

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

September 26, 2023

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - September 19, 2023

[Draft Minutes 091923](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Sewer Infrastructure Agreement, IUA-1152 Sandpiper Cove (Cobb Property), Johnson's Corner Area**
[Consent Agenda](#)

Todd Lawson, County Administrator

1. **Administrator's Report**

Gina Jennings, Finance Director

1. **OPRT Grant Submission Resolution for Hudson Park**
[OPRT Grant Resolution for Hudson Park](#)



Hans Medlarz, County Engineer

1. **Comfort-Burton Tract Forest Maintenance RFP**
 - A. **Approval of Scope Modification**
[Comfort Burton Extension](#)
2. **Lochwood Community Area Expansion – Contract A**
 - A. **Change Order No. 1**
[Lochwood Contract A CO 1](#)

John Ashman, Director of Utility Planning & Design Review

1. **Public Hearing Results for Red Fox Run (West Rehoboth Area)**
[Red Fox Run Results](#)

Grant Requests

1. **Mispillion Performance Series for Performance by Washington Saxophone Quartet**
[Mispillion Performance Series](#)
2. **First State Community Action Agency for their 58th Annual Celebration**
[First State Community Action Agency](#)

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Land Acquisition & Collective Bargaining pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

***** Members of the Sussex County Council will attend a Ribbon Cutting with the Sussex County Land Trust at Stephen P. Hudson Park, Cool Spring Road, Milton, Delaware, starting at 12:30 p.m. *****

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 19, 2023 at 4:45 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 19, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 19, 2023, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 453 23
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from September 12, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Eul Lee spoke about subdivisions located in Sussex County.

Ms. Janet Le Digabel spoke about Sussex County's population, farmland, and the ability to comment by telephone for Planning and Zoning meetings.

**M 454 23
Approve
Consent
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve the following item under the Consent Agenda:

**Use of Existing Sewer Infrastructure Agreement, IUA 961-2
Brentwood (Coral Lakes), Chapel Branch Area**

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Sycamore Chase – Privy Lane received Substantial Completion effective September 11th.

2. Sussex County Council and Planning & Zoning Commission Workshop

The Sussex County Council will host a workshop with the Planning & Zoning Commission on Thursday, September 21, 2023, at 12:30 p.m. at the Sussex County Emergency Operation Complex (EOC) located at 21911 Rudder Lane in Georgetown. The workshop will continue the County's discussion on the development design initiative. The workshop will be broadcasted on the County's streaming platform, found on the website at <https://sussexcountycle.gov/council-chamber-broadcast>.

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

**Reallocation
of ARPA
funds**

Gina Jennings, Finance Director and Brandy Nauman, Community Development & Housing Director presented a request for reallocation of ARPA funds for low-income housing rehabilitation. Mrs. Jennings reported that back in March, money was put aside for a non-profit program. After those funds have been allocated, there is \$537,610 left that was not used. It is being recommended to put into the Housing Rehabilitation program that has been very successful.

Brandy Nauman, Community Development & Housing Director and Brandon Hamilton, Rehabilitation Specialist shared information and photos of how the ARPA funds have been spent to date.

**Vendor
Agreement/
Beebe
Healthcare**

Jay Shine, EMS Manager of Operations presented a vendor agreement with Beebe Healthcare for Council's consideration. Mr. Shine reported that the agreement is specific for ordering medications to replace those that have been expired or otherwise unused.

**M 455 23
Approve
Vendor
Agreement/
Beebe
Healthcare**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the Vendor Agreement with Beebe Healthcare allowing Sussex County EMS to order medications, including controlled substances, through Beebe Healthcare Pharmacy.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices
Greenwood
Storage
Annexation
into
SCUSSD**

John Ashman, Director of Utility Planning and Design Review presented a request to prepare and post notices for Greenwood Storage annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area). The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client DEStorage.com Greenwood, LLC, the owners/developers of a project known as Greenwood Storage for parcels 530-10.00-55.00, 56.00 & 56.02. The parcels are zoned HC, Highway Commercial and are within the Greenwood Municipal limits. The project will be responsible for EDU charges based on current rates.

**M 456 23
Approve
Prepare &
Post Notices/
Greenwood
Storage**

A Motion was made by Mrs. Green, seconded by Mr. Hudson, that be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Greenwood Storage Expansion of the Sussex County Unified Sanitary Sewer District to include parcels 530-10.00-55.00, 56.00 & 56.02 as presented.

Motion Adopted: 5 Yeas

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

**WSUSD/
Segment C/
Substantial
Completion**

Hans Medlarz, County Engineer presented granting of substantial completion for Segment C for the Western Sussex Unified Sewer District for Council's consideration.

**M 457 23
Approve
Substantial
Completion**

A Motion was made by Mrs. Green, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S19-29, Western Sussex Unified Sewer District, Segment C be granted substantial completion, effective September 15, 2023, with any held retainage released in accordance with the contract documents, contingent upon SRF concurrence.

Motion Adopted: 5 Yeas

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

**Pintail
Pointe/
Award**

Hans Medlarz, County Engineer presented a recommendation to award for Pintail Pointe for Council’s consideration. Mr. Medlarz reminded the Council that after receiving the first bids, they were not accepted due to non-compliance.

**M 458 23
Approve
Pintail
Pointe
Award**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S21-16 for the Pintail Pointe project, be awarded to Zack Excavating, Inc. for their total bid of \$887,031.96, contingent upon DNREC concurrence.

Motion Adopted: 5 Yeas

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

**FEMA
Grant/
Stinson
Property**

Hans Medlarz, County Engineer presented Stinson home elevation project (FEMA-4566-DR-DE-0002) sponsorship 37430 5th Street for Council’s consideration.

**M 459 23
Approve
FEMA
Grant/
Stinson
Property**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve sponsorship of the FEMA mitigation grant application FEMA-4566-DR-DE-0002, contingent upon FEMA verification of the 90% federal cost share.

Motion Adopted: 5 Yeas

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

**Introduction
of Proposed
Ordinances**

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 35 ACRE PORTION, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDERED, SUSSEX COUNTY, CONTAINING 75.62 ACRES, MORE OR LESS” filed on behalf of TPE DE SU75, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED AND BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.99 ACRES, MORE OR LESS” filed on behalf of Community Lutheran Church c/o Ed Evans

**Introduction
of Proposed
Ordinances
(continued)**

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 64.59 ACRES, MORE OR LESS” filed on behalf of CI Solar DP, LLC.

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS” filed on behalf of Cherner Development Group.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS” filed on behalf of Louis, Janet & William Melton.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02”.

The Proposed Ordinances will be advertised for a Public Hearing.

**Council
Member
Comments**

There were no Council member comments.

**M 460 23
Go into
Executive
Session**

At 10:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to collective bargaining.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 10:44 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to collective bargaining. The Executive Session concluded at 11:02 a.m.

**M 461 23
Reconvene**

At 11:05 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action There was no action related to Executive Session matters.

**M 462 23 A Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until
Recess 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

**M 463 23 At 1:30 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley
Reconvene to reconvene.**

Motion Adopted: 5 Yeas

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

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

**Public A Public Hearing was held on a Proposed Ordinance entitled “AN
Hearing/ ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE
Ord. 23-11 COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-
& CU2350 6.00-6.02” (property lying on the west side of Beaver Dam Road [Rt. 23],
approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address:
30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)**

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on August 10, 2023. At the meeting of September 14, 2023, the Planning & Zoning Commission recommended adoption of the Ordinance for the 10 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02) filed on behalf of Beaver Dam Enterprises,

**Public
Hearing/
Ord. 23-11
& CU2350
(continued)**

LLC.

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2023. At the meeting of April 20, 2023, the Commission deferred action in order to allow for an Ordinance to be prepared and a recommendation has not yet been made.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinances.

The Council found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Beaver Dam Enterprises, LLC; that also present was Mr. Anton Balakin on behalf of the Applicant and the project engineer, Ken Christenberry. Ms. Peet stated that the Applicant met with Director Whitehouse for a pre-submittal meeting on January 12, 2022 and subsequently submitted a Conditional Use application on February 4, 2022 to pursue a Conditional Use of land in an AR-1 Agricultural Residential District; that the Applicant request to convert the existing pole building into two residential units; that on March 23, 2023, the Applicant appeared before the Planning Commission to present their request; that each unit will be rented on an annual basis; that after the public hearing, the Applicant learned, despite an understanding to the contrary, the Application could not proceed without an amendment to the Future Land Use Map; that since the public hearing on March 23, 2023, the Applicant has worked with the Planning & Zoning office to seek an amendment to the Future Land Use Map that designates the property from Low Density to Coastal Area; that as part of the request, the Application was also put through the PLUS process; that the property is 2.144 acres, being located along Saddle Ridge Way in Lewes; that the property is located on the west side of Beaver Dam Rd., being approximately .5 mile north of Hopkins Rd.; that the property is accessed from Beaver Dam Rd.; that the property is located within the AR-1 (Agricultural Residential) Zoning District; that the property is located adjacent to other properties located within AR-1, GR (General Residential) and MR (Medium-Density Residential); that the area is largely developed with residential units in a number of surrounding communities; that the MR and GR zoned properties are the location of Oak Crest Farms and scattered residential developments near the property; that there are many conditional uses in the area; that Exhibit A is a copy of the Conditional Use application submitted by the Applicant; that Exhibit B is a copy of the deed and property information; that Exhibit 4 is a copy of the Conditional Use plan; that Exhibit 5 includes copies of aerial maps; that Exhibit 6 include images of the property and existing building; that Exhibit 7 includes a determination from the Army Corp of Engineers that there are no wetlands on this site; that Exhibit 8 is a copy of proposed conditions of approval; that §115-22 of the Code provides that multifamily dwelling structures may be permitted as Conditional Uses; that the Code requires, in part, that multifamily dwelling units in AR-1, the applicable zoning district are located in designated growth areas, including Town Center, Developing Area, or Coastal Area, as described within the land use element and shown

