

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

November 12, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - October 29, 2024

[Draft Minutes 102924](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Public Interview for Board of Adjustment Nominee – Shawn Lovenguth**
2. **Administrator's Report**

Gina Jennings, Finance Director

1. **FY 2025 Human Service Grants Recommendation and Award**
[FY2025 Human Service Grants](#)

Karen Brewington, Human Resources Director

1. **Discussion and Possible Action on the Implementation of the Family Paid Leave Act**
[Delaware Paid Family Leave 111224](#)



Paul Mauser, Assistant County Engineer

1. **Briarwood Estates Septic Elimination Project, S23-11**

A. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

B. JMT – Amendment 1 – Design

[Briarwood Estates Project](#)

2. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

[Winding Creek Proposed Ordinance](#)

Old Business

1. **[Conditional Use No. 2416 filed on behalf of Over the Hill Holdings, LLC](#)**

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

[Old Business CU2416](#)

Grant Requests

1. **Delmar Historical and Arts Society Inc. for their historical museum**

[Delmar Historical & Arts Society](#)

2. **American Youth Football, Inc. for their regional tournament**

[American Youth Football](#)

3. **Contractors for a Cause Foundation, LLC for their helping hands program**

[Contractors for a Cause](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2041 CU2469 CU2395 CZ2014 CZ2023](#)

Council Members' Comments

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 4, 2024 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 29, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 29, 2024, at 12:30 p.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 546 24
Approve
Agenda**

Mr. Lawson reported that Executive Session – Land Acquisition and possible action on Executive Session items can be removed from today’s agenda. A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the agenda as amended.

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**

Minutes

The minutes of the October 1, 2024, meeting were approved by consent.

**Correspond-
ence**

There was no correspondence.

Public comments were heard.

Public

Comments

Dr. Sara Hale spoke about Voluntary School Assessment.

Mr. Jason Hale spoke about Voluntary School Assessment.

Ms. Adele Jones spoke about loss of forest and farmland in Sussex County.

Ms. Christy Wimmer spoke about the Voluntary School Assessment.

Ms. Heather Farmer spoke about the Voluntary School Assessment.

**Recognition/
DE Team**

Robbie Murray, Public Safety Director recognized the Delaware Team Award of the Year employees.

Retirement **Raymond Alt was recognized for his upcoming retirement.**

**Adminis-
trator's
Report** **Mr. Lawson read the following information for his Administrator's Report:**

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for September 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of September.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Sandpiper Cove (FKA Cobb Property) – Phase 1 (Construction Record) effective September 13th; and Beach Tree Preserve – Phase 3 (Construction Record) received Substantial Completion effective October 10th.

3. William "Bill" LeCates

It is with great sadness that we inform you that County Pensioner, William "Bill" LeCates passed away on Wednesday, October 23, 2024. Mr. LeCates began his career with Sussex County in May 1979 where he worked until December 2011 for a total of 32 years of service. His last position with the County was Director of Community Development and Housing. We would like to extend our condolences to the LeCates family.

4. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 5th, for Election Day, Thursday, November 7th, for Return Day and Monday, November 11th for Veterans Day.

The Sussex County Council will not meet on November 5th. The next regularly scheduled Council meeting will be held on November 12th at 10:00 a.m.

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

**Proposed Ordinance/
Lodging Tax** **Gina Jennings, Finance Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE VI (“LODGING TAX”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201”.**

Mrs. Jennings reported that at the end of September, the Governor signed House Substitute 2 for HB 168. The bill created a short-term lodging tax and license services for the State of Delaware. It also authorized Sussex County to impose a lodging tax of no more than 3 percent on short-term rentals.

Introduction of Proposed Ordinance **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE VI (“LODGING TAX”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201”.**

JP Court Annex **Mike Harmer, County Engineer presented an expansion feasibility study from Tevebaugh Architects for the JP Court Annex for Council’s consideration.**

M 547 24 Approve Expansion Feasibility Study/JP Court Annex **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that Council approve the expansion feasibility study with Tevebaugh Architecture, to evaluate alternatives for the use of the JP court annex building, in the amount of \$200,000.00.**

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**

Construct Parallel **Robert Bryant, Airport Manager presented a recommendation to award and task order 5 for the construct parallel Taxiway B, Phase II for Council’s consideration.**

M 548 24 Approve Award/ Construct Parallel Taxiway **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department that contract A24-15, construction parallel taxiway B, phase 2 be awarded to Allen Myers MD, Inc. for their total bid of \$3,375,555.00 and associated task order no. 5 to Delta Airport Consultants be awarded in the**

amount not to exceed \$480,000 for construction administration services both contingent upon FFA funding approval.

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**

**IBRWF – Hans Medlarz, Project Engineer presented an agreement with Delmarva
DPL Power for the Inland Bays Regional Wastewater facility project for Council’s
Agreement consideration.**

**M 549 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved
Approve based upon the recommendation of the Sussex County Engineering
DPL Department that County Council approves the license agreement between
Agreement Delmarva Power Light and Sussex County, issuance of the required special
insurance certificate and payment of the fee in the amount of \$2,500.00, for
access to a utility easement as part of the work associated with the Inland
Bays Regional Wastewater facility loop project.**

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**

**SC WRF CO Hans Medlarz, Project Engineer presented change order no. 28 for South
No. 28 Coastal WRF treatment process upgrade and Rehoboth Beach WTP capital
improvement project for Council’s consideration.**

**M 550 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved
Approve CO based upon the recommendation of the Sussex County Engineering
No. 28/SC Department that change order no. 28 for contract C19-17, SCRWF treatment
WRF process upgrade no. 3 – electrical construction, be approved, for an increase
of \$15,855.64.**

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**

**USSD Hans Medlarz, Project Engineer presented a revised wastewater service
Agreement/ agreement between the City of Seaford and the Unified Sanitary Sewer
COS District for Council’s consideration.**

M 551 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved**
Approve **based upon the recommendation of the Sussex County Engineering and**
Agreement/ **Finance Departments that the Sussex County Council approve the revised**
COS USSD **wastewater service agreement between Sussex County and the City of**
 Seaford, as presented.

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

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

M 552 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$1,000**
Greater **(\$1,000 from Mr. Schaeffer's Councilmanic Grant Account) to the Greater**
Lewes **Lewes Foundation for their Shaffer Foundation 4th annual rally for**
Foundation **responders.**

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

M 553 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$750**
SODELO **(\$750 from Mr. Schaeffer's Councilmanic Grant Account) to SOLDELO**
 (Southern Delaware Orchestra) for their 2024 winter concerts.

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

M 554 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Town of **(\$2,000 from Mr. Rieley's Councilmanic Grant Account) to the Town of**
Georgetown **Georgetown for the Mayor's Return Day reception.**

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

M 555 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,500**
 (\$1,500 from Mrs. Green's Councilmanic Grant Account) to Mariner Middle
 School (BPA) for their business professional of America program.

Mariner Middle School **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

M 556 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$8,000**
Town of Greenwood **(\$8,000 from Mrs. Green’s Councilmanic Grant Account) to the Town of Greenwood for policing equipment.**

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

M 557 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$5,000**
Laurel Lions Club Foundation **(\$5,000 from Mr. Vincent’s Councilmanic Grant Account) to the Laurel Lions Club Foundation for a recreation complex.**

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

M 558 24 **A Motion was made by Mrs. Green, seconded by Mr. Rieley to give \$1,500**
Grace-N-Mercy Ministries **(\$1,500 from Mrs. Green’s Councilmanic Grant Account) to Grace-N-Mercy Ministries for their Thanksgiving community dinner.**

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

M 559 24 **A Motion was made by Mrs. Green, seconded by Mr. Rieley to give \$1,000**
Bridgeville Public Library **(\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Bridgeville Public Library for a mini-library.**

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

M 560 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000**
Cornerstone **(\$2,000 from Mrs. Green's Councilmanic Grant Account) to Cornerstone**
Community **Community Center for their kids against tobacco program.**
Center

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

M 561 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$250**
Town of **(\$250 from Mr. Vincent's Councilmanic Grant Account) to the Town of**
Blades **Blades for their annual kids Christmas party.**

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

M 562 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$3,000**
Nanticoke **(\$3,000 from Mr. Vincent's Councilmanic Grant Account) to the Nanticoke**
Senior **Senior Center for an educational media center.**
Center

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

M 563 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Seaford **(\$2,000 from Mr. Vincent's Councilmanic Grant Account) to Seaford**
Tomorrow **Tomorrow for their Friday Night Live event.**

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

M 564 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000**
First State **(\$1,000 from Mr. Rieley's Councilmanic Grant Account) to First State**
Community **Community Action Agency for their anniversary celebration.**
Action

Agency **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

Introduction of Proposed Ordinance Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” filed by Bittersweet Investments, LLC.

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 FARM WINERY WITH TASTING ROOM AND EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 38.66 ACRES, MORE OR LESS” filed on behalf of Twin Branches, LLC.

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 LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” filed on behalf of Jose Luis Vivar.

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” filed on behalf of Oneals Solar, LLC.

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.23 ACRES, MORE OR LESS” filed on behalf of Waste Management of Delaware, Inc.

The Proposed Ordinances will be advertised for a public hearing.

CM Comments Mr. Rieley questioned if any of the Optimist students present have tracked how many millions of dollars were spent during today’s meeting.

M 565 24 **At 1:22 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**
Recess **recess until 1:30 p.m. Public Hearings.**

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

M 566 24 **At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**
Reconvene **reconvene.**

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 **A Public Hearing was held for Leeward Chase II Annexation of the Sussex**
Hearing/ **County Unified Sanitary Sewer District (Airpark Area).**
Leeward

Chase II **John Ashman, Director of Utility Planning & Design Review reported that**
Annexation **permission to post notices for a public hearing was granted on September 17,**
into **2024. The Engineering Department had received a request from Solutions**
SCUSSD **IPEM on behalf of the owners of parcels 135-15.00-96.00 & 97.00, adjacent**
to the Leeward Chase project. The parcels contain an existing liquor store
and an existing church. The parcels will be responsible for system connection
charges at the time of connection. The Engineering Department added to the
website, posted notices on October 10th and advertised the weeks of 19th and
23rd. To date, there has been no correspondence received in support of or in
opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 567 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt**
Adopt **Resolution No. R 021 24 entitled “A RESOLUTION TO EXTEND THE**
Resolution **BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER**
No. R 021 24/ **DISTRICT (SCUSSD) DELWARE COASTAL AIRPORT AREA, TO**
Leeward **INCLUDE THE LEEWARD CHASE II AREA, ON THE SOUTH SIDE OF**
Chase II **LEWES-GEORGETOWN HIGHWAY LOCATED IN THE**
Annexation **GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE AND**
into **RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND**
SCUSSD **FOR SUSSEX COUNTY, DELAWARE”.**

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/
Woods at
Agnola
Beach
Annexation
into
SCUSSD**

A Public Hearing was held on the Woods at Agnola Beach Annexation of the Sussex County Unified Sanitary Sewer District (Agnola Neck Area).

John Ashman, Director of Utility Planning & Design Review reported that permission to post notices for a public hearing was granted on September 17, 2024. The Engineering Department received a request from Mill Brook Engineering, LLC on behalf of their client, Hometown Angola Land, LLC owners of parcel 234-12.00-7.01, adjacent to the existing Angola Neck Area of the SCUSSD. This request is for one of the parcels of undeveloped land abutting the existing Angola Beach & Estates within 90 lots proposed for this project, with 74 on this parcel and 16 on parcel 7.02 which will flow to the exiting private owned community system. The project will be responsible for system connection charges at time of connection. The Engineering Department added to the website, posted notices on October 10th and advertised the weeks of 16th and 23rd. To date, there has been no correspondence received in support or opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

**M 568 24
Adopt
Resolution
No. R 022 24/**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to Adopt Resolution No. R 022 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE WOODS AT ANGOLA BEACH AREA, ON THE SOUTH SIDE OF ANGOLA ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

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

Rules

Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
CU2523**

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 A NAIL SALON BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

**Public
Hearing/
CU2523
(continued)**

CONTAINING 0.55 ACRE, MORE OR LESS” (property lying on the east side of Powell Farm Road [S.C.R. 365], approximately 384 feet north of Burbage Road [S.C.R. 353]) (911 Address: 32379 Powell Farm Road, Frankford) (Tax Map Parcel: 134-11.00-219.03) (Zoning: AR-1 [Agricultural Residential District]) filed on behalf of Tayra Trinidad.

The Planning & Zoning Commission held a Public Hearing on the application on September 25, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 10 recommended conditions as outlined.

The Council found that Ms. Tayra Trinidad spoke on behalf of the application; that she has owned the business at this location for three years now and is looking to expand: that she is looking to add one employee and another manicure/pedicure station; that she has never had a problem; that she is currently under the home occupation classification and needs to apply for the Conditional Use in order to have more than one employee.

There were no public comments.

The Public Hearing and public record were closed.

**M 569 24
Adopt
Ordinance
No. 3054/
CU2523**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3054 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NAIL SALON BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This small business use is appropriate within this area.**
- 2. This area is zoned AR-1 Agricultural Residential. The use of the property as a small nail salon business that was just the applicant as a home occupation. The Applicant seeks to expand the use to include an additional employee. A conditional use for this relatively inconspicuous business is appropriate at this location.**
- 3. The use will not adversely affect area roadways or neighboring properties with the conditions imposed with this Conditional Use.**
- 4. A small nail salon provides a service at a convenient location to nearby Sussex County residents, and it has a public or semi-public character that will benefit residents of Sussex County.**
- 5. No parties appeared in opposition to this application.**
- 6. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to nail salon business.**

**M 569 24
Adopt
Ordinance
No. 3054/
CU2523
(continued)**

- b. There shall be not more than 2 manicure stations and 2 pedicure stations. The Final Site Plan shall depict the area of the existing structure set aside for the business use and this floorplan shall show the locations of the stations.**
- c. There shall only be retail sales occurring from the site that coincide with scheduled appointments of clients, not general retailing.**
- d. There shall be one lighted sign, not to exceed 32 square feet per side.**
- e. The hours of operation shall be limited to 9:00 a.m. through 7:00 p.m., Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturdays. There shall be no Sunday hours.**
- f. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.**
- g. The applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.**
- h. The Final Site Plan shall clearly show all areas for employee and customer vehicle parking, and these areas shall be clearly marked on the site itself. There shall not be any parking within the property’s setbacks.**
- i. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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/
CZ2018**

Mr. Whitehouse discussed a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” (property lying on the east side of Old Shawnee Road [S.C.R. 619] approximately 0.35-mile northeast of Shawnee Road [Rt. 36]) (911 Address: N/A) (Tax Map Parcel: 130-3.00-170.04) (Zoning: MR [Medium Density Residential District]) filed on behalf of James Yerkie, II.

The Council found that James Yerkie requested that the application be withdrawn.

