



Sussex County Council Public/Media Packet

**MEETING:
July 12, 2022**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JULY 12, 2022

1:15 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – June 28, 2022

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Sewer Infrastructure Agreement, IUA CU2207
OA Marlin Chase, Cedar Neck Area
2. Use of Existing Sewer Infrastructure Agreement, IUA 1159
Gulfstream Development, Johnson's Corner Area
3. Use of Existing Sewer Infrastructure Agreement, IUA 439-2
Baylis Estates Investments, LLC, Oak Orchard Area

Gina Jennings, Finance Director

1. Administrator's Report

Karen Brewington, Director of Human Resources

1. Second Quarter Employee Recognition Awards



Hans Medlarz, County Engineer

1. Western Sussex Contract 5, Project S19-29
 - A. Segment A: Balancing Change Order No. 1 and Substantial Completion
 - B. Segment B: Change Order No. 1
 - C. Additional Unit Costs Approval

Mark Parker, Assistant County Engineer

1. Runway 4-22 Pavement Assessment
 - A. Delta Airport Consultants, Inc. – Task Order No. 3 Approval

Grant Requests

1. Boomerang Community Outreach for Summer Youth Camp
2. Girl Scouts of the Chesapeake Bay Council Inc. for Summer Camp
3. New Coverdale Outreach Mission Inc. for a new HVAC System
4. Big Brothers Big Sisters of Delaware Inc. for Summer Youth Mentoring Program
5. La Esperanza Inc. for Emergency Housing Services
6. Primeros Pasos Inc. for Educational Field Trips and Early Learning
7. American Legion Post 8 Inc. for Ballistic Vests
8. Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for wishes for children with critical illnesses

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

Conditional Use No. 2295 filed on behalf of Bones & Sons Heating & Air

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS” (property lying on the east side of Conrail Road [S.C.R. 546], approximately 606 feet south of the intersection of Hearn's Pond Rd [S.C.R. 544]) (911 Address: 22135 Conrail Road, Seaford) (Tax Parcel: 331-3.00-129.07)

Conditional Use No. 2296 filed on behalf of Michael Milligan

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOWING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.078 ACRES, MORE OR LESS” (property lying on the east side of Jestice Farm Road [S.C.R. 449A] approximately 0.31 mile south of Johnson Road [S.C.R. 447]) (911 Address: 31531 Jestice Farm Road, Laurel) (Tax Parcel: 232-19.00-12.02)

Change of Zone No. 1957 filed on behalf of Ronicca Payton

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS” (property lying on the east side of Front Street [S.C.R. 38B] approximately 200 feet south of Washington St. [S.C.R. 225C]) (911 Address: 8465 Front Street, Lincoln) (Tax Parcel: 230-6.17-19.00)

Change of Zone No. 1958 filed on behalf of Boardwalk Development, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS” (property lying on the north and northeast side of Banks Road [S.C.R. 298], approximately 0.49 mile southeast of John J. Williams Highway [Rt. 24]) (911 Address: N/A) (Tax Parcel: 234-17.00-165.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 5, 2022, 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://sussexcountye.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://sussexcountye.gov/agendas-minutes/county-council>.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 28, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 28, 2022, at 10:30 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order at 10:52 a.m.

**M 300 22
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of the June 21, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

There were no public comments.

**Public
Comment**

**Disposition
of County
Owned
Property**

Mr. Lawson discussed the disposition of County owned property on what is known as the Jones Farm on Conaway Road, west of Millsboro. The County recently purchased three parcels from the Jones heirs totaling 47 acres; one parcel equaled 1.5 acres and included an old farmhouse dating back to the 1800s.

In lieu of keeping and maintain this property and farmhouse, it is the County's best interest to dispose of the 1.5-acre property with the structures. Mr. Lawson noted that nothing related to the farm that was purchased for the purpose of conservation is included in this sale.

M 301 22

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the

Approve the Disposition of Land **Sussex County Council approve the disposition of a certain piece of land with improvements located on Conaway Road west of Millsboro identified as Tax Parcel 133-18.00-2.00.**

Motion Adopted: 5 Yeas.

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

Disposition of County Owned Property **Mr. Lawson reported that several years ago, the County purchased two lots outside of Millsboro on Handy Road. The purpose of purchasing these properties was for a new paramedic station. As part of the property acquisition, a home was located on the property. The home is in good shape, therefore, an RFP will be put out to the public for anyone that desires to purchase and move the house off of the property.**

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

1. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, July 4th, to observe the Independence Day holiday. In addition, Council will not meet on Tuesday, July 5th. The next regularly scheduled Council meeting will be held on Tuesday, July 12th at 10:00 a.m.

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

Public Hearing/The Estuary Phase 4 into SCUSSD **A Public Hearing was held on the Proposed Estuary Phase 4 Annexation of the Sussex County Unified Sanitary Sewer District. The County Council granted permission to prepare and post notices for the expansion on May 17, 2022. The Engineering Department received a request from GMB, LLC on behalf of their client, Estuary Development, LLC, the owners/developers of a project to be known as Estuary Phase 4. The request includes parcels 134-21.00-10.00, 10.01 & 11.12. The project is proposed at 115 single family homes. The project will be responsible for System Connection Charges based on current rates at that time. The Engineering Department posted notices on June 2nd, posted on the website, and advertised for the expansion on June 8th and 15th.**

Public comments were heard.

Denise Garner questioned the wastewater management and where the water would be dispersed. Mr. Ashman replied that there is a pump

station that would be located on this project, and it will be treated at the South Coastal Treatment Plant and then disposed of. Ms. Garner expressed concerns with the wetlands, buffer zones and flooding issues.

The Public Hearing and public record were closed.

**M 302 22
Adopt
R 007 22/
The Estuary
– Phase 4**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. 007 22 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE TWO TRACTS OF LAND ON BOTH SIDES OF MILLERS NECK ROAD LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Affordably
Priced
Rental Units
Ordinance**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRIP) PROGRAM”.

Jamie Whitehouse, Planning and Zoning Director reported that the Ordinance was introduced on March 29, 2022. The first public hearing was held on April 28, 2022, before the Planning and Zoning Commission. The Commission recommended approval of the Ordinance with recommendations on June 9, 2022.

The Council found that Mr. Vince Robertson spoke on behalf of the Ordinance; that the Ordinance originated back in 2018 with the 2018 Comprehensive Land Use Plan; that there were a lot of goals, objectives and strategies that dealt with furthering affordable and workforce housing; that the basis for the initiative is cited in the Where As clauses of the Ordinance; that in October of 2018, Community Development and Housing developed a RFP that led to the April 2019 contract with LSA Planning that led to housing opportunities and a market evaluation; that there is a need for more affordable housing opportunities in Sussex County; that the County contracted with LSA to perform Housing Needs, Market Analysis, Economic Feasibility Analysis, Housing Opportunity and Market Evaluations; that there were three strategies in the final recommendations; that strategy one was to preserve the existing supply of affordable housing;

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that strategy two was to establish a local housing trust fund; that strategy three was to modify the County Zoning Code to promote housing affordability in growth areas identified in the Comprehensive Plan; that to date, strategy one and two have been completed and work is being done on strategy three; that 12 units to the acres is already permitted within the HR Zoning Districts; that this does create new permitted uses in several of the Residential Zoning Districts; that Workforce Housing would be permitted by-right in the following Growth Areas: Coastal & Developing Areas and Town Center Area; that up to 12 units to the acre is permitted; that a map was shown displaying the locations where this could occur based on the Comprehensive Plan; that the design criteria includes at least 30% of the units must be set aside as SCRP units, perimeter buffer requirement of 100', building height can be no greater than 52' and four stories, open space of at least 50%, central water and sewer is required, interconnectivity required if neighboring commercial zone property, sidewalks on all streets and interconnected with surrounding sidewalk systems, walking and biking trails required to be interconnected and permitted in perimeter buffer, primary viewsheds of all units should be directed to open spaces and amenities and located near DART Route or planned DART Route; that housing requirements include multi-family designation and rental units only, at least 30% restricted units that average (annually) 80% of AMI or less, compliance reporting based on submitted audits & certifications and financial penalties paid to Sussex County Housing Trust Fund for noncompliance (rental units); that a map was shown outlining the current DART Route.

Mr. Whitehouse reported that a parcel of 10 acres and 30 acres were used to model the Proposed Ordinance as it was introduced to see if it viable. A conceptual drawing was shown at the Planning and Zoning hearing that was fully worked up with engineering details. The number of buildings is the same, but it was shown that if parking spaces are designed to code, the buffer and density can be achieved. The concept shown also included an amenity building that is not required in the Ordinance to be provided as part of the design requirements.

Mrs. Nauman came forward to explain the Area Median Income (AMI). The Ordinance proposes exactly what Coastal Tide, a real-world example utilizes today. The maximum income that a household can have to be eligible for SCRP program is 80% AMI. Therefore, for a two-person household, the maximum income would be \$53,800; this could be for a single parent and a child or two wage earners. She further explained that there is no federal funding involved in this project, therefore, there is a minimum income listed. The tenants are responsible to make their rent payments based on their income. The income rates are fixed at 50% so that it is affordable for the entire range of households that may qualify. Mrs. Nauman shared a graph outlining the current rates that are being charged at Coastal Tide for the 26 affordable units. The proposed rental rates are as follows: 1 bedroom \$660, 2 bedrooms \$790 and 3 bedrooms \$915. Mrs. Nauman explained that each year the rates are subject to change based on

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(continued)**

HUD's annual income assessment.

It was explained that if a property is not being kept up by the owner, then it would go into building code and constable issues.

Mr. Robertson reviewed the recommendations that were provided by the Planning and Zoning Commission. The recommendations were as follows:

- 1. Include "Commercial Area" for the list of appropriate areas for the Ordinance**
- 2. Reduce the Open Space requirement from 50% to 30%**
- 3. Amend the setback requirements so that if a proposed building does not exceed 42' in height, then the setback should only be 50' which is the current requirement; if the building exceeds 42', then the greater setback of 100' should apply**
- 4. Amend the DART requirement so that the development can also occur in a location where DART certifies in writing that a DART Route will be established within 3 years from the date of Final Site Plan**

Mr. Robertson explained that a project would go before the Planning and Zoning Commission to get preliminary site plan approval without a public hearing; assuming that it meets all of the technical and staff requirements and has been through PLUS. It would then go through DelDOT, Sussex Conservation District, Fire Marshall, and any other agencies approval prior to go before the Planning and Zoning Commission for final site approval.

Mr. Robertson shared that there were several comments received in support of this incentive. Mr. Robertson read a letter that was received from Mr. Paradee representing developers. The letter read as follows: "I wanted to make sure that both the Planning and Zoning Commission and the County Council are aware that there is very serious interest on the part of the real estate developing community in the passage of a Workforce Housing Ordinance – indeed, I have a number of clients who would pursue projects for affordably priced housing units if such an Ordinance were to be adopted. For this reason, I wholeheartedly encourage the Planning and Zoning Commission and the County Council to proceed promptly with enactment of the proposed Ordinance regarding Affordably Priced Rental Units."

Mr. Robertson answered some questions that have been raised throughout this process. One comment received was a concern that the increase from 12.5% to at least 30% of restricted units will discourage developers as it reduces profit making projects financially infeasible. The SCRP has proved to be unsuccessful for a number of reasons, mainly, because there was no guarantee of County approval and the chance of density reduction by the Planning and Zoning Commission or County Council. This Ordinance will

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create a “by-right” approval process that eliminates the risk of disapproval and density reduction. In return, the Ordinance seeks a reasonable number of reasonable number of restricted units. That said, a reduction in the restricted units may be considered.

During the process, it was asked if the County performed a formal analysis on whether the SCRP amendments are more likely to result in greater SCRP development. Mr. Robertson explained that was completed, this Ordinance is the direct result of recommendations made by LSA in their Housing Opportunities and the Market Evaluation conducted in 2019.

Another concern was raised about the regulatory provisions in the Ordinance will increase the cost of building SCRP projects. Mr. Robertson is confident that there is data that supports these being feasible. In addition, today, 2 units per acre at market rate rents. With the Ordinance, you would get 12 units per acre with 30% restricted rents. This would mean that there would be 4 units with restricted rents and 8 units with market rate rents. The total would be 6 more units per acre with market rate rents.

A question was raised about the inclusion of the UR District designation. The UR District is currently not used any where and the purpose of the district was to provide zoning regulations for incorporate municipalities having no zoning provisions of their own.

There were concerns raised with the residency requirement. Mr. Robertson explained that currently, Chapter 72 is worded that you have to live and work both in Sussex County to qualify for one of these units. It was discussed to remove the Sussex County work requirement so that it is not a limitation. It is being proposed to do preferences for those that live and work in Sussex County but not make it a requirement.

Another concern raised was with the regulatory requirements including setbacks and open space. This Ordinance will create a “by-right” approval that streamlines the review and eliminates the public hearing process.

A concern with the requirement for walking and biking trails in the setback was raised. This requirement can be amended to eliminate the term ‘shall’ and insert the word ‘may’.

Another topic brought up was a concern with the requirement for sidewalks on all streets with interconnectivity. This requirement can be amended and should not undermine the initiative to provide more affordable housing. Should there be an amendment, staff would like it to include sidewalks in front of all buildings with interconnectivity to parking areas and walkway systems.

There was a concern about the requirement that if you have a felony

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conviction, you will not qualify for one of these units. The developer will have standards to include credit checks, and criminal background checks. It is being recommended to make the standards the same so that everyone is treated fairly.

Public comments were heard.

Ms. Jill Hicks submitted a petition with 31 signatures representing those that who could not be present today. Ms. Hicks explained that the workforce needs our help if we want them to stay and live productive and fulfilling lives.

Ms. Hicks thanked the Commission and Council's efforts to legislate a program that works.