**Public
Hearing/
Ord. 23-11
& CU2350
(continued)**

on the Future Land Use Plan, provided in the Comprehensive Plan, specifically; that the proposed use is of semi-public character; that it proposes less than one unit per acre; that each unit will consist of three bedrooms and two baths; that the use is compatible with surrounding residential uses; that public utilities are available to the site and the use will be served by public water and sewer; that access to the site is off of easement located off Beaver Dam Road; that DelDOT's review of the service evaluation request provided that the use will generate fewer than 50 trips; that parking will be provided with four spaces specifically towards the rear of the site on the gravel area; that the use is not anticipated to adversely impact neighboring properties; that there is an existing vegetative buffer; that one letter of support was submitted with four signatures; that there are a number of more intensive uses in the area; that the Applicant seeks a Future Land Use Map amendment from Low Density to Coastal Area; that the Coastal Area is a designated Growth Area, which will permit the use of the existing pole building as a two unit multifamily dwelling, with the intent of renting each unit on an annual basis; that she believed it was common knowledge that in Sussex County, especially in the Rehoboth and Lewes area, people are seeking rental properties; that the proposed use is only for two units; that there is certainly a demand for the Applicant's proposed use; that the use will otherwise comply with the requirements of the Code; that the request is supported by the Conditional Use Plan that was submitted as Exhibit B, as part of the Future Land Use Map Application submission; that the Conditional Use Plan provides significant vegetative buffers and open space; that the existing pole building makes up a very small portion, being approximately 7% of the site; that the undeveloped and forested area make up 70% of the site; that the remaining areas of the site are comprised of the pervious gravel driveway and parking area, which make up the remaining 23% of the site; that as part of the Conditional Use submission, the Applicant proffered Conditions of Approvals, which proposed to limit the use to two units within the Conditional Use area; that the proposed conditions proposed that the Developer will provide for the perpetual maintenance of the streets, stormwater management, etc.; that the common areas will contain a stormwater management system, that will meet or exceed the requirements of the Code; that all entrances will conform with the DelDOT requirements; that the project will be served by central water and sewer; that any hours of construction improvements be limited; that the Coastal Area permits for a range of housing types, including multifamily units, such as what it is proposed; that the plan confirms that Sussex County's base density of two units per acre is appropriate in the Coastal Area; that the proposed use is less than that of the allowable base density; that the proposed two units would be located on 2.144 acres; that the Applicant is not proposing medium to higher density for the project, however the plan does support medium to higher density development, in the Coastal Area, where central water and sewer are available, sufficient commercial uses and employment centers are located, where the use is in keeping with the character of the area, located along a main road, and/or is located along a major intersection, where there is an adequate level of service, or where other

**Public
Hearing/
Ord. 23-11
& CU2350
(continued)**

considerations exist that are relevant to the requested project and density; that the Comprehensive Plan also encourages the preservation of natural resources or open space in the Coastal Area; that all of which is encouraged by the proposed plan; that PLUS comments were received; that the State raised the issue that the property is located within Level 4 and the property is not immediately adjacent to Coastal Area designated properties; that as noted in a comment at PLUS, this site is in what one would commonly understand to be a growth area within the County; that there is infrastructure present as well as existing and future residential developments in the area; that she does not consider the State's comment to be material in respect to the site; that there are Coastal Area designation near the property; that the comment from the State is inconsistent what is happening on the ground and seems to overlook what the Applicant is proposing; that the State stated that they cannot support this growth because it is in Level 4; that this is less dense than projects in the area; that open space is being preserved; that this request and property is unique; that the request being for a two unit rental within the existing pole building; that the property provides significant open space and vegetative buffers, all of which are in character, not only with the AR-1 Zoning District, but the Coastal Area as well; that in the event the Applicant would ever want to seek a use outside of the scope proposed, and otherwise not permitted within AR-1, the Applicant would be required to make a new Application and appear back before the Planning & Zoning Commission and/or County Council; that a new land use submission would require the Applicant to proceed through the Site Plan process and any other approvals.

There were no public comments.

The public hearing was closed, and the public record was held open to receive a recommendation from the Planning and Zoning Commission for Conditional Use No. 2350. Once a recommendation is received, it will be announced, and the public will have five days to comment in writing.

**M 464 23
Defer
Action/
Ord. 23-11
& CU2350**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on Proposed Ordinances entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02" & "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS".

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CZ1973**

A Public Hearing was held on a Proposed Ordinance entitled “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. 1759 (ORDINANCE NO. 2475) TO INCLUDE A 1.85 ACRE MARINA & RESTAURANT AMENITY AREA FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS” (property lying on the southwest side of Old Landing Road [S.C.R. 274], within the Osprey Point Residential Planned Community, on the north end of Ethan Allen Drive, approximately 0.12 mile west of Old Landing Road [S.C.R. 274]) (911 Address: N/A) (Tax Parcels: 334-18.00-83.00, 83.17, 83.20, 83.21 & 1073.00 through 1289.00) filed on behalf of Osprey Point Preserve, LLC

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on August 11, 2022. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended a partial approval of the Application for the 7 reasons and subject to the 6 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinance.

The Council found that Mr. David Hutt, Esq., with Morris James, spoke on behalf of the Application C/Z 1973 Osprey Point Preserve, LLC; that also present were Mr. Mike Horsey and Mrs. Kathy Horsey, the Principals of Osprey Point Preserve, LLC, Mr. Vince Luciani, Professional Engineer with GMB, Ms. Cheri Hochstedler, Senior Designer with GMB, Mr. Edward Launay, Professional Wetland Scientist with Environmental Resources, Inc.; that the Application was designed as a Change of Zone; that no one was requesting to Change the Zone to the property of Osprey Point; that the Application request is to amend the RPC, which was approved as part of the Osprey Point community; that Osprey Point is located between Old Landing Rd and Arnell Creek; that an RPC can be an additional overlay to an existing zoning district; that Chapter 16 of the Zoning Code described the permitted uses within the RPC District; that Section 115-19 states that permitted uses include, within subsection B, commercial uses of convenience and necessity to the development as a whole; that such uses and accessory off-street parking and loading spaces, incident to such commercial uses, not to exceed one acre for each 100 dwelling units within the planned development; that there is a ratio of commercial uses set forth in the Code provision, being one acre to every 200 units; that within Ordinance 2475 it states there are 217 approved single-family units; that under the RPC Code, Osprey Point is permitted to have 2.17 acres of commercial use; that the current proposal was for 1.85 acres of commercial use; that the current proposal is 3/10 acre less than the permitted ratio; that there is no Change of Zone request to the underlining

**Public
Hearing/
CZ1973
(continued)**

MR (Medium-Density Residential) Zoning District, with an RPC overlay; that if the current Application request were to be approved and adopted, the current zoning designation would stay the same; that the only change being proposed is to add conditions to the RPC related to the proposed commercial style use of a minor marina, with a café, restaurant, with a bar and beach area, with leasing of non-motorized watercraft; that these watercrafts would include paddleboards, kayaks and canoes; that an example of a similar situation would be Americana Bayside, being another MR-RPC (Medium-Density Residential-Planned Community) which has a number of commercial uses, such as restaurants; that an example being 38 Degrees restaurant within Americana Bayside; that another example is the Village of Five Points just outside of Lewes; that it involves boats, residential and commercial uses; that a smaller RPC example is Painters Mill; that it is another location that is a MR RPC that involves a commercial area at the front; that with the RPC Section of the Zoning Code, commercial uses of convenience and necessity are allowed at a specified ratio; that this convenience and necessity is not only for the residents of Osprey Point, but also the surrounding communities; that the proposed use would also be of convenience to the communities, subdivisions and homes along Old Landing Rd; that surrounding communities include, Old Landing Community, Rehoboth Bay Community, Saw Grass North, Saw Grass South, the Woods at Arnell Creek, Cedar Valley and many more; that across from R&L Creek from the marina is the Love Creek fishing access; that it is operated by the State of Delaware and provides a boat ramp and parking; that Mr. Horsey met with two adjacent communities within a community outreach which was performed; the community outreach meetings occurred in April of 2022; that it was explained what the purpose was and how access would be achieved through the proposed facility located on Old Landing Rd.; that the proposed facility would not require residents of Old Landing Rd. to rely on Rt. 1 to access the water or to grab a meal; that each of the community outreach meetings there was more than 50 people in attendance at both meetings; that generally at these two meetings there was support for the proposed concept; that the property was split-zoned; that there had been a small portion zoned MR (Medium-Density Residential); that the majority of the property was zoned as AR-1 (Agricultural Residential); that the original Osprey Point application, being C/Z 1759, sought to change all of the AR-1 zoned portion of the property to MR; that in addition to the Change of Zone request, the original Osprey Point application sought the RPC (Residential Planned Community) overlay to allow for a mixture of homes, that included single-family homes and townhomes; that the original Osprey Point application was filed July 2014, which sought approval for 350 units; that these units consisted of 170 single-family homes, with 180 townhomes; that the application was approved under Ordinance No. 2475, as it was adopted by County Council on November 15, 2016; that after receiving approval in 2016, the Applicant went through Site Plan approval process; that the Final Site Plan was approved in 2017; that on the approved Final Site Plan the two piers with 24 boat slips are shown; that the ownership of the project did change over time; that revisions were made to the Final Site Plan and a

