the entire week (7 calendar days) of May 2nd, through May 6th, 2017 (measurable rain on all 5 work days); (3) September 29th through October 5th, 2017 (7 calendar days) associated with Hurricane Matthew (as a result of the documented 12 to 14-inches of rainfall) and the corresponding DelDOT issued work zone restrictions throughout the Sussex County region and (4) the heavy snowfall event (12" to 15") of January 7th, 2017 where no pipe installation work could be performed along any Contract 15-08B roadway for the entire week (7 calendar days) of January 9th to January 13th, 2017 (due to plowed snow piled along the road shoulder areas).

In accordance with the Contract documents, these lost work day periods, totaling 25 contract calendar days, could be considered as an unavoidable natural catastrophe and eligible for a non-compensatory contract time extension.

Utility Pole Conflicts – Love Creek: Delaware Electric Cooperative (DEC) Utility Poles #182, #183, #185 and #186

WRA is in agreement with the days requested by TCI (7 calendar days) as a result of Delaware Electric Cooperative's (DEC) requirement for TCI to first obtain and install steel sheeting in order for the force main to be installed adjacent to and by these existing utility poles.

Other Existing Utility Impacts/Additional Work: WRA is in agreement with the days requested by TCI (3 calendar days) as a result of the lost work days resulting from an existing 12" water main (Sta. 101+20) requiring a modification to the force main design (to go over the existing water main), including the addition/installation of one ARV manhole and ARV-4B unit and an existing 10" water main (Sta. 10+55) requiring the design relocation of ARV-1 to Station 10+70.

Additional Work Items: Tee and Valve Installations at Sta. 136+09, Sta. 77+40 and Sta. 31+18

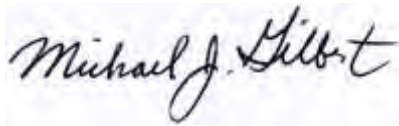
WRA is in agreement with the days requested by TCI (4 calendar days) as a result of the SCED requested additional 24" x 24" x 8" and 24" x 24" x 6" tee and valve installation work (including the 8" force main installation extension/crossing under Robinsonville Road at Sta. 77+40).

DeIDOT Directed Delays: WRA has confirmed a total delay of 8 calendar days that resulted from DeIDOT directed work site shutdowns associated with potential unsafe, vehicular traffic conditions at the site caused by various weather related events. These DeIDOT direct shutdowns occurred on January 25th/26th, 2016, May 10th through May 12th, 2016, December 5th, 2016 and January 23rd/24th, 2017.

In summary, although not necessarily contractually required, Sussex County Engineering Department is willing to consider a non-compensatory time extension of 47 Contract calendar days for the items associated with the aforementioned, weather related delays to date (25 days), DEC utility pole issues (7 days), existing utilities conflicts (3 days), additional "tee and valve" installation work (4 days) and DeIDOT directed delays (8 days). The additional TCI requested days for other "more normal" weather related events are not recognized as being eligible for an extension of Contract time.