Ms. Hicks made recommendations of which she believes will achieve a balance to provide for health, safety and welfare of the rental residents and surrounding areas. The recommendations are as follows:

1. Keep the public engaged; one of the responsibilities of the Commission is to hear and consider the voice of the public regarding subdivision applications and land use. To allow the developer to construct a high-density unit in residential zones, "by-right" or without a Public Hearing is a grave mistake. Ms. Hicks agrees that the process to approve Workforce Housing should be expedited, but not in this way. She encouraged the Council to not take away the required Public Hearings.
2. A DART bus stop, not just a bus route, must be no more than .5 mile from the site. Ms. Hicks stated that she was advocating that the wording be changed to explicitly require a bus stop. Sidewalks and bicycle lanes need to be provided to the bus stop. Also, street lighting needs to be provided for those who leave early in the morning and return after dark. The approval of the site plan should not be based on a promise by DART. There needs to be teeth in the Ordinance such that residential safety is never compromised.
3. Regarding the building height limit, delete the words "whichever is greater". The way it is written, it allows license for the developer to exceed 52 feet on a four-story complex. Ms. Hicks stated that she believes that the height needs a cap; the way that it is currently written, there is no cap as long as there are no more than four stories.
4. The setback must be at least 100 feet. Higher density means higher condensed levels of air pollution, light pollution, and noise pollution. For the same reason, the forested and/or landscaped buffer strip within the setback should be no less than 50 feet, as stated in the initial proposal.
5. For the wellbeing of the residents, 50% open space should be required, as stated in the initial proposal.

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6. Environmentally vulnerable areas, including but not limited to wetlands and floodplains need to be excluded, or out of play for this Ordinance.
7. Workforce housing projects should be immediately subject to the Drainage and Resource Buffer Ordinance No. 2852, passed on May 17, 2022.
8. The residents of existing affordable rental housing, whether mobile home parks, apartment buildings, or other residential dwellings must not be displaced in order to construct new workforce housing units.
9. Ms. Hicks recommended that the word “affordable” be replaced with “workforce”. Affordable housing is commonly defined as government subsidized housing such as vouchers and Title 9.

Ms. Patricia Raheem spoke about inclusion and the lack of affordable housing available in Sussex County.

Ms. Patti Drago thanked those involved for their efforts in shaping this affordable rental ordinance and conveyed her support for this ordinance with some recommendations.

Ms. Drago discussed the key stakeholders that are involved with this affordable housing challenge. First of all, the tenants that will live in these projects and units; this ordinance needs to deliver community livability. Next, developers and property owners, it makes sense to incentive them by eliminating uncertainty, expediting review, reducing friction costs, and increasing density/scale to achieve a reasonable profit. However, she does have some concerns that too much attention in seeing how far the profit margin can be pushed as opposed to making sure that there is balance. Ms. Drago discussed points that she would consider:

1. Developers get a lot in return for this set aside. Under current code, a 10-acre AR parcel could generate up to 24 units; under this proposal, it is possible to achieve up to 120 units, a five-fold increase.
2. Mr. Whitehouse produced an expert’s case study demonstrating the economic feasibility of projects under the requirements of this ordinance.
3. Several developers have sent letters of enthusiastic support for the amended ordinance.
4. Add that investors consider affordable housing one of the most stable asset classes in real estate given the high demand, low turnover rates, and low vacancy rates.

Ms. Drago stated that the public is also a stakeholder. She added that a permissible use will eliminate public hearings, however, the bulk and design requirements matter to nearby residential communities. Finally, the environment is a stakeholder. She urged P&Z to work with developers undertaking these projects to retain as much as possible of our mature

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forests in the setback, buffer, and open space areas.

Ms. Drago explained that she supports this Ordinance subject to the following items. First, she urged the Council to clearly reframe this ordinance as a Pilot Incentive with annual reviews and a set period for full reevaluation. This includes an opportunity for public feedback, to determine whether to continue, modify or phase it out.

Next, she suggested creating an administrative process to permit public input along the way; do not shut out the public entirely. For example, a public notice when one of these projects is applied for and have a 14-day period for the public to submit written comments that P&Z would review and consider.

Third, stick to the Qualifying Land criteria devised by P&Z. Keep the projects within growth areas, and along major routes close to town centers, employment, amenities, health services and convenient to public transportation.

Next, do not compromise out of the gate on bulk and design standards. The drafting team thoughtfully included proposed setbacks, buffers, open space and other requirements to balance the increased density and height to create a suitable living environment.

Given County public policy and the density of these projects, there should be no compromise on public sewer and water.

Ms. Drago suggested requiring proximity to public transport be in place at final site plan approval. In addition, the proximity to transport requirement must be structured to succeed for tenants: it should be a fixed route with a fixed schedule, the distance measured should be to a bus stop, not a bus route and the walk to the bus stop must be a safe route. Ms. Drago explained that the federal guidance is actually ¼-mile to ½-mile. She believes that the distance requirement needs to be close to ¼ mile to encourage the use of public transport. In addition, consideration needs to be considered for all areas of the community as the distance within could increase walking distance. She added that she understands this requirement knocks out a good portion of the County; but the transportation burden on tenants should outweigh that.

Ms. Drago asked the Council to address the double-dipping. The recently established Housing Trust Fund (HTF) provide developer grants. The County should examine the pros and cons and economic rationale of permitting or not permitting developers under this Ordinance to also seek funds under the HTF or other grant programs. In addition, include provisions in all programs, including this Ordinance, making it clear as to whether they can or cannot access and stack multiple programs.

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Ms. Katie Millard, Director of Development & Advocacy for Sussex County Habitat for Humanity, co-chair of the Sussex Housing Groups Advocacy Committee and a renter came forward to speak. Ms. Millard discussed possible improvements to ensure that the Ordinance is successful that included:

- **Increase public trust, certify that projects approved through this program meet all criteria for high density development as outlined in the 2018 Comprehensive Plan.**
- **Create an oversight mechanism to ensure that all buy right development meets the criteria for qualifying land as outlined in the Proposed Ordinance and the 2018 Comprehensive Plan**
- **Include a review period.**
- **Include housing vouchers as an accepted form of rental payments in the Ordinance.**
- **Extend the affordability period of each unit that is produced past 30 years.**

Ms. Millard stated that this is a necessary and beneficial addition for the County.

Mr. David Chernuta stated that he is in favor of some form of the Workforce Housing program that will make it easier for the workers to live in the area and make a living in Sussex County. However, he is not in favor of any changes that will circumvent any of the Ordinance currently in place to safeguard the wellbeing of the residents and protection of our natural resources.

Mr. Chernuta explained that he believes there are several problems associated with the Proposed Ordinance. One of the issues is the elimination of all public hearings associated with the application process. Mr. Chernuta questioned why this process should be any different than the process required by the other types of building applications before the Commission and Council. Mr. Chernuta stated that the public hearing is one of the most important steps in the application process. During the public hearing, vital information is provided to the public and the public is allowed to offer comments and concerns regarding that particular application.

Mr. Chernuta discussed noise and traffic concerns that will be significant impacts to the residents and businesses nearby. With all of these impacts to consider, he believes that the public should be allowed to be part of the process to present any concerns. Mr. Chernuta requested that the current ordinance be revised to include public comment as provided with other applications made by developers.

Ms. Eul Lee shared that there are bidding wars that are occurring in the rental market which she believes is an issue.

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Ms. Lee discussed the Proposed Ordinance and pointed out questions that she had regarding various sections. Ms. Lee also offered some recommendations for the Proposed Ordinance.

Ms. Susan Petze-Roseblum expressed concerns about the Proposed Ordinance. Ms. Petze-Roseblum stated that excluding public input is a major concern for her. She understands that the by-right feature is an incentive for developers to build workforce housing that will save them time and money. However, the purpose of the public hearing is to give citizens an opportunity to give and receive information about decisions made by County Council and the Planning and Zoning Commission. For this Ordinance, she worries that by eliminating public hearings, it may allow high density apartment buildings to be built within otherwise low-density housing areas without input from residents that live in those areas.

In addition, she has environment concerns; she is not able to find anything in the Ordinance restricting building in environment sensitive areas. If this Ordinance does go through, she believes that it must exclude environmental sensitive areas including but not limited to wetland areas and flood plains and be subject to the new buffer ordinance.

Mr. Kevin Gilmore, Sussex County Habitat for Humanity CEO gave his appreciation for addressing this issue. The need for affordable housing is so clear. He believes that this Ordinance is an important step towards tackling the affordable housing crisis in Sussex County. The need is too great to do nothing, and it is time to get started. He encouraged the Council to pass this Ordinance to keep the ball rolling towards the goal of affordable housing.

Mr. Rich Borasso representing SARG thanked the County in terms of the work that has been done in such short order to get where we are today. He added that SARG supports the continuous of public hearings. He asked Council to consider the impact that public hearings have to the other stakeholders. Mr. Borasso spoke about the uncertainty factor and removing that from the time lag that it takes for projects.

Mr. Matthew Padron representing The Commonwealth Companies spoke in favor of the Proposed Ordinance. His company focuses on building affordable housing and is interested in pursuing new opportunities in Sussex County. He added that he was pleased to see the Planning and Zoning Commission vote to advance this Ordinance forward and encourage the Council to vote to pass the Proposed Ordinance. He added that his organization will make immediate provisions to pursue new affordable housing opportunities should this Ordinance pass.

The Public Hearing was closed.

**M 303 22
Leave**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to leave the public record open for two weeks for written comments only.

Record

Open/Proposed

**Ordinance/
Affordable
Housing**

Motion Adopted: 5 Yeas

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

**M 304 22
Defer Action
Affordably
Priced
Rental Units
Ordinance**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRIP) PROGRAM” with the amendment to keep the record open for 2 weeks for written comments only.

Motion Adopted: 5 Yeas

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

**ARPA
Grant
Awards**

Mrs. Jennings presented the American Rescue Plan grant awards for Council consideration. Mrs. Jennings, Brandy Nauman, Lori Webb, and Andrea Wall all assisted with going through the applications that were received.

Mrs. Jennings reminded Council that a total of \$45.5 million in direct appropriation was received from the U.S. Treasury over a 2-year period beginning in 2021. In March, a presentation was given outlining what the funds could be used for and a recommendation on how to proceed with allocating these funds. She added that there are only certain items that these funds can be spent on. These items include replace public sector revenue loss, support the public health response to COVID-19, address the negative economic impacts of COVID-19, offer premium pay for essential workers, and invest in water, sewer, and broadband infrastructure.

Mrs. Jennings reviewed the goals of her recommendations for the funding. She reported that today, two of those items, the first round of affordable housing application totaling \$3 million and the large grants for the other non-profit entities such as the hospitals totaling \$5 million will be presented.

Mrs. Jennings shared 14 applications were received for the non-profit

**ARPA
Grant
Awards
(continued)**

grant program totaling \$12.5 million in requests. For the affordable housing application, there were 13 applications received totaling \$6 million in requests.

Mrs. Jennings reviewed the evaluation criteria used for the application recommendations.

Mrs. Jennings explained that if the application received 80 points or higher in their evaluation, then a recommendation is being made to award funds. The recommendations for the non-profit applications are as follows:

- Bayhealth (\$615,000) – Medical equipment for new emergency room**
- Beebe (\$750,000) – Rural health care, social service connection to build public health capacity and address the rural workforce needs**
- Children’s Beach House (\$570,000) – Expansion of its youth development program to provide year-round programming for 100 children**
- Community Resource Center (\$500,000) – Keep low-income individuals and families stably housed by preventing eviction and utility disconnects**
- Easter Seals (\$665,000) – Replace outdated and inefficient HVAC system at their Georgetown facility**
- Montessori Works (\$950,000) – Renovate the campus barn to provide space for remedial education, social and emotional assistance, and health screenings – facility to be used for the community, not just the school**
- Tidal Health (\$950,000) – Provide wrap around services that address social drivers of health and expand health care delivery and access in rural, low-income communities of disadvantaged populations**

Mrs. Jennings explained that the funding amount is based off of the request and if it was eligible for ARPA funds.

For the affordable housing grant program, the eligible uses and restrictions were to provide funding for projects that assist individuals making less than 65% AMI. The projects must have deed restrictions that are 20 years for homeownership and 30 years for rental. The funding level for these applications was \$500,000 per project or \$50,000

**ARPA
Grant
Awards
(continued)**

per unit with a cap of \$500,000.

There were 13 applications that were received; the criteria used for the evaluation process was reviewed. The applications that received 42 points or higher in their evaluation were:

- Better Homes of Seaford (\$500,000) – 36 rental housing units for the elderly in Seaford**
- Milford Housing Development Corp. (\$500,000) – 20 homeownership units in Lewes**
- Milford Housing Development Corp. (\$500,000) – 10 homeownership units in Greenwood**
- Millsboro Housing for Progress (\$500,000) – Rehabilitation of 38 rental units in Millsboro**
- Sussex County Habitat for Humanity (\$500,000) – 10 homeownership units throughout the County**

Mrs. Jennings noted that the full \$3 million was not spent due to an application being pulled out last night because their annexation request was not granted.

**M 305 22
ARPA
Grant
Awards
Approval**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that the Sussex County Council approve the County entering into individual grant agreements with the entities as presented – contingent on the entities meeting all requirements to be awarded ARAP funds.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices/May
Apple Farm
Into
SCUSSD**

John Ashman, Director of Utility Planning and Design Review presented a request to prepare and post notices for Mayapple Farm Annexation into the Sussex County Unified Sanitary Sewer District (Bay View Estates Area) for Council's consideration. The Engineering Department received a request from GMB, LLC on behalf of their client Mayapple Farm, LLC the owners/developers of a project to be known as Mayapple Farm. The request includes parcel 533-19.00-289.05. The project is proposed at 41 single family homes under a condo regime on 20.91 acres. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. The Engineering Department would like to request permission to prepare and post notices for a Public

Hearing on the annexation of this area.

**M 306 22
Approve
Prepare &
Post Notice/
Mayapple
Farm**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that the Sussex County Engineering Department is authorized to prepare and post notices for the Mayapple Farm expansion into the Sussex County Unified Sanitary Sewer District to include parcel 533-19.00-289.05 located along Williamsville Road as presented.

Motion Adopted: 5 Yeas

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

**Airport
Hangar
Lease &
Specialized
Aviation
Service
Agreement**

Robert Bryant, Airport Manager presented a lease and specialized aviation service operations agreement with Ocean Aviation for Council's consideration. Mr. Bryant explained that this is a result of an advertised RFP seeking a tenant to lease a recently vacated aircraft hanger and to provide flight training services at the airport. There was only one RFP received from Ocean Aviation.