**Public
Hearing/
CZ1973
(continued)**

Revised Site Plan was submitted; that the Commission reviewed the Final Amenities Plan in November 2021; that on the Amenities Plan the marina is shown on the plan; that after receiving final approval for the Amenities, the focus turned to develop a formal plan for the marina; that when looking at the site and the history of the property, the concept of a marina and restaurant began to take shape; that the property is zoned MR; that access to the marina would be through Osprey Point Community; that there would be signage to state that the second entrance is the correct entrance; that the one pier will create a U-shape pier which will hold the 25 boat slips; that there is a 3,259 sq. ft. building with a restaurant; that there is a proposed pool with a bar; that there are two beaches shown on the plan; that located to the left is a community beach; that this beach would be exclusive to the residents of Osprey Point; that there would be a locked access to this beach; that on the opposite side there is a beach which will be accessed by the restaurant customers; that there is a proposal for a launch for non-motorized watercrafts; that these watercrafts would be along the line of kayaks and paddleboards; that there are 82 parking spaces proposed; that these parking spaces exceeds the parking requirements by the Zoning Code; that a slide was shown to show the site plan with coloring and rendering; that there has been a concern that the beach areas are being constructed in wetlands; that is not the case; that a bulkhead would be installed and an area would be filled with sand; that there is no disturbances to the wetland; that the only impact that exists to the federal wetlands is the piers that extend from the uplands side out to the marina area and an area that is crossing to get to the non-motorized launch; that this Application requires approval by various State agencies, such as Fire Marshal's Office, Sussex Conservation District, and DeIDOT; that the proposed Application will have additional agency requirements; that DNREC approval is required in relation to the easement into the area of subaqueous lands; that for a restaurant to have a liquor license, there are certain requirements which must be met before the Office of Alcoholic Beverage Control Commission (DABCC) will grant approval, which may also involve a public hearing; that if this Application is successful, it will have been well vetted by numerous agencies; that Mr. Launay and his firm at Environmental Resources, Inc. was in charge of the required permitting process involved with the proposed project; that there is a written summary submitted in the project booklet of what the permit process looks like; that the application submissions to DNREC and the U.S. Army Corp of Engineers were also included into the project booklet; that Mr. Launay noted the desire to minimize the impact to vegetative wetlands; that the other important feature is where there is navigable water and where it came meet DNREC standards; that DNREC states that what is necessary to have a marina is 1 ½ feet a med-low water; that there was a study that was done showing that this site meets that minimum depth; that Ms. Voigt's submitted letter was referenced; that there are many processes that this application will involve; that there would be no dredging involved; that the property, as well as surrounding properties, are located within the Coastal Area based on the 2045 Future Land Use Map; that the Coastal Area is designated a Growth Area; that a common theme throughout the Comprehensive Plan is the

**Public
Hearing/
CZ1973
(continued)**

population growth and the impact the population growth will have on Sussex County; that the population growth of Sussex County raises concerns regarding traffic; that a Service Level Evaluation Request was submitted to DelDOT; that DelDOT's response indicated that the traffic impact for the proposed project to be negligible; that there are four levels to DelDOT's traffic study; that the impact is at the lower end; that another theme throughout the Comprehensive Plan is improving access to Delaware's waterways; that in some of the opposition, there are comparisons to Paradise Grill; that Paradise Grill is significantly larger than the proposed project in land mass and structure size; that Paradise Grill is not subject to a RPC with conditions of approval; that the Council can opposed conditions of operation for this use; that it was brought up that this would have a negative impact on property values; that there is something proposed that is similar to this known as 38 degrees; that the homes near 38 degrees have increased in property value; that it is expected to increase the value of the homes in the area of the proposed project; that the petition that was referenced has four points within it; that there is a zoning code argument; that the proposed use does not align with the zoning codes description of a RPC as a commercial use of convenience and necessity to the development as a whole; that Sussex County has never interpreted that provision as narrowly as the opposition is asking to be done; that the next item was traffic and the condition of Old Landing Road; that a service level evaluation request was sent to DelDOT; that there response was that traffic impact would be negotiable; that the third item related to music being loud until 9:00 p.m.; that the opposition notes that Sussex County does not have a noise ordinance; that DNREC does have a sound ordinance; that the developer is developing the property to be successful; that the goal is to be a good neighbor; that the fourth item in the petition is the impact on creeks and wetlands; that as shown earlier, the only two impacts as far as construction are the piers and a narrow crossing; that when this was presented to the Planning Commission, there was a proposed set of Findings of Fact and conditions; that they were distributed to the Council; that there was a partial denial and a partial approval of the Application; that within the proposed conditions, Condition C it now states that the restaurant shall now close by 9:00 p.m. Sunday through Thursday and shall close by 10:00 p.m. on Friday and Saturday; that this is a reduction in time by an hour than what was presented to the Planning Commission; that in addition, it states that there shall be no outdoor music after 9:00 p.m.; that there are multiple influences and agencies that have a say of when there can be sound at a restaurant; that there is a condition about supplementing the buffer that exists between the parking area and homes; that there are conditions about prohibiting the repair of boats at the marina and fueling of boats at the marina; that there would be no pump out station on the docks; that the conditions include DNREC approval for the marina, DABCC approval for the liquor license; that the alternate option takes the Planning Commission recommendation and redlines it; that the changes to the recommendation include items A and F; that the recommendation limited the slip and ownership to only residents of Osprey Point; that it limits the market ability; that what was added back in is the

**Public
Hearing/
CZ1973
(continued)**

area for non-motorized watercraft rental; that the changes to F mirror the changes to A to make sure those conditions remain consistent; that one concern when dealing with a change to a site plan is what people have been told about the site; that the lots in this community are currently being constructed; that within the project book materials and letters that are out there; that MBR confirmed that they are in full support of this application; that there was a petition in opposition; that a petition in support was given to Mr. Moore; that this application is for the convenience for those that live along Old Landing Road without having to go onto to Route 1; that it promotes the orderly growth, welfare, prosperity, convenience and order of Sussex County.

The Council found that Mr. Michael Horsey came forward on behalf of the Application; that when he started this process, the site plan was changed; that the houses were pulled off of Old Landing Road; that he was asked what was going to be done with the existing clubhouse; that it mostly sits on lot 12, partial on lot 11 and lot 17; that he was told the residents liked to go get something to eat and watch the sunset; that he wants something low key; that he wants something to add value to houses; that he wants to be a good neighbor; that he visited people to get their input; that he wants to keep people off of Route 1.

Mr. Rieley asked about the stormwater pond being defined as open space.

Mr. Schaeffer asked if Mr. Hutt believed that this was a public necessity that is not available for this community in any surrounding communities.

Mr. Rieley commented that 38 degrees which used to be apart of his district ended up consuming a lot more of the wetland area than what was originally shared. He added that his concern that is if there is foot traffic walking along the buffer area in the beach area, it will degrade over time.

Mr. Hudson questioned the height of the bulkhead. Mr. Horsey commented on the layout.

Public comments were heard.

Mr. Phil Latroa spoke in favor of the Application; that he recently relocated to the area and lives in Osprey Point; that after reviewing previous meetings in regard to the application, it is clear that there are concerns regarding the traffic on Old Landing Road; that he would suggest that there is no debate about the traffic on Route 1; that there is no parking in the Coastal Areas; that this would offer an option for people to avoid the traffic on Route 1 for people to dine in a restaurant; that this will alleviate parking on Route 1 and help with parking issues; that all of the opposite has come from individuals who do not reside in Osprey Point; that Osprey Point is the community that is most effective; that majority of Osprey Point residents that he has spoken to support this provided proper conditions and protection in place; that a letter to the Cape Gazette stated that the

**Public
Hearing/
CZ1973
(continued)**

wetlands will never be returned to the way that God created them; that this is convenient to say now that you have your house and dock on Arnell Creek; that environmental concerns are important; that the impact seems minimal; that it has been expressed the neighborhood will be used as a short cut on the way home; that this concern many endorse the idea of a fob controlled gate in the entrance that mostly leads into the neighborhood; that there are concerns about kayaks being struck and knocking on houses; that if the kayak area is exclusive to Osprey Point residents, they could get out and walk to their houses; that denying this application will not reduce the number of people, traffic, parking challenges; that it would take it to another place in Sussex County; that this project aims for a lower key Coastal theme to reduce traffic and congestion.

Ms. Vicki Jones spoke in favor of the Application; that she lives in Osprey Point; that she hopes that this can be deferred; that she believes that there is a lot of Osprey Point residents that are in favor of this; that it would provide a safe place to come, eat and enjoy the beautiful area; that it would allow recreational activities; that this would allow people to not have to go on Route 1.

Mr. Robert Nadig spoke in opposition to the Application; that he is a resident of Old Landing Woods; the he was speaking on behalf of the Old Landing Woods Homeowners Association; that they are opposed to the Application; that Old Landing Woods Development was the first development to be created off of the Old Landing Golf Course; that he distributed the official opposition and two letters that went into the Cape Gazette; that all of the communities on Old Landing Road are quiet residential communities; that they do not see the need for commercial development; that a major private commercial development is being requested; that about three acres of the 200 unit development is being commercialized; that three acres would equal 50% of the project, being more than is permitted for the proposed use; that the access is not there; that they want to attract people there for rental of the slips; that this is not a necessity for the area; that they feel the proposed use will be taking over Arnell Creek; that the proposed use will discourage the boating that typically would be found in that area of Arnell Creek; that he is not aware that Five Points has amplified music; that Five Points went through major planning and is on a major route; that Painters Mill is different; that he believes this is name dropping; that this project is not comparable to the other places mentioned; that the other projects went through planning prior to people buying there; that this is being squeezed into someone's background; that it is in area that is all residential; that there are other places in Sussex County where this can be done; that it is felt that this is not something that should be done.