**M 570 24
Approve
Withdrawal/
CZ2018**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to allow the withdrawal of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL

OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 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/
Ordinance
No. 23-01
(12)**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 433-11.00-17.00 and 433-11.00-17.01”. The properties are lying on the east side of Dupont Boulevard (Route 113) on the north and south sides of Delaware Avenue (S.C.R. 54A), at the intersection of Dupont Boulevard (Route 113) and Delaware Avenue (S.C.R. 54A). 911 Addresses: 34910 & 33913 Delaware Avenue, Frankford. Tax Map Parcels: 433-11.00-17.00 & 17.01. Zoning: C-1 (General Commercial District).

The Planning & Zoning Commission held a Public Hearing on the application on September 25, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended adoption of the Ordinance for the reasons as outlined in the motion.

The Council found that Mr. Travis Martin spoke on behalf of the application; that he purchased the property in 2006; that they have several businesses that they operate; that they have been pumping a holding tank for 18 years; that he is happy to have sewer available.

There were no public comments.

The Public Hearing and public record were closed.

**M 571 24
Adopt
Ordinance
No. 3055/
Ordinance
No. 23-01
(12)**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3055 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 433-11.00-17.00 and 433-11.00-17.01” for the reasons given by the Planning and Zoning Commission as follows:

This is an Ordinance to Amend the County Sewer Tier Map of the Comprehensive Plan from the Tier 4 area, which is system operational areas to the Tier 2 Area, which is Sussex County planning area in relation to tax parcels 433-11.00-17.00 and 433-11.00-17.01. The properties are lying on the east side of DuPont Blvd. (Route 113) and on the North and South side of

M 571 24 **Delaware Ave., (C.R. 54 A) at the intersection of DuPont Blvd. (Route 113)**
Adopt **and Delaware. Avenue again, (C.R. 54 A). 911 address is 34910 and 33913**
Ordinance **Delaware Ave. Frankford. Tax map parcels are 433-11.00-17.00 and 17.01.**
No. 3055/ **The zoning is C1, General Commercial district, and the motion is that the**
Ordinance **Commission moved to recommend this ordinance based upon the record**
No. 23-01 **made during the public hearing and with the concurrence of the County**
(12) **Engineering Department for the map amendment. This will enable the**
(continued) **property, which has been used for business purposes, to connect to county**
 sewer. This property is adjacent to Tier 1, and this change to Tier 2 will
 enable it to be annexed into the Sussex County Sanitary Sewer District.

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

M 572 24 **A Motion was made by Mr. Rieley, seconded by Mrs. Green, to adjourn at**
Adjourn **1:53 p.m.**

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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

GINA A. JENNINGS, MBA, MPA
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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: ***FY 2025 Human Service Grants***

DATE: November 8, 2024

Attached is a schedule of the FY 2025 Human Service Grants, as well as an overview of the program. On Tuesday, I will be recommending Council to approve the grants listed for payment.

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

pc: Todd F. Lawson

FY 2024 Human Service Grants

Name of Organization	Project	Last Year's Grant	Grant Request	Recommended Grant
American Legion Auxiliary, Department of Delaware	ALA Delaware Girls State	\$ 1,780	\$ 2,000	\$ 1,580
Barbara K Brooks Transition House, Inc	Barbara K. Brooks Transition House	\$ 2,330	\$ 2,330	\$ 2,180
Best Buddies International, Inc.	Best Buddies Sussex County Inclusion Project	\$ 1,850	\$ 1,850	\$ 1,600
Bridgeville Senior Citizens Center Inc.	Homebound/Congregate Program	\$ 5,600	\$ 14,200	\$ 5,600
Calliope Project Inc.	Milton Theatre Youth Arts Programming Space	\$ 2,930	\$ 5,300	\$ 2,280
CAMP Rehoboth	Family Support Services	\$ -	\$ 10,000	\$ 2,400
Cancer Support Community Delaware	Hybrid Programming for Cancer Support Community DE	\$ 3,530	\$ 4,000	\$ 2,650
Cape Henlopen Senior Center	Cape Henlopen Senior Center	\$ 5,600	\$ 5,600	\$ 5,600
Catholic Charities	Casa San Francisco Emergency Shelter and Food	\$ -	\$ 15,000	\$ 1,680
CHEER, Inc	Georgetown CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Greenwood CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Harbor Lights CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Long Neck Cheer Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Milton CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Ocean View CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
CHEER, Inc	Roxana CHEER Activity Center	\$ 5,600	\$ 6,000	\$ 5,600
City of Refuge	Black Girlz Rock	\$ -	\$ 2,500	\$ 2,200
Clothing Our Kids	Clothe A Kid	\$ 2,380	\$ 5,000	\$ 2,230
Colonial Chapter of the Paralyzed Veterans of America	Member and Caregiver Program	\$ -	\$ 2,000	\$ 1,580
Community Resource Center, Inc.	Year-round Day Shelter	\$ 2,250	\$ 10,000	\$ 2,280
Dagsboro Boys & Girls Club	Project Learn	\$ 2,350	\$ 5,000	\$ 2,500
Delaware Adolescent Program, Inc.	Fall Festival at DAPI Sussex	\$ 2,480	\$ 1,300	\$ 1,300
Delaware American Legion Foundation, Inc.	Delaware Boys State	\$ 1,580	\$ 3,500	\$ 1,280
Delaware Breast Cancer Coalition, Inc.	Yes2Health	\$ 2,380	\$ 5,000	\$ 1,600
Delaware Community Reinvestment Action Council, Inc.	Low Income Tax Clinic	\$ 1,980	\$ 3,000	\$ 1,680
Delaware Crime Stoppers	Delaware Crime Stoppers 2025	\$ 2,730	\$ 5,000	\$ 1,880
Delaware HIV Services, Inc.	Michael Brossette Memorial Fund	\$ 1,680	\$ 3,500	\$ 1,500
Delaware Hospice, Inc.	Delaware Hospice New Hope	\$ 2,000	\$ 5,000	\$ 2,100
Delaware Lions Foundation Inc.	Service Projects Matching Grants	\$ 2,380	\$ 4,000	\$ 1,680
Delaware Senior Olympics, Inc.	Delaware Senior Olympics	\$ 500	\$ 500	\$ 500
DFRC, Inc.	DFRC Blue-Gold Hand-in-Hand Program	\$ 2,880	\$ 5,000	\$ 2,180
Down Syndrome Association of Delaware	Down Syndrome Association Sussex County Office	\$ 3,430	\$ 3,500	\$ 2,600
Dry Dock Recovery Inc.	Parking Lot Extension	\$ 1,380	\$ 7,000	\$ 2,100
Easter Seals Delaware & Maryland's Eastern Shore	Outpatient Rehab Therapy	\$ 1,000	\$ 1,000	\$ 1,000
Everlasting Hope Ministries	Dream Center	\$ 2,550	\$ 3,000	\$ 1,900

FY 2024 Human Service Grants

Family Outreach Multipurpose Community Center, Inc.	Equipment	\$ 3,000	\$ 2,500	\$ 2,400
Family Promise of Southern Delaware	Sussex County Rapid Rehousing	\$ -	\$ 15,000	\$ 2,280
First State Community Action Agency, Inc.	Housing Counseling	\$ -	\$ 5,000	\$ 1,780
Food Bank of Delaware	Backpack Program	\$ 3,330	\$ 10,000	\$ 2,380
Georgetown Boys & Girls Club	Georgetown Power Hour	\$ 2,350	\$ 5,000	\$ 2,500
Green Beret Project	Sussex County Youth Development	\$ -	\$ 10,000	\$ 1,280
Harry K Foundation	Halting Hunger and Food Insecurity	\$ 1,780	\$ 5,000	\$ 1,650
Housing Alliance Delaware	Sussex Housing Group	\$ 2,380	\$ 2,500	\$ 2,080
Indian River Senior Center, Inc	Raised Vegetable Gardens	\$ 5,600	\$ 5,600	\$ 5,600
Junior Achievement of Delaware, Inc.	Work Based Learning, Financial Literacy & Entrepreneurship Experiences for St	\$ 3,150	\$ 3,500	\$ 2,380
Kent-Sussex Industries, Inc.	Artist Residency Program	\$ 1,400	\$ 2,000	\$ 1,600
La Esperanza Inc.	Immigration Services for Sussex County Latinos	\$ 2,380	\$ 5,000	\$ 2,730
La Plaza Delaware	Programs for Latino businesses	\$ -	\$ 5,000	\$ 2,480
La Red Health Center	Produce Prescription Program	\$ 2,950	\$ 3,500	\$ 1,980
Laurel Senior Center	Meal Program	\$ 5,600	\$ 8,500	\$ 5,600
Lewes Senior Citizens Center Inc	Transportation for Seniors- New Van	\$ 5,600	\$ 7,000	\$ 5,600
Lighthouse For Broken Wings	Sheltering Hearts	\$ 2,630	\$ 4,000	\$ 2,400
Literacy Delaware Inc.	Supporting Adults with Low Literacy Skills	\$ 2,080	\$ 2,500	\$ 1,880
Love INC of Mid-Delmarva	Code Purple	\$ 4,480	\$ 3,000	\$ 2,700
Mid-Atlantic Symphony Orchestra	Classical Music Performances in Sussex County	\$ 3,230	\$ 4,500	\$ 2,080
Milford Housing Development Corporation	Home Repair Program	\$ 2,430	\$ 3,500	\$ 2,080
Milford Senior Center, Inc.	Breakfast Program	\$ 5,600	\$ 6,000	\$ 5,600
Milton Community Food Pantry	Milton Community Food Pantry Distribution Center	\$ 3,050	\$ 3,000	\$ 2,400
Nanticoke River Watershed Conservancy, Inc.	Operational Costs	\$ 2,270	\$ 3,000	\$ 2,600
Nanticoke Senior Center	Updated Audio Visual Equipment	\$ 5,600	\$ 5,600	\$ 5,600
NeighborGood Partners, Inc.	Housing Counseling for LMI Aspiring Homeowners in Sussex County	\$ -	\$ 3,500	\$ 1,680
New Hope Recreation and Development Center, Inc.	New Hope After School Program	\$ 1,700	\$ 2,700	\$ 2,380
Oak Orchard Riverdale Boys & Girls Club	Oak Orchard Club Power Hour	\$ 2,350	\$ 5,000	\$ 2,500
Pathways to Success, Inc.	Pathways to Employment	\$ -	\$ 4,500	\$ 2,300
People's Place II, Inc.	Center for Community Justice - Youth Services	\$ -	\$ 3,400	\$ 1,830
Primeros Pasos Early Learning Center	Early Care and Education Curriculum for Underserved Students	\$ 2,000	\$ 4,000	\$ 1,900
Read Aloud Delaware	Volunteer Celebration	\$ 3,050	\$ 3,500	\$ 2,600
Redemption City	Housing for the Homeless	\$ 2,580	\$ 10,000	\$ 2,100
Rehoboth Beach Boys & Girls Club	Rehoboth Beach Club Power Hour	\$ 2,300	\$ 5,000	\$ 2,500
Richard Allen Coalition	Furniture	\$ 3,200	\$ 3,500	\$ 1,900
Ronald McDonald House Charities of Greater Delaware	Housing & Support Services for Sussex County Families	\$ 2,630	\$ 5,000	\$ 2,180
Shoes That Fit	2025 New Sneaker Program for Sussex County Homeless, Low Income	\$ 1,480	\$ 22,650	\$ 1,100

FY 2024 Human Service Grants

Southern Delaware Therapeutic Riding	Adaptive Equipment Storage	\$ 2,380	\$ 3,200	\$ 1,350
Sussex County Habitat for Humanity, Inc.	Sussex County Family Empowerment	\$ 3,430	\$ 10,000	\$ 2,980
Sussex County Volunteer Delaware 50 Plus Advisory Council	The CareWear Project (formerly Nimble Fingers)	\$ 3,450	\$ 3,200	\$ 2,900
The Arc of Delaware	Social and Recreational Activities for Individuals with I/DD	\$ 1,730	\$ 2,000	\$ 1,300
The ARK Educational Consulting, Inc.	The ARK Educational Resource Center	\$ 2,630	\$ 3,000	\$ 2,200
Unique Minds Changing Lives Inc.	Supportive Services Program	\$ -	\$ 2,500	\$ 2,230
The Way Home, Inc	Operation Transportation	\$ 3,280	\$ 27,500	\$ 2,200
West Side New Beginnings, Inc.	West Side New Beginnings, Inc.	\$ 1,550	\$ 3,000	\$ 1,650
Western Sussex Boys & Girls Club at Laurel	Laurel Club Power Hour	\$ 2,350	\$ 5,000	\$ 2,500
Western Sussex Boys & Girls Club at Seaford	Seaford Club Power Hour	\$ 2,350	\$ 5,000	\$ 2,500
What Is Your Voice, Inc.	Long-term transitional housing program	\$ 3,200	\$ 15,000	\$ 2,400
YMCA of Delaware	Aspire Academy – a College & Career Prep Program at the Sussex Family YMC	\$ 1,600	\$ 7,500	\$ 2,600
YWCA Delaware	YWCA'S Sexual Assault Response Center (SARC)	\$ 2,000	\$ 2,500	\$ 2,380
			\$ 469,430	\$ 224,680

The seal of Sussex County, Delaware, is a circular emblem. It features a central shield with a tree and a crescent moon. The shield is surrounded by a blue border with the text "GOVERNOR" and "PROPRIETOR". The outermost ring is gold and contains the text "OF SUSSEX COUNTY DELAWARE" at the top and "AND 1683" at the bottom. The seal is partially obscured by a blue horizontal band.

Sussex County Human Service Grant Program

Fiscal Year 2025

Human Service Grant Purpose

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



Process

- Organizations submitted application online
- Finance reviewed
 - Organizations' statuses (IRS, Delaware Division of Corporation, year of formation)
 - Organization's most current 990
 - Past due County obligations
 - Scope of request
- Finance created a formula, based on number of verified beneficiaries, other financial support and financial need, to best utilize the grant funds



Formula to Distribute (Budget of \$225,000)

Sussex County Beneficiary Criteria	Base Grant Amount	Additional Amount if main operations are in Sussex County	Additional Amount if other funding is 25% or greater	Additional Amount if need is \$5,000 or greater	Additional Amount if loss on last IRS Form 990	Maximum Grant Amount
10 to 49 Beneficiaries	\$1,200	\$600	\$80	\$300	\$500	\$2,680
50 to 249 Beneficiaries	\$1,300					\$2,780
250 to 499 Beneficiaries	\$1,500					\$2,980
500 to 999 Beneficiaries	\$1,750					\$3,230
1,000 or more Beneficiaries	\$2,000					\$3,480

CHEER & Senior Centers	\$5,600
Boys and Girls Clubs	\$2,500
Organizations were capped at their demonstrated need and request.	