**M 307 22
Approve
Airport
Hangar &
Specialized
Aviation
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council authorize the Council President to execute a hangar lease and specialized aviation service operations agreement between Sussex County and Ocean Aviation for Lot C and include all improvements on said Lot C within terms as presented.

Motion Adopted: 5 Yeas

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

**Compre-
hensive
Land Use
Plan Annual
Report**

Jamie Whitehouse, Planning and Zoning Director, presented the annual update to the Office of State Planning and Coordination on the Comprehensive Plan. The Comprehensive Plan was completed by the County in 2018 and certified by the Governor in March 2019; this is the third annual report for the current Comprehensive Plan Update.

Mr. Whitehouse reported that the total amount of new open space created during this year's review period would be 453 acres which is an increase from 362 acres in the previous year. (The full report was included in the Council packets for this meeting.)

**M 308 22
Approve
Compre-
hensive
Land Use
Plan Annual
Report**

A Motion was made by Mr. Schaeffer, seconded Mr. Hudson, that the Sussex County Council approve this year's report to the Governor's Advisory Council on Planning.

Motion Adopted: 5 Yeas

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

**Old
Business/
Henlopen
Properties,
LLC/CZ
1967 & 1968
& CU 2334**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director reported that there were three items that all relate to a group of applications that were considered by County Council during a Public Hearing held on April 26, 2022, at which time action was deferred. On May 24, 2022, the Council closed the Public Record on all three applications.

The applications include Change of Zone No. 1967, Change of Zone No. 1968 and Conditional Use No. 2334 all filed on behalf of Henlopen Properties, LLC.

Mr. Vincent explained that information has been received from the applicant and the Lewes Board of Public Works about water runoff and wells. Mr. Vincent requested that Hans Medlarz, County Engineer explain his views on the information received.

Mr. Moore pointed out that what is being discussed today are items that are currently in the record. There will be no new information brought in since the record has been closed.

Hans Medlarz, County Engineer reported that the Engineering Department reviewed the documentation submitted for the record associated for the applications. In addition, he did speak with a representative from Conservation District and DNREC.

Mr. Medlarz explained that two review criteria were considered, recharge quantity and post development water quality. Mr. Medlarz stated that he feels relatively comfortable with recharge with proper precaution during construction. He then explained that the quality side which is more complex.

In summary, the Engineering Department offers the following options for Council's consideration:

**Old
Business/
Henlopen
Properties,
LLC/CZ
1967 & 1968
& CU 2334
(continued)**

- Provide independent specialized inspection services during construction of the infiltration facility.
- Incorporate an ephemeral wetland forebay or bioswale in the infiltration design.
- Provide a security, held by the Sussex Conservation District in the amount equal to the 10-year operation & maintenance expense for the infiltration facility as determined by the Sussex Conservation District.
- Install two 4-inch monitoring wells downstream of the infiltration facility with perpetual access rights for the utility.
- Contract with a certified laboratory to analyze groundwater quality prior to any land disturbing activity and each year thereafter for a period of five-years or final County acceptance whatever date comes later for the following classes of substances regulated under the National Preliminary Drinking Water Regulations:
 - a. Inorganic chemicals (§ 141.11)
 - b. Organic chemicals (§141.12)
 - c. Volatile organic contaminants (§141.61)
- Incorporate a first flush sand filtration component in the stormwater conveyance design for the imperious areas utilized by vehicular traffic.
- Obtain a Sussex County Engineering Department permit for the first flush sand filtration component of the stormwater conveyance system.

**Grant
Requests**

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

**M 309 22
Town of
Georgetown**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$5,000 (\$2,905 from Mr. Rieley's Councilmanic Grant Account and \$2,095 from Mr. Vincent's Councilmanic Grant Account) to the Town of Georgetown for electric scooters.

Motion Adopted: 5 Yeas

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

**M 310 22
Eastern
Shore
AFRAM**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant account) to Eastern Shore AFRAM Festival for festival expenses.

Motion Adopted: 5 Yeas

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

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 311 22 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give**
Harry K **\$5,555 (\$1,355 from Mr. Vincent's Councilmanic Grant and \$4,200 from**
Foundation **Mr. Hudson's Councilmanic Grant Account) to Harry K Foundation for**
 Desert Oasis Feeding Program.

Motion Adopted: 5 Yeas

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

Introduction **Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE**
of Proposed **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
Ordinances **AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY**
 DWELLINGS (48 UNITS) TO BE LOCATED ON A CERTAIN PARCEL
 OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX
 COUNTY, CONTAINING 7.01 ACRES, MORE OR LESS"

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF
HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND
TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 1.0 ACRES, MORE OR LESS"

Mr. Schaeffer introduced a Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR
GENERAL RESIDENTIAL DISTRICT FOR A FOOD PANTRY TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966
ACRES, MORE OR LESS"

The Proposed Ordinances will be advertised for Public Hearings.

Council **Mr. Vincent commented about the fee increases that were voted on last**
Member **week. He explained that there is no increase in fees for any single-family**
Comments **dwelling building permit.**

M 312 22 **At 2:24 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to**
Go Into **recess the Regular Session, and go into Executive Session for the purpose of**
Executive **discussing matters relating to land acquisition and collective bargaining.**
Session

Motion Adopted: 5 Yeas

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

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive Session **At 2:35 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition and collective bargaining. The Executive Session concluded at 3:00 p.m.**

M 313 22 Reconvene **At 3:03 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to reconvene.**

Motion Adopted: 5 Yeas

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

There was no action on Executive Session matters.

M 314 22 Adjourn **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 3:04 p.m.**

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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




Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement*
Marlin Chase-IUA-CU2207
File: OM 9.01

DATE: July 12, 2022

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **OA Marlin Chase, LLC** for the **Marlin Chase** project in the Cedar Neck Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Marlin Chase** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **OA Marlin Chase, LLC** will contribute **\$97,199.00** for the financial catch-up contribution of the existing infrastructure to serve **80.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to beneficial acceptance of the on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Marlin Chase IUA-CU2207

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2022, by and between:

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

OA MARLIN CHASE, LLC a Delaware Limited Liability Company and developer of a project known as Marlin Chase, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-9.00-21.00 to be known as Marlin Chase ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **80.00** equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$97,199.00.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to beneficial acceptance of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **18949 Coastal Hwy, Unit 301, Rehoboth Beach Delaware 19971.**

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

FOR THE COUNTY:

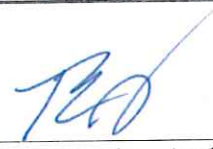
{Seal}

By: _____
(President - Sussex County Council)
_____(DATE)

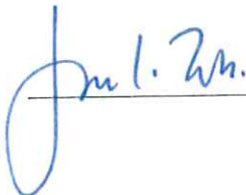
ATTEST:

Tracy Torbert
Clerk of the County Council

FOR OA MARLIN CHASE, LLC

By:  _____ (Seal)
Benjamin Gordy - Authorized Signatory
6/30/2022 (DATE)

WITNESS:

 _____

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement*
Brookland Farm-IUA-1159
File: OM 9.01

DATE: July 12, 2022

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

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

Under the proposed arrangement, the **Brookland Farm** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Gulfstream Development, LLC** will contribute **\$57,220.00** for the financial catch-up contribution of the existing infrastructure to serve **97.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to substantial completion of on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Brookland Farm – IUA 1159

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2022, by and between:

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

GULFSTREAM DEVELOPMENT, LLC a Limited Liability Company and developer of a project known as **Brookland Farm**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 533-11.00-87.00 to be known as **Brookland Farm** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **97.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$57,220.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to substantial completion of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **27 Atlantic Ave., Suite 101, Ocean View, Delaware 19970.**

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

FOR THE COUNTY:

{Seal}

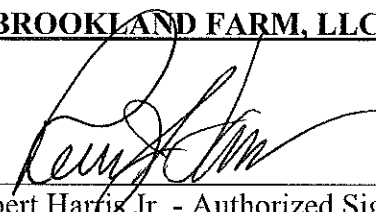
By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

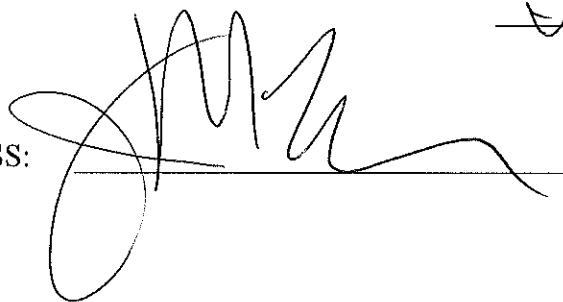
Tracy Torbert
Clerk of the County Council

FOR BROOKLAND FARM, LLC

By:  _____ (Seal)
Robert Harris Jr. - Authorized Signatory

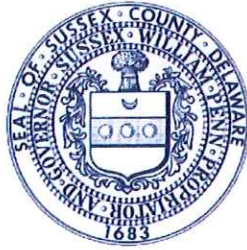
June 27, 2022 (DATE)

WITNESS:



ENGINEERING DEPARTMENT

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




Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement*
Baylis Exstates Phase II - IUA-439-2
File: OM 9.01

DATE: July 12, 2022

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Baylis Estates Investments, LLC** for the **Baylis Estates Phase II** project in the Oak Orchard Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Baylis Estates Phase II** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Baylis Estates Investments, LLC** will contribute **\$7,410.00** for the financial catch-up contribution of the existing infrastructure to serve **14.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to substantial completion of on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

BAYLIS ESTATES PHASE II – IUA439-2

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2022, by and between:

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

BAYLIS ESTATES INVESTMENTS, LLC. a Limited Liability Corporation and developer of a project known as **Baylis Estates (Phase II)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 234-29.00-42.00 be known as **Baylis Estates (Phase II)** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **14.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$7,410.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a connection permit being issued for Phase 2.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

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

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

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **16255 Sussex Highway, Bridgeville Delaware 19931.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)
_____(DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR BAYLIS ESTATES INVESTMENTS, LLC

By: _____ (Seal)
Robert Lisle - Owner
6/30/22 (DATE)

WITNESS: necote Venado

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountysde.gov



Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

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

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

RE: ***Western Sussex Unified Sewer District:
Contract 5, Project S19-29
A. Segment A: Change Order No. 1 & Substantial Completion
B. Segment B: Change Order No. 1
C. Segment D: Change Order No. 1 & 2***

DATE: July 12, 2022

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. Upon review of the findings both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501, and on August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sanitary Sewer District.

The County requested funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State issued a binding commitment offer in the overall amount of \$16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, \$3,200,000 will be applied in principle forgiveness reducing the overall borrowing. On May 15, 2020 the County filed a supplemental CWSRF funding request in the amount of \$850,000 to cover unanticipated change orders associated with the DelDOT restoration on RT-13. The County's request was approved by the Water Infrastructure Advisory Council during their July 15, 2020 meeting in the form of "Loan Forgiveness."

The project has three (3) components; transmission under Contracts 1-4, treatment plant demolition/system rehabilitation Contract 5, maintenance garage under Contract 6 and the Bridgeville Branch restoration under a "green" project funding scenario spearheaded by the Sussex Conservation District.



The construction of the transmission project was further broken down in the following four (4) individual contracts based on DelDOT's schedule requirements:

- Contract No.1 to A-Del Construction Co, Inc. in the amount of \$3,224,820.00, for the force main work in the RT-13 rights-of-way. Awarded by Council on May 14, 2019.
- Contract No.2 to Pact One LLC in the amount of \$2,063,255.00, for the gravity sewer upgrades. Awarded by Council on May 14, 2019.
- Contract No.3 to A-Del Construction Co, Inc. in the amount of \$2,980,602.00, for the force main work in the RT-13 Alternate and Herring Road rights-of-way. Awarded by Council on January 7, 2020.
- Contract No.4 to Zack's Excavating, Inc. in the amount of \$3,236,939.00, for gravity sewer equalization chambers and two (2) pump stations. Awarded by Council on November 12, 2019.
- Contract No. 6 to GGI, Inc. in the amount of \$410,525.00, for construction of a new Office/Garage Building. Awarded by Council on June 23, 2020.

During the construction of Contract No.1 awarded to A-Del Construction Co, Inc., DelDOT did not allow the reuse of most of the excavated trench material and required Type C Borrow instead. Therefore, this unit price item went considerably above the bid quantity. In addition, a wider concrete base course was encountered under the Cannon Road crossing. Rather than using hot-mix for restoration, DelDOT required reinstallation of the concrete base course adding 25% to the cost of this lump sum item. On February 4, 2020, Council approved the associated Change Order No.1 in the amount of \$254,188.92. During the final restoration phase DelDOT required additional matting and utility adjustments resulting in a final balancing Change Order No. 2 in the amount of \$26,486.65. Council issued Change Order No.2 and granted final project completion on June 2, 2020.

The award of Contract No.2 to Pact One, LLC included the base bid and two alternate bid items. At the time of award, the Alternate Bid Item D5 was not awarded due its significantly higher than anticipated cost. In subsequent discussions, Pact One LLC realized they had misinterpreted the scope for Item D5 and submitted an alternate proposal at approximately 16% of the original bid. On September 10, 2019 Council awarded Change Order No. 1 in the amount of \$96,840.00 to cover item D5. On June 2, 2020 Council approved a final balancing Change Order No. 2 in the credit amount of (\$128,708.70) and granted final project completion.

Contract No.3 awarded to A-Del Construction Co, Inc. encountered no issues and on June 15, 2021 Council approved the balancing Change Order No. 1 in the credit amount of \$643,915.22 together with final project completion as of April 7, 2021.

During the construction of Contract No. 4 awarded to Zack's Excavating, Inc. a groundwater contamination was encountered, in addition to a construction sequencing issue at the

Bridgeville site. In response, the Department developed a value engineering approach approved by Council on June 2, 2020 under Change Order No.1 in the amount of \$40,045.00. The north Seaford pump station included RT-13 entrance improvements which required a more substantial reconstruction due to lack of an existing base course as well as a compromised subbase. In response Council approved Change Order No. 2 in the amount of \$22,642.78 on July 28, 2020. On September 30, 2020 Zack's Excavating, Inc. encountered a previously unknown ductile iron water pipe within the area of the deep excavation of the Bridgeville pump station structures. On November 10, 2020 Council approved Change Order No. 3 in the total amount of \$32,644.19 for the time and material relocation effort.