Ms. Lia Koyner spoke in opposition of the Application; that she agrees that 25 boats is too much for the neighborhood; that there are many restaurants, gas station, grocery store and Walmart that she can access without going out to Route 1; that she asked that conditions are opposed; that she has a

**Public
Hearing/
CZ1973
(continued)**

house across the street from her that is now in bankruptcy; that the Old Landing Golf resort did not have dinner or alcohol; that there was only breakfast and lunch; that the other places referenced are located on the Bay; that the noise will affect residents in the area; that traffic will be affected; that she shared a flyer that was sent to her; that the meeting that Mr. Horsey held was attended by her son; that he reported that the people were angry and he left; that nobody knocked on her door or the person who has the parking lot next to her home; that she agrees with the previous speaker and the Planning Commission stating no restaurant or boat access; that 25 slips is too much for this development; that she is asking for help to regulate this major change; that DNREC is only going to access the depth of the water and the extension of the dock; that it is being asked to help with the land and community concerns; that the information presented to the public is misleading; that they are crossing over state and federal wetlands; that they met guidelines to forego the federal Army Corps review and only go through DNREC; that if they moved to a smaller wetland space, it would allow a better parking solution; that they are requesting a boardwalk to go from their parking lot; that there are many cars that come through the neighborhood already; that she shared pictures of the proposed project; that she believes what was presented to the Planning Commission is inaccurate; that they have asked for the maximum footage for the marina; that she submitted the environmental impact in the record; that a million fish died in that body of water; that the noise will impact the neighborhood; that she asked that the noise be regulated; that she requested that a fence be installed; that she shared pictures of what is being requested by the Applicant; that she had a solution page for consideration; that she has concerns about the dock; that she presented solutions for consideration.

Mr. Bill Dunn spoke in opposition of the proposed Application; that he lives in Sawgrass South; that this is an area that no commercial activity exists; that this will negatively impact the peaceful area; that the safety of the residents will be impacted as well as the environment; that the Planning and Zoning Commission recommended denial of the request and making the marina private to Osprey Point residents; that the proposed restaurant and marina is not necessary; that there are many restaurants to go to without going onto Route 1 that serve alcohol; that this is not for the convenience and necessity; that this would create public safety issues, environmental concerns, increased traffic and noise; that this should be opened in a commercial area; that the noise is a concern; that truck deliveries and alcohol would be needed; that there would be a need for more trash trucks in the area; that noise from the outdoor music will travel significantly; that the traffic safety is a concern; that there have been numerous accidents that have taken place; that adding the sale of alcohol adds more concern; that the wetlands maintain a significant part; that the marina will bring excessive boat traffic; that no area in that creek is deeper than 1.9 feet; that kayak and paddleboards will impact the creek with people falling off their boards; that this creates a hazard for leaking fuel, oil and waste that will destroy wildlife; that he requested that the application be denied; that a destination waterfront restaurant will be more intensive than anything else

**Public
Hearing/
CZ1973
(continued)**

in the area of Old Landing Road per the Planning Commission; that if the marina is approved, it is requested that the same conditions be given as recommended by the Planning Commission.

Mr. Joseph E. Rieley, Jr. spoke on the Application; that he understands construction and zoning boards; that it seems like the developer left; that it appears that they just transferred a deed; that he discussed issues in the development where he resides.

Mr. Steve Cramer spoke in opposition of the Application; that information is sparse on this project; that there is no written information other than verbal plans and rendering; that there is a lot of inconsistency when questions are asked; that he has concerns about roadways for traffic to the restaurant; that the HOA maintains those roads; that there will be issues that arise; that he does not want truck traffic in the area; that there is still over 200 homes in Osprey Point that still need to be built; that he would like current and accurate information.

Mr. Alexander Bradley spoke in opposition of the Application; that he believes it is not a good idea to have a restaurant and a bar open until 10:00 p.m.; that it is a dead end street; that Route 1 is a couple miles away that has many restaurants; that people would come to the restaurant to party; that this is not for this area; that he questions if the dredging will occur; that this does not make any sense for the communities that are there; that live music, fast cars and outside entertainment is not needed.

Ms. Donna Voigt spoke in opposition of the Application; that she agrees with the other opposition members; that she submitted a PowerPoint for the record; that she lives in the south part of Sawgrass; that it is large change and now she questions what would be next; that they are planning on having a shared entrance; that has been designated and approved by DelDOT for 117 homes not for commercial use; that this will add a lot of traffic; that adding more traffic is disruptive and dangerous; that she shared data of accident history for Old Landing Road; that there have been many accidents that have occurred with property damage; that 38 degrees is a seasonal, outdoor venue that was planned; that there is no indoor restaurants as what is being proposed; that it is only open seasonally; that the amplified music is limited to two days per week for three hours; that it is not close to other residential communities; that she discussed the hours of Paradise Grill; that her community is split in support and opposition of the application; that the southern end residents are more impacted; that she believes that the Planning Commission made the right recommendation on this application; that the entrance is under construction; that she hopes that the Council follows the recommendation that the Planning Commission made.

Ms. Sue Ball-Joseph spoke in opposition of the Application; that she had deep ruts across her property one morning; that her neighbor saw what happened; that it was a truck from Giant Foods that attempted to turn

**Public
Hearing/
CZ1973
(continued)**

around in the cul de sac; that Giant Foods did pay for it; that she can see this happening if commercial trucks are coming into the neighborhood; that it will increase the traffic and danger; that she is in opposition.

Ms. Lista Delaney spoke in opposition of the Application; that she asked that the work that the Planning Commission has already done be appreciated; that she agrees with the recommendation of the Planning Commission; that the information keeps changing.

Ms. Anita Broccolino spoke in opposition of the Application; that she agrees of what everyone in opposition has said; that she has a concern about how the developer is really not caring about the community around them; that she submitted a picture of the home that will be right up against the parking lot for the restaurant; that they are told one thing and another thing happens; that she asked for wildlife to be supported; that she asks that motorized boats to not be allowed; that there is going to be light pollution; that there will be trash brought in and rodents from the restaurant.

Dr. Paula Nadig spoke in opposition of the Application; that the 11 communities that surround Osprey Point are filled with people that serve Sussex County; that she questions why the Council decides what time they go to sleep and what type of music is going to keep them awake; that they are asking for good, responsible neighbors.

Ms. Nancy Fulton spoke in opposition of the Application; that she is a bicycle rider; that she has a concern of riding a bicycle safely down Old Landing Road; that it is currently a residential area; that if a commercial area is added, the whole area will change; that she does not see this making it better; that she requested that everything be denied.

The Public Hearing and public record were closed.

**M 465 23
Defer
Action/
CZ1973**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled “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. 1759 (ORDINANCE NO. 2475) TO INCLUDE A 1.85 ACRE MARINA & RESTAURANT AMENITY AREA FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS” for the reasons given by Planning & Zoning which were partially in denial 1-7 with conditions A-F.

**M 466 23
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 4:56 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

Consent Agenda 9-26-2023

**Sandpiper Cove (Cobb Property) IUA-1152
Existing Sewer Infrastructure Use Agreement
BEAZER HOMES, LLC to pay \$64,399.00 for 73.00 EDUs.
Johnson's Corner Area .**

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

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement
Sandpiper Cove (Cobb Property) IUA 1152
File: OM 9.01*

DATE: September 26, 2023

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **BEAZER HOMES, LLC** for the **Sandpiper Cove** project in the **Johnson's Corner Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Sandpiper Cove** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **BEAZER HOMES, LLC** will contribute **\$64,399.00** for the financial catch-up contribution of the existing infrastructure to serve **73.00** Equivalent Dwelling Units. Payments of the contribution will be submitted prior to substantial completion of the on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

SANDPIPER COVE (COBB PROPERTY) – IUA1152

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2023, by and between:

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

BEAZER HOMES, LLC a Limited Liability Company, and developer of a project known as **Sandpiper Cove (Cobb Property)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 533-12.00-21.00 & 533-12.00-21.03 to be known as **Sandpiper Cove** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Johnson’s Corner Area) and;

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **73.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$64,399.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to substantial completion of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases, or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented, or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire, and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties, or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **6085 Marshalee Drive, Suite 350 Elkridge MD 19975**.

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

(DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR BEAZER HOMES, LLC

DocuSigned by:
By: Gavin Robinson (Seal)
087F97A8CBB647E...
Gavin Robinson-VP of Construction-DE
9/18/2023 (DATE)

WITNESS: Jennifer Jackson
7F9C5A2414814FD...

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **ORPT Grant Resolution for Hudson Park**

DATE: September 21, 2023

In 2019, County Council provided funds to Sussex County Land Trust to help purchase a 30-acre parcel along route 9. The parcel has been designated as Hudson Park.

The Sussex County Land Trust has applied for a \$143,500 Outdoor Recreation, Parks, and Trails (ORPT) grant through the State to complete the second phase of the trailhead to the Lewes-Georgetown trail. The funding from the application will be used to help construct parking and walking paths for the public.

In order to qualify for this grant through the State, the County needs to sponsor the grant application through a resolution. There is no financial commitment to the County. Sussex County Land Trust will manage the project and the ongoing operations of the park.