Very truly yours,

Whitman, Requardt & Associates, LLP



Michael J. Gilbert

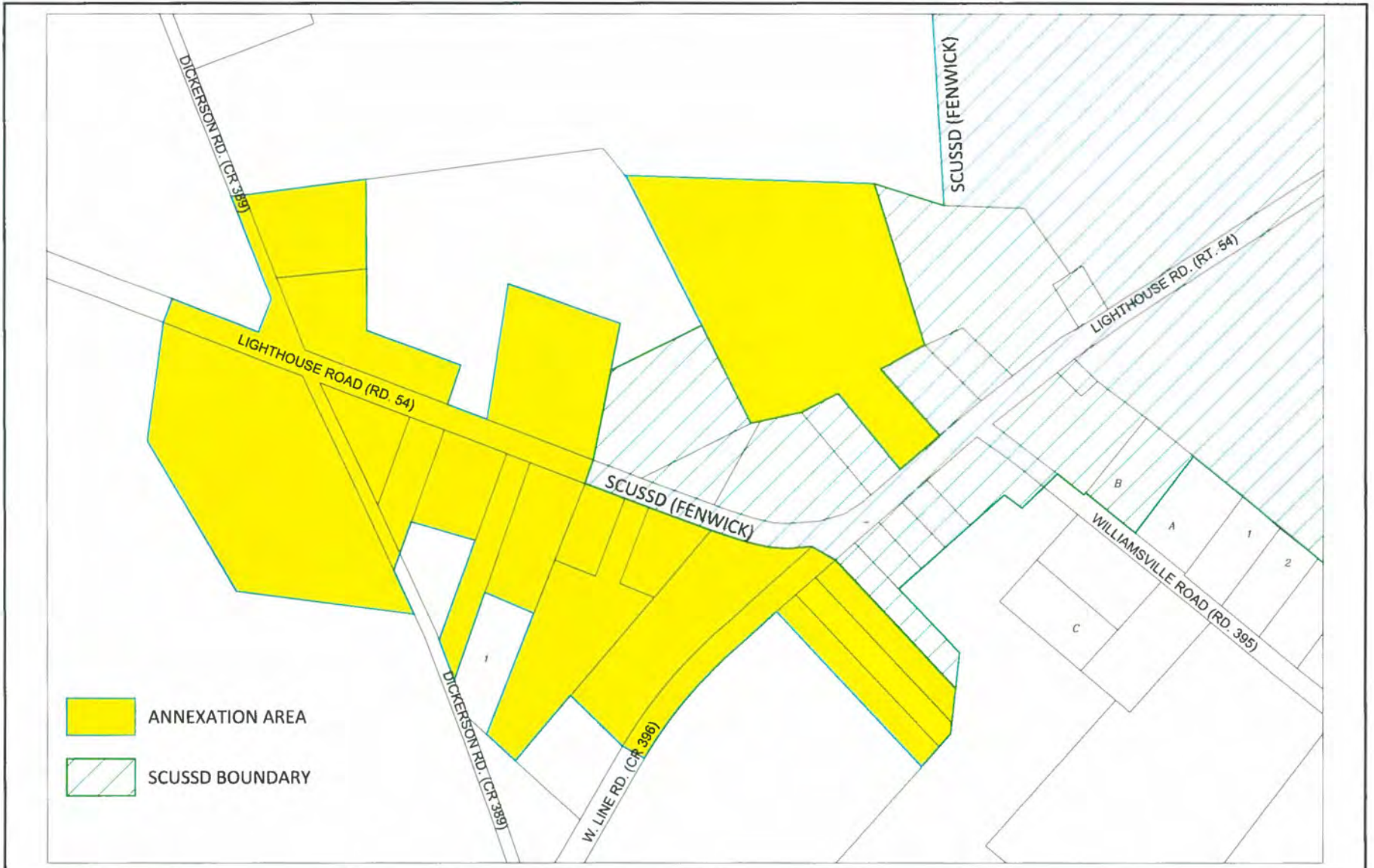
cc: Attendees
Joe Wright, P.E. (Sussex County)
Brad Hawkes (Sussex County)
Will F. Hinz, P.E. (WRA)
File No: 14256-008



Williamsville Phase II Expansion of SCUSSD

Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)
- Includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road as shown on the map.
- The Engineering Department has received requests from (3) property owners interested in having the County extend the District Boundary.
- One of the on-site systems is failing requiring frequent pumping.
- This limited extension can be completed at a 5% additional construction cost to the Route 54 project.
 - Schedule for Current Route 54 project is as follows:
 - Advertise May 21 & 28
 - Pre-bid June 1st @ 10:30am
 - Bid Opening June 21st @ 2:00pm
- System Connection Charges will be rolled into the financing for all existing residential customers
- Tentative date for the Public Hearing will be July 18, 2017



- ANNEXATION AREA
- SCUSSD BOUNDARY

NO	DESCRIPTION	DATE

SUSSEX COUNTY ENGINEERING DEPARTMENT
 PROPOSED WILLIAMSVILLE PHASE II EXPANSION OF THE SUSSEX COUNTY
 UNIFIED SANITARY SEWER DISTRICT (SCUSSD) - FENWICK AREA