On February 3, 2021, Delmarva Power and Light contacted the Sussex County with an opportunity for net schedule and cost savings by adjusting the transformer type from pad mount to a pole mounted system. While this decreased the charges from Delmarva Power and Light, it actually increases the work for Zack's Excavating Inc.'s electrical subcontractor by \$5,504.87. However, the coordination with DP&L did affect the critical schedule and caused a two-week delay. In addition, the Environmental Services team did additional assessments of the Heritage Shores Pump Station pre-existing conditions and recommended additional upgrades to the existing SCADA system to bring it up to the current county standard exceeding the stipulated contract allowance by \$16,000.00. On March 9, 2021 Council approved Change Order No. 4 in the amount of \$21,504.87 and the associated two-week contract time extension.

The final gravity sewer line to transferred to the new Bridgeville pump station had significant, previously unknown, infiltration. The Department requested a change order for the necessary repairs but Zack's Excavating, Inc. declined any further change orders. Subsequently, after receiving concurrence from the funding agency, the Engineering Department mobilized the County's General Labor & Equipment contractor to the site. Furthermore, the Department suggested to transition Zack's contract to a lump sum approach, requesting credit proposals for several remaining incidental work items and allowances. On May 25, 2022 Council issued the close out credit Change Order No. 5 in the amount of (\$92,704.30) as well as the granting of substantial project completion.

The Invitation to Bid for the last remaining Western Sussex Unified Sewer District, Contract 5, Project S19-29 was advertised on January 12, 19 & 26, 2022, in the local newspaper, and available to view on the County website. In addition, the information was directly forwarded to a number of contractors. Nine (9) contractors attended the pre-bid meeting held on January 26, 2022 and on February 9, 2022, seven (7) bids were received. Summary attached.

On February 22, 2022, Council awarded Segment A to A-Del Construction Co., Inc. in the total amount of \$427,000.00, Segment B to Richard E. Pierson Construction Co., Inc. in the total amount of \$920,800.00 and Segment D to Standard Pipe Services, LLC in the total amount of \$525,100.00, contingent upon SRF concurrence. Three (3) bids were received for Segment C, however, there were irregularities in the low bid. Council rejected all bids for Segment C and authorized an immediate re-bid.

Council also authorized a 2nd request for supplemental funding for the Western Sussex District Area Expansion Project through the CWSRF in the amount of \$1,336,315.00. Once an offer is received, an associated debt ordinance would be introduced and voted on by Council after a

public hearing. Since the project is already at the affordability limits an offer in the form of mostly “Loan Forgiveness” is expected.

Western Sussex Unified Sewer District Contract 5, Project S19-29 change order requests and substantial completion of Segment A.

- Segment A awarded to A-Del Construction Co, Inc for \$427,700.00. The contractor states they are ‘substantially complete’ on June 23, 2022, with the last remaining waste materials picked up from the Bridgeville Wastewater Treatment plant for disposal. As part of this removal, there was small amount of additional chemicals that were not in the original bid inventory sheets. The additional chemicals in change order no. 1 amounted to \$2,628.88 for a new contract amount of \$430,328.88. The substantial complete balancing change order no. 2 with consideration for less than anticipated removal of residual liquids, solids and sludger resulted in a surplus of \$216,097.35. Therefore, the Engineering Department requests approval of change order no. 1 and the balancing change order no. 2, while granting substantial completion for June 23, 2022.
- Segment B awarded to Richard E. Pierson Construction Co., Inc. for \$920,800.00. In the process of demolition, Richard E. Pierson recognized that the existing pipeline would not be sustainable in its current location and condition. Richard E. Pierson Construction Co., Inc. proposes to reroute the pipeline for \$27,743.89 for a proposed contract adjustment to \$948,543.89.
- Segment D awarded to Standard Pipe Services, LLC for \$525,100.00. Standard Pipe Services, LLC proposed change order no. 1 for an additional unit rate for camera work beyond the main for lateral locates for Sussex County. The additional unit rate to clean and televise laterals is \$350 each lateral and they estimate a total of 150 laterals for a total of approximately \$52,500.00 and an updated contract amount of approximately \$577,600.00. Change order no. 2 request for contingent unit rates approval for heavy cleaning services prior to camera work, in certain circumstances of heavy debris. Standard Pipe Services, LLC performs four passes as a standard cleaning, but when it does not yield a pipe clean enough for camera work, they proposed additional contingent rate to be applied for ‘heavy cleaning’ and the associated equipment at the following rates. The contingency rates would amount to a maximum adjustment of approximately \$33,900.00, if required. The additional contingency rates:
 - 8-inch pipe @ \$1.00 per linear foot
 - 15-inch pipe @ \$2.50 per linear foot
 - 21-inch pipe @ \$4.00 per linear foot
 - 24-inch pipe @ \$6.00 per linear foot

Change Order No. 1

Date of Issuance: 7/12/22	Effective Date: 7/12/22
Owner: Sussex County	Owner's Contract No.: S19-29
Contractor: A-Del Construction Co.	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.: 1897B016
Project: Western Sussex Transmission	Contract Name:
Facilities: Contract 5 Segment A	

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

Removal of hazardous wastes from the site.

Attachments: Change order request #1 CR0001 – Additional Haz-Waste Handling

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 427,700.00	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 60 calendar days
Increase from previously approved Change Orders No. to No. ____: \$ _____	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ 427,700.00	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Increase of this Change Order: \$ 2,628.88	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ 430,328.88	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)			
Title: _____	Title: _____	Title: _____			
Date: _____	Date: _____	Date: _____			

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



10 ADEL DRIVE
NEWARK, DE 19702-1331
1-302-453-8286, VOICE
1-302-453-9550, FACSIMILE

June 17, 2022

Ed Leonhardt | Project Engineer | Sussex County Engineering Dept.
Sussex County Government
2 The Circle
Georgetown, Delaware 19947
M/# 410-342-3456 | 302-855-7799 fax

Project: Western Sussex Unified Sewer District Contract#5 – Segment A
A-Del Project # 42R007A

RE: CHANGE ORDER REQUEST #1 CR0001 – Additional Haz-Waste Handling

Dear Ed,

Per this CR0001, A-Del at the request of the engineer, will contract with CIRCON Environmental to remove additional Hazardous Wastes from the site.

Total Contract Add This Request: \$2,628.88

If you have any questions, please contact me at 443-880-3165

Sincerely,
A-Del Construction Co., Inc.

C. Scott Whitt
swhitt@a-del.com



Main Office
10 Adel Drive
Newark, DE 19702-1331
(302) 453-8286

Southern Office
20139 Lowes Road
Millsboro, DE 19966
(302) 933-8733

Western Sussex Transmission Facilities

OWNER: Sussex County	DATE:
ADDRESS: Sussex County, DE	PAGE #: 1 of 1
JOB NAME: Western Sussex Transmission Facilities Contract #5 - SEGMENT A	JOB #:
PURCHASE -or- CHANGE ORDER No.:	A-Del Job #: 42R007A

DESCRIPTION OF WORK: ADDITIONAL HAZARDOUS WASTE DISPOSAL

NAME OF EMPLOYEE	CLASS	REG. HOURS	RATE (office use)	AMOUNT (office use)
Foreman	Foreman	0.00	\$ 112.79	\$ -
Laborer (Common or Unskilled)	Laborer	0.00	\$ 84.54	\$ -
Carpenter	Carpenter	0.00	\$ 97.99	\$ -
Truck Driver	Truck Drivers	0.00	\$ 59.54	\$ -
Operator	Operator	0.00	\$ 112.79	\$ -
Project Manager	Manager	1.00	\$ 110.00	\$ 110.00

Total Labor \$ 110.00

EQUIPMENT (to include trucking) Rate = Blue Book + Mark-up & Fuel Surcharge	HOURS	RATE (office use)	AMOUNT (office use)
Ford F250 Pick-up	0.00	\$24.30	\$ -
Loader	0.00	\$68.42	\$ -
Excavator (330 or Larger)	0.00	\$185.00	\$ -
Excavator	0.00	\$130.00	\$ -
Bulldozer	0.00	\$88.87	\$ -
Milling Machine	0.00	\$511.47	\$ -
Asphalt Roller	0.00	\$92.78	\$ -
Dirt Roller	0.00	\$72.00	\$ -
Trench Roller	0.00	\$39.00	\$ -
Tandem Dump Truck	0.00	\$67.95	\$ -
Tractor & Low Boy Trailer	0.00	\$94.00	\$ -
Trench Box	0.00	\$17.00	\$ -
Utility Trailer	0.00	\$8.76	\$ -

Total Equip \$ -

Materials / Subs	Qty	Unit	Cost	Total
CIRCON PROPOSAL #PA4039TT-REV1	1	LS	\$2,190.33	\$2,190.33
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total with 15% OH&P				\$ 2,518.88

Total Mat'l \$ 2,518.88

TOTAL (THIS DATE/WORKSHEET) = \$ 2,628.88

APPROVED: _____
CONTRACTOR

APPROVED: _____
OWNER

C. Scott Whitt, Project Manager
A-Del Construction Company, Inc.
443-880-3165 - swhitt@a-del.com



Circon Proposal #PA4039TT-REV1
Waste Services

Chemtron Corporation Division
5051 Horseshoe Pike, 2nd Floor
Honey Brook, PA 19344

June 13, 2022

Mr. Scott Whitt
A-Del Construction
351 Salem Church Road
Newark, DE 19702

Dear Mr. Whitt:

Chemtron Corporation (Chemtron) is pleased to provide this updated proposal for the additional waste services at Bridgeville, DE location.

Please review the following information carefully and do not hesitate to contact me if you have any questions or need anything further. Chemtron appreciates the opportunity to provide your company with this proposal and waste management services.

PRICING INFORMATION

Effective on the above date, the following prices and terms apply to the item(s) quoted below.

<u>Description</u>	<u>Unit Price</u>
<i>Disposal</i>	
1 – Lab Pack – BW-02 – LP19	\$307.00 / 5 Gal
1 – Lab Pack – BW-03 – LP20	\$681.00 / 5 Gal
1 – Lab Pack – BW-06 – LP8	\$67.00 / 5 Gal
Additional Disposal	\$1,055.00
15% EIR on total disposal (includes original proposal)	\$227.89
<i>Additional Labor, Equipment and Materials:</i>	\$225.00
<i>Additional Transportation & Fuel Surcharge (71%)</i>	\$682.44
Estimated Total	\$ 2190.33

5051 Horseshoe Pike, 2nd Floor, Honey Brook, PA 19344
Office : 484-577-9574
E-mail: jmadrak@circonenviro.com



Assumptions and Exceptions:

- Waste is to be loaded onto the trailer at a dock or via a forklift or similar equipment. The pricing above for transportation does not include a liftgate equipped vehicle. If a liftgate is required, a revised quote can be provided.
- The Transportation Rate includes one (1) hour loading time. Transportation demurrage will be charged after that first hour at a rate of \$125.00 per hour.
- Fuel Surcharge will be applied and is based on a sliding scale in accordance to the weekly Department of Energy Index.
- Project delays caused by others or conditions beyond the control of Circon will be invoiced at our standard Time & Material rates.
- **Quoted disposal pricing contained in this proposal is subject to the review of a completed profile for approval by the disposal facility's Technical Department.** In most instances, an SDS and/or analytical will be required at time of submittal along with the profile. If material received at the disposal facility is found to be non-conforming/discrepant, addition charges will apply.
- Chemtron reserves the right to reject any and all waste upon receipt at the facility if the waste does not match the profile.
- This proposal is valid for sixty-(60) days.
- Payment Terms net thirty-(30) days upon receipt of invoice.

All work will be initiated and completed with strict adherence to all applicable Local, State and Federal regulations.

Thank you for allowing Chemtron to provide you this proposal. If you have any questions regarding the above information call me directly. Otherwise, please check our website for more information on Chemtron or its parent company, Circon Environmental - <https://circonenviro.com>.

Sincerely,
Chemtron Corporation/Circon Environmental

Joseph J. Madrak, Jr.
General Manager – East Coast

By signing below, Client agrees to the pricing, terms and conditions stated within this proposal.



Circon Proposal #PA4039TT-REV1

June 9, 2022

Page 3 of 3

Client Signature

Date

Purchase Order Number

5051 Horseshoe Pike, 2nd Floor, Honey Brook, PA 19344
Office : 484-577-9574
E-mail: jmadrak@circonenviro.com

Change Order No. 2

Date of Issuance: 7/12/22
Owner: Sussex County
Contractor: A-Del Construction Co.
Engineer: Davis, Bowen & Friedel, Inc.
Project: Western Sussex Transmission
Facilities: Contract 5 Segment A


Effective Date: 7/12/22
Owner's Contract No.: S19-29
Contractor's Project No.:
Engineer's Project No.: 1897B016
Contract Name:

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

Substantial completion.

Attachments: Change order request #2 CR0002 – Substantial completion change order

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 427,700.00	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 60 calendar days
Increase from previously approved Change Orders No. to No.: \$2,628.88	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ 430,328.88	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Decrease of this Change Order: \$ 216,097.35	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ 214,231.53	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By:  Contractor (Authorized Signature)
Title: _____	Title: _____	Title: <u>V.P. ESTIMATING</u>
Date: _____	Date: _____	Date: <u>7/7/2022</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Substantial Completion Balancing Sheet

Contract 5 segment A Hazardous and Residual Materials removal breakdown on the actual quantities that were utilized as opposed to the bid quantity for the remainder balance of Contract 5 segment A, \$216,097.35.