To show Council support of the application, Council must adopt a resolution. Attached is a draft resolution for your consideration.

If you have any questions, please feel free to contact me.

Attachment

pc: Todd F. Lawson

RESOLUTION

TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE CONSTRUCTION OF HUDSON PARK AS A TRAILHEAD TO THE LEWES TO GEORGETOWN RAIL TO TRAIL.

WHEREAS, in 2019, Sussex County granted Sussex County Land Trust \$450,000 to purchase the 30-acre property adjacent to Route 9 to preserve open space for public use; and

WHEREAS, in 2019, Sussex County Land Trust, with the funds provided by the State of Delaware Open Space Council, a previous OPRT grant, and the County funds, took ownership of the property and designated it as Hudson Park; and

WHEREAS, the Lewes-Georgetown trail runs along the northern border of the property; and

WHEREAS, a parking area and connection to the Lewes-Georgetown Trail is planned for this property; and

WHEREAS, the Sussex County Land Trust will be the project manager of the project and will later be responsible for maintaining the property; and

WHEREAS, Sussex County has been asked to submit an ORPT Grant request in a not-to-exceed amount of \$143,500.00 to further support the trailhead at Hudson Park; and

NOW, THEREFORE, BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby acknowledges its support of Hudson Park; approves and acknowledges the OPRT application and submission on behalf of the Sussex County Land Trust for a 2023 DNREC ORPT Grant in the amount of \$143,500.00; and furthermore designates the Sussex County Land Trust's Executive Director, Mark Chura, to serve as the ORPT Grant's Project Manager if an ORPT Grant is awarded.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Comfort-Burton Tract Forest Maintenance RFP
A. Approval of Scope and Unit Cost Modifications***

DATE: September 26, 2023

Sussex County financed the purchase of the Comfort Burton tract located in the headwaters of Guinea Creek, a tributary of Rehoboth Bay through the State's Land Conservation Loan Sponsorship Program (LCLP). This an innovative financing approach to fund land conservation easements and fee simple land purchases under modified loan arrangements of the State's Clean Water State Revolving Fund (CWSRF).

In this case the City of Rehoboth Beach had received financing for the Ocean Outfall Project as well as Phase 1 of the City's treatment plant upgrades through the CWSRF. However, the City declined to participate in the LCLP. In response, DNREC issued a Special Project Notice-of-Intent (NOI) Solicitation which on November 3, 2017 received four (4) municipal submissions including Sussex County's.

On December 6, 2017 the Water Infrastructure Advisory Council recommended that Sussex County be invited to submit an application for a Land Conservation and Water Quality Improvement Loan Application in the aggregate amount of **\$5,744,784 at 0% interest**.

With the Secretary's approval, DNREC solicited a loan application from the County for this CWSRF Special Project funding. The County completed the application by the March 31, 2018 deadline and on September 17, 2018 DNREC issued a revised Commitment Letter.

On July 28, 2020 Sussex County Council approved the Conservation Agreement and a debt service ordinance. Under the Agreement the Delaware Forest Service monitors and inspects the project for the length of the loan term. For the implementation of the Guinea Creek flood



plain enhancement the County acquired a series of fee simple purchases funded through the real estate transfer tax.

The project is supported by a Sussex County – State of Delaware partnership that brings together the County, two Departments of the State and the local residents. The Delaware Forest Service, part of the Department of Agriculture, was instrumental in drafting the Forest Stewardship Plan while the DNREC took the lead in the Land Conservation Agreement.

The Forest Service’s Stewardship Plan calls for enhancement of the forest biodiversity of the land as well as wetland creation as part of the Inland Bays Wastewater Treatment Plant Upgrade Project Phase 3. The primary objectives of the Forest Maintenance Project are as follows:

- Restore and maintain wetland and stream processes in the Guinea Creek headwaters.
- Improve water and soil quality by increasing amount and duration of photosynthesis season through species composition focused on transitioning to a fully mixed overstory and understory.
- Restore forest type from industrial pine plantation to a natural mixed forest consisting of mixed, native species and free of invasive species.
- Enhance water quality via tree groundwater uptake and subsequent transpiration.
- Prevent erosion by increasing tree root structure and associated understory.
- Enhance wildlife habitat.

In addition, to the work directly in the Guinea Creek watershed Council awarded the Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 To Kinsley Construction, Inc. on January 10, 2023, providing a holistic approach in addressing the Guinea Creek water quality.

The Engineering Department prepared documents for the four year Forest Maintenance Project and publicly advertised them on April 27th & May 5th. A pre-bid was held on May 10th but ultimately only one bid was received on May 19th. The four-year aggregate cost was within the approved budget and on June 8, 2021 Council awarded the four-year forest maintenance project to Egolf Forest Harvesting, Inc in the aggregate amount of \$388,370.00.

Since the bid the cost for seedlings with shelters and pre-commercial thinning crew hour has increased to the point that it exceeds the bid prices. However, the project is progressing well with hardwoods naturally propagating in the selectively thinned areas allowing Egolf Forest Harvesting, Inc to propose a reduced scope in connection with a unit cost adjustment in both categories to \$9.25/seedling and \$240/crew hour respectively. The combined effect will be a lower cost overall. In addition, Egolf proposes to extend the contract time for one year to perform a second round of pre-commercial thinning as well as off site contract logging at the originally unit price of \$5.51/ton.

In summary, the Engineering Department recommends approval of the requested unit cost adjustment, scope amendments including off site contract logging and one year time extension.

Egolf Forest Harvesting, Inc

Arthur Egolf, 36642 Horsey Church Rd, Delmar, Delaware, 19940
410-430-7347 | egoart1@yahoo.com | 302-846-0634

September 16, 2023

Hans Medlarz,

I am writing you to suggest a modification and extension to the 2021 Comfort-Burton RFP. The initial contract called for the precommercial thinning of a total of 400 acres over the contract life, the planting of up to 40,000 hardwood tree seedlings, and for a project completion date of year end 2024. The goal of the project is to convert the predominantly pine stand to a mixed hardwood/pine stand.

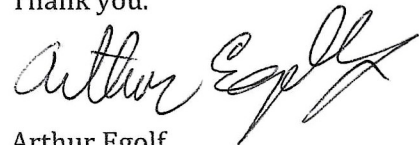
I am going to get about 120 acres precommercially thinned this fall and plant about 10,000 seedlings this coming spring. There are areas of desirable hardwood seedlings coming up naturally on the site while other pine and hardwood competition is not and I feel that if the contract is extended for at least a year, the project can be completed at a much lower cost and be more successful. Many areas do not currently have much undesirable vegetation competing with the desirable hardwood component, but I think it may be a concern beyond the end of 2024. Depending on natural regeneration this next growing season, I would like to plant another 10,000 to 20,000 seedlings in the fall of 2024 or spring of 2025 and do an additional 100-150 acres of precommercial thinning in 2025 or beyond.

The costs for the forestry practices have gone up dramatically since the bid, with precommercial thinning increasing to 240.00/acre and hardwood tree planting with shelters increasing to 9.25/tree. Even though per unit costs have risen, the total cost for the project will be well below the initial bid, if the contract is extended for at least another year to allow natural regeneration to take place.

Any contract logging done beyond the scope of this contract can still net Sussex County \$5.51/ton.

If you have any questions please call me.

Thank you.



Arthur Egolf

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

DATE: September 26, 2023

RE: *Lochwood Community Area Unified Sewer District Expansion Project
A. Change Order No. 1*

The Lochwood Property Owners Association at their annual community meeting on October 27, 2018 requested the County distribute a polling letter to all property owners. The responses to the polling letter being favorable the Engineering Department conducted a public hearing on September 7, 2019. The results from the public hearing were presented to County Council on September 17, 2019, and Council voted to extend the Sussex County Unified Sanitary Sewer District.

On May 14, 2020, the Preliminary Engineering Report and the Environmental Information Documents were combined with the overall funding application prepared by the Finance Department and filed with USDA/Rural Development for \$8,440,000. On May 21, 2021, the County accepted the letter of conditions and on May 24, 2021, approved the obligating documents associated in the loan amount of \$4,723,000 and \$3,717,000 of grant funding.

On June 15, 2021, Council approved the USDA Loan Resolution and introduction of the associated debt ordinance authorizing the issuance of up to \$4,287,000 of general obligation bonds which was approved on July 13, 2021. On September 19, 2023 the Engineering & Finance Department submitted a supplemental funding request to USDA/Rural Development for \$844,000.00.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF) Since then, Council has approved five amendments for various projects, as well as a standalone agreement for the Ellendale Water District.

The Engineering Department determined that DBF was the most suitable on-call firm to implement the design of the project. On October 26, 2021, Council authorized the agreement for the Lochwood sewer area expansion design project in the not to exceed amount of \$179,850.00. In the spring of 2023, the Department requested DBF to revise the agreement to include construction phase services. On July 25, 2023, with the construction awarded, Council approved the revised, all-inclusive agreement in the not to exceed amount of \$554,000.00.



Invitations to Bid were advertised, five (5) contractors attended the pre-bid meeting on March 29, 2023, and on April 19, 2023, four (4) bids were received. All bids were significantly higher than the available funding. The Engineering Department debriefed the contractors and concluded that several value engineering options could be incorporated in a rebid. One of the recommendations was to break out the scope in two contracts with the piping under contract A and the vacuum station under contact B. On May 16, 2023, Council rejected all bids and approved the contract be value engineered and rebid.