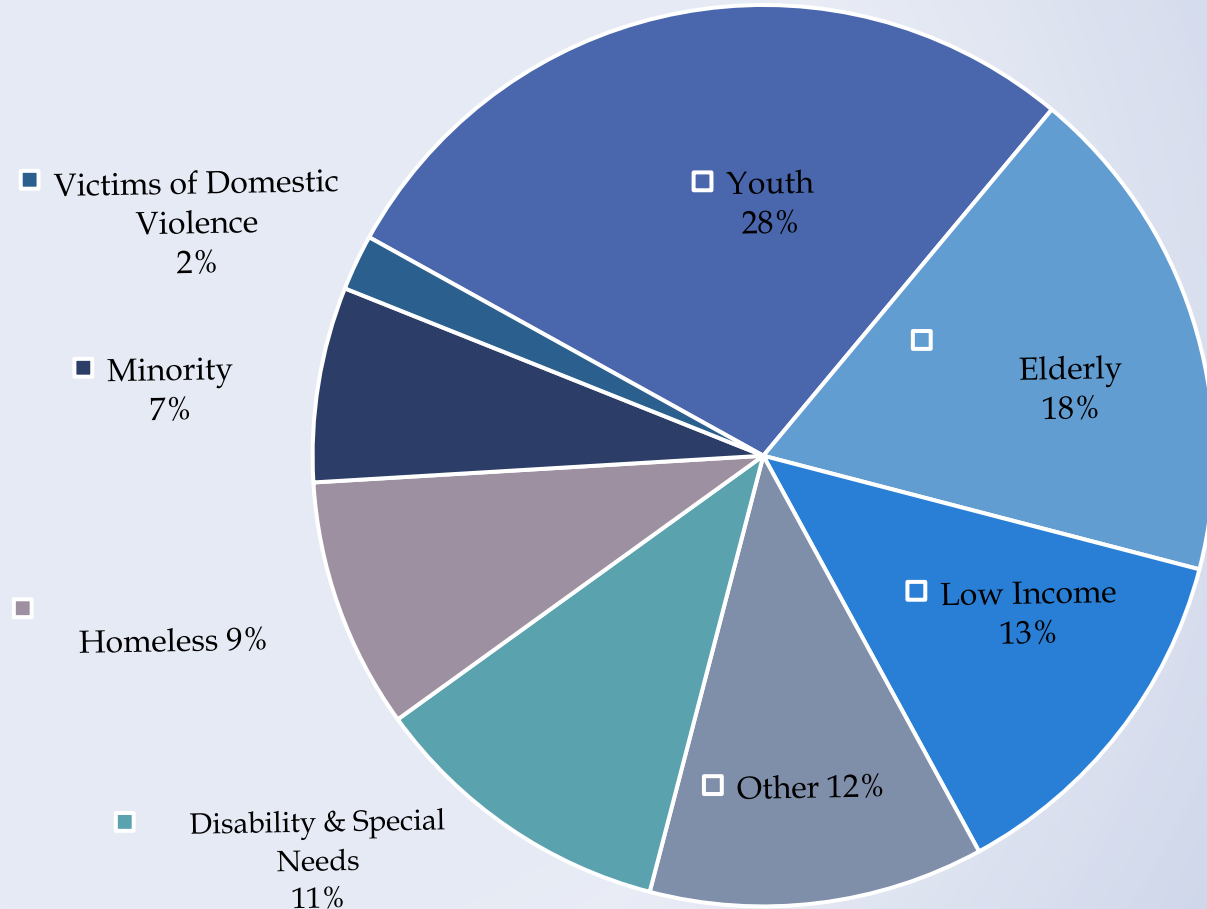
If another County grant was awarded within the last 12 months, 50% of the original grant, up to \$1,000, was deducted.



Application Statistics

- Received \$469,430 in requests from 85 qualified organizations
- 12 new recipients
- 62,604 Sussex County beneficiaries
- Organizations raise approximately \$7.6 million in other types of support for these projects

Type of Beneficiaries



Fiscal Year 2025 Recipients

American Legion Auxiliary, Department of Del
Barbara K Brooks Transition House, Inc.
Best Buddies International, Inc.
Boys & Girls Club of Dagsboro
Boys & Girls Club of Georgetown
Boys & Girls Club of Laurel
Boys & Girls Club of Oak Orchard/Riverdale
Boys & Girls Club of Rehoboth Beach
Boys & Girls Club of Seaford
Bridgeville Senior Citizens Center Inc.
Calliope Project Inc.
CAMP Rehoboth
Cancer Support Community Delaware
Cape Henlopen Senior Center
Catholic Charities, Inc.
CHEER Inc. - Georgetown
CHEER Inc. - Greenwood
CHEER Inc. - Harbor Lights (Lewes)
CHEER Inc. - Long Neck
CHEER Inc. - Milton
CHEER Inc. - Ocean View
CHEER, Inc. - Roxana

City of Refuge
Clothing Our Kids
Colonial Chapter of Paralyzed Veterans of America
Community Resource Center
Delaware Adolescent Program, Inc.
Delaware American Legion Foundation, Inc.
Delaware Breast Cancer Coalition, Inc.
Delaware Community Reinvestment Action Council
Delaware Crime Stoppers
Delaware HIV Services Inc.
Delaware Hospice, Inc.
Delaware Lions Foundation, Inc.
Delaware Senior Olympics
DFRC Inc.
Down Syndrome Association of Delaware
Dry Dock Recovery Inc.
Easterseals Delaware & Maryland's Eastern Shore
Everlasting Hope Ministries
Family Outreach Multipurpose Community Center
Family Promise of Southern Delaware
First State Community Action Agency

Food Bank of Delaware
Green Beret Project
Harry K Foundation
Housing Alliance Delaware
Indian River Senior Center, Inc.
Junior Achievement of Delaware, Inc.
Kent-Sussex Industries, Inc.
La Esperanza Inc.
La Plaza Delaware
La Red Health Center
Laurel Senior Center
Lewes Senior Citizens Center Inc.
Lighthouse For broken Wings
Literacy Delaware Inc.
Love INC of Mid-Delmarva
Mid-Atlantic Symphony Orchestra
Milford Housing Development Corporation
Milford Senior Center, Inc.
Milton Community Food Pantry
Nanticoke River Watershed Conservancy
Nanticoke Senior Center

NeighborGood Partners, Inc.
New Hope Recreation and Development Center
Pathways to Success
People's Place II, Inc.
Primeros Pasos Early Learning Center
Read Aloud Delaware
Redemption City
Richard Allen Coalition, Inc.
Ronald McDonald House of Delaware
Shoes That Fit
Southern Delaware Therapeutic Riding
Sussex County Habitat for Humanity
Sussex County Vol. Delaware 50+Advisory Council
The Arc of Delaware
The ARK Educational Consulting, Inc.
Unique Minds Changing Lives, Inc.
Way Home, Inc.
West Side New Beginnings, Inc.
What Is Your Voice, Inc.
YMCA of Delaware
YWCA Delaware

Motion

Be it moved that the Sussex County Council, approve the Fiscal Year 2025 Human Service Grant allocation as presented.



KAREN BREWINGTON
DIRECTOR OF HUMAN RESOURCES

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Sussex County
DELAWARE
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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: Karen Brewington
Director Human Resources

DATE: October 29, 2024

SUBJECT: Delaware Paid Family Leave

In 2022, Delaware enacted legislation to create a Paid Family and Medical Leave (PFML) program. This law created State-mandated paid time off to a covered employee with partial income replacement up to 80% of their wages, capped at \$900/week up to 12-weeks a year.

It is estimated that this new program could cost the County \$275,000 annually. Per the law, this benefit must go into effect on January 1, 2026. However, the State is requiring employers to prefund the State's program beginning on January 1, 2025. The amount the County would be responsible to pay is .8% (comprised of .4% medical, .08% family caregiving and .32% parental leave) of gross wages.

Employers may opt out of the state program if they offer a private plan that provides the same or better benefits, including all the same rights and protection as the state program. Employers must obtain approval and opt out of the state program on a yearly basis. This year, it must be done prior to December 1, 2024. At Tuesday's meeting, I am asking you to opt out of the State's program prior to the deadline.

I have included in your packet information regarding a quote for a fully insured private plan from The Hartford Insurance for consideration. The Hartford is the County's current vendor for providing Basic & Supplemental Life Insurance, Accident, Death & Dismemberment, and Short- & Long-Term Disability. The cost for The Hartford to administer this program is .494%

which includes the FICA match. The quarterly billing would be effective January 1, 2026. The .494% rate is in lieu of paying the State .8%, essentially saving the County over \$100,000.

Here is the list of pros going with The Hartford rather than the State of Delaware:

- The Hartford has experience administering Paid Family Leave in states that have had this benefit for years;
- There will be seamless integration with short-term and long-term disability claims;
- State reporting will be handled by The Hartford rather than in-house;
- The County will not need to pre-fund the State's plan;
- The County will save over \$100,000 in the first year;
- Medical leave for employees is up to 6 weeks per application period rather than a 24-month period with the State.

In addition to opting out of the State's plan, I will also be asking for your approval to enter into an agreement with The Hartford to administer the County's Paid Family and Medical Leave benefits. The Hartford has already received approval from the State that their plan is in compliance with the new law.



DE PFML FAST FACTS

Delaware enacted legislation in 2022 to create a Paid Family and Medical Leave (PFML) program which the state calls Delaware Paid Leave. Contributions into the state program are expected to begin on Jan. 1, 2025 with benefits becoming payable as of Jan. 1, 2026. Employers can provide a private plan if it is the same or better than what's required under the state program and is approved by the State.¹

› WHAT IS THE DELAWARE PAID LEAVE PROGRAM?

- State-mandated paid time off to a covered employee with partial income replacement up to 80% of their wages.
- Weekly payments are capped at \$900.
- A total of 12 weeks of leave is available per year.

› HOW ARE THE BENEFITS FUNDED?

For 2025 and 2026, the rates are as follows:

- A total of .8% (comprised of .4% medical, .08% family caregiving and .32% parental leave):
 - › Employees can be responsible for up to half of this cost
 - › Employers who share the cost with their employees will begin collecting employee contributions from their employees' paychecks starting January 1, 2025

› HOW CAN THE PROGRAM BE USED?

- Parental Leave: bonding with a new child during the first year after the birth, adoption or placement.
- Family Caregiving Leave: caring for a family member with a serious health condition.
- Medical Leave: caring for one's own serious health condition.
- Qualified Exigency Leave: handling matters resulting from a qualifying military exigency.

Employees are limited to a maximum of 12 weeks of total, combined leave per year.

› WHO IS COVERED?

- An employee must work primarily (at least 60% of their time) in Delaware, have worked for the employer from which they are taking leave for at least 12 months, and have worked at least 1,250 hours (about 25 hours a week) in the 12 months before the leave.



THE
HARTFORD

➤ DO ALL EMPLOYERS NEED TO PARTICIPATE?

- Employers with 10 to 24 employees during the previous 12 months are only subject to the Parental leave provisions.²
- Employers with 25 or more employees during the previous 12 months are subject to all Parental, Family Caregiving and Medical leave provisions with the following limited exceptions:
 - » The federal government
 - » Any business that is closed in its entirety for 30 consecutive days or more per year



EMPLOYER CLASSIFICATION	LEAVE OFFERING REQUIREMENTS
9 or fewer employees	Exempt
10 to 24 employees	Parental Leave Only
25 or more employees	All Leave Types
Federal government employees	Exempt
Seasonal operations that shut down for a month or more	Exempt

➤ ARE PRIVATE PLANS ALLOWED?

- Yes. Employers with 10 or more employees may opt out of the state program if they offer a private plan that provides the same or better benefits, and includes all the same rights and protections as the state program.
- Employers who intend to use a private benefit plan must obtain approval and opt out of the state program on a yearly basis.
- Employers must opt out between 9/1/24 and 12/1/24 if they want to offer a private plan for benefits payable 1/1/26. If employers do not opt out during that period, employers will begin owing contributions to the state starting 1/1/25.

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¹ Delaware Paid Leave "Fast Facts" are subject to change and may not reflect new changes to legislation or regulations.

² Small businesses with fewer than 10 employees may choose to opt into the program.



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Business Insurance
Employee Benefits
Auto
Home

CONSIDERATIONS FOR PRIVATIZING

The Hartford will begin offering Paid Family and Medical Leave (PFML) in Delaware on January 1, 2026. Employers will default into the state plan but may choose to offer a private plan.

As a leader in Paid Family and Medical Leave, Statutory Disability and Absence Management, The Hartford has the experience to work with employers considering a private plan and recommends that employers carefully consider the following factors when deciding between the state or a private plan.

CHOOSING A PRIVATE PLAN – EMPLOYER CONSIDERATIONS

Employers who prefer not to administer claims internally, may prefer a private plan (whether fully insured or self-funded) and should note:

- Employers that wish to offer a private plan must obtain the Division's approval and can only opt out of the Delaware Paid Leave program on a yearly basis. The first opt-out period is September 1 – December 1, 2024 (2025 and beyond the opt-in/opt-out window will be October 1 – December 1)
- If an employer opts out during the first opt out period, the employer will not owe contributions to the state plan on January 1, 2025
- Insurance carriers or administrators can handle claim administration for the employer reducing the administrative burden
- While employees cannot pay more than the maximum contribution, the overall rate is determined based on the employer's population

CHOOSING THE STATE PLAN – EMPLOYER CONSIDERATIONS

Employers who prefer to administer their own claims and may want to use the state plan should note:

- Delaware employers are automatically enrolled in the state plan
- Employers will begin owing contributions January 1, 2025
- Employers will be responsible for administering claims including but not limited to:
 - » Receiving employees' applications for benefits including all necessary health care provider documentation
 - » Determining if additional information is needed to approve or deny a claim
 - » Uploading all information to the state's system
 - » Approving or denying a claim for benefits within 5 business days of receipt of a completed claim
- Employers will always be subject to the state program's rates based on the entire population

CHOOSING THE HARTFORD'S PRIVATE PLAN

When choosing between the state plan and The Hartford's private plan offering, it's important to note:

- The Hartford will be offering the full suite of leave reasons for all employers regardless of size
- For Medical Leave, Family Caregiving and Qualifying Military Exigency, The Hartford will provide in their standard offering up to 6 weeks of leave in the 12-month period starting on the first day of leave (application year), versus in any 24-month period
- The Hartford will be selling all lines of coverage together versus individual lines of coverage

LEAVE TYPE	DELAWARE STATE PLAN	THE HARTFORD'S PRIVATE PLAN
Parental Leave: Care for a new child	Up to 12 weeks per application year (12-month period)	Up to 12 weeks per application year*
Medical Leave: Care for employee's own serious health condition	Up to 6 weeks in a 24-month period	Up to 6 weeks per application year*
Family Caregiving Leave: Care for a family member with a serious health condition	Up to 6 weeks in a 24-month period	Up to 6 weeks per application year*
Qualifying Military Exigency	Up to 6 weeks in a 24-month period	Up to 6 weeks per application year*
Combined Maximum	No more than 12 weeks in aggregate for all leave types in an application year	No more than 12 weeks in aggregate for all leave types in an application year*

*The definition of an application year may differ for purposes of the State Plan depending on the option selected by the employer. The Hartford's application year is rolling forward starting on the first day of leave.