Mulberry Knoll Area
Fact Sheet

- Permission to Prepare and Post granted February 14, 2017.
- Public Hearing on the Boundary March 11, 2017.
- County Council approved the Final Boundary on April 11, 2017
- Referendum held May 13, 2017 from 9:00AM to 1:00PM at Metropolitan Community Church on Plantations Road, Rehoboth Beach DE
- The results of the Referendum are as follows:
 - 49 for
 - 17 against

RESOLUTION NO. R _____

MULBERRY KNOLL AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE

WHEREAS, the eligible voters of the proposed Mulberry Knoll Area approved the creation of the sewer district by a vote of **49** to **17** in an election held on May 13, 2017; and

WHEREAS, Title 9, Delaware Code, Section 6507 requires the County Council to issue a determination of the sewer district within thirty days of its approval by the eligible voters;

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District have approved the creation of said district, that the description of the Mulberry Knoll Area is described in Exhibit "A"; and that the said district is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code.

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 rights-of-way by purchase, agreement or condemnation in accordance with the existing statutes.

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

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the sanitary sewer district.

Exhibit "A"

Description of the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District

BEGINNING at a point, point being the intersection of the westerly Right-of-way (ROW) of Mulberry Knoll Road and the southeasternmost corner of land now or formerly of (N/F) Thomas Best & Sons, Inc, thence by and with said lands of Best in a southwesterly direction 1284 feet± to a point, said point being the southwesternmost corner of said lands of Best and the northwesternmost corner of lands N/F of NO 1 Mulberry LLC, thence by and with said lands of Mulberry LLC in a southeasterly direction 1408 feet± to a point said point being the southwesternmost corner of said lands of Mulberry LLC and a point on the shoreline of Rehoboth Bay, thence by and with said shoreline in the following distances and directions, southeasterly 3670 feet±, northeasterly 184 feet±, southwesterly 290 feet±, northeasterly 75 feet± to a point, said point being the southwesternmost corner of lands N/F of State of Delaware, thence by and with said lands of State of Delaware in the