Invitations for the Re-Bid were advertised, four (4) contractors attended the pre-bid meeting on June 21, 2023, and on July 7, 2023, four (4) bids were received. Lindstrom Excavating submitted the lowest bid of \$5,749,640.00 for Construction Contract A and on July 25, 2023 Council awarded Contract A to Lindstrom Excavating, Inc.

The only bidder for Contract B was Chesapeake Turf in the amount of \$1,809,470.00 and their bid was higher than the average bids for this scope item from the original bid. Therefore, Council rejected Chesapeake Turf's bid and authorized the pursuit of a pre-purchase agreement for the equipment. After the \$417,000.00 purchase order for the AirVac equipment was issued on August 15, 2023, the Engineering Department requested a change order for the building and equipment installation from Lindstrom Excavating, the lowest bidder on Contract A.

The vacuum station was included in the first round of Lochwood bidding and resulted in a four-bid average of \$1,631,682.25 (bid item 3) not including a portion of the mobilization (bid item 1). The rebid amount was \$1,809,470.00 and Lindstrom change order proposal was \$1,221,350.00. This approach allowed the County (i) to provide competitive pricing below the average cost during the first round of bidding and (ii) advance the supplemental funding request in federal FY 23 for <10% of original budget.

Therefore, the Engineering Department is now requesting approval of Change Order No. 1 for Lindstrom Excavating in the amount of \$1,221,350.00, for award of the building portion of the Lochwood Project contingent upon USDA concurrence.

Date of Issuance: 9/18/23	Effective Date: 9/26/23
Owner: Sussex County	Owner's Contract No.: S22-07
Contractor: Lindstrom Excavating Contractors, Inc.	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel	Engineer's Project No.:
Project: Lochwood Community Area Expansion Construction Contract A	Contract Name:

The Contract is modified as follows upon execution of this Change Order:
Vacuum Pump Station Building

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>5,749,640.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 360 calendar days
Increase from previously approved Change Orders No. to No. __: _____ \$ _____	Increase from previously approved Change Orders No. <u>N/A</u> to No. __: _____ Substantial Completion: _____ Ready for Final Payment: _____ 360 calendar days
Contract Price prior to this Change Order: \$ <u>5,749,640.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ 360 calendar days
Increase of this Change Order: \$ <u>1,221,350.00</u>	[Increase] [Decrease] of this Change Order: 90 days Substantial Completion: _____ Ready for Final Payment: _____ 450 calendar days
Contract Price incorporating this Change Order: \$ <u>6,970,990.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ 450 calendar days

RECOMMENDED: By: <u>W. Zachary Crouch</u> Engineer (if required)	ACCEPTED: By: _____ Owner (Authorized Signature)	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Principal</u>	Title: _____	Title: <u>VP</u>
Date: <u>9/19/2023</u>	Date: _____	Date: <u>9/18/2023</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road
Worton, MD 21678
Office 410-778-6344
Fax 410-778-0477

September 18, 2023

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #1 Vacuum Pump Station Building

This PCO is for completing the vacuum pump station building and making the building fully operational per the rebid drawings and specs for Contract B on the Lochwood Sewer Extension Project. The one change from contract B is that it is assumed the County will handle purchases from Airvac directly for all parts and components that were included in Airvac's scope for Contract B.

Price Breakdown

Subcontractor

Electrical	\$136,000.00
Building	\$400,300.00
Paving	<u>\$ 10,000.00</u>
Sub Total	\$546,300.00
<u>Markup 5%</u>	<u>\$ 27,315.00</u>
Subcontractor Total	\$573,615.00

**Electrical Allowance not to exceed DPNL electrical service extension allowance of
\$ 60,000.00**

Lindstrom Excavating self performed work for equipment/labor and materials

Supervision/concrete flat work/ Excavation/ sitework/ mechanical (210 days onsite)

Lindstrom Total \$587,735.00

Total cost of PCO #1 \$1,221,350.00

Additional time to be added to contract for PCO #1 (90 calendar days)

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road
Worton, MD 21678
Office 410-778-6344
Fax 410-778-0477

September 19, 2023

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Subject: Justification for David A Bramble Paving Pricing in PCO#1

Please see Bramble Quote pricing on the following pages

PCO #1 added 55 tons of paving for the Vacuum Station entrance drive and parking area. Bramble has verbally agreed to pave this for the same rates that they quoted for the rest of the project assuming another mobilization.

Mobilization	\$2,600.00
55 tons at \$120/ ton	\$6,600.00
<u>Traffic Control for trucks in Road (traffic supervisor only)</u>	<u>\$ 800.00</u>
Total	\$10,000.00

David A. Bramble, Inc. *General Contractors*

410-778-3023 / 410-778-3427 (FAX) • 705 MORGNEC ROAD • P.O. BOX 419 • CHESTERTOWN, MARYLAND 21620

August 15, 2023

To: Lindstrom Excavating Contractor Inc.
25820 Still Pond Neck Road
Worton, MD 21678
PH: 410-778-6344
Cell: 443-480-3912
Email: kyle@lindex.com

From: Keith Harris

RE: Lochwood Sewer Expansion Project
Surface Paving
Sussex County, DE
Revised 8/15/2023.

Attn: Kyle Lindstrom

David A. Bramble, Inc. is pleased to present you with our proposal for the above referenced project per your request. Our scope of work and pricing is as follows.

- Type C HMA Surface Paving:** Pave a compacted 1.5-inch of Type C hot mix asphalt surface. Clean area of loose debris and dispose. Mill all necessary tie-ins for new asphalt to meet existing structures for a smooth transition. Apply CRS-1/CRS1-H Tack per DELDOT standards and specification prior to paving.
- Joint Seal:** Hot pour joint seal all cold joints.
- Mobilization/Demobilization:** Mobilization/Demobilization of crew and equipment to perform.
- Maintenance of Traffic:** Provide certified maintenance of traffic supervisor with 2 flaggers, cones, and signs to maintain traffic for paving operations.
- Price: Includes labor, equipment, and material to performer work listed below.**

Item	Description	Quantity	Unit	Unit Price	Total Price
1	Type C HMA Surface Paving	4,000	Ton	\$120.00	\$480,000.00
2	Joint Seal	5,000	LF	\$2.00	\$10,000.00
3	Mobilization/Demobilization	1	EA	\$2,600.00	\$2,600.00
4	Maintenance of Traffic (Optional)	13	UD	\$1,900.00	\$24,700.00
	Total				\$517,300.00

Price Excludes:

- Excavation, Grading and/or Compaction of Sub-Base.
- Fine Grade.
- Utility location/ Adjustment/ Test Pitting.
- Any engineering for grades, layout, and stakeout.
- Milling Concrete.
- Proof Roll.
- Field in-place compaction and density testing by independent testing agency.
- Prime Coat.
- Striping.
- RPM Removal
- Restoration.
- Certified Payroll/Davis-Bacon/Prevailing Wages Rates.
- Spray Herbicide to Kill Grass/Weeds Prior to Paving.
- Backing-up edges of new asphalt pavement.
- Clean-up for surface paving.

Terms and Conditions

- When scheduling, please provide DAB, Inc. three weeks' notice of the intended start date.
- The pricing herein is for work during the 2023 Construction Season, with completion by December 20, 2023. Any work remaining after December 20, 2023, will be subject to renegotiation.

David A. Bramble, Inc. *General Contractors*

410-778-3023 / 410-778-3427 (FAX) • 705 MORGNEC ROAD • P.O. BOX 419 • CHESTERTOWN, MARYLAND 21620

3. David A. Bramble, Inc. is not responsible for obtaining any construction permits, right-of-way, easements, or other related documents. When verbal or written notice to proceed is given, we assume that the client or its representatives have obtained all such approvals necessary for the construction.
4. Pricing for this project is based on unit prices. Billing will be based on the actual quantities placed on the project.
5. Pricing is based on the following plan sheets:
 - N/A
6. Any item not specifically referenced in the Scope of Work is excluded from the contract pricing.
7. Pricing does not include any testing, required permits, inspection fees, or bonds of any type.
8. Additional remobilization will be \$2,600.00/each.
9. Please note, DAB takes no responsibility for the existing condition of the owner's roadways or haul routes and will not be liable for damages to roadways or haul routes that cannot support the construction equipment required to complete the work.
10. Pricing is based on soils encountered at designed subgrade elevations being suitable to support the proposed improvements. Should this material be determined to be unsuitable, removal and replacement with imported borrow shall be a negotiated extra.
11. Pricing is based on the Delaware Index for Liquid Asphalt in the current month at time of bid. If the index at time of bid differs from index at time of placement, then a price adjustment will be billed to the customer based on the use of 5.0% liquid asphalt mix in the hot mix asphalt recipe. Price adjustment will be based on May 2023 index of \$578.33/ton.
12. New hot mix asphalt is prone to scuff marks created by automobile tires. This is normal, and the scuff marks will wear off as the asphalt cures and vehicle weight continues to provide residual compaction. To minimize scuff marks, avoid turning vehicle tires while in a parked position, but instead begin to turn while the vehicle is in motion. David A. Bramble, Inc. is not responsible for scuff marks.
13. Please note, Contractor cannot guarantee positive drainage where design elevations yield less than 1.5% slope.
14. David A. Bramble, Inc. will warranty all material and workmanship for 1 year from the date of completion. Warranty does not include materials placed on unsuitable ground, such as areas that are too wet, or areas where the ground yields beneath a loaded dump truck.
15. Price is good for 15 days. A signed proposal or subcontract must be returned to David A Bramble Inc. prior to the start of work.
16. Payment is net 30. Bills left unpaid for over 30 days will be assessed finance charges at a rate of 18% per annum.
17. Payment by Credit Card or Debit Card will be assessed an additional fee of 1.025% of the project cost. We do not accept American Express Credit Card.
18. All executed proposals are subject to the approval of our credit department. Please contact Debbie Glebe at 410-778-3023 to request a credit application.
19. Prior to the start of work, David A. Bramble, Inc. reserves the right to request reasonable evidence that the undersigned has made sufficient arrangements to fulfill the financial obligations under this agreement. David A. Bramble, Inc. may request subsequent evidence of sufficient finances to fulfill the financial obligations under this agreement if:
 - a. The undersigned fails to make payment as required by this agreement;
 - b. A change in the work materially changes the contract price; or
 - c. David A. Bramble, Inc. identifies in writing a reasonable concern regarding the undersigned's ability to make payment when due.