FULLY INSURED PRIVATE PLAN CONSIDERATIONS

A fully insured private plan gives employers the opportunity to leverage the expertise of a private carrier for a streamlined, integrated approach to administration and claims. Employers can consider these potential advantages of a fully insured option:

- A reduced administrative burden for the employer
- Experience in compliance and statutory coverage
- End-to-end claim experience for leaves that includes return-to-work support for employees
- Seamless integration with STD and LTD

SELF-INSURED PRIVATE PLAN CONSIDERATIONS

For some employers, the best fit for their benefit program may be to self-insure. There are a variety of factors for employers to consider when thinking about self-insuring including:

- Depending on the size of the group and claim experience, the cost of claims and administration may be less than paying a monthly premium on every covered employee, while still retaining the benefits of coordinating with fully insured lines of coverage through The Hartford such as STD and LTD
- Partnering with a knowledgeable, experienced claim administrator like The Hartford may offer a superior employee leave experience
- Self-insured plans must provide a surety bond and prefund a claims bank account

PROCESS FOR FILING AN EXEMPTION FROM THE STATE PLAN

Beginning September 19, 2024 – December 1, 2024, the Delaware LaborFirst online portal will be available for employers who wish to opt out of the state plan by applying for a private plan.

Employers must:

- Register with the Delaware LaborFirst for each EIN which includes identity verification through myDelaware which can be found here: [State of Delaware - Sign In](#) (please note, the same log in may be used as the employer uses for unemployment in Delaware)
- Complete a separate application for each EIN
- Indicate if the private plan will be fully insured or self-insured, and select a private carrier or third-party administrator as applicable
- Select benefit types covered for the exemption for (if using The Hartford, mark all lines of coverage):
 1. Parental Leave
 2. Family Caregiving Leave
 3. Medical Leave
- Application requirements (this may not reflect all requirements by the state):
 - Fully insured: submit a copy of the employers issued policy
 - Self-Insured: submit a self-insured plan, surety bond and prefund a claims bank account
 - No application fee is required
- The 2024 opt-in/opt-out will be between September 1 and December 1
- Going forward, private plans must be renewed annually between October 1 and December 1

For additional information or to apply to opt out of the state plan to use a private plan, visit the [Delaware Department of Labor](#)

PARTNERING WITH THE HARTFORD

The Hartford is a market leader for Statutory Disability and Leave Management, providing statutory coverage since 1950. We can help employers:

- **Simplify administration** for employers and employees
- **Enhance the employee experience** with compassionate support and additional resources
- **Design compliant plans and provide educational resources** for employers and employees

For more information about The Hartford's Delaware private plan offerings, call your local rep from The Hartford or visit [Delaware Family & Medical Leave Insurance | The Hartford](#)



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A Proposal of Statutory Employee Benefits From The Hartford for Delaware Employees of

Sussex County Government

Statutory Benefits (Fully Insured)

Presented by: Home Office Direct

Proposal valid until: 12/21/2024

Date Issued: 10/21/2024

The Hartford Financial Services Group, Inc., (NYSE: HIG) operates through its subsidiaries, including underwriting companies Hartford Life and Accident Insurance Company and Hartford Fire Insurance Company, under the brand name, The Hartford®, and is headquartered at One Hartford Plaza, Hartford, CT 06155. For additional details, please read The Hartford's legal notice at www.TheHartford.com. All benefits are subject to the terms and conditions of the policy. Policies underwritten by the underwriting companies listed above detail exclusions, limitations, reduction of benefits and terms under which the policies may be continued in force or discontinued. This proposal explains the general purpose of the insurance described, but in no way changes or affects the policy as actually issued. In the event of a discrepancy between this proposal and the policy, the terms of the policy apply. Complete details are in the Master Policy as issued to the policyholder. Benefits are subject to state availability.

In NY, Statutory Disability Form Series includes GBD-1850, or state equivalent and Statutory Family Leave Form Series includes GBD-1851, or state equivalent. For HI and NJ Temporary Disability Form Series includes GBD-1850. For NJ Family Leave Insurance Form Series includes GBD-1856. For MA Paid Family & Medical Leave form series includes GBD-1852. For CT Family and Medical Leave Insurance form series includes GBD-1855. For OR Paid Family and Medical Leave Insurance form series Includes GBD-1858. For CO Family and Medical Leave Insurance form series includes GBD-1857. For DE Family and Medical Leave Insurance form series includes GBD-1862.

Delaware Standard Paid Family and Medical Leave Proposal

FULLY INSURED OPTION

The Delaware PFML program (also known as Paid Family and Medical Leave Insurance) was signed into law on May 11, 2022. Employers, subject to a few exceptions, are required to provide coverage for DE PFML benefits to all their DE Employees¹ beginning on January 1, 2026. Employers must participate in the state program or provide an approved private plan with benefits that are the same as, or more generous than, the benefits provided under the state program. This proposal is for the Hartford's fully insured coverage which is more generous than the state's plan and is effective on or after January 1, 2026.

Employee Plan Summary	
Feature	Description
Statutory Class Description	Delaware Employees as provided and defined in the Healthy Delaware Families Act ² , hereinafter "Law").
Benefit Amount	Weekly benefit amount is based on: <ul style="list-style-type: none"> • 80% of the employee's Average Weekly Wage³ • Up to a maximum benefit of \$900⁴
Benefit Duration	Up to a combined maximum of 12 weeks in each application year* including the following reasons as defined by Law: Up to 12 weeks in an application year: <ul style="list-style-type: none"> ○ Parental Leave: (bonding 1st year after birth, adoption or placement) Up to 6 weeks for any of the following individually in an application year: <ul style="list-style-type: none"> ○ Medical Leave ○ Caregiving Leave ○ Qualifying Exigency *Application year is defined as a 12 month period beginning on the start date of leave making The Hartford's private plan offering richer than the state's plan.
Eligibility	Employees who meet the eligibility requirements as described in the Law.
Benefits Commence	1 st day
Benefit Waiting Period	No waiting period
W-2 Services	Included
Participation Requirement	100% of eligible Delaware Employees
Non PAR Contract	Non PAR Contract
No of Bill Units/ Experience Units	1/1
Billing Mode	Quarterly
Commissions	No Commissions (If flat %) %
# of Covered Individuals	505

Product	Rate Summary			
	Rate	Rate Basis	Monthly Volume	Annual Premium
Paid Family Leave	\$0.258	% Taxable Wage	\$ 2,752,419	\$ 85,214.89
Paid Medical Leave	\$0.201	% Taxable Wage	\$ 2,752,419	\$ 66,388.34
Paid Family Leave w/ FICA Match*	\$0.278	% Taxable Wage	\$ 2,752,419	\$ 91,820.69
Paid Medical Leave w/ FICA Match*	\$0.216	% Taxable Wage	\$ 2,752,419	\$ 71,342.70

Rate Guarantee: 1 Year

¹ Employees who primarily report for work in Delaware as defined in the Law.
² 19 Del.C. Ch. 37 *et. seq.* and its implementing regulations including CDR 19-1000-1401
³ Average Weekly Wage is defined by Law.
⁴ The maximum weekly benefit is subject to change annually.

Qualifications and Assumptions

The following are the qualifications upon which this proposal is based.

Our quote is contingent upon:

1. This PFML proposal is being offered as an accommodation to our life and/or disability customers and, therefore, has to be accepted or declined in its entirety.
2. Any legal documents or agreements, including absolute assignment agreements, must be reviewed and approved by Hartford's legal department prior to a binding contract being formed or issued.
3. Evidence of approval by the Delaware Paid Leave Division (part of the Delaware Department of Labor) of Employer's private plan. NOTE: Approval for a 2026 effective date will require Employer to opt-out of the Delaware state program through the process to be defined by the Division between 9/1/24 and 12/1/24 as well as to meet all requirements provided by the Division to obtain approval. The approval must be in force on the proposed effective date of the DE PFML insurance.

All missing information must be received prior to the quote "valid until date" listed on the cover of this proposal. The quote will not be binding until all missing information is received, reviewed, and approved in writing by The Hartford.

Assumptions

The following are the **assumptions** upon which this proposal is based:

1. The effective date of this case, and coverage for all qualifying leaves, will be January 1, 2026.
2. Proposal and rates are valid until December 21, 2024
3. Quote assumes 1 Contract.
4. Generally, business owners that are paid through a W-2 are considered to be employees of that business and will be considered part of the covered workforce under PFML.
5. Assumes a fully insured, Non PAR, non-dividend eligible funding arrangement, unless otherwise specified.
6. Assumes that all DE Employees as defined in the Law are extended coverage under this policy of DE PFML insurance.
7. Employee contributions for both family and medical leave coverage are fixed by Delaware and shall be no greater than 50% of .8% of an Employee's wages up to the contribution and benefit base limit established annually by the federal Social Security Administration.¹
8. Under the state program, employer contributions for both family and medical leave coverage are at least 50% of .8% of an employee's wages up to the contribution and benefit base limit established annually by the federal Social Security Administration.¹ Under this private plan, the cost for coverage may exceed this amount. If this occurs, the employer is responsible for any cost in excess of the state mandated maximum employee contribution amount. Employers are permitted under the law to contribute more towards coverage than they would contribute to the state program.
9. The pricing presented in this proposal represents Delaware Paid Family Medical Leave Insurance coverage **that is greater than the Delaware statutory level of benefits.**
10. The Hartford will provide the fully insured medical and family leave coverages in one policy. They cannot be purchased separately.
11. Contract language and standard benefits approved by The Hartford will be used for all insured contract and employee booklet communication material.
12. The final sold census information must be within 10% (+/-) of the census data used to develop this quote.
13. The Hartford reserves the right to re-price:
 - If there is a change in the Law including but not limited to a material change to variable factors such as the contribution rate, the overall maximum contribution amount, the state average weekly wage, or the maximum benefit amount.
 - If a material misstatement of the information provided in the RFP, bid specifications, claim experience, or plan of benefits is discovered post-sale.
 - If the rates in this proposal are subject to regulatory approval by the State and the State does not accept or approve our rates as proposed/presented to them.
 - If there is a material change in the [employer's] employment benefits such as salary continuation or other paid leave benefits that would interact with or otherwise coordinate with the policy's benefits, or a subsequent discovery of such employment benefits that were not disclosed during the pre-sale or implementation process.
14. The Hartford reserves the right to change the policy to comply with changes that are state mandated.
15. Claims incurred prior to the effective date of the contract will be the liability of the prior carrier or referred to the state plan.

16. The tax treatment of PFML contributions for both state and federal purposes is impacted by federal tax law. Several states with PFML programs have requested guidance from the Internal Revenue Service (IRS) on the tax implications of PFML contributions and benefits. As it is uncertain when the IRS may issue guidance or when the federal Internal Revenue Code may be amended with respect to the proper tax treatment of PFML contributions and benefits, employers are urged to consult with their own tax advisors on these questions.
17. It is the employer's obligation to consult any necessary employment law, or other, professionals to understand your legal obligations pursuant to Delaware PFML law, including whether you must provide DE PFML coverage and to whom you must extend coverage. If your plan offers more than what is required under the DE PFML law, you may be creating an ERISA benefits plan. If you have specific questions about ERISA or your obligations to provide DE PFML coverage, please consult with your employment or ERISA benefits attorney.

¹ The contribution and benefit base limit established *annually* by the federal Social Security Administration for purposes of the Federal Old-Age, Survivors, and Disability Insurance program limits pursuant to 42 U.S.C. 430.

This proposal is only a summary of the benefits offered to your company. The rates and costs shown in this proposal are based on the information provided. Rates may be affected by the actual number of covered lives and transferred business information provided. Subject to change as noted in the Assumptions above.

This proposal does not constitute a final offer or agreement. It is the Producer's responsibility to present all terms and conditions in this proposal.

It is our company policy not to accept any "last look" opportunity that is not also provided to other carriers. If you decide to provide other carriers with the opportunity to make a best and final offer, we would also appreciate the opportunity to do so.

For more information go to: [Delaware Paid Family and Medical Leave Insurance | PFML | The Hartford](#)

Commissions and Other Payments to Producers

Note to Producers: Flat commissions continue to be an alternative to graded commissions. For all proposals with a flat commission, the policyholder must receive the services listed in Schedule C or E of the Group Insurance Producer Agreement, which are available to you on our website <http://thehartford.com/group-benefits-producer-compensation> and on the Producer View website at www.ProducerView.com.

The Hartford compensates producers for the sale and service of our products. In most cases, producers are paid a Commission, which is either a graded or fixed flat percentage of the premium and is incorporated into the premium rate(s). In addition, producers may be eligible for various types of Other Payments. Other Payments are incurred as general operating expenses of The Hartford and will not be directly charged to any policy issued as the result of this quote.

Commissions and certain Other Payments are paid pursuant to the Hartford's Group Insurance Producer Agreement ("GIPA"). Quotes based on fixed or flat percentage Commissions reflect services provided by the producer to the policyholder. We rely on the producer to determine that these Commissions are supported by services described in the GIPA. The Hartford reports Commissions and Other Payments on the annual Schedule A Worksheet provided to policyholders in accordance with applicable law.

For additional information regarding eligibility for Commissions and Other Payments and terms and conditions relating thereto, please review our website <http://thehartford.com/group-benefits-producer-compensation> or contact your Hartford representative. Producers may also access the GIPA on Producer View.

Commissions*: No Commissions (If flat %) %

The commission rate shown above has been considered in determining this case quote.

***Subject to change based on potential regulatory requirements.**

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Mike Harmer, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director
Paul Mauser, P.E., MBA, Assistant County Engineer

DATE: November 12, 2024

RE: Briarwood Estates Septic Elimination Project, S23-11
A. Recommendation of Introduction of Debt Ordinance
B. Johnson, Mirmiran & Thompson, Inc. (JMT) - Amendment #1

Project Background Information: Sussex County staff received a request in the 2019 timeframe to provide a presentation to the Briarwood Estates Homeowners Association. The Briarwood Estates subdivision was established in 1972 and is located near the intersection of John J. Williams Highway (Route 24) and Tanglewood Drive. As of the date of the Preliminary Engineering Report (PER, April 2023), the community consists of 73 recorded lots, with 68 of the lots being improved, 3 vacant lots, and 2 of the lots being used for the community center and stormwater management.

Sussex County provided the requested presentation and in May 2019 circulated a polling letter to the Briarwood Estates property owners. The May 2019 letter did not produce enough responses to proceed and therefore a 2nd mailing was sent out in the ensuing months. The 2nd letter provided 48 responses equating to 66% of the community. Of those responses, 37 were in support with 11 opposed. The Engineering Department presented the polling results to County Council in October of 2020 requesting permission to post notices for a Public Hearing. The County held a Public Hearing on December 11, 2020, at Conley's United Methodist Church. The Public Hearing was posted and advertised per County Code. The County provided a proposed boundary, project information, and proposed rates based on the current MHI. A question-and-answer session was held, and the community was informed there would be presentation to County Council to vote the annexation of the community into the Sussex County Unified Sanitary Sewer District (SCUSSD). County Council heard the presentation and voted



on December 15, 2020 to expand the boundary of the SCUSSD to include the Briarwood Estates community.