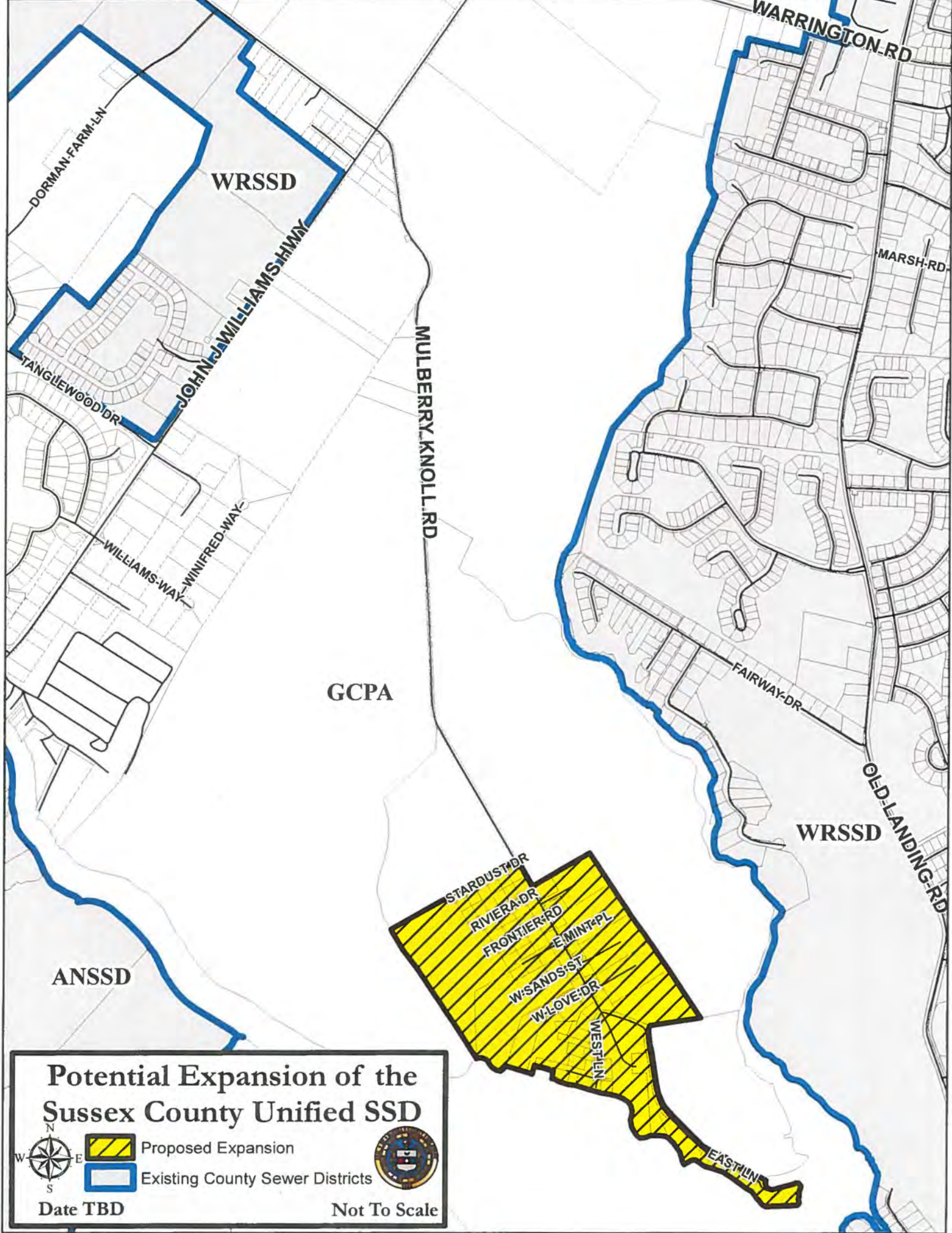
following directions and distances, northwesterly 1869 feet ±, northeasterly 44 feet±, easterly 468 feet± to a point, said point being a point on the boundary of said lands of State of Delaware and the southwesternmost corner of lands N/F of Thomas Best & Sons Inc., thence by and with said lands of Best & Sons Inc. in the following directions and distances northwesterly 1811 feet±, southwesterly 596 feet± to a point, said point being the intersection of said lands of Best & Sons Inc. and the eastern ROW of Mulberry Knoll Road, thence by and with said ROW in a northwesterly direction 282 feet± to a point, said point being a point on the said ROW, thence crossing said ROW in a Southwesterly direction 30 feet± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 334-18.00

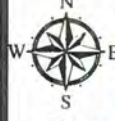
The Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District is within these boundaries. A map drawn to scale indicating the boundaries of the area is attached.



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.

PROPOSED



Potential Expansion of the Sussex County Unified SSD



-  Proposed Expansion
-  Existing County Sewer Districts



Date TBD

Not To Scale



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Heart In The Game**
PROJECT NAME: **Heart In The Game Health Fair at Selbyville Middle School**
FEDERAL TAX ID: **81-5156503** 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: FREE EKG screenings to All Delaware students aged 8-23. During these events (staged in gyms) we have stations that 1) train in Hands Only CPR/AED, promote healthy eating, provide BMI and bp ratings, educate on opiates and welcome all health related non-profits gratis to educate our children.

ADDRESS: **209 Jackson Blvd**

Wilmington **DE** **19803**
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Greer Firestone**
TITLE: **Founder/Director**
PHONE: **302.494.3133** EMAIL: **greer@heartinthegame.org**

TOTAL FUNDING REQUEST: _____

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)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

400

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.

Heart In The Game stages its 14th event in our 2 1/2 years at Selbyville Middle School on May 24 2017. While a statewide mission, this will be only our 2nd event outside of NCC. Sudden Cardiac Death is the #2 killer nationwide on school campus. (auto accident is #1). Family history identifies 7% of cardiac anomalies; Physical exam identifies 20%. A simple, 5 minute, non-invasive EKG identifies 80%. Nationally, 1 in 100 students screened have some cause for concern and need for higher level of evaluation. In Heart In The Game history in DE, the average is 2.5.