Thank you for the opportunity to provide you with a price quotation for this project. Should you have any questions, comments, or concerns, please call me at [443-480-2403](tel:443-480-2403).

Keith A. Harris
David A. Bramble, Inc.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and hereby agreed to and accepted. David A. Bramble, Inc. is authorized to perform the work as specified. Payment will be made as outlined above.

David A. Bramble, Inc. *General Contractors*



410-778-3023 / 410-778-3427 (FAX) • 705 MORGNEC ROAD • P.O. BOX 419 • CHESTERTOWN, MARYLAND 21620

AGREED AND ACCEPTED

Lindstrom Excavating Contractor Inc.

By: _____

Date: _____

Title: _____

Please sign and return this proposal by fax, email, or mail to attention Keith Harris at David A. Bramble, Inc.

Fax: 410-778-3427

Email: kharris@davidabrambleinc.com

Myers Electric LLC

2703 Can Cliburn Circle,
Middletown, DE, 19709

Proposal

Date: September 13, 2023

**Proposal
Submitted**

**Job Name: Lochwood Vacuum Station
Location: 62 Lake Shore Dr, Lewis, DE**

**To: Lindstrom Excavating Contractors
Attn: Kyle Lindstrom
405 Paper Birch Street
Middletwon, DE 19709**

Scope of work is based off the drawings and specifications received through dropbox link provided by Lindstrom. Pricing is to be inclusive of all electrical work shown on drawings for project excluding exterior conduit, concrete work, and Airvac equipment which will be provided by others.

Total Amount of Proposal.....\$136,000.00

Payment to be made as follows: **NET 30**

Unless otherwise stated above, Myers Electric LLC invoice payment terms in connection with credit approved by Myers Electric LLC are net 30 days from date of invoice. A late payment charge of 2.0% per month on past due amounts, or if less, the maximum penalty permitted by law, will be added to all outstanding balances after 30 days from date of invoice.

In the event of significant delay or price increase of material, equipment or energy occurring during the performance of the contract through no fault of the contractor the time of completion, contract sum, shall be adjusted by change order in accordance with the contract documents. If prices change by 2.5% or more from date of contract to date materials can be ordered a change order will be requested.

This proposal must be accepted within 15 days. All proposals over 15 days old are subject to requote.

**Bob Myers
Myers Electric LLC
302-547-6914**

Proposal Accepted by:

Signature: _____ Print Name: _____

Date of Acceptance: _____



August 31, 2023

Lindstrom Excavating
25820 Still Pon Neck Road
Worton, MD 21678
Attn: Kyle Lindstrom

RE: Lochwood Sewer Expansion
Sussex County, Delaware

Dear Mr. Lindstrom,

We are pleased to provide the following proposal for the PUMP STATION BUILDING for the Lochwood Sewer Expansion project. Our proposal includes all necessary supervision, project management, general liability, workman's compensation, and safety measures to complete the building addition in accordance with drawings & specifications provided by Davis Bowen & Friedel, Inc. including Addendum #1 from the original bid in April.

Scope of Work:

1. Our work begins after the basement has been excavated and well points or other dewatering measures are in place.
2. Complete concrete foundations, floor slab and walls as indicated on the drawings. Includes 6" stone base on compacted subgrade by others. Also includes Fluid applied waterproofing and vapor retarder. Backfilling the basement is excluded.
3. Complete all structural steel framing, cold-formed metal framing including trusses, metal stairs, railings and metal grates as indicated on the drawings. EXCLUDES any pipe racks or supports. **We exclude AISC Certification.**
4. Complete rough carpentry. Sheathing, PVC paneling and plastic simulated wood trim as indicated on the drawings.
5. Complete thermal insulation, weather barriers, asphalt shingles, vinyl siding, metal flashing and joint sealants as indicated on the drawings.
6. Install hollow metal frames, fiberglass doors, access panel in ceiling, polymer windows and fixed louvers as indicated on the drawings.
7. Provide two fire extinguishers as specified in Section 10 44 00.
8. Complete HVAC work as indicated on drawings M-1, M-2 and M-3. **See alternate price.**
9. Includes dumpster and clean-up of our work only.

Exclusions:

- 1) Excavation / backfilling for basement and sidewalks.
- 2) Well pointing or dewatering.
- 3) Pipe sleeves for pipe penetrations.
- 4) Painting or liquid floor hardener.

100 West 10th Street Laurel, DE 19956
Phone 302-875-5445 Fax 302-875-5581

- 5) Electrical work.
- 6) Protection and cleaning after installation.
- 7) Any item not specifically mentioned above.
- 8) HVAC work as indicated on drawings M-1, M-2 and M-3. **See alternate price.**

Our price to complete all work as described above is **\$305,200.00**.

Alternate price to ADD HVAC work is \$95,100.00. Includes louvers and aluminum ductwork as noted on drawing M-3, note #10.

Thank you for the opportunity to provide this quote and good luck bidding the project!

Cordially,



The Whayland Company, LLC
Mark Figgs – Senior Estimator

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Red Fox Run Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- The Engineering Department met with the Red Fox Run Board and provided details and potential costs for a sewer project.
- The Board requested that the department circulate polling letters to the property owners to gauge their interest in central sewer service. The department created and distributed the polling letters to the property owners.
- The response was **21** in favor **14** opposed and **10** not responding.
- The department requested and County Council granted permission to prepare and post notices for a Public Hearing for the Red Fox Run Expansion on July 18, 2023.
- The department sent notices, posted and held the Public Hearing at the Milton Public Library on **September 16, 2023**.
- A Powerpoint presentation was presented to those in attendance (12) notifying them of rate structure, potential costs and timelines, one based on the neighboring project & DelDOT improvements going first and the other strictly on a county timeline.
- Nobody present desired to change their polling position, therefore the department is recommending approval of the expansion.
- I have a Resolution for your consideration.



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

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE RED FOX RUN SUBDIVISION ON THE WEST SIDE OF COASTAL HIGHWAY. THE PARCEL IS LOCATED IN THE BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Coastal Highway, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the west side of Coastal Highway, as follows:

Beginning at a point, situate at the intersection of the westerly right of way (ROW) of Coastal Highway, the northernmost property corner of land Now or Formerly (N/F) of Key West Investments, LLC, and the easternmost property corner of Red Fox Run subdivision; thence leaving said ROW and proceeding by and with said subdivision boundary the following fourteen (14) courses and distances, (1) S47°35'59"W 418.77', (2) S48°15'12"W 501.41', (3) S48°57'54" 1320.48', (4) N43°06'21"W 744.28', (5) N48°54'07" 367.07', (6) N48°35'16"E 385.75', (7) N37°35'09"W 620.00, (8) N49°13'37"E 239.25', (9) N45°46'11"E 132.87', (10) S78°56'11"E 319.37', (11) N49°10'36"E 714.36', (12) S40°22'10"E 533.78', (13) N49°10'36"E 216.99', (14) S39°25'16"E 566.76 to a point, said point being that of the **Point and place of Beginning**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

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

PUBLIC NOTICE

EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
RED FOX RUN EXPANSION – WEST REHOBOTH AREA
FILE NUMBER: OM 9.13-BF

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **July 18, 2023**, to consider expanding the boundary of the West Rehoboth Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the Red Fox Run subdivision situated on the west side of State Route 1 (Coastal Highway). The subdivision is located in the Broadkill Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate at the intersection of the westerly right of way (ROW) of Coastal Highway, the northernmost property corner of land Now or Formerly (N/F) of Key West Investments, LLC, and the easternmost property corner of Red Fox Run subdivision; thence leaving said ROW and proceeding by and with said subdivision boundary the following fourteen (14) courses and distances, (1) S47°35'59"W 418.77', (2) S48°15'12"W 501.41', (3) S48°57'54" 1320.48', (4) N43°06'21"W 744.28', (5) N48°54'07" 367.07', (6) N48°35'16"E 385.75', (7) N37°35'09"W 620.00, (8) N49°13'37"E 239.25', (9) N45°46'11"E 132.87', (10) S78°56'11"E 319.37', (11) N49°10'36"E 714.36', (12) S40°22'10"E 533.78', (13) N49°10'36"E 216.99', (14) S39°25'16"E 566.76 to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 51.68 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 235-22.00.