Proposed Septic Elimination Project: The connection of the Briarwood Estates community to the County's sewer system will eliminate an estimated 1,200 pounds of Total Nitrogen (TN) per year from the Rehoboth Bay watershed. The County is able to utilize existing sewer infrastructure assets in the area and connect the proposed collection system to Pump Station 403 which will convey the wastewater to the Inland Bays Regional Wastewater Facility (IBRWF). The County will also utilize a 2nd discharge point which will be to the neighboring community (Hart's Landing). The wastewater from this 2nd discharge point to Hart's Landing is currently treated by Artesian Wastewater Management, Inc. (AWMI).

The estimated project cost is \$4,631,363.00. The County will provide each Property Owner with a sewer connection at the property line. The Property Owner will be responsible for engaging the services of a licensed plumber to install the piping from the County owned lateral cleanout to the house, as well as pumping out and filling the existing septic tank.

Delaware Water Pollution Control Revolving Loan Fund (WPCRF): Sussex County staff completed The Preliminary Engineering Report (PER) and the Environmental Information Documents (EID) in April 2023. The PER and EID are required for submittal of the funding application to Delaware State Revolving Fund (SRF). On June 15, 2023, Sussex County submitted a funding application for consideration in the amount of \$4,631,363.00. On September 23, 2024, the County received the Binding Commitment Letter (BCL) from DNREC Environmental Finance. The County acknowledged and accepted the DNREC BCL on September 30, 2024. The BCL identifies a loan amount of \$4,631,363.00 for a term of thirty (30) years. Upon completion of the project, up to \$3,200,000 of principal forgiveness will be applied and the remaining balance will be amortized over 30 years at 2% interest and will require semi-annual principal and interest payments.

Sussex County Engineering Recommendation for County Council: The Finance and Engineering Departments now recommend introduction of the associated debt ordinance authorizing the issuance of up to \$4,631,363.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Briarwood Estates Septic Elimination project.

JMT – Amendment #1: The project is ready to proceed to Design and Sussex County Engineering staff has contacted a consulting firm (JMT) from the list of firms selected under the 5-Year Professional Service Contracts.

The Engineering Department's Procurement process for 5-year Professional Service Contracts began in March 2024 with the issuance of RFP 24-17, Miscellaneous Engineering Services. An explanation of the selection process and a Selection Committee recommendation were presented to Council at the May 14, 2024 Council Session. Council approved a motion selecting four (4) consulting firms to provide professional services: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); Johnson, Mirmiran & Thompson, Inc. (JMT); and Arcadis U.S., Inc. Additionally, the motion authorized the Engineering Department to negotiate Base

Professional Service Agreements for a 5-year period of July 1, 2024, through June 30, 2029. Project-based contract amendments under the base agreements or individual project-specific agreements, if required by a funding source, are to be brought to Council for authorization.

The Engineering Department coordinates with each consulting engineering firm to discuss various capital projects, including staffing, schedules and expertise to efficiently utilize the professional services available. In this case, JMT was asked to develop and submit a scope of work with fee estimate for preliminary design, final design, and bidding phase services.

As requested, JMT provided a Base Owner-Engineer Professional Services agreement for design and bidding services associated with Briarwood Estates, Project S23-11, with an estimated total cost of \$245,960.00. The Engineering Department has reviewed the agreement, scope, and cost and recommends authorization of the agreement with JMT at the not-to-exceed value of \$245,960.00.

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Briarwood Estates Project, which will finance the installation of a central sanitary sewer system for the existing Briarwood Estates subdivision to serve 71 single family lots (68 improved). Briarwood Estates is located at the intersection of Tanglewood Drive and John J. Williams Highway (Rt. 24) adjacent to Love Creek. Two sewer connections are proposed in the Nearby Saddle Ridge and Hart’s Landing subdivisions (collectively, the “Project”);

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

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

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

Section 1. Amount and Purpose of the Bond. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$4,631,363 (the “Bond”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$3,200,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,431,363 upon Project completion.

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

reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bond. The principal, interest and premium, if any, on the Bond may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bond shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of its validity and of the regularity of its issuance. The Bond are backed by the County's full faith and credit.

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

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

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED ON THE _____ day of December, 2024.

SUSSEX COUNTY, DELAWARE

Tracy Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$4,631,363 of Sussex County General Obligation Bond in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Briarwood Estates Project, which will finance the installation of a central sanitary sewer system for the existing Briarwood Estates subdivision to serve 71 single family lots (68 improved). Briarwood Estates is located at the intersection of Tanglewood Drive and John J. Williams Highway (Rt. 24) adjacent to Love Creek. Two sewer connections are proposed in the Nearby Saddle Ridge and Hart’s Landing subdivisions (collectively, the “Project”).

This is **EXHIBIT K**, consisting of **12** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated **July 1, 2024**.

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

The Effective Date of this Amendment is: **November 12, 2024**.

Background Data

Effective Date of Owner-Engineer Agreement: **July 1, 2024**

Owner: **Sussex County**

Engineer: **Johnson, Mirmiran & Thompson, Inc.**

Project: **Briarwood Estates Septic Elimination, Project S23-11**

Nature of Amendment:

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services, to include work per JMT Proposal dated November 1, 2024, and the selection and use of Exhibit C, Compensation Packet AS-1, for Standard Hourly Rates.

Agreement Summary:

Original agreement amount:	\$ <u>0.00</u>
Net change for prior amendments:	\$ <u>0.00</u>
This amendment amount:	\$ <u>245,960.00</u>
Adjusted Agreement amount:	\$ <u>245,960.00</u>

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

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

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

OWNER:

ENGINEER:



By: _____
Print
name: _____

By: Johnson, Mirmiran & Thompson, Inc.
Print
name: Robert Koechert, PE ENV SP

Title: _____

Title: Senior Vice President

Date Signed: _____

Date Signed: 11/4/2024

PREVIOUSLY APPROVED FORM



SCOPE OF SERVICES

**Sussex County Engineering Department
Delaware**

Briarwood Estates Septic Elimination

JMT has been contracted by the Sussex County Engineering Department (County) to perform various miscellaneous engineering services such as planning, evaluation, design, construction management, and inspection under an on-call task order agreement executed in August of 2024. JMT's services will provide an approach that assures open communications and demonstrates JMT's commitment to a team approach. The services performed under this contract may vary based on the needs of the County and services outlined in JMT's proposal submission.

All work under this Task Proposal shall be performed in accordance with Request For Proposal (RFP) 24-17.

SCOPE PHASES

Located at the intersection of Tanglewood Drive and John J. Williams Highway (Route 24), the existing 71-lot single family (68 improved) subdivision (Briarwood Estates) is not served by an existing public sewer. Instead, each lot has its own on-lot sanitary sewer disposal system. Many of these on-lot sanitary sewer disposal systems are failing or performing poorly due to age and high groundwater conditions. The County recently extended their unified sanitary sewer district to include this subdivision. To provide public sewer to this subdivision the County is requesting JMT to provide a proposal for the analysis, design, and contract document development of a gravity sewer system to serve the residents of Briarwood Estates. To complete the scope of work for this project, we have divided our proposal into the following tasks:

- Task 1 – Topographic Survey Services
- Task 2 – Sanitary Sewer System Evaluation
- Task 3 – Sanitary Sewer System Design
- Task 4 – Bid Phase Services

SCOPE OF CONSULTANT SERVICES

1. PROJECT ADMINISTRATION

JMT will operate in coordination with, and report to the County's Project Manager. The County's Project Manager for this assignment is Jim Johnson and will communicate any change in Project Management to JMT in writing. JMT designates Christopher Brendza, P.E., as its Project Manager, and will communicate any change in Project Management to the County. JMT will develop a work plan, master schedule, project budget, prepare progress reports, and organize and attend meetings.

- A. Work Plan - JMT will prepare an internal project work plan that identifies the tasks included in the scope of work and provide a management and tracking tool to facilitate work effort planning, scope control, project communication, and progress tracking.
- B. Schedule - JMT will prepare and periodically update a project schedule identifying the major project tasks and critical dates. The critical path through project completion will be identified



and revised with each update. The schedule will also include periodic progress meetings and deliverable submittal dates.

- C. Project Initiation (Kickoff) Meeting - JMT will prepare an agenda for a project initiation meeting to be attended by key County and JMT project personnel and will submit the agenda for County input and concurrence. JMT will conduct the meeting at County offices and will keep a written record of the meeting. JMT will produce and circulate a formal record of the meeting. The meeting will establish communication contacts and procedures. JMT will conduct periodic project progress meetings at the project milestones identified in the schedule.
- D. Communication & Reporting - JMT will maintain regular communication with the County's Project Manager. Communication will include regular telephone updates, as-required email communications, written monthly progress reports to be submitted with JMT's monthly invoices, and other progress reporting as provided in the schedule.

2. CONTRACT ADMINISTRATION

- A. Subsequent Scope Preparation - JMT will assist the County in preparing and planning subsequent scope of services for additional Phases or Tasks as deemed necessary by the County.
- B. Invoice and Payment - JMT will prepare and submit invoices and change orders to the County for review and approval via email.
- C. Public Disclosure - JMT will not provide information to the public except when authorized by the County.

3. INFORMATION & FIELD ASSISTANCE

- A. The County will furnish and provide data and information at their disposal to aid in the execution of the described assignments below. The following items may require the County's support:
 - 1. Assistance in locating, accessing, and opening structures to facilitate work identified herein.
 - 2. Coordination with homeowners for entrance into their property should it not be granted verbally when requested by JMT and/or our sub-consultants.
 - 3. As-builts of the existing connecting sanitary sewer systems and Pumping Station 403 (PS 403).

4. JMT FIELD ACTIVITY

- A. JMT will notify the County if:
 - 1. Any dangers or obstacles not anticipated are observed during the field activity.
 - 2. Any residents that object to or have strong negative opinions to JMT completing our field work and design activities.

5. SCOPE OF SERVICES

The following scope of services is based upon the scoping meeting held between JMT and the County on August 14, 2024, the Briarwood Estates Preliminary Engineering Report dated April 2023, and the Briarwood Estates Sewer Project summary document provided to JMT. We understand that the project goals and objectives are to provide public sewer to the Briarwood Estates subdivision with two connection points, one along Annondell Drive and the other along Ocala Way. The County has already negotiated easements with private property owners and the Saddle Ridge Property Owners Association to facilitate these connections. The descriptions of the tasks below are meant to outline our approach to the project based upon our project understanding.

A. **Task 1 – Topographic Survey Services**

JMT's sub-consultant Merestone Consultants, Inc. (MCI) will conduct a topographic survey to locate existing observable above ground features such as fire hydrants, water valves, drainage ditches, driveways, culverts, electric equipment, storm water inlets, signs, and other visible features along the subdivision roadways and up to ten feet into each private property that will connect to the proposed sanitary sewer system. This survey will be based upon the North American Datum 1983/11 (NAD 83) horizontal datum and NAVD 83 for the Vertical Datum.

In addition to the work outlined above, MCI will attempt to locate the existing septic system cleanout and/or tank lid at each residential house. This information will be used to aid in the planning process to determine if each house can be connected via a gravity lateral or grinder pumping station. Before entering private property, the survey crew will knock on the front door to introduce themselves and alert the homeowner to the survey activities that will occur at their house. We will provide a list of the homes where cleanouts and/or septic system tank lids cannot be located to the County at the completion of this phase of the project.

B. **Task 2 – Sanitary Sewer System Evaluation**

Following the completion of the topographic survey, JMT will evaluate the existing site conditions related to topography and septic systems to determine the viability of connecting the homes to a new public sewer. The intent of the evaluation is to confirm gravity connection and limiting the potential number of individual grinder pumps by assessing sewer installation depth and elevation of the downstream connection points. Specifically, JMT will complete the following sub-tasks during our evaluation:

- 1) Gravity Sewer System Layout: JMT will prepare plan view drawings created from the field survey, parcel lines and aerial imagery from the Delaware Geospatial Data Exchange. These drawings will depict locations of existing utilities along with the proposed routing for the sanitary sewer system. Houses that require grinder pumps will be identified on the project plans.
- 2) Pumping Station 403 Capacity Analysis: Utilizing meter data, as-built information, and proposed sanitary sewer flows, JMT will evaluate if the receiving pumping station (Pumping Station 403) has sufficient capacity to accommodate the additional flows from the Briarwood Estates subdivision and the Love Creek Mobile Home Park. This mobile home park is being considered for connection to PS 403 as part of a future project and the County requested JMT incorporate our analysis to include these additional proposed sewer flows. Standard peaking factors will be assigned to project planning level sanitary sewer flows and analyzed with dry weather and wet weather data provided by the County.

- 3) Summary Findings Memorandum: JMT will summarize our findings and recommendations from Tasks B.1 and B.2 in the form of a memorandum and provide this to the County for review and discussion at our regularly scheduled progress meetings.

C. Task 3 – Sanitary Sewer System Design

Once the sanitary sewer system evaluation is complete, and with notification from the County, JMT will begin the design phase of the project. We have broken this phase out into three main deliverables as outlined further below.

- 1) 60% Plans and Specification Development: JMT will develop project plans, profiles, and applicable details for the proposed improvements required to provide public sewer to the Briarwood Estates subdivision. The project documents will not fully detail every proposed item but provide sufficient information to the County to convey our design approach and confirm that no major obstacles or hindrances will prohibit us from completing the design in our future submissions. Technical specifications will be included along with the project's anticipated bid form and the associated engineer's opinion of probable costs (EOPC). We anticipate the project plan set to include approximately 20 sheets in total. We have also assumed that no more than eight test holes will be required to confirm the horizontal and vertical location of conflicting utilities. JMT does not anticipate conducting test holes at every utility crossing but only the critical crossings that will impact our design.
- 2) 90% Plans and Specification Development: Following the review of the 60% plans and specifications, JMT will further develop and refine the project documents to include comments received from the County, and necessary details for a complete project plan set. This design phase will also include necessary plans that will be used for permitting. A complete project document set will be provided to the County that includes the project plans, specifications (both front end and technical) and revised EOPC. Following the receipt of comments from the County, JMT will update the project documents and then submit for the following permits:
 - i. *Department of Natural Resources and Environmental Control (DNREC) Construction of Wastewater Collection and Conveyance Systems Permit*: This permit is required for all new sewer systems and has an anticipated 60-day review period. As the project is funded by the State Revolving Funds (SRF) program, JMT will coordinate with the assigned SRF agent for this project to help expedite the review process.
 - ii. *Erosion and Sedimentation Control Permitting*: We have assumed that this project will qualify for the *Minor Linear Utility Disturbance* permit category with an estimated disturbance of less than 5.0 acres and that no greater than 1.0 acre of land will be disturbed at any time throughout the course of construction. The permit application will be submitted to the Sussex County Conservation District for review. We anticipate a 90-day review period for this permit.
 - iii. *Delaware Department of Transportation Utility Permit*: While the roadway repairs will be designed to meet the County's private road standards, the maintenance of traffic typical applications used during construction by the contractor will need to be reviewed by the Delaware Department of Transportation. JMT will provide



maintenance of traffic plans that reference these typical applications. We anticipate a 60-day review period for this permit.