Contract 5A		ESTIMATED QTY.	Original Bid Unit Rates	Actual Qty. sub total	remaining qty. in bid	Actual Totals	Remaining totals
A1 Mobilization	\$ 12,200.00	LS	\$ 12,200.00	1.00	-	\$ 12,200.00	-
A2 Residual hazmat materials	\$ 8,000.00	LS	\$ 8,000.00	1.00	-	\$ 8,000.00	-
CO1_A2 Change Order #1	\$ 2,628.88	LS	\$ 2,628.88	1.00	-	\$ 2,628.88	-
A3 Digester Solids Sludge	\$ 445.00	200.00	\$ 89,000.00	247.38	(47.38)	\$ 110,084.10	\$ (21,084.10)
A4 RBC Trains Solids Sludge	\$ 560.00	350.00	\$ 196,000.00	100.42	249.58	\$ 56,235.20	\$ 139,764.80
A5 Control Bldg. wet-well	\$ 950.00	100.00	\$ 95,000.00	15.25	84.75	\$ 14,490.35	\$ 80,509.65
A6 Residual liquids pumping & handling	\$ 0.55	50,000.00	\$ 27,500.00	19,260.00	30,740.00	\$ 10,593.00	\$ 16,907.00
			\$ 430,328.88	-		\$ 214,231.53	\$ 216,097.35

Change Order No. 1

Date of Issuance: 7/12/22	Effective Date: 7/12/22
Owner: Sussex County	Owner's Contract No.: S19-29
Contractor: Richard E. Pierson Construction Co.	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.: 1897B016
Project: Western Sussex Transmission	Contract Name:
Facilities: Contract 5 Segment B	

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

Attachments: Change order request #1 CR0001 – Pipeline Bypass, Demolition

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 920,800.00	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 210 calendar days
Increase from previously approved Change Orders No. to No. ____: \$ _____	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ 920,800.00	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Increase of this Change Order: \$27,743.89	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$948,543.89	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)	Contractor (Authorized Signature)
Title: _____	Title: _____	Title: _____	Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



June 22, 2022

REP#001

Ed Leonhartt
Project Engineer
Sussex County Engineering Department
2 The Circle
Georgetown, DE 19947

Re: Contract 5B – Bridgeville Wastewater Treatment Plant Demolition

Subject: Watermain Bypass Proposal

Mr. Leonhartt,

As you are aware there is some previous damage to the existing watermain through the wastewater treatment plant, as well as some concerns about potential freeze/thaw damage and future maintenance in the green space to be created by this project. In order to alleviate these concerns, REP proposes to bypass this line and install some additional water main, as shown in the attached sketch, to create a looped system. REP respectfully offers the following price to complete this work:

- Price for Labor, Equipment, Materials, and all incidentals to complete Watermain Bypass: \$30,743.89
- Credit to The County to Abandon Existing Main in place: \$3,000
- Total Cost of Change Order to The County to complete Bypass work: **\$27,743.89**

Thank you for your attention to this matter. Should you require any further information or wish to discuss, please contact me at 609-743-0092.

Very Truly Yours,
R.E. Pierson Construction Co., Inc

Paul McGonigle
Project Manager

Richard E. Pierson
Construction Co., Inc.
(856) 769-8244
Fax Numbers

General: (856) 769-5629 • Estimating: (856) 769-5630

Shop: (856) 769-5632

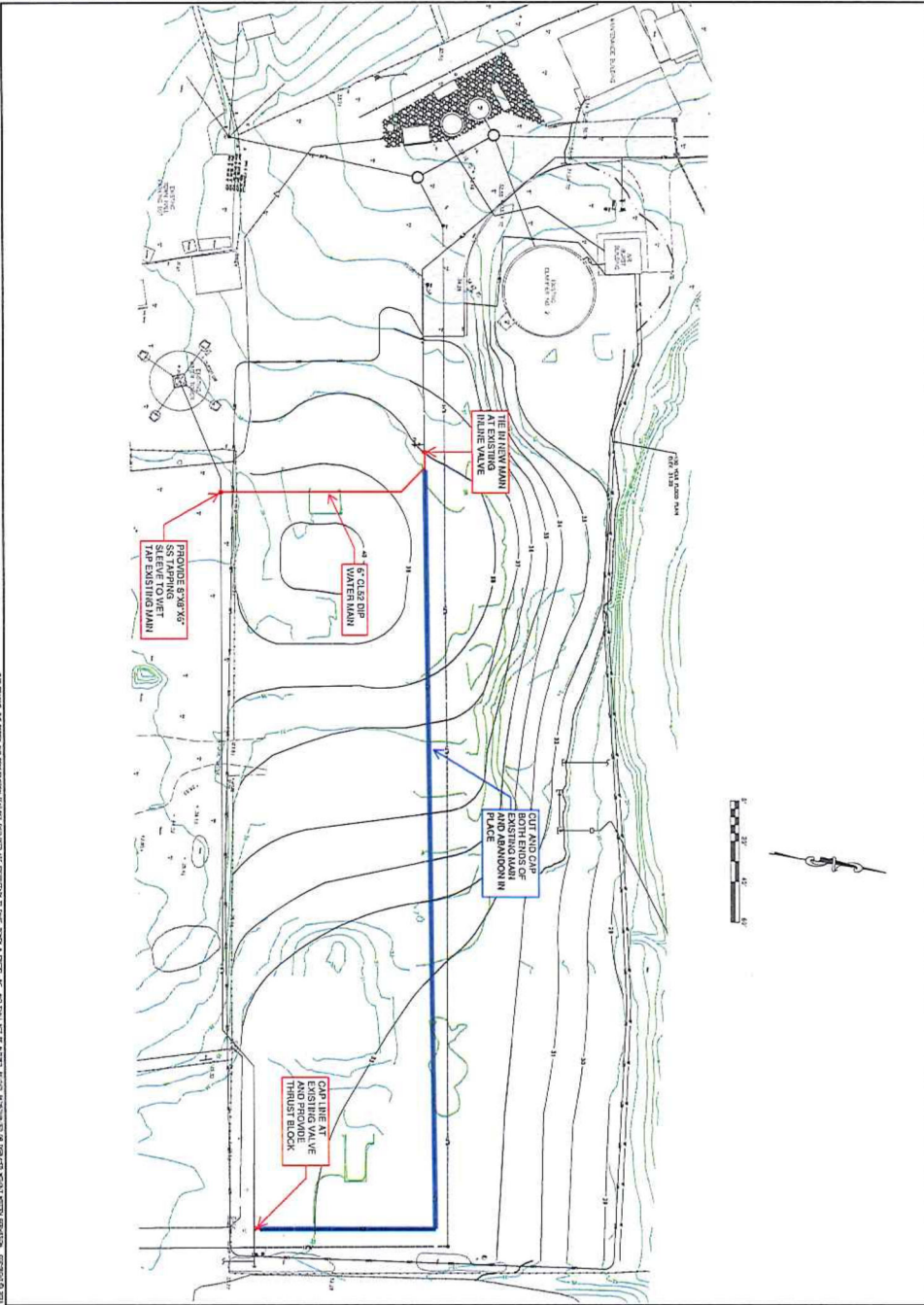
www.repierson.com


- An Equal Opportunity Employer -

Mailing Address
P.O. Box 430
Woodstown, NJ 08098

Physical Address
426 Swedesboro Road
Piles Grove, NJ 08098

THE ENGINEER, THE DESIGN AND CONSTRUCTION VOUCHER ASSOCIATES, INC. (DCA), HAS BEEN SELECTED BY THE WESTERN SUSSEX UNIFIED SANITARY DISTRICT TO PROVIDE ENGINEERING SERVICES FOR THE PROJECT. THE ENGINEER'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE SANITARY SEWER COLLECTION SYSTEM AND DO NOT INCLUDE THE DESIGN OR CONSTRUCTION OF ANY OTHER STRUCTURES OR UTILITIES. THE ENGINEER'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE SANITARY SEWER COLLECTION SYSTEM AND DO NOT INCLUDE THE DESIGN OR CONSTRUCTION OF ANY OTHER STRUCTURES OR UTILITIES.



3	WESTERN SUSSEX UNIFIED SANITARY DISTRICT CONTRACT 5 BRIDGEVILLE, SUSSEX COUNTY, DELAWARE		 DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS, ENGINEERS & SURVEYORS 1000 W. MARKET STREET, SUITE 200 BRIDGEVILLE, DE 19308 PHONE: 302-338-1111 FAX: 302-338-1112 WWW.DBFRIEDEL.COM
	DATE: 11/1/2021 DRAWN BY: JAW CHECKED BY: JAW IN CHARGE: JAW	FINAL SITE GRADING PLAN	



Western Sussex Unified Sewer District
Contract 5B
Wastewater Treatment Plant Demolition

Change Order Summary

Date: 6/22/2022
CONTRACT NUMBER: S19-29
FEDERAL AID PROJECT NUMBER: N/A

LOCATION: Bridgeville WWTP

REASON AND DESCRIPTION:

Bypass Segment of watermain through former sewer plant. Wet tap 8" main off rear of water tower and loop into existing main past fire hydrant. Cut and cap existing main through plant and provide thrust block. Pressure test and chlorinate.

Name	Classification	Hours		Rates		Labor Cost
		Regular	Overtime	Regular	Overtime	
Paul Hertz	Foreman	22		75.29	112.935	\$ 1,656.38
Chris Gaventa	Operator	22		75.29	112.935	\$ 1,656.38
Melvin Alvarez	Laborer	22		50.55	75.825	\$ 1,112.10
Ricardo Gonzalez	Laborer	22		50.55	75.825	\$ 1,112.10
Nelson Cruz	Laborer	22		50.55	75.825	\$ 1,112.10
						\$ -
						\$ -
						\$ -
						\$ -
Total Direct Labor						\$ 6,649.06
Taxes & Insurance						
F.I.C.A.			0.0765			\$ 508.65
Unemployment Tax			0.0580			\$ 385.65
Disability Insurance			0.0085			\$ 56.52
Federal Unemployment Tax			0.0060			\$ 39.89
Workman's Compensation Insurance			0.1575			\$ 1,047.23
General Liability Insurance			0.0500			\$ 332.45
Umbrella			0.0282			\$ 187.50
Total Taxes & Insurance						\$ 2,557.89
Equipment						
Classification		Hours		FHWA Rate		Cost
Excavator		20.00		\$ 107.90		\$ 2,158.00
Loader		20.00		\$ 63.10		\$ 1,262.00
Foreman Pickup		20.00		\$ 30.49		\$ 609.80
						\$ -
Total Equipment Cost						\$ 4,029.80
Materials						
Classification		Quantity	Units	Price		Cost
Ductile Iron Pipe and Fittings		1	LS	\$ 5,955.37		\$ 5,955.37
8"x6" Wet Tap		1	LS	\$ 6,977.00		\$ 6,977.00
Class B Concrete		2	CY	\$ 150.00		\$ 300.00
						\$ -
Tax						
Total Material						\$ 13,232.37
Subcontractor						
Classification		Quantity	Units	Price		Cost
						\$ -
Total Subs						\$ -
Totals						
Direct Labor	A					\$ 6,649.06
Payroll Taxes and Insurance	A					\$ 2,557.89
Material Cost	B					\$ 13,232.37
Tax	0%					\$ -
Equipment Cost	E					\$ 4,029.80
Subcontractors	I					\$ -
Shift Differential	0%					\$ -
Tolls						\$ -
Bonds & Insurance	1.000%					\$ 264.691
Total						
DIRECT COSTS						\$ 26,733.81
Overhead	10%	\$ 26,733.81				\$ 2,673.38
Subcontractors	5%	\$ -				\$ -
Profit	5%	\$ 26,733.81				\$ 1,336.691

TOTAL → \$ 30,743.89



FEL WATERWORKS #1883
28596 NAYLOR MILL RD
SALISBURY, MD 21801-0000

Phone: 410-677-6793
Fax: 410-543-9646

Deliver To:
From: Christopher Hagy
Comments:

09:12:31 JUN 21 2022

Page 1 of 1

FERGUSON WATERWORKS #920

Price Quotation
Phone: 410-677-6793
Fax: 410-543-9646

Bid No: B425964
Bid Date: 06/20/22
Quoted By: CRH

Cust Phone: 856-769-8244
Terms: NET 10TH PROX

Customer: RICHARD E PIERSON CONST CO
PO BOX 430
WOODSTOWN, NJ 08098-0430

Ship To: RICHARD E PIERSON CONST CO
PO BOX 430
WOODSTOWN, NJ 08098-0430

Cust PO#:

Job Name: BRIDGEVILLE DE

Item	Description	Quantity	Net Price	UM	Total
DI52TJPU	6 DI CL52 TYTON JT PIPE	160	28.000	FT	4480.00
DMJ4LAU	DOM 6 MJ C153 45 BEND L/A	2	133.200	EA	266.40
DMJLSLAU	DOM 6X12 MJ C153 LONG SLV L/A	1	142.200	EA	142.20
DMJSCAPLAU	DOM 6 MJ C153 SLD CAP L/A	1	64.800	EA	64.80
DMJSCAPLAX	DOM 8 MJ C153 SLD CAP L/A	1	101.700	EA	101.70
E1106DSC	6 MEGALUG ACC PKG W/ MJ GSKT F/ DI	8	66.280	EA	530.24

Net Total: \$5585.34

Tax: \$370.03

Freight: \$0.00

Total: \$5955.37

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.
COVID-19 ORDER: ANY REFERENCE TO OR INCORPORATION OF EXECUTIVE ORDER 14042 AND/OR THE EO-IMPLEMENTING FEDERAL CLAUSES (FAR 52.223-99 AND/OR DFARS 252.223-7999) IS EXPRESSLY REJECTED BY SELLER AND SHALL NOT APPLY AS SELLER IS A MATERIALS SUPPLIER AND THEREFORE EXEMPT UNDER THE EXECUTIVE ORDER.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=923&on=2771>

Fox Tapping, Inc.
1112 Nursery Road
Wrightsville, PA 17368



QUOTATION

Date	6/21/2022
Quotation #	2022-538

Phone Number:	717-252-3908
---------------	--------------

Attention:
R.E. Pierson Construction
426 Swedeboro Road
Pilesgrove, NJ 08098

Phone Number: 856-769-8244
Fax Number: 856-769-5630

Contact: Paul McGonigle 609-743-0092

Project Location:
Sewer Plant
Bridgeville, DE
pmcgonigle@repierson.com

This transmission contains 6 pages. If you cannot read the transmission or have not received the total number of pages, please contact us.