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

The public hearing will be held on this issue at **10:00 am on September 16, 2023** at the Milton Public Library, 121 Union Street, Milton, DE 19968. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer

Proposed Annexation Red Fox Run

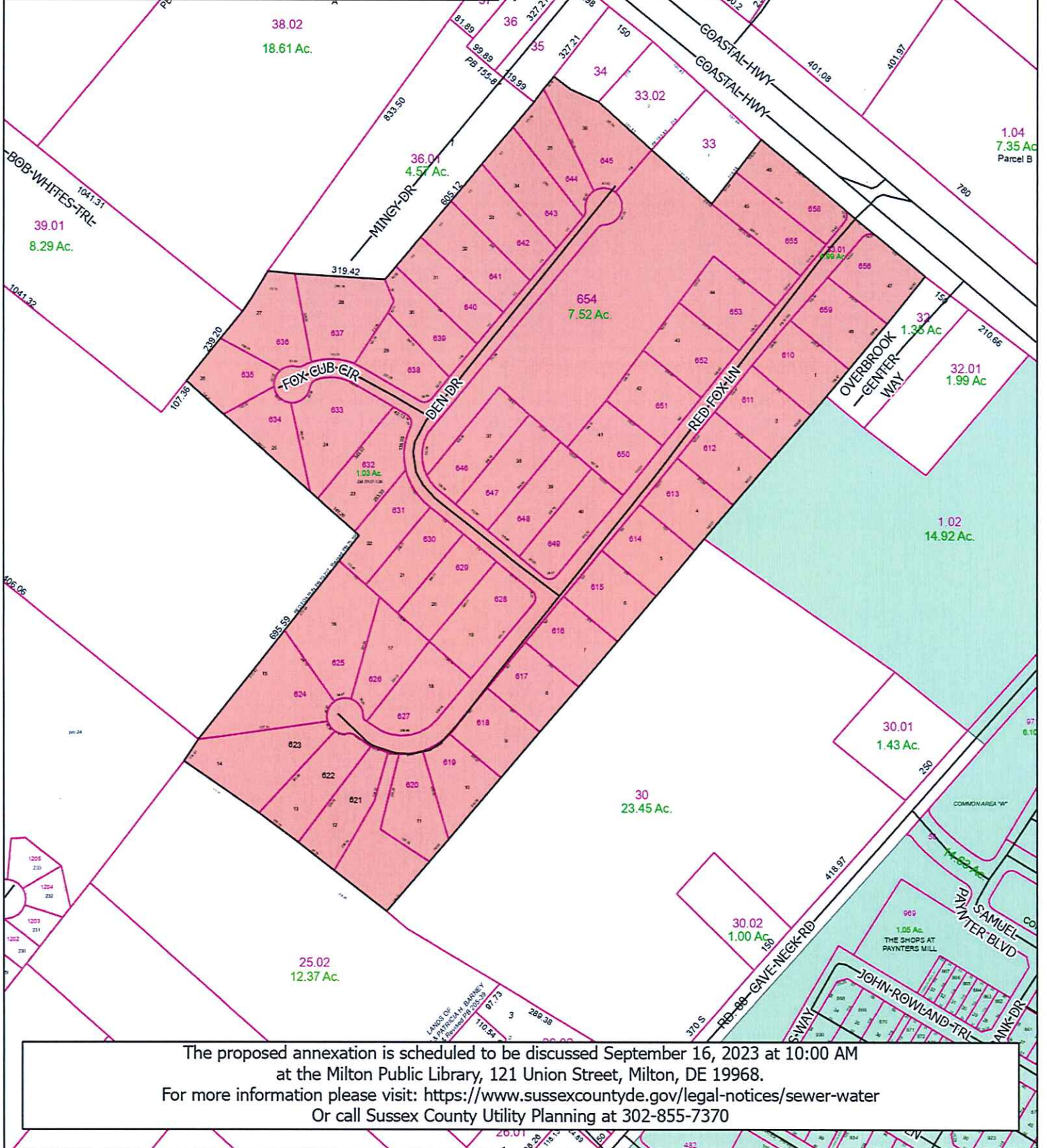
Existing SSD Parcels of Interest



0 115 230 460
Feet



Map created: 7/27/2023



The proposed annexation is scheduled to be discussed September 16, 2023 at 10:00 AM
at the Milton Public Library, 121 Union Street, Milton, DE 19968.
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
Or call Sussex County Utility Planning at 302-855-7370

PROPOSED RED FOX RUN EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

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

- A. On August 2, 2021 he was a Planning Tech for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On August 2, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a STOP sign in the northerly Right-Of-Way (ROW) of Red Fox Lane at the intersection with Coastal Highway,
 - 2. On a post in front of a STOP sign in the southerly ROW of Red Fox Lane at the intersection with Coastal Highway,
 - 3. On a post in front of a STOP sign in the southerly ROW of Den Drive at the intersection with Red Fox Lane,
 - 4. On a post in front of a STOP sign in the southerly ROW of Fox Cub Circle at the intersection with Den Drive,
 - 5. On a post in front of a STOP sign in the southerly ROW of Best Lane at the intersection with Coastal Highway,
 - 6. On a post front of a STOP sign in the southerly ROW of Pondview Drive at the intersection with Coastal Highway,
 - 7. On a post in front of a stop sign in the northerly ROW of Samuel Paynter Boulevard at the intersection with Cave Neck Road,
 - 8. On a post in front of a stop sign in the northerly ROW of Pondview Lane at the intersection with Cave Neck Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 14th day of Aug A.D., 2023


NOTARY PUBLIC

My Commission Expires 6/14/2024



SCHAEFFER.
Yes. 9/14

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, September 13, 2023 10:31 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization

Misphillion Performance Series ✓

Project Name

Performance by Washington Saxophone Quartet

Federal Tax ID

84-4618816 ✓

Non-Profit

Yes

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

No

Organization's Mission

To present nationally and internationally renowned musical artists that will perform culturally diverse programs of varying genres, i.e., classical and jazz, free and unticketed for all the residents of southern Delaware, not just the wealthiest. We want all in the communities in Sussex County to have access to the magic of live, world-class musical performances.

Address

16925 Ketch Court

City

Lewes

State	DE
Zip Code	19958
Contact Person	Jody E. Stein
Contact Title	Director
Contact Phone Number	703-598-1860
Contact Email Address	jodye.stein@gmail.com
Total Funding Request	\$3,500
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1000
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A

Program Category (choose all that apply) Cultural
Other

Program Category Other Live Music Performances

Primary Beneficiary Category Other

Beneficiary Category Other All community members

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 700

Scope Washington Saxophone Quartet is the most widely heard saxophone quartet. Since 1997, recorded arrangements by the Washington Saxophone Quartet have aired regularly throughout the United States on NPR's broadcasts of "All Things Considered" ([listen here](#)). Concert audiences enjoy their connection to WSaxQ when they discover they've been listening to the quartet's music during afternoon "drive-time." And it often comes as a surprise that they've been hearing four saxophones! The instruments evoke the refined sounds of a string quartet, the rich harmonies of an organ prelude, and the excitement of a jazz sax section. The ensemble taps into a rich repertoire, from early music to newly commissioned works, and draws on a wealth of experience to reach listeners of every age and background.

Religious Components None

Please enter the current support your 500.00

**organization receives
for this project (not
entire organization
revenue if not
applicable to request)**

Description Honorarium for Washington Saxophone Quartet

Amount 3,500.00

TOTAL EXPENDITURES 3,500.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -3,000.00

Name of Organization Mispillion Performance Series

**Applicant/Authorized
Official** Jody Stein

Date 09/13/2023

**Affidavit
Acknowledgement** Yes

Rieley.
Yes. 9/15

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, September 14, 2023 4:10 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization	First State Community Action Agency, Inc. ✓
Project Name	58th Anniversary Celebration
Federal Tax ID	51-0104704 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To work towards the elimination of poverty and lessen the effects of poverty on people with low incomes
Address	308 N. Railroad Ave.
City	Georgetown
State	DE
Zip Code	19947
Contact Person	Jaime Sayler

Contact Title Director of Housing and Community Development

Contact Phone Number 302-245-2270

Contact Email Address jsayler@firststatecaa.org

Total Funding Request 1500

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

If YES, how much was received in the last 12 months? 2250

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 3

Program Category (choose all that apply) Health and Human Services

Primary Beneficiary Category Low to Moderate Income

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

11600

Scope

First State was founded in 1965 and is recognized today as Delaware’s leading anti-poverty organization. Our mission is to work towards the elimination of poverty and lessen the effects of poverty on people with low incomes. We are part of a network of over 1000 Community Action Agencies nationwide that are engaged in a broad range of activities, all with the ultimate goal of eliminating poverty.

We currently provide over 20 programs aimed at building whole, empowered families and inclusive, healthy communities equipped with the knowledge and tools they need to thrive. Our organization is strategically aligned into three focus areas – Client-Based Services, Community Services, and Special Projects and Populations. Each organizational domain focuses on core activities that align with the end goal of family and community empowerment and independence. Community organizing, capacity building, leadership and skill development, technical support, advocacy, and direct services are all strategies the agency employs to combat the root causes of poverty. By providing a comprehensive array of services on both the family and community level, First State is working to systematically eliminate the causes and conditions of poverty.

In our most recent program year, we served 11,632 unduplicated households. Some highlights of the work we did last year: 4,812 families were assisted with housing, 127 purchased a home, 198 seniors maintained independent living, 824 families received food, 420 households improved energy efficiency, and 1,580 individuals received employment services, and much more.

With over 11% of Delawareans living in poverty (over

110,000 people), we know there is much more work to be done. Sponsorship of our Anniversary Celebration will allow us to reach more Delawareans in need with vital programming that truly moves the needle on poverty in our state.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 25,000.00

Description Food & Beverage

Amount 22,500.00

Description Event Expenses (decor, music, audio/visual, equipment, linens, decor, print and design work, supplies)

Amount 7,500.00

TOTAL EXPENDITURES 30,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -5,000.00

Name of Organization First State Community Action Agency, Inc.

Applicant/Authorized Official Bernice M. Edwards

Date 09/14/2023

Affidavit Acknowledgement Yes