- 3) Issued For Bidding Plans and Specifications: After receipt of the permits, JMT will provide the County with signed and sealed project plans and specifications that can be used for project bidding. An overall easement plan will also be developed and submitted to the County for recordation at this milestone. This overall easement will include the proposed gravity sewer system piping, manholes, and laterals up to the cleanout installed for each residential house connection.

D. Task 4 – Bid Phase Services

During the project bidding phase, JMT will assist the County by providing the following services:

- 1) Attend the Pre-Bid Meeting and respond to request for information submittals by the contractor. Draft addendums for the County to issue that include revisions to the project plans and specifications if necessitated by received questions from potential bidders.
- 2) Review the bids submitted to the County for conformance to the bidding documents. A master bid sheet will be created for each bidder with their unit costs for the work. JMT will meet with the County to discuss the results.
- 3) JMT will prepare and submit to the County for their review a memorandum summarizing the bids received and make a recommendation to the County for awarding the contract.

6. COST

The fee for this Proposal is as follows:

Task 1: Topographic Survey Services	\$48,296
Task 2: Sanitary Sewer System Evaluation.....	\$30,334
Task 3: Sanitary Sewer System Design.....	\$236,340
Task 4: Bid Phase Services.....	\$ 13,740
Project Total:	\$ 328,710

7. SCHEDULE

Attached to our proposal is a schedule that includes the major milestones and deliverable for each task identified above assuming project notice to proceed will be issued on November 1, 2024.

8. ASSUMPTIONS

The following assumptions were made in the development of this scope and fee estimate. Should these assumptions not be correct, JMT may request a change in scope and budget to allow for creating or locating the information.

- One round of comments will be addressed by JMT for each of the permitting applications.
- No full detours of any road or area (including DeIDOT maintained roads) will be necessary to complete the proposed work.
- Residents will provide JMT and our subconsultant with access to their property without the need to execute any agreements.



- Test holes will be dug to a depth no greater than 8 feet below existing grade and backfilled with native soils and materials. The roadway will be patched using cold patch asphalt filler.
- The only funding source for the project is the SRF program. JMT will develop project plans and specifications to meet the requirements of only this funding source.
- The County will provide a standard front-end specification sample for use in the specification's development.
- Permit fees. JMT has allocated \$3,000 in our Task 3 Design Scope for permit fees.

9. **EXCLUSIONS**

The following is a list of exclusions for this assignment. If any of these exclusions are requested by the County or become required by the project, JMT may request additional budget to complete that work:

- Sewer design or layout associated with the Love Creek Mobile Home Park. JMT is only evaluating if Pumping Station 403 can accommodate sewage from this development.
- Upgrades of any kind Pumping Station 403 that are required as a result of our capacity analysis.
- Construction phase services.
- Development of any easements or property negotiations.
- Any excavation or digging work required to locate existing cleanouts and septic tank lids. JMT will only look for visible features to survey for this portion of the project.
- Any items not specifically identified in this scope of work.
- Meter collection and data collection associated with the evaluation of PS 403.

BRIARWOOD ESTATES SEPTIC ELIMINATION SCHEDULE

ID	Task Name	Duration	Start	Finish	2025												2026				
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		Oct	Nov	Dec	Jan
1	Notice To Proceed	0 days	Fri 11/1/24	Fri 11/1/24	◆ 11/1																
2	Monthly Project Meetings	281 days	Wed 11/6/24	Wed 12/3/25																	
17	Task 1: Topographic Survey Services	26 days	Tue 11/5/24	Tue 12/10/24	[-----]																
18	Conduct Survey	20 days	Tue 11/5/24	Mon 12/2/24	[-----]																
19	Survey Quality Control Review	6 days	Tue 12/3/24	Tue 12/10/24	[-----]																
20	Task 2: Sanitary Sewer System Evaluation	43 days	Fri 11/15/24	Tue 1/14/25	[-----]																
21	Gravity Sewer System Layout	15 days	Wed 12/11/24	Tue 12/31/24	[-----]																
22	Pumping Station 403 Capacity Analysis	15 days	Fri 11/15/24	Thu 12/5/24	[-----]																
23	Summary Findings Memorandum	10 days	Wed 1/1/25	Tue 1/14/25	[-----]																
24	Task 3: Sanitary Sewer System Design	194 days	Wed 1/29/25	Mon 10/27/25	[-----]																
25	60% Plans and Specifications	53 days	Wed 1/29/25	Fri 4/11/25	[-----]																
26	Develop Project Plans and Specifications	38 days	Wed 1/29/25	Fri 3/21/25	[-----]																
27	Submit 60% Project Documents	0 days	Fri 3/21/25	Fri 3/21/25	◆ 3/21																
28	County Review Period	15 days	Mon 3/24/25	Fri 4/11/25	[-----]																
29	90% Plans and Specifications	141 days	Mon 4/14/25	Mon 10/27/25	[-----]																
30	Develop Project Plans and Specifications	45 days	Mon 4/14/25	Fri 6/13/25	[-----]																
31	Submit 90% Project Documents	1 day	Mon 6/16/25	Mon 6/16/25	[-----]																
32	County Review Period	15 days	Tue 6/17/25	Mon 7/7/25	[-----]																
33	DNREC Permitting	45 days	Tue 7/8/25	Mon 9/8/25	[-----]																
34	E&S Permitting	65 days	Tue 7/8/25	Mon 10/6/25	[-----]																
35	DelDOT Permitting	45 days	Tue 7/8/25	Mon 9/8/25	[-----]																
36	Issued For Bidding Plans and Specifications	15 days	Tue 10/7/25	Mon 10/27/25	[-----]																
37	Task 4: Bid Phase Services	42 days	Tue 11/11/25	Wed 1/7/26	[-----]																
38	Project Bidding (30 Day Minimum)	30 days	Tue 11/11/25	Mon 12/22/25	[-----]																
39	Bid Review and Recommendation	12 days	Tue 12/23/25	Wed 1/7/26	[-----]																

Date: Tue 10/1/24	Task	Inactive Task	Manual Summary Rollup	External Milestone
	Split	Inactive Milestone	Manual Summary	Deadline
	Milestone	Inactive Summary	Start-only	Progress
	Summary	Manual Task	Finish-only	Manual Progress
	Project Summary	Duration-only	External Tasks	

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Mike Harmer, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director
Paul Mauser, P.E., MBA, Assistant County Engineer

RE: Winding Creek Water, S20-10
A. Recommendation of Introduction of Debt Ordinance

DATE: November 12, 2024

Project Background Information: In September 2017, eligible voters in the optimized Winding Creek Village water district boundary approved the creation of the water district area in a referendum by a margin of 5 to 1. The referendum was based on a uniform service charge not tied to individual water meter readings consistent with the County's standard service approach. Design for the project was completed and the project competitively bid on April 30, 2024, without meters. Findings of a consideration to include water meters was presented to County Council on August 13, 2024. County Council considered the findings from the hearing and voted not to proceed with a referendum. As such, this project will not include water meters.

Delaware Drinking Water State Revolving Fund Loan: This project is receiving funding through the Drinking Water State Revolving Loan Fund (DWSRF). These requirements include Davis Bacon Wage Rate and State Wage Rate requirements as contained in the project specification. American Iron and Steel requirements apply to this project. All listed iron and steel products for the project must be produced in the United States. The County also applied for supplemental DWSRF funding, and the apparent low bidder agreed to hold the price until the supplemental funding offer was finalized. The supplemental funding was approved by the State's Water Infrastructure Advisory Council on September 18, 2024, allowing the project award to proceed.

Invitations to Bid were advertised in the local newspaper as well as available to view on the County website in early in 2024. In addition, the public bidding information was directly forwarded to several contractors. Nine (9) contractors attended the Pre-Bid meeting on March



27, 2024, and on April 30, 2024, eight (8) bids were received. The low bidder was Atlantic Contracting & Material Co. at \$4,042,722.00.

At the September 24, 2024 Council Meeting, the Engineering Department recommended award of the project to Atlantic Contracting & Material Co. in the amount of \$4,042,722.00 subject to concurrence with the Department of Health and Social Services (DHSS) and Council approved the recommendation.

On September 30, 2024, the County received the Binding Commitment Letter (BCL) from DNREC Environmental Finance and the County accepted the offer on that same day. The BCL identifies a loan amount of \$2,413,059 for a term of thirty (30) years. Upon completion of the project, up to \$1,663,059 of principal forgiveness will be applied and the remaining balance will be amortized over 30 years at 2.831% interest and will require semi-annual principal and interest payments.

Sussex County Engineering Recommendation for County Council: The Finance and Engineering Departments now recommend introduction of the associated debt ordinance authorizing the issuance of up to \$2,413,059.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Winding Creek Village Water District project.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the “Subdivision”), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the “Project”);

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

WHEREAS, pursuant to Ordinance No. 2650 adopted on April 30, 2019, the County authorized the issuance of its General Obligation Bond in the maximum principal amount of up to \$2,000,000 for the Project;

WHEREAS, the County previously issued its General Obligation Bond (Winding Creek Village Water District Project), Series 2019A-SRF in the maximum aggregate principal amount of up to \$2,000,000 (the “2019A Bond”) on May 17, 2019 to secure a loan from the Delaware Drinking Water State Revolving Fund (acting by and through the Delaware Department of Health and Social Services) (“DHSS”) to fund the Project;

WHEREAS, the County requires additional funding due to increases costs for the Project and desires to accept a supplemental loan in the amount of \$2,413,059 from DHSS to fund the increased costs of the Project; and

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

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

Section 1. Amount and Purpose of the Bond. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$2,413,059 (the “Bond”) to finance or reimburse the County for a portion of the increased cost of the design, construction and equipping of the Project, with the expectation that up to \$1,663,059 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$2,663,059 with respect to the 2019A Bond and the Bond to reduce the combined principal amount of the 2019A Bond and the Bond outstanding to \$1,750,000 upon Project completion.

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

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

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

Section 4. Sale of the Bond. The Bond may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bond will be sold to the DHSS (or any successor agency).

Section 5. Details of the Bond. The County Administrator is authorized to determine the details of the Bond including the following: the date or dates of the Bond; provisions for either serial or term bond; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bond; the denomination and designation of the Bond; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bond; provisions for the replacement of lost, stolen, mutilated or destroyed Bond; and provisions for issuing uncertificated obligations and all procedures

appropriate for the establishment of a system of issuing uncertificated debt. The Bond shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bond.

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED ON THE ____ day of December, 2024.

SUSSEX COUNTY, DELAWARE

Tracy N. Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,413,059 of Sussex County General Obligation Bond – Supplemental in order to finance or reimburse the County for a portion of the increased costs for the design, construction and equipping of the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the “Subdivision”), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the “Project”), with the expectation that up to \$1,663,059 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$2,663,059 with respect to the 2019A Bond and the Bond to reduce the combined principal amount of the 2019A Bond and the Bond outstanding to \$1,750,000 upon Project completion.



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 12, 2024

RE: County Council Report for C/U 2416 filed on behalf of Over the Hill Holdings, LLC

The Planning and Zoning Department received an application (C/U 2416 filed on behalf of Over the Hill Holdings, LLC) for a Conditional Use for an indoor and outdoor shooting/archery range in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 333-15.00-20.00. The property is located at 38531 Parker Road, Millsboro. The parcel size is 10.55 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended a partial approval/partial denial of the application for the 11 reasons stated and subject to the 8 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on July 30, 2024. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below is a link to the minutes of the July 30, 2024, County Council meeting.

[Link to the Minutes of the July 30, 2024, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meetings of June 26, 2024, and July 24, 2024.

[Minutes of the June 26, 2024, Planning & Zoning Commission Meeting](#)

C/U 2416 Over The Hill Holdings, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF



LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS. The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419). 911 Address: 38531 Parker Road, Millsboro. Tax Map Parcel: 333-15.00-20.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant's exhibit booklet, a copy of the applicant site plan, a copy of the DelDOT SLER, a copy of the written comments received from the Sussex County Engineering Department City Planning division, a copy of the property deed, a copy of the staff analysis and zero public comments.

Mr. Mike Smith, Esq., with the Smith Firm, represented the Applicant, Over The Hill Holdings, LLC; that in attendance with him are the owners, Mr. Lloyd Bainey and his two sons, Jeff and Chad; that the Board of Adjustment approved a special use exception through case number 12083 on January 8th, 2018, with the approval being granted at that time for an indoor shooting and archery range; that the approval being given on March 6, 2018; that at that time the Board of Adjustment found that there was no evidence presented that would have suggested that the facility would have a substantial adverse effect on any of the neighboring properties; that at that the approval was good for five years; that the operation has been a huge asset to the community for all the reasons that I'll discuss and there has been a harmonious working relationships with neighboring properties; that there's been no material adverse effect on them and the facility has operated in an extremely clean and safe manner; that the part of the parcel in the application is essentially showing is the rural nature of the area surrounding the property; that given the nature of this use of a rural setting is probably the best location for this type of application and type of use; that there are no known tax stitches or wetlands on the site; that the counties future land use map has this parcel in a low density area and in the future land use and comp plan, the low density areas are noted as being used for businesses that support agricultural activities; that the facility provides training for hunting related education and firearm carrying; that has a direct correlation to the agricultural business operations in the area given wildlife management and hunting activities that occur quite frequently in this area; that the DelDOT SLER was submitted and the traffic impact was noted as being negligible; that in the original special use exception, there was a site development plan that was done and prepared for the indoor facility located on the southern portion of the site; that the property extends back to the outdoor shooting facility and the improvements that are shown on this plan are the same as those that exist today; that the overall building area that's noted on this plan for the site is approximately 13.2964 that's going to include everything that's on that property; that the required parking spaces on the original was 40 and there are 43 space available, but any final site plan for the overall site would comply with whatever parking requirements were needed; that one note is there is a 25,000 gallon sprinkler system tank that they had to install as part of the facility as a measure of security in the sense that it has a fire suppression system with a standalone 25,000 gallon tank in case it were ever to discharge; that there is a Western dirt berm for the outdoor range plus a vegetated buffer which includes some green giant trees and some natural vegetation between the outdoor range and the homes along Parker Rd.; that the building that's constructed 53 feet, 10 inches wide by 41 feet 4 inches deep or 2225.11 square feet; that the building is open on the backside to the firing lanes down the range; that there is an anticipated need for 12 parking spaces, but again the applicant will comply with whatever requirements are put in place on this building; that there is an intercom system, so if somebody were to come to the range and want to shoot, they would have to either have somebody present or use that intercom system before entering the building, which would be locked at that point; that there is always a range officer present and those are qualified individuals who are monitoring any shooters that may be present at that point in time; that the shooting at this outdoor range is restricted in the sense that there are no rounds permitted