Nurses from Beebe Hospital do the tech work for this event. The results of our screenings are evaluated by pediatric cardiologists at Nemours.

When one suffers Sudden Cardiac Arrest one has only FIVE minutes to save a life. SCA is NOT a heart attack. In SCA, the victim may die or suffer cognitive irreparable cognitive damage.

Sussex EMS has committed to train during this May event. Training in Hands Only CPR/AED increases the likelihood of recovery threefold.

Nationally, we are facing the scourge of childhood obesity. Our healthy eating stations educate. Nationally, we are facing the scourge of opiates. Our stations educate.

Heart In The Game is vitally concerned with serving under served communities in Delaware. Selbyville Middle School is an under served community.

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	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel	\$ 400.00
Operating costs	\$ 2,600.00
TOTAL EXPENDITURES	\$ 3,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,000.00

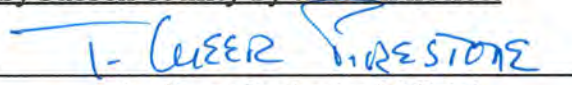
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Heart In The Game 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

May 16 2017
Date


Witness

May 16 2017
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten initials]

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.

LUCIA RUSSELL

Applicant/Authorized Official

Elizabeth Wehale
Witness

Founder/Director

Title

5/17/17
Date

Arlett + Cole
5/19/17

To Be Introduced 06/06/17

Council District No. 3 - Burton

Tax I.D. No. 334-11.00-5.00, 334-11.00-395.00 and 396.00

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1764 (ORDINANCE NO. 1770) CONDITIONS 17A AND 17D TO EXTEND TIMEFRAME ONE YEAR FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373 ACRES, MORE OR LESS

WHEREAS, on the 9th day of May 2017, a zoning application, denominated Change of Zone No. 1828, was filed on behalf of Coastal Club (a/k/a Marine Farm); and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1828 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR-RPC Medium Density Residential District – Residential Planned Community] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community to amend Change of Zone No. 1764 (Ordinance No. 1770) Conditions 17A and 17D to extend timeframe one year as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of

Beaver Dam Road, and being more particularly described in Ordinance No. 1770 (Change of Zone No. 1764), said parcel containing 373 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 06/06/17

**Council District No. 1 – Vincent
Tax I.D. No. 531-12.00-92.00 (portion of)
911 Address: 4647 Woodpecker Road, Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WEDDING VENUE WITHIN AN EXISTING BARN ON APPROXIMATELY 2 ACRES AROUND THE BARN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 49.12 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a conditional use application, denominated Conditional Use No. 2099, was filed on behalf of Richard and Dawn Jamison; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2099 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2099 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 north side of Woodpecker Road, approximately 600 feet east of Green Briar Road and being more particularly described in attached deed prepared by Haller & Hudson, said parcel containing 49.12 acres, more or less.

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

To Be Introduced 06/06/17

**Council District No. 4 – Cole
Tax I.D. No. 233-12.00-17.02
911 Address: 30639 Vines Creek Road, Dagsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS

WHEREAS, on the 1st day of May 2017, a conditional use application, denominated Conditional Use No. 2102, was filed on behalf of Arturo Granados-Gonzalez; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2102 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2102 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Vines Creek Road, approximately 190 feet west of Townsend Road, and being more particularly described per the attached deed prepared by Sergovic, Carmean & Weidman, P.A., said parcel containing 0.6889 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.

To Be Introduced 06/06/17

**Council District No. 3 – Burton
Tax I.D. No. 235-26.00-17.14
911 Address: 17170 Harbeson Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EQUINE-ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS

WHEREAS, on the 9th day of May 2017, a conditional use application, denominated Conditional Use No. 2103, was filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2103 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2103 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 Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Harbeson Road, approximately 463 feet south of Diamond Farm Road, and being more particularly described per the attached deed prepared by Bonnie M. Benson, P.A., said parcel containing 9.38 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.