Qty	Description	Unit Price	Extended Price
1	<p>Labor/Equipment:</p> <p>1 - 8" x 6" wet tap only on cip/dip water main 70 psi IT&T</p> <p>Materials:</p> <p>1 - 8" x 6" JCM 432-0905 x 6 all stainless steel tap sleeve for cip/dip 9.05 O.D.</p> <p>1 - 6" Mueller T-2362 open LEFT tap valve</p> <p>1 - 6" mega lug kit for dip</p> <p>1 - 5 1/4" - 2pc. - 42" bury valve box</p> <p>NOTE: FHWA, EPA Buy America Compliance (AIS) must be identified by the purchaser at the time of quote and/or order entry of the materials. Quoted materials are not to be assumed AIS compliant unless so stated.</p> <p>NOTE: Without customer providing signature confirming the acceptance of our pricing and terms, Fox Tapping, Inc. cannot prepare or mobilize to the site. Quoted Monday thru Friday daytime hours, ONE mobilization and a maximum of 4 hours on site per mobilization.</p>	6,977.00	6,977.00

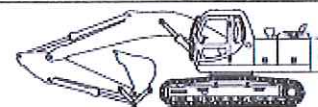
TO BE SUPPLIED BY CUSTOMER: (Refer to Exhibit "A")

<input checked="" type="checkbox"/> Safety Equipment	<input type="checkbox"/> Labor
<input checked="" type="checkbox"/> Excavation/Maintenance	<input type="checkbox"/> Welding
<input type="checkbox"/> Restraints	<input type="checkbox"/> Pressure Test
<input type="checkbox"/> Lifts/Ladders/Scaffolding	<input type="checkbox"/> Lights
<input type="checkbox"/> Lifting Service	<input type="checkbox"/> Studs, Nuts, & Gaskets
<input type="checkbox"/> 90 cfm/90 psi air source	<input type="checkbox"/> Blind Flange
<input type="checkbox"/> Electric Source	<input type="checkbox"/> Other _____

Subtotal
Sales Tax (6.0%)
Total

Adjustments for 2979 in All Saved Models

June 30, 2021

Komatsu PC228USLC-8 (disc. 2014)
Crawler Mounted Hydraulic Excavators

Size Class:
24.1 - 28.0 MTons
Weight:
53785 lbs

Configuration for PC228USLC-8 (disc. 2014)

Operating Weight 26.6 mt Power Mode Diesel

Blue Book Rates

Non-current (i.e. archived) rates: Jan 1, 2021 - Jun 30, 2021

** FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.

	Ownership Costs				Estimated Operating Costs	FHWA Rate**
	Monthly	Weekly	Daily	Hourly	Hourly	Hourly
Published Rates	USD \$9,860.00	USD \$2,760.00	USD \$690.00	USD \$105.00	USD \$49.49	USD \$105.51
Adjustments						
Region (New Jersey: 104.8%)	USD \$473.28	USD \$132.48	USD \$33.12	USD \$5.04		
Model Year (2013: 99.49%)	(USD \$52.35)	(USD \$14.65)	(USD \$3.66)	(USD \$0.56)		
Adjusted Hourly Ownership Cost (100%)	-	-	-	-		
Hourly Operating Cost (100%)					-	
Total:	USD \$10,280.93	USD \$2,877.83	USD \$719.46	USD \$109.48	USD \$49.49	USD \$107.90

Non-Active Use Rates

	Hourly
Standby Rate	USD \$30.38
Idling Rate	USD \$74.11

Rate Element Allocation

Element	Percentage	Value
Depreciation (ownership)	42%	USD \$4,141.20/mo
Overhaul (ownership)	48%	USD \$4,732.80/mo
CFC (ownership)	3%	USD \$295.80/mo
Indirect (ownership)	7%	USD \$690.20/mo
Fuel (operating) @ USD 2.53	32%	USD \$15.70/hr

Revised Date: 1st half 2021

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Product Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DAN PIETRZAK
(dpietrzak@repierson.com)

Rental Rate Blue Book®

January 22, 2021

Deere 544K (disc. 2016)
4-Wd Articulated Wheel Loaders

Size Class:
150 - 174 HP
Weight:
28263 lbs

Configuration for 544K (disc. 2016)

Operator Protection EROPS Power Mode Diesel

Blue Book Rates

** FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.

	Ownership Costs				Estimated Operating Costs	FHWA Rate**
	Monthly	Weekly	Daily	Hourly	Hourly	Hourly
Published Rates	USD \$5,385.00	USD \$1,510.00	USD \$380.00	USD \$57.00	USD \$31.31	USD \$61.91
Adjustments						
Region (New Jersey: 103.9%)	USD \$210.01	USD \$58.89	USD \$14.82	USD \$2.22		
Model Year (2016: 100%)	-	-	-	-		
Adjusted Hourly Ownership Cost (100%)	-	-	-	-		
Hourly Operating Cost (100%)					-	
Total:	USD \$5,595.02	USD \$1,568.89	USD \$394.82	USD \$59.22	USD \$31.31	USD \$63.10

Non-Active Use Rates

	Hourly
Standby Rate	USD \$19.39
Idling Rate	USD \$45.29

Rate Element Allocation

Element	Percentage	Value
Depreciation (ownership)	47%	USD \$2,530.95/mo
Overhaul (ownership)	39%	USD \$2,100.15/mo
CFC (ownership)	4%	USD \$215.40/mo
Indirect (ownership)	10%	USD \$538.50/mo
Fuel (operating) @ USD 2.53	43%	USD \$13.50/hr

Revised Date: 1st half 2021

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Product Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DAN PIETRZAK
(dpietrzak@repierson.com)

Rental Rate Blue Book®

April 22, 2019

Ford F-250

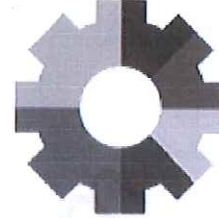
On-Highway Light Duty Trucks

Size Class:

300 HP & Over

Weight:

HP


Configuration for F-250

Axle Configuration	4.0 X 4.0	Cab Type	Crew
Horsepower	385.0	Power Mode	Gasoline
Ton Rating	3.0 / 4.0		

Blue Book Rates

** FHWA Rate is equal to the monthly ownership cost divided by 176 plus the hourly estimated operating cost.

	Ownership Costs				Estimated Operating Costs	FHWA Rate**
	Monthly	Weekly	Daily	Hourly	Hourly	Hourly
Published Rates	\$1,020.00	\$285.00	\$71.00	\$11.00	\$24.75	\$30.55
Adjustments						
Region (New Jersey: 99%)	(\$10.20)	(\$2.85)	(\$0.71)	(\$0.11)		
Model Year (2019: 100%)	-	-	-	-		
Adjusted Hourly Ownership Cost (100%)	-	-	-	-		
Hourly Operating Cost (100%)					-	
Total:	\$1,009.80	\$282.15	\$70.29	\$10.89	\$24.75	\$30.49

Non-Active Use Rates

Hourly

Standby Rate	\$4.07
Idling Rate	\$25.86

Rate Element Allocation

Element	Percentage	Value
Depreciation (ownership)	54%	\$550.80/mo
Overhaul (ownership)	29%	\$295.80/mo
CFC (ownership)	7%	\$71.40/mo
Indirect (ownership)	10%	\$102.00/mo
Fuel (operating) @ 2.75	81%	\$20.12/hr

Revised Date: 1st half 2019

These are the most accurate rates for the selected Revision Date(s). However, due to more frequent online updates, these rates may not match Rental Rate Blue Book Print. Visit the Cost Recovery Product Guide on our Help page for more information.

The equipment represented in this report has been exclusively prepared for DAN PIETRZAK (dpietrzak@repierson.com)

Change Order No. 1

Date of Issuance: 7/12/22	Effective Date: 7/12/22
Owner: Sussex County	Owner's Contract No.: S19-29
Contractor: Standard Pipe Services, LLC	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.: 1897B016
Project: Western Sussex Transmission	Contract Name:
Facilities: Contract 5 Segment D	

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

Laterals clean, camera, & locate.

Attachments: Change order request #1 CR0001 – Lateral clean, camera, & locate

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>525,100.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 60 calendar days
Increase from previously approved Change Orders No. to No.: \$ <u>0</u>	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ <u>525,100.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Increase of this Change Order: \$ <u>52,500, unit rate \$350 per lateral</u>	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ <u>577,600.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)			
Title: _____	Title _____	Title <u>SPS President</u>			
Date: _____	Date _____	Date <u>7/6/22</u>			

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Title: _____

June 29, 2022

Ed Leonhartt, Project Engineer
Sussex County Government
2 The Circle
Georgetown, DE 19947

RE: Western Sussex Contract 5, Segment D
Contract No.: S19-29
Project No.: 1897B016
Change Order Request CO-01

Dear Mr. Leonhartt,

We formally request a price to perform cleaning and televising of laterals along project pipe runs. We anticipate an approximate total of 150 laterals along the scope of the project.

Clean & Televis Lateral.....@ \$350 EA... Est. 150 Total..... or \$52,500

We will provide an electronic copy of the videos and reports upon completion.

Sincerely,



Michael Trzonkowski
Project Manager
Standard Pipe Services, LLC.

Date of Issuance: 7/12/22
Owner: Sussex County
Contractor: Standard Pipe Services, LLC
Engineer: Davis, Bowen & Friedel, Inc.
Project: Western Sussex Transmission
Facilities: Contract 5 Segment D

Effective Date: 7/12/22
Owner's Contract No.: S19-29
Contractor's Project No.:
Engineer's Project No.: 1897B016
Contract Name:

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

Unit rates for heavy cleaning

Attachments: Change order request #2 CR0002 – Unit rates for heavy cleaning

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>525,100.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 60 calendar days
Increase from previously approved Change Orders No. to No.: \$ <u>52,500.00</u>	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ <u>577,600.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Increase of this Change Order: \$ <ul style="list-style-type: none"> o 8-inch pipe @ \$1.00 per linear foot o 15-inch pipe @ \$2.50 per linear foot o 21-inch pipe @ \$4.00 per linear foot o 24-inch pipe @ \$6.00 per linear foot 	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ <u>577,600.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____

RECOMMENDED:		ACCEPTED:	
By: _____	By: _____	By: 	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Title: _____	Title _____	Title <u>SPS President</u>	Title _____
Date: _____	Date _____	Date <u>7/6/22</u>	Date _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____

June 29, 2022

Ed Leonhartt, Project Engineer
Sussex County Government
2 The Circle
Georgetown, DE 19947

RE: Western Sussex Contract 5, Segment D
Contract No.: S19-29
Project No.: 1897B016
Change Order Request CO-02

Dear Mr. Leonhartt,

Please accept this letter as a formal change order request for the above-referenced work. Pricing for heavy cleaning will begin after four (4) standard cleaning passes have been performed and more cleaning is required. Heavy cleaning procedures shall, through the use of heavy equipment, clean and remove large rocks, bricks, obstructions, concrete, pieces of broken pipe, and objects that hinder televised inspection, repair or lining of the sanitary sewer pipe.

Heavy Clean.....	8" pipe.....	@ \$1.00 per liner foot
Heavy Clean.....	15" pipe.....	@ \$2.50 per liner foot
Heavy Clean.....	21" pipe.....	@ \$4.00 per liner foot
Heavy Clean.....	24" pipe.....	@ \$6.00 per liner foot

We will provide an electronic copy of the videos and reports upon completion.

Sincerely,



Michael Trzonkowski
Project Manager
Standard Pipe Services, LLC.

ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountype.gov

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

FROM: J. Mark Parker, P.E., Assistant County Engineer
Robert L. Bryant, A.A.E., Airport Manager

RE: ***Runway 4-22 Pavement Assessment***
A. Delta Airport Consultants, Inc – Task Order No. 3 Approval

DATE: July 12, 2022

Airport maintenance personnel observed several pavement surface anomalies within our primary 4-22 Runway following snow removal operations in early 2021. The anomalies consisted of “blow-up” areas that appeared likely to be caused by either internal pressures within the underlying pavement structure or from the subgrade below, or possibly both. As a result, it was decided to perform several exploratory pavement patches to remove the section of hot-mix overlay and reveal the underlying concrete section for visual observation so that a proper repair methodology could be determined.

The pavement patches were subsequently completed in September 2021 at night under a runway shutdown. During excavation for the test patches, significant deterioration of the underlying concrete slabs was observed both along the joint lines and mid-slab. Photos of the test patches are attached to this Memo for reference. Following some internal discussions, it was decided that the next step should be to perform some additional test patches in other areas of Runway 4-22 to determine if similar deteriorated conditions were present at the interface between the hot-mix overlay and concrete slab. Due to nighttime paving temperature constraints, the timeframe for the additional test patches was pushed to Spring/Summer of this year.

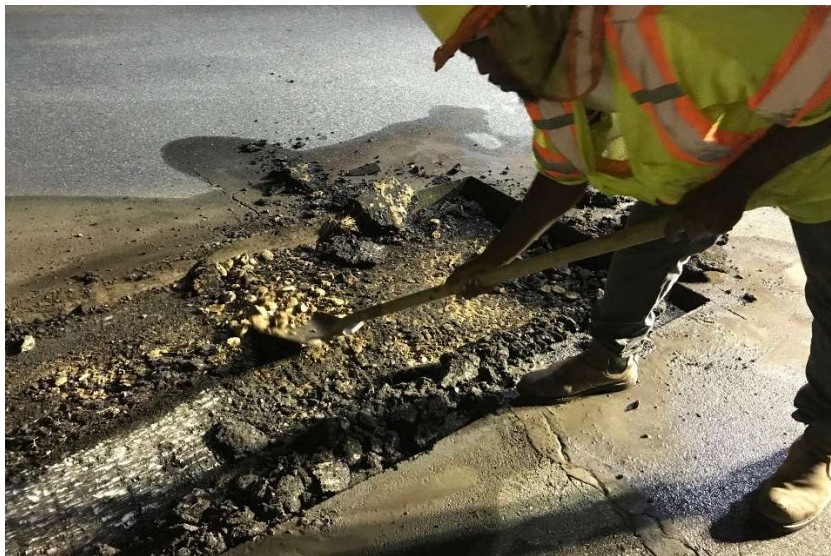
Through recent conversations on the subject with our Aeronautical Design Consultant (Delta Airport Consultants, Inc.) and our Airport Master Plan Update Consultant (McFarland Johnson), both of which have pavement Subject Matter Experts on staff, it was concluded that a more comprehensive analysis should be performed on the runway pavement structure and the underlying subgrade. In securing potential future FAA cost-share funding associated with any required runway repairs, it is critical that the basis of need, scope, and estimated cost of such repairs be properly documented in a format acceptable to FAA. We are also taking steps



to ensure that our Airport Master Plan Update will be properly coordinated with the proposed runway pavement assessment relative to conclusions made concerning pavement infrastructure repair priority and potential spending of future CIP dollars.