that will fire over 3,000 feet per second and they do not allow any home loaded ammunition; that the earthen berms are around 150 feet wide as far around the shooting facility and the sides are around 330 feet long, plus or minus, they were constructed 22 feet tall; that the berms are a U shape essentially, with the building being in the opening of that U and it being encapsulated for everything beyond that point; that a conditional use application is more about the nature of the use and the property and a little bit less about the details of the use, but given the nature of the use that we're applying for, we felt like this sophistication of the facility and the cleanliness of it was worthwhile to produce; that there's some firearms used or available for renting for training purposes, but there is a vault that is locked and secured for those to be stored overnight; that this is a secured facility which is alarmed and monitored by a very elaborate camera system that applies for both the indoor and outdoor facilities; that there is a specialty cleaning company that comes in and handles the cleaning of lead or metal that may go downrange after firing; that the company range cleaners is going to monitor the outdoor facility, at least on an annual basis, and they're going to clean it on an as needed basis, the assumption is that the outdoor facility will need cleaning less frequently than the indoor, which is done on an annual basis; that there is an indoor facility currently housing 2 classrooms that can be used by range customers to be rented or in particular, used by area police departments for training; that they're also utilized by the range time staff to teach Stop the Bleed training which is first aid training, CPR training and a master hunters education class; that there are 7 current employees at range time that are USCA certified instructors, the United States Concealed Carry Association, one of the largest associations that exist for that type of use and a lot of them, instruct these types of classes; that Lewis, Milton, S Bethany and Dagsboro police departments are all training there and municipal police departments do not have internally the same facilities to train as the state police do; that they are not permitted the same uses of the state police facilities that the state police force are; that there is an extreme limitation of where they can go and how they can qualify for their shooting; that there are some letters from police departments that are anticipated to use the facility in this calendar year, including Bethany, the Delaware police sort team which is equivalent to a SWAT team for Delaware, Dewey Beach, Ocean View and Selbyville; that the facility currently is open Tuesday to Sunday, to the public, it is closed to the public on Mondays with the express intention that it only be used for law enforcement on that day; that they are closing their facility down, not making the same income and are allowing a reservation system for these police agencies to come in; that the public shouldn't be seeing the training of police officers, nor should they be engaged in that same practice so they're reserving it; that the police departments come in with a master range officer, some of the municipalities don't have one, but they're coordinating with each other to have that person present when they come into the facility; that they are coordinating their training scenarios with the range time folks, which is going to be Jeff or Chad, and once that's greenlit and they say it's safe for the facility, the police departments are then going to take over the facility from that point forward and conduct their training exercises; that no public is permitted to be present on those days; that there are letters of recommendation from 3 Departments, including Lewes Police Department, S. Bethany Police Department and Milton Police Department; that the facility operates with all required licensing in place; that a sound test was done as noise may be an issue or concern for people; that for the shooting portions of the test they used a firearm that would be used by law enforcement and the ammunition that is highest velocity usable; that the first two sound testing's are sort of setting a control; that the first one being a conversation between Jeff and Chad and that was 70 to 73 decibels on talking at normal levels; that the next one would be taken with Jeff holding the equipment at about 6 foot height and 10 feet away from a 37.4 horsepower tractor with a six-inch mower attached to it; that they used that to cut the grass at the facility to gauge what noise levels you would hear on a normal basis and that was 77 to 79 decibels; that with the PTO engaged in the mower running with the 2100 RPMS to actually cut it was a cap of 111 decibels; that the fourth reading, is where Chad would have been firing that firearm from the

shooting benches at the outdoor range and Jeff was standing with the meter 5 feet behind him inside the building; that the noise capped at 116 decibels; that once outside that facility, all those sound deadening rubber mats and the concrete walls are dropping that noise level down to below what the level of normal conversation would be which is 63 to 70 decibels; that the 6th reading was taken at the edge of the berm which was 76 to 79 decibels; that the next readings were done on the westerly boundary edge of the property closer to the houses on Parker Road, the reading #8, which is more directly in line with the shooter to the West was below a conversation, at 58 to 62 decibels, the one taken at the back of the property, the northerly side in the northwest corner was 61 to 65 decibels; that there are no restrictions as far as Delaware statutes on the proximity of discharging a firearm, aside from those that apply typically for hunting scenarios; that Title 7 Section. 719A of the Delaware Code says that you cannot discharge a firearm within 15 yards of a public roadway, the second code section is title 166902 says you can't discharge in, on or into any public right of way all of which they are abiding by; that you cannot discharge a firearm in proximity to an occupied dwelling that is within 100 yards; that the current facilities are compliant with that, all more than 100 yards away from any dwelling or any other outbuilding; that this code provision does specify that it applies while hunting or trapping, but logically speaking, it makes sense that it would apply to this facility as well, so we are compliant with that also; that archery is 50 yards from any dwelling which is in compliance; that The General Assembly made a decision to provide a higher level of protection for shooting ranges, that once a shooting range has been in operation for more than a year it is by law given protections from nuisance suits, and this is just that heightened protection that is given at that point in time; that County Code section 115-22 would be the permitted conditional uses within an AR-1 zoning of residential business, commercial and industrial uses are permitted when they satisfy the purposes of the chapter and more fully meet the conditions of issuing a conditional use; that the 115171 is a general purpose section for conditional uses which based on all the reasons that stated, the use being proposed is of a public character, essential and desirable for the general convenience and welfare of the residents of Sussex County; that it will not have a materially adverse effect on neighboring properties, it complies with the with the comp plan and it is in keeping with orderly growth in the area; that the hours of operation would be 8:00AM to 10:00PM seven days a week, but within the conditions they are seeking to have the range open to the public 8:00AM – 7:00PM Tuesday through Sunday and 8:00AM to 10:00PM on Mondays; that Monday's would be strictly for police trainings and they need to be able to train in low light to no light and that is why the hours would be extended on Monday's

Mr. Robertson asked Mr. Whitehouse if there have been any complaints or violations from the property and they have been in full compliance with their special use exception for the time they have been there.

Mr. Whitehouse stated that there are no complaints or violations on file and there was a question on the building permit and the issuance of the building permit, which was expedited, but there were no violations.

Ms. Librada Farmiglietti spoke in opposition to the application due to the outdoor range right in the back of her house; that she spoke with the applicants about the outdoor range and the concern of the amount of noise produced from the firing of guns; that they assured her that the noise was not going to be a problem for the homeowners; that the noise is a problem when she is in her home and when she is in her yard; that with the range being open everyday that it disrupts her time home and the ability to enjoy her property; that even with her doors and windows closed the amount of noise from the some of the guns is overwhelming.

Mr. Smith responded that the noise readings that were presented are the information that we have available to us and the best information that we believe exists today; that there are constitutional protections for the possession of a firearm and what we are proposing here is safer than what a person is permitted to do on an agricultural residential parcel without an approval; that if these gentlemen own this parcel and it's not developed for commercial use they could fire 10,000 rounds a day within that compliance, and that's technically permitted; that the discharge of firearms in Sussex County happens particularly during hunting seasons, but these guys are trying to be as respectful as possible and make sure that the sound resonates to the maximum extent possible to the East of this parcel; that the berm on the West hand side of the outdoor firing range was intentionally constructed higher so that sound would take the path of least resistance and go towards the East at that point.

Mr. Behney responded that our left berm on the West side is about 15 feet taller than the right side on the East side of the property; that when the shooter is 16 feet inside the building it shoots off the left side of the berm and moves its way to the right side of the berm towards Mr. Glen Moore's property; that we designed it that way because we're trying to be polite as possible to the neighbors on the West; that with the nature of the range and with the readings that we had, we have done a really good part of that with the vegetation that's being planted around the property around their houses; that those evergreens grow about 14 to 15 inches a year and they're a year and a half old and already over 4 feet tall and will get taller; that they're trying to be as polite as possible when it comes to sound as guns are loud and we understand that and just try to be as nice as possible towards the neighbors.

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

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

In relation to C/U 2416 Over The Hill Holdings, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

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

The Commission discussed this application which has been deferred since June 26, 2024.

Mr. Robertson read Mr. Mears' prepared motion per Mr. Mears' request.

Mr. Mears moved that the Commission recommend a PARTIAL APPROVAL, and a PARTIAL DENIAL of Conditional Use No. 2416 for OVER THE HILL HOLDINGS, LLC for an indoor and outdoor shooting/archery range. Specifically, this motion is to approve the conditional use for the indoor shooting range and deny the conditional use for the outdoor shooting range based upon the record made during the public hearing and for the following reasons:

1. The use as an indoor shooting range was approved in 2018 as Case No. 12083 by the Sussex County Board of Adjustment. I have no objection to the continued use of the indoor shooting range under that approval. Also, Sussex County certainly respects the need for firearm practice and training by our residents and law enforcement agencies. However, this Application is a zoning issue, and the fundamental question is whether this is an appropriate location for this

type of use – in this case particularly the outdoor shooting range. I do not believe that this is the most appropriate location for this proposed use as an outdoor shooting range.

2. During the Board of Adjustment hearing on Case No. 12083 for an indoor range, the Applicant specifically stated that they were not seeking approval for an outdoor shooting range, and that “The Environmental Protection Agency discourages the practice of commercial outdoor firing ranges.” After the Board of Adjustment approved the indoor range, the Applicant sought approval of a change in zone for the property. That change in zone did not occur. Despite the Applicant’s knowledge and involvement with Sussex County’s land use process, and despite the Applicant’s contrary statements to the Board of Adjustment that it was not seeking an outdoor shooting range, an outdoor shooting range was nevertheless constructed on the property without any zoning permits or approvals for the use.
3. There are homes in close proximity to the site. There was opposition testimony from one of the owners of a home adjacent to this site that the outdoor range would be noisy and would interfere with her quiet enjoyment of her property. I believe these concerns are legitimate and apply equally to all of the houses that are adjacent to, or near this property. I also believe that it is reasonable to conclude that the outdoor shooting range and noise generated by it will adversely affect the values and marketability of the nearby residential properties.
4. Although the Applicant provided evidence suggesting that the noise generated by the outdoor shooting range will be minimal, I am not satisfied that this evidence accurately reflects how the outdoor range will be used. The noise testimony was based upon the discharge of a single firearm. However, from the photographs in the record it appears that there will be 8 shooting positions or stalls allowing at least 8 firearms to be discharged simultaneously or in rapid succession. As a result, the actual noise will be much louder and more prolonged than the single firearm that was tested and presented as noise evidence by the Applicant.
5. I am not satisfied that the outdoor range and particularly the down-range portion of it has been constructed in a way that mitigates the noise generated by the outdoor use to the fullest extent possible. It may be possible that the Applicant can provide additional protections against the noise disturbance from this facility on the neighboring properties during the County Council hearing. But I am not satisfied that the evidence presented to the Commission sufficiently addresses this concern.
6. While there is definitely a need for indoor and outdoor shooting ranges in Sussex County, particularly so that law enforcement and police agencies can use them for training, there are other more appropriate locations for them that are not so close to existing homes.
7. It is unfortunate that the Applicant constructed the outdoor shooting range without the appropriate approvals for the use. They did so contrary to their own statements that such a range would not be built. They constructed the range at their own peril, without approvals, and with the risk that the use would not be approved. As a result, the existence of the outdoor range cannot be used in support of the conditional use.
8. For all of these reasons and based on the record before the Commission which may be supplemented during the Council hearing, I move that the Commission recommend a denial of the outdoor shooting range portion of this Conditional Use.
9. The indoor shooting range was approved by the Board of Adjustment as a special exception in Case No. 12083 decided in 2018. It is appropriate to confirm the indoor shooting range through this conditional use, and the indoor shooting range shall be permitted to include sales of guns, rifles and equipment in a manner that is accessory to the primary use as an indoor shooting range.

10. The indoor shooting range is entirely self-contained with noise-deadening and safety features built into it. There is no evidence that the indoor shooting range will adversely affect neighboring properties or roadways.
11. The indoor shooting range provides a needed venue for shooting and target practice for residents of Sussex County, law enforcement agencies and police departments. As a result, it has a public or semi-public character.
12. This recommendation for approval of only the indoor shooting range is subject to the following conditions:
 - A. The permitted use shall only include the indoor shooting range. This may include limited retail sales including sales of guns, rifles, ammunition and equipment in a manner that is accessory to the primary use as an indoor shooting range.
 - B. The Applicant must comply with all Federal and State licenses and regulations for the use, including compliance with all federal and state requirements for the recovery and disposal of used ammunition.
 - C. The use of the indoor range facilities shall occur between the hours of 8:00 am and 10:00 pm.
 - D. All dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. Parking shall be prohibited on any area roadways. All on-site parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
 - F. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
 - G. One lighted sign, no larger than 32 square feet in size, shall be permitted.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins to recommend partial approval and partial denial of C/U 2416 OVER THE HILL HOLDINGS, LLC for the reasons and the conditions stated in the motion. Motion carried 3-2 by roll call vote.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – no, Mr. Collins – yea, Mr. Butler – no, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 26th, 2024

Application: C/U 2416 Over the Hill Holdings, LLC

Applicant: Over the Hill Holdings, LLC

Owner: Over the Hill Holdings, LLC

Site Location: The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: Indoor and Outdoor Shooting/Archery Range

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 1 – Mr. Michael Vincent

School District: Indian River School District

Fire District: Gumboro Fire Company

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 10.55 acres +/-

Tax Map ID.: 333-15.00-20.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 18, 2024
RE: Staff Analysis for C/U 2416 Over the Hill Holdings, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2416 Over the Hill Holdings, LLC to be reviewed during the June 26th, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

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

Tax Parcel ID: 333-15.00-20.00

Proposal: The request is for a Conditional Use for Tax Parcel 333-15.00-20.00 for an indoor and outdoor shooting/archery range. The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419). The Conditional Use is proposed to be on a property that consists of 10.55 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, east, and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District.

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

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

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of



operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

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

Further Site Considerations:

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

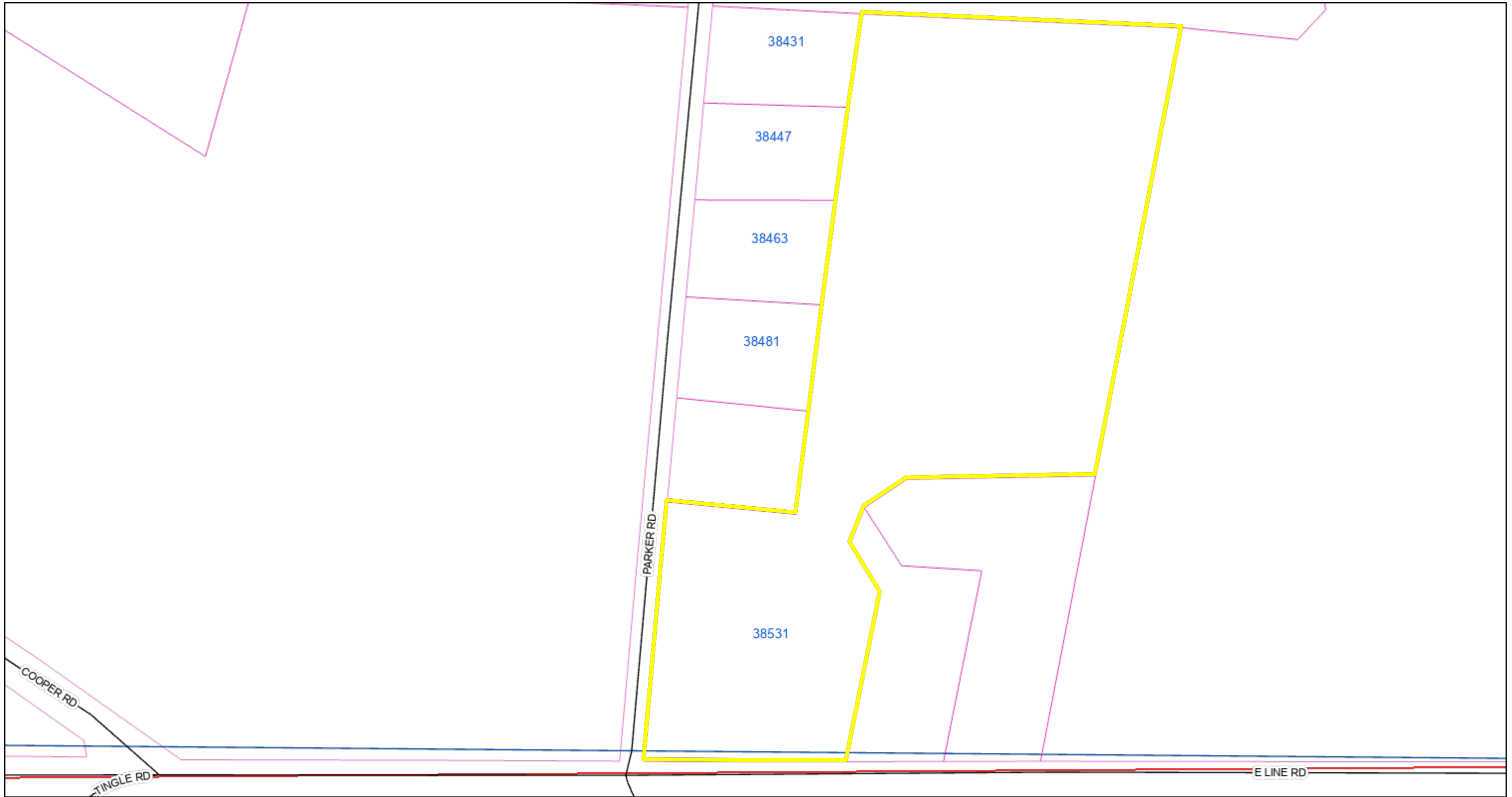
The property does not lie within any established Tax Ditch Areas. Additionally, the County’s Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of “Good/Fair” Groundwater Recharge Potential.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2011, that are within a 1.0-mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Application Number CU #	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
1925	Piedmont Leasing	AR-1	Office & Trucking Company for Truck Storage	Approved	4/3/2012	2248

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

Sussex County



May 23, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts

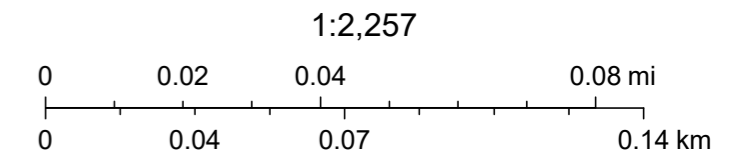
DOE School Districts

layer50

Red: Band_1

Green: Band_2

Blue: Band_3



Sussex County



May 23, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts



DOE School Districts

World Imagery

Low Resolution 15m Imagery

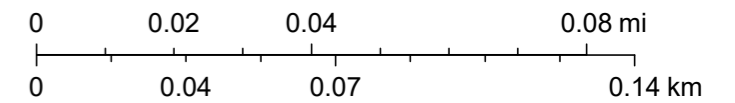
High Resolution 60cm Imagery

High Resolution 30cm Imagery

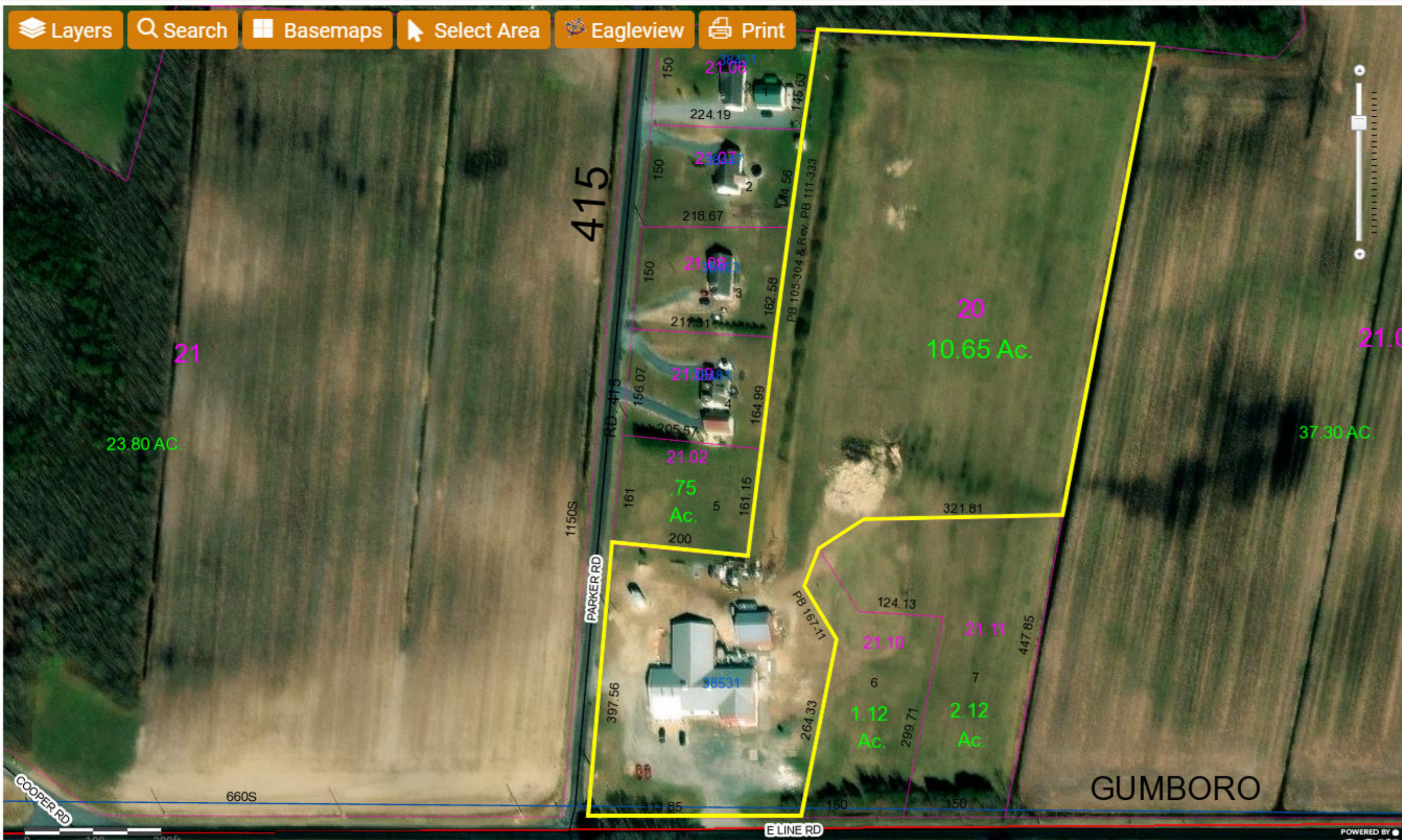
Citations

60cm Resolution Metadata

1:2,257



Delaware Department of Education, Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing



Eagleview Search Results

Selected Features: Parcels (1)

1) 333-15.00-20.00 Zoom

BOOK	5076
PAGE	179
FULLNAME	OVER THE HILL HOLDINGS LLC
Second_Owner_Name	
MAILINGADDRESS	38531 PARKER RD
CITY	MILLSBORO
STATE	DE
a_account	
DESCRIPTION	NE/RD 54
DESCRIPTION2	RT 415
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	159500
APRLAND	32000
PINWASSEMENTUNIT	333-15.00-20.00
PIN	333-15.00-20.00



Selected Features (1)

Clear Selected

Introduced: 9/12/23

Council District 1: Mr. Vincent
Tax I.D. No.: 333-15.00-20.00
911 Address: 38531 Parker Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS

WHEREAS, on the 15th day of December 2022, a conditional use application, denominated Conditional Use No. 2416 was filed on behalf of Over the Hill Holdings, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2416 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2416 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Gumboro Hundred, Sussex County, Delaware, and lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC said parcels containing 10.55 acres, more or less.

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

Yes. 10/23.

Vincent.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
 <notifications@d3forms.com>
Sent: Monday, October 21, 2024 2:21 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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	Delmar Historical and Arts Society Inc. ✓
Project Name	Historical Museum
Federal Tax ID	51-0246603 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Preservation of historical items and knowledge to share for many years with citizens and history buffs.
Address	100 East Grove St
City	Delmar
State	DE
Zip Code	19940
Contact Person	Alan Whitley

Contact Title	President
Contact Phone Number	410-430-3082
Contact Email Address	alanwhitley40@gmail.com
Total Funding Request	10,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50
Program Category (choose all that apply)	Cultural Educational Infrastructure
Primary Beneficiary Category	Other

Beneficiary Category Other	Public Citizens
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	5000
Scope	To complete a new facility to house and present historic information and items pertaining to the Town of Delmar
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	1.00
Description	Steps and entrance Ways
Amount	20,000.00
Description	materials and installation of shade sails West Tot Lot
Amount	0.00
TOTAL EXPENDITURES	20,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-19,999.00
Name of Organization	Delmar Historical and Arts Society
Applicant/Authorized Official	Alan Whitley

Date	10/16/2024
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Affidavit	Yes
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Acknowledgement	
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If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Open
Yes. 10/29

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, October 25, 2024 6:00 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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	Woodbridge youth football ayf American Youth Football, Inc. ✓
Project Name	Regionals
Federal Tax ID	863058821 ✓
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 create great young men to society. Help these children grow in respectful citizens
Address	P.O. Box 871
City	Bridgeville
State	De
Zip Code	19933
Contact Person	Pearl zencak

Contact Title	Treasurer
Contact Phone Number	3022331209
Contact Email Address	woodbridgeayf@gmail.com
Total Funding Request	5,000
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?	1500
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?	30
Program Category (choose all that apply)	Other
Program Category Other	Sports

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	130
Scope	Woodbridge youth football proudly serves 130 children with in its program. Currently we are trying to raise funds to help cover the cost for these teams to compete at a regional level. This is out of state which then includes travel, stay, food, ins and registration is all needed to be able to move forward . These children that we serve are a title 1 district so we rely greatly on donations.
	Thank you
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	2,200.00
Description	Regionals
Amount	2,500.00
Description	Registration
Amount	1,150.00
Description	Insurance
Amount	2,000.00

Description	Food
Amount	8,500.00
Description	Hotel
Amount	1,500.00
Description	Misc.
TOTAL EXPENDITURES	15,650.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-13,450.00
Name of Organization	Woodbridge Youth Football ayf
Applicant/Authorized Official	Pz
Date	10/25/2024
Affidavit Acknowledgement	Yes

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



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

YES. 10/31.

HUDSON.

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Contractors For A Cause Foundation LLC.

PROJECT NAME: Helping Hands Program

FEDERAL TAX ID: 010914228 ✓ NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

ADDRESS: P O Box 1282

OCEAN VIEW DE 19970
(CITY) (STATE) (ZIP)

CONTACT PERSON: Nick Kypreos

TITLE: Treasurer

PHONE: 302-245-6654 EMAIL: contractorsforacause@gmail.com

TOTAL FUNDING REQUEST: 3000.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

12 individual families community projects

SECTION 3: PROGRAM SCOPE

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

Our Helping Hand (HH) program help with Home repair and disable accessibility modifications for elderly low income Sussex county residents. Under this program we do community project too, such as local schools and local community facilities. upgrades and improvements.

Under the HH program we install ramps and make bathroom and entrances wheel chair accessible. The typical cost of a aluminum ramp is about \$3000 and they are leased under \$1 lease fee and retrieved when are not longer needed to be used for new clients.

The above request will pay the cost of 1 ramp.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
1 ramps at \$3000 a piece + installation parts railings etc	\$ 3,500.00
TOTAL EXPENDITURES	\$ 3,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 6,500.00

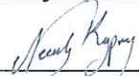
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Contractors for a cause agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)


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



Applicant/Authorized Official Signature

10/31/2024

Date



Witness Signature

10/31/2024

Date

Completed application can be submitted by:

Email: gjennings@sussexcountycle.gov

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

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

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

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

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


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

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


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

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

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



Applicant/Authorized Official Signature



Witness Signature

Treasurer

Title
10/31/2024

Date

To Be Introduced: 11/12/24

Council District: Mrs. Green
Tax I.D. No.: 130-3.00-170.04
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS

WHEREAS, on the 29th day of October 2024, a zoning application, denominated Change of Zone No. 2041 was filed on behalf of James Yerkie, II; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2041 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of Old Shawnee Road (S.C.R. 619) approximately 0.35 mile northeast of Shawnee Road (Rt. 36) and being more particularly described in the attached legal description prepared by Walter G. Feindt, P.A., said parcel containing 1.53 acres, more or less.

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

To Be Introduced: 11/12/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 234-6.00-104.00, 104.02, 104.03, & 104.04
911 Addresses: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS

WHEREAS, on the 21st of July 2023, a conditional use application, denominated Conditional Use No. 2469 was filed on behalf of Rehoboth Family Storage, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2469 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2469 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Rt. 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95 mile northeast of the intersection of John J. Williams Highway (Rt. 24) and Robinsonville Road (S.C.R. 277), and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., containing 6.68 acres, more or less.

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

To Be Introduced: 11/12/24

Council District 5: Mr. Rieley
Tax I.D. No.: 135-20.00-81.00 (p/o)
911 Address: 22318 Cedar Lane, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS

WHEREAS, on the 30th day of August 2022, a conditional use application, denominated Conditional Use No. 2395 was filed on behalf of Breeze-A-Bella Land Group, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2395 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2395 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 10.896 acres, more or less.

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

To Be Introduced: 11/12/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.05-12.00
911 Address: 1545 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS

WHEREAS, on the 7th day of June 2023, a zoning application, denominated Change of Zone No. 2014 was filed on behalf of J&T Properties, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2013 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Savannah Road (Rt. 9B), approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A) and being more particularly described in the attached legal description prepared by Fuqua, Willard, & Schab, P.A., said parcel containing 0.57 acres, more or less.

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

To Be Introduced: 11/12/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.05-6.01
911 Address: 1543 Savannah Rd., Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2023, a zoning application, denominated Change of Zone No. 2023 was filed on behalf of Jane Brady; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2023 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of Savannah Road (Rt. 9), approximately 200 feet northeast of the intersection of Savannah Road (Rt. 9) and Westcoats Road (S.C.R. 12), and being more particularly described in the attached legal description prepared by M. Jane Brady, Esq., said parcels containing 0.5 acre, more or less.

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