Another important element for consideration will be the timing of any identified runway repairs relative to the proposed extension of Runway 4-22. We will need to work closely with FAA in developing future CIP's to determine the optimum phasing implementation for both the runway extension and any required pavement repairs, especially in consideration of annual funding limitations that may be imposed by FAA on approved capital projects.

It was decided to utilize our open-ended Professional Aeronautical Consultant Services Contract (County RFQ 20-27) with Delta Airport Consultants, Inc. (DAC) to add Task Order No. 3 to reflect the required services for the pavement assessment. The attached Proposal from DAC dated July 7, 2022 reflects the work required to complete this task, which includes services performed by DAC staff as well as Geotechnical Engineering support by Hillis Carnes Engineering Associates and Pavement Analysis by Applied Pavement Technology as Subconsultants. The Engineering Department and Airport Manager have reviewed the Proposal and respectively concur with the proposed scope and fee, and recommends approval of Task Order No. 3 in the amount of One Hundred Twenty-Five Thousand (\$125,000) Dollars.



Runway 4-22 Patch Area – September 27, 2021



Runway 4-22 Patch Area – September 27, 2021

TASK ORDER NO. THREE (3)
PROFESSIONAL SERVICES AGREEMENT



PROJECT: Runway 4-22 Pavement Analysis

AIRPORT: Delaware Coastal Airport

DELTA PROJECT NO.: 22052

DATE OF ISSUANCE: July 7, 2022

ATTACHMENTS: 1) Scope of Services
2) Project Task Descriptions
3) Rate Schedule

METHOD OF PAYMENT: Pavement Analysis - Unit Price + Fixed Fee

TASK ORDER AMOUNT: \$ 125,000

PROJECT DESCRIPTION:

- Runway 4-22 Pavement Analysis Report
- Geotechnical Investigation
- Evaluate Existing Pavement Failures
- Analyze Pavement Repair Solutions
- Estimate Pavement Repair Alternative Construction Costs

The original Agreement for Professional Services between Sussex County, Delaware (OWNER) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at Delaware Coastal Airport dated April 23, 2020, shall govern all TASK ORDERS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and OWNER.

ACCEPTED:

by: _____

Douglas E. Sander, P.E.
Vice President
Delta Airport Consultants, Inc.
3544 North Progress Avenue, Suite 200
Harrisburg, Pennsylvania 17110

APPROVED:

(WITH COUNTY COUNCIL CONCURRENCE)

by: _____

Hans M. Medlarz, P.E.
County Engineer
Sussex County, Delaware
2 The Circle (P.O. Box 589)
Georgetown, Delaware 19947

ATTACHMENT 1
SCOPE OF SERVICES



Runway 4-22 Pavement Analysis
Delaware Coastal Airport
Delta Project No. 22052

July 7, 2022

PHASE	DETAILED TASKS
PAVEMENT ANALYSIS (PA)	Scope of Services and Contract
	Evaluate Existing Conditions
	Schematic Pavement Design
	Pavement Repair Alternatives (Up to 4 Repair Options)
	Concept Estimates (Up to 4 Repair Options)
	Owner Coordination
	Coordinate Subconsultants
	Pavement Assessment Report
	Site Visits/Meetings (3)

ITEMS NOT INCLUDED IN SCOPE:

- Funding and Phasing Plan
- Escort for Geotechnical Borings
- Preliminary Engineering
- FAA Funding Coordination
- Environmental Assessment or CATEx Coordination
- Final Design or Construction Documents

Scope of Services and Contract

The CONSULTANT will prepare a consulting services agreement including a detailed work scope narrative and itemized fee schedules for submission to the OWNER for review and approval. The CONSULTANT will communicate and coordinate with the OWNER requesting the authority to proceed with proposed project pending the execution of the consulting services agreement.

Evaluate Existing Conditions

The CONSULTANT will evaluate the existing physical conditions of the pavement, and assessment general conditions, potential points of failure or interest, and their effects on the life and durability of the pavement life. The CONSULTANT will summarize these findings.

Schematic Pavement Design

Determine design aircraft loading and number of aircraft operations. Determine the freeze thaw cycles of the local area and existing subgrade conditions. Determine availability of materials. Calculate pavement structure layer types and thicknesses in accordance with FAA A/C 150/5320-6 and FAA pavement design software.

Pavement Repair Alternatives (Up to 4 Alternatives)

Assess condition of existing pavement for overlay, rehabilitation, reclamation, reconstruction, and or other means as is practicle based on available materials, life of pavement, constructability and cost.

Concept Estimates (Up to 4 Alternatives)

Determine current unit prices. Includes estimate by Project Designer and quality control estimate by Project Manager. Calculate opinion of probable cost based on quantity, difficulty, and current industry prices on the bid items.

Owner Coordination

Provide OWNER with routine project status updates, discuss project issues, including budget, recommendations, and funding. Provide clarifications, prepare and submit draft letters for various coordination, and respond to inquiries.

Coordinate Subconsultants

Coordinate schedules, project information, scope, and deliverables with subconsultant engineers. Monitor work progress and coordinate analysis and findings with the Owner.

Pavement Assessment Report

Prepare final pavement assessment report which describes the project scope, design standards utilized, pavement condition considerations, pavement designs, preliminary opinions of probable cost, and recommendations. This report is intended to represent the analysis and not a full design document.

Site Visits/Meetings (3)

Site visits will be conducted to determine site conditions, confirm pavement assumptions, and verify limits of proposed repairs. A design review meeting will be conducted with the Owner and funding agency at the completion of this phase as necessary.

**ATTACHMENT 3
RATE SCHEDULE**



Delta Airport Consultants, Inc.
Date: April 29, 2021

<u>Item</u>	<u>2022</u>
Work Hours Billing Rates (with overhead)	
Principal	\$260
Project Manager/Registered Professional	\$229
Design Professional (Engineer/Planner)	\$146
Project Production/Administration	\$119
Field Representative	\$109

Direct Nonsalary Expenses

Automobile (per mile)	Federal Gov. guidelines
Aircraft (per mile)	Federal Gov. guidelines
Per Diem - Field Assignments	Federal Gov. guidelines
Meals & Lodging per calendar day (long term)	
Airline, Rental Car, Charter, etc.	Direct
Printing	Direct
Bid Advertisement	Direct
Meals & Lodging (short term)	Direct
Miscellaneous	Direct

Notes:

1. Billing rates for future years will be increased by 3% annually.
2. Billing rates based on estimated 2022 salaries (i.e.: 2021 salaries plus 3% inflation).
3. Work hour rates include labor overhead, general & administrative overhead per FAA AC 150/5100-14E, paragraph 4-10



417 Maryland Avenue

Delmar, MD 21875

Phone (410) 749-0940

Fax (410) 896-3478

www.hcea.com

July 5, 2022

Mr. Russell Ashburn III, P.E.
Project Manager
Delta Airport Consultants, Inc
3540 N. Progress Ave., Suite 102
Harrisburg, PA 17110

Re: Proposal to Provide Geotechnical Engineering Services
Runway 4-22 Runway Pavement Evaluation
Delaware Coastal Airport, Georgetown, DE
HCEA Proposal Number P220206SAL

Dear Mr. Ashburn:

Hillis-Carnes Engineering Associates, Inc. (HCEA) is pleased to submit this proposal to provide Runway Pavement Evaluation services for the above referenced project. This proposal outlines our understanding of the project, details our approach to the work, and presents the unit rates which will be applicable for this work and the estimated total cost of our services. This proposal also contains specific and general terms and conditions.

It is our understanding that this project consists of pavement exploration and evaluation of Runway 4-22, located at the Delaware Coastal Airport in Georgetown, Delaware. Our scope of services includes the scope of work included in the RFP (Exhibit A) and as noted in the following pages.

If this proposal is acceptable, please sign and return a completed Proposal Acceptance Sheet to HCEA to serve as our signed agreement. Should you require additional services beyond those listed in this proposal or if any of the outlined assumptions should be modified, please notify us so that this proposal can be revised as required.

Thank you for the opportunity to present this proposal. If you have any questions or require any additional information, please do not hesitate to contact us at your convenience.

Sincerely,

HILLIS-CARNES ENGINEERING ASSOCIATES, INC.



Vernon Opdyke
Branch Manager/ Assistant Vice President



Jeremy Boehm, PE
Sr. Project Engineer

SCOPE OF SERVICES

I. PROJECT DESCRIPTION

A scope of services for this project has been developed based on the Delta Airport Consultants, Inc. Request for Proposal (RFP) for Pavement Exploration and Evaluation dated June 22, 2022.

It is our understanding the project consists of pavement exploration and evaluation of Runway 4-22, located at the Delaware Coastal Airport in Georgetown, Delaware. Our scope of services includes the scope of work included in the RFP (Exhibit A) and as noted below.

II. OBJECTIVES AND SCOPE

The services provided by HCEA will involve exploring the site of work, the performance of laboratory tests, engineering analyses, and preparation of a geotechnical report.

To accomplish this we will:

1. Consult available published geologic and project references.
2. Explore and test insitu conditions at boring locations.
3. Perform laboratory tests on representative samples of soil and concrete.
4. Analyze the results of our office, field and laboratory studies.
5. Develop design criteria and related geotechnical considerations.
6. Examine the relative merits of alternative methods of geotechnical designs.
7. Specific requirements outlined in Tasks 1 through 4 shown in Exhibit A

III. FIELD EXPLORATION AND LABORATORY TESTING

In order to accomplish these objectives, a survey, a pavement sample collection, a subsurface exploration and a laboratory program were proposed by Delta. This proposed testing consists of a pavement survey performed by HCEA, saw cuts performed by others with HCEA to monitor, thirty-two (32) pavement cores and thirty-two (32) Standard Penetration Test (SPT) soil borings at locations TBD. An HCEA engineer will monitor the saw cutting of the pavement. The borings will be drilled to a depth of 10 ft. below existing site grades.

Pavement cores will be performed by thin walled coring techniques. The thickness of each layer, including base and subbase, will be measured and noted, along with the condition. Photographs of each pavement core will be included.

Samples of the subsurface materials generally will be obtained using a split barrel sampler and the Standard Penetration Test Procedure, as described in ASTM D 1586. Soil sampling intervals will typically occur at 2.5-foot intervals in the first 10 feet and 5-foot intervals thereafter. If unusual subsurface conditions are encountered or if more detailed information are required within certain intervals of depth, then additional split barrel sampling will be performed.

Laboratory testing will be performed to establish the physical and strength characteristics and design parameters of the soils. Laboratory testing will generally

include, as a minimum, classification tests, Atterberg Limit tests, and natural moisture content tests. Please note that more sophisticated laboratory testing has been requested, including California Bearing Ratio (CBR) and Petrographic Analysis.

IV. BORING STAKEOUT AND ACCESS REQUIREMENTS

As required by law, HCEA will contact and coordinate with MISS UTILITY at least 48 hours prior to drilling operations. It should be noted that privately owned utilities or utility lines located on property not in the public right-of-way may not be covered by MISS UTILITY. The cost of a private utility locator is included in this proposal. The private utility locator and mark the locations of private underground utilities on Runway 4-22 for its entire length.

HCEA will mark the proposed boring locations at the time of the Crack Survey by roughly measuring using a wheel and tape. The locations will be indicated by HCEA on a runway plan provided by others. Existing ground surface elevations of the borings can be estimated from topographic survey information if provided to us by others. The spacing of the borings and pavement cores will be approximately 200 ft. in distance. The exact locations will be based on the initial cracking reconnaissance.

The test borings/core locations will be backfilled with auger cuttings topped with Aquaphalt at a minimum depth of the existing pavement depth but not less than 12 inches. Patching of the boring locations are included in our proposed scope and fee. HCEA will not be responsible for the repair of the saw cut locations.

Our proposed fee assumes the boring locations will be clear, relatively level and accessible to our drill equipment. Costs associated with clearing or difficult moving to traverse the site and access the boring locations have not been included. The saw cuts, pavement cores and SPT soil borings will be done at night, (8pm to 5 am). The field crew shall not leave the site until all borings have been checked to assure satisfactory backfill and no settlement. All foreign object debris (FOD) must be removed from the runway prior to field crew leaving site and runway being reopened. The pavement survey and private utility locate will be performed during daylight hours without runway closure. Personnel will have to monitor CTAF frequency (123.0) and move outside Runway Safety Area (RSA) when aircraft are arriving or departing.

V. REPORT

After completion of all field exploration and laboratory testing, a geotechnical engineering report will be prepared and submitted. The report will include the logs of all test holes and a summary of the laboratory testing program results. We will include our engineering analyses and recommendations for the geotechnical design as requested.

Based on our current schedule, HCEA will be able to mobilize to the site within six (6) weeks following acceptance of our proposal and utility clearance. During the progress of our study, we will be available to consult with you or your representative and provide preliminary information and recommendations as they are developed. It is anticipated that our final report will be available within thirty (30) days following completion of the borings. If a shorter turnaround time is needed, HCEA will make every effort to work with your schedule.

EXHIBIT A (PAGE 1 OF 4)



June 22, 2022

Mr. Vernon Opdyke
Hillis-Carnes Engineering Associates
417 Maryland Avenue
Delmar, Maryland 21875

Subject: Request for Proposal: Pavement Exploration and Evaluation
Runway 4-22 Pavement Analysis
Delaware Coastal Airport
Georgetown, Delaware
Delta Project No. 22052

Dear Mr. Opdyke:

Delta Airport Consultants, Inc. (Delta) is preparing a contract for pavement analyses for Runway 4-22 at the Delaware Coastal Airport in Georgetown, Delaware. The proposed work is to explore the existing runway pavement and underlying subgrade soils to assess potential causes for the existing pavement distress. An initial site reconnaissance was performed with you and Mr. Jeremy Boehm, P.E. with HCEA as well as Mr. Dave Jones, P.E. and Mr. Russ Ashburn, P.E. with Delta. Delta requests that your firm submit a cost proposal for the following exploration:

SCOPE OF WORK

Task 1: Perform an initial cracking reconnaissance

Identify major areas of swelling, bulging, and/or cracking of the asphalt pavement surface. This initial reconnaissance should be used to aid in final locations of the pavement cores and/or standard penetration test (SPT) borings for the exploration. While this should not be an exhaustive crack inventory, it should identify different types of cracking as well as general locations where the types of cracks and severity are occurring. Photo documentation with descriptions and general locations is expected to be included in the final report. This work can be performed in daylight hours without runway closure. Personnel will have to monitor CTAF frequency (123.0) and move to outside Runway Safety Area (RSA) when aircraft are arriving or departing.

Task 2: Observe large saw cut asphalt areas

The Airport's on-call contractor will saw cut and remove asphalt at three to four locations along the existing runway. These areas will be at more severe locations of bulging and/or swelling of the asphalt. The asphalt will be removed to expose the underlying concrete and then the asphalt replaced. HCEA is requested to observe this operation in order to assess the performance and/or condition of the underlying concrete pavement. HCEA will not be responsible for the actual excavation and/or repair of these saw cut sections. For the purpose of this proposal, assume that this work will be done at night and assume one night of observations. Provide unit rate for additional nights of observations if saw cut areas cannot be completed in one night.

3544 NORTH PROGRESS AVENUE, SUITE 200, HARRISBURG, PENNSYLVANIA 17110
P. (717) 652-8700 WWW.DELTAIRPORT.COM

EXHIBIT A (PAGE 2 OF 4)

Task 3: Pavement cores and SPT borings

Twenty-six (26) pavement cores will be required along the Runway 4-22 alignment. The spacing of these pavement cores should be approximately 200 feet in distance. The exact locations should be based on the initial cracking reconnaissance. The intent is that the pavement cores will penetrate a wide variety of conditions, including different types and severities of cracking, as well as areas with no cracking. The core locations may be adjusted in the field as required to avoid existing utilities, structures, etc., and as recommended by the on-site geotechnical engineer.

Approximately six (6) additional pavement cores and borings shall be placed in the runway area at the discretion of the geotechnical engineer.

Pavement cores shall be performed by thin-walled coring techniques to preclude surface damage. The thickness of each pavement layer shall be measured and clearly noted, along with the condition of each pavement layer. Photographs of each pavement cores should be included. The depth of base and subbase layers shall be identified and measured.

At each of the pavement core locations, the upper 2 feet of the existing subgrade shall be explored with a dynamic cone penetrometer (DCP) (ASTM D6951). This exploration will provide a DCP index which can be correlated to estimates of CBR values of the existing subgrade at each core location.

In addition, at each of the pavement core locations, SPT borings should be performed to a depth of approximately 10 feet below the existing pavement. A minimum of three SPT tests (ASTM D1586) shall be performed at each boring location. All borings shall be refilled and firmly compacted at the completion of the field work each day. Pavement cores shall be patched with non-shrink cement grout or high-quality asphalt patching material such as Aquaphalt or similar material to a minimum depth of about 10 to 12 inches (at least the depth of the pavement section). This work shall be completed at night between the hours of 8 pm and 5 am and the runway is to be reopened at 6 am. The field crew shall not leave the site until all borings have been checked to assure satisfactory backfill and no settlement. All foreign object debris (FOD) must be removed from the runway prior to field crew leaving site and runway being reopened.

Task 4: Laboratory Testing

For all borings, classification and depth of each soil group by the Unified Classification System (visual method) shall be recorded. The approximate depth of water table should be reported. Liquid limit, plastic limit, in-place moisture content, and sieve analysis of the existing soil materials shall be obtained in accordance with normal procedure as necessary to determine classification of the soil materials. Bag samples shall be obtained as necessary to run laboratory CBR's (ASTM D1883) at optimum moisture and modified proctor (ASTM D1557) for each soil type. The material shall be evaluated for ease of excavation. A minimum of four laboratory CBR tests shall be performed.

Petrographic testing shall be performed on at least two of the concrete samples. The purpose of petrographic samples is to identify whether alkali-silica reaction (ASR) is occurring in the underlying concrete pavement.

EXHIBIT A (PAGE 3 OF 4)

Task 5: Engineering Evaluation Report

The engineering report shall include a summary of the initial pavement reconnaissance (including photographs) and all coring, boring, and laboratory test data. A discussion of the potential causes of the asphalt distress as well as alternatives for repair shall be presented. Design CBR recommendations, based on field and laboratory data, as well layer equivalency factors for existing pavements versus new pavements, as well as any other pertinent recommendations shall be presented.

Provide a draft report for Delta's review prior to finalizing report. Include engineering time to conduct a thorough briefing [via conference call *or* in Delta's office] on the draft Geotechnical Report, providing highlights of the key areas of concern and recommendations on proposed construction activities associated with the soils included on the project. After this discussion, the report can be finalized. Please be aware that the finalized report will be incorporated into the specifications for the project. The finalized report shall be signed and sealed by a registered professional engineer in the State of Delaware.

GENERAL

If accepted, your proposal shall serve as a basis for a unit price not-to-exceed contract directly with Delta Airport Consultants, Inc. The proposal shall include a fee schedule, estimated workhours, anticipated non-salary cost and a "not-to-exceed" ceiling figure. All expenses shall be estimated based on the latest Federal guidelines for items such as mileage, meals, per-diem, etc. and no mark-up is permitted on expenses and subcontracted services.

As soon as your services are complete, your firm should invoice Delta Airport Consultants, Inc. Your invoice will then be included with the next Delta invoice. Payment for your services will be forwarded within fourteen (14) days upon receipt of payment from the Owner. In order to be included with the next Delta invoice, your invoice should be received no later than the 25th of the month.

The invoice shall, at a minimum, include the following:

- a. Project name: *Runway 4-22 Runway Pavement Evaluation*
- b. Airport name: *Delaware Coastal*
- c. Delta project number: *22052*
- d. Invoice number
- e. Workhour cost, with breakdown of hours and fees
- f. Non-salary costs

All crews working in the active aircraft operation areas shall have aviation band radios and monitor the Common Traffic Advisory Frequency (CTAF) of 123.00 at all times. All activities on the airfield shall be coordinated with the Owner and the Engineer prior to the start of work. Work shall be scheduled to minimize closures of active pavements. The work crews shall be prepared to clear the runway and taxiway safety areas as required during aircraft operations as ordered by the Owner.

At least one member of the exploration party must attend a safety and security training class at the airport prior to proceeding with the work. All activities on the airfield shall be coordinated with the

EXHIBIT A (PAGE 4 OF 4)

Engineer. The Airport Manager must be contacted prior to beginning any reconnaissance and/or field work inside the Airport Security fence.

Mr. Robert L. Bryant, A.A.E.
Airport Manager
Delaware Coastal Airport
(302) 855-7774 or (302) 493-9661

A copy of Delta's Subconsultant Agreement has been attached for your reference.

Delta is requesting your draft proposal (with cost) on or before June 27, 2022, with the final proposal on or before July 1, 2022. It is anticipated that a notice-to-proceed for your work will be given during July of 2022. Upon receipt of the written notice-to-proceed, it is requested that the geotechnical report be forwarded to our office within forty-five (45) days.

If you should have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

J. Russell Ashburn III, P.E.
Project Manager

Enclosures: Sample Subconsultant Agreement

Reference: Delta Project No. 22052

Delaware Coastal Airport Pavement Evaluation

DESCRIPTION	QTY	RATE	U/M	ITEM TOTAL
DRILLING SERVICES				
Geotechnical Aide to Measure and Document Cores, and DCP Tests (Night)	50	\$ 100.00	Hour	\$ 5,000.00
Equipment Rental	1	\$ 750.00	LS	\$ 750.00
Restoration	32	\$ 25.00	Each	\$ 800.00
Continuous S.P.T Borings (Night)	320	\$ 30.00	LF	\$ 9,600.00
Drill Rig Mobilization/Demobilization (Night)	2	\$ 400.00	Each	\$ 800.00
SUBTOTAL				\$ 16,950.00
LABORATORY SERVICES				
Atterberg Limit	2	\$ 75.00	Each	\$ 150.00
CBR	4	\$ 250.00	Each	\$ 1,000.00
Moisture Content	6	\$ 10.00	Each	\$ 60.00
Sieve Analysis	6	\$ 75.00	Each	\$ 450.00
Petrographic Analysis	3	\$ 3,415.00	Each	\$ 10,245.00
Modified Proctor	4	\$ 120.00	Each	\$ 480.00
SUBTOTAL				\$ 12,385.00
GEOTECHNICAL SERVICES				
Geotechnical Aide	45	\$ 75.00	Hour	\$ 3,375.00
Principal Engineer	2	\$ 225.00	Hour	\$ 450.00
Project Manager	16	\$ 100.00	Hour	\$ 1,600.00
Sr. Project Engineer	15	\$ 155.00	Hour	\$ 2,325.00
Staff Engineer	11	\$ 95.00	Hour	\$ 1,045.00
Pavement Survey	16	\$ 175.00	Hour	\$ 2,800.00
Sr. Project Engineer (P.E.) Monitor Saw Cuts (Night)	8	\$ 155.00	Hour	\$ 1,240.00
MISS Utility Coordinate	1	\$ 300.00	LS	\$ 300.00
Private Utility Locator	4	\$ 1,725.00	Day	\$ 6,900.00
SUBTOTAL				\$ 20,035.00
TOTAL BUDGET ESTIMATE				\$ 49,370.00



June 30, 2022

Mr. Russell Ashburn, P.E.
Delta Airport Consultants, Inc.
2700 Polo Parkway
Midlothian, VA 23113

[sent via e-mail]

RE: Pavement support for Delaware Coastal Airport

Dear Russ:

To follow up on our conversation earlier this week, Applied Pavement Technology, Inc. (APTech) is able to support Delta Airport Consultants, Inc. (Delta) with pavement engineering consulting at Delaware Coastal Airport.

Our understanding is that the requested services will primarily consist of a review of pavement rehabilitation options. We propose to provide any required support using our staff of pavement engineering professionals. Staff time will be billed at APTech's 2022 loaded hourly rates as follows:

- Principal \$310/hour
- Senior Engineer II \$275/hour
- Senior Engineer I \$230/hour

If other staff are used, their 2022 rates will be provided.

Since the extent of the work is not currently defined, we suggest a not-to-exceed subcontract of \$10,000. Please let me know if you need further information in support of this proposed work. Thank you for the opportunity to support Delta and Delaware Coastal Airport in this effort.

Sincerely,
Applied Pavement Technology, Inc.

A handwritten signature in blue ink that reads 'David Peshkin'.

David Peshkin, P.E.
Vice President | Chief Engineer

Applied Pavement Technology, Inc.

115 West Main Street, Suite 400

Urbana, Illinois 61801

☎ (217) 398-3977 📠 (217) 398-4027 🌐 appliedpavement.com

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Vincent

yes - 6.16

Council Grant Form

Legal Name of Agency/Organization	Boomerang Community Outreach, Inc.
Project Name	SWAG Youth Program
Federal Tax ID	850938510 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Boomerang Community Outreach, Inc. was established with a focal point of helping individuals and youth overcome adversity through strengthening familial bonds, promoting personal development, and providing accountability through the support of strategic community partners.
Address	25459 Janice Drive
Address 2	
City	Seaford
State	DE
Zip Code	19973
Contact Person	Danecia Page

Contact Title Founder

Contact Phone Number 3025154606

Contact Email Address boomeranglife2019@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? 5

Program Category (choose all that apply) Educational

Program Category
Other

Primary Beneficiary
Category Youth

Beneficiary Category
Other

Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program 50

Scope

Currently in Sussex County, there are no youth programs available year-round, free of charges, and benefit children ages 5-17 years old from all household income brackets. Boomerang Community Outreach, Inc. has developed a SWAG Youth Program that teaches children to maintain a daily mindset of being Self-confident, Winning, Appointed, Go-getters. The SWAG Youth Program desires to operate full-time in Seaford, DE as an after-school program from 2 p.m. to 8 p.m. Monday-Friday during the school year as well as provide an annual summer youth camp that can also operate Monday-Friday from 8 a.m. to 4 p.m. from June to August that will provide structure, safety, educational, behavioral, life skills, and more for children to develop values and personal development at an early age. Research has proved that one of the largest after-school programs in Sussex County DE does not provide afterschool services to children once they become 13 years of age; Boomerang's SWAG Youth Program would like to continue to provide services to all school aged children with the intent to expand its functioning as a full-time case management

service and community center for individuals, children, and families to help them overcome adversity to achieve holistic success throughout the state of Delaware.

**Religious
Components**

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

200.00

Description

Operating Costs

Amount

4,000.00

Description

Salary

Amount

1,000.00

Description

Supplies

Amount

500.00

Description

Food

Amount

2,000.00

Description

Marketing

Amount

500.00

Description

Personnel

Amount 2,000.00

Description

Amount

Description

Amount

TOTAL EXPENDITURES 10,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -9,800.00

Name of Organization Boomerang Community Outreach, Inc.

**Applicant/Authorized
Official** Danecia Page

Date 06/02/2022

Affidavit Yes
Acknowledgement

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Vincent
July

Council Grant Form

**Legal Name of
Agency/Organization**

Girl Scouts of the Chesapeake Bay Inc. Council Inc. ✓

Project Name

Summer Camp Experience for Girl Scouts from
Underserved Communities

Federal Tax ID

51-0064337 ✓

Non-Profit

Yes

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

No

**Organization's
Mission**

Girl Scouts of the USA is a leading expert on, and advocate for, girls' issues. In an accepting and nurturing environment, girls build character and skills for success in the real world, including in the workforce. In partnership with trained and committed adult volunteers, girls develop qualities that will serve them all their lives, such as leadership, strong values, social conscience, and conviction about their own potential and self-worth. In Girl Scouts, girls discover fun, friendship and power of girls together. Through the many enriching experiences provided by the Girl Scouts, they can grow courageous and strong. The mission of the Girl Scouts is to build girls of courage, confidence and character, who make the world a better place.

Address

225 Old Baltimore Pike

Address 2

Newark Resource Center

City Newark

State DE

Zip Code 19702

Contact Person Mary Lou Tietz

Contact Title

Contact Phone Number 302-539-0793

Contact Email Address maryloutietz@yahoo.com

Total Funding Request \$1,700

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? 1350

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

If YES, approximately what percentage of 7

**the project's funding
does the Council
grant represent?**

**Program Category
(choose all that
apply)**

Health and Human Services

**Program Category
Other**

**Primary Beneficiary
Category**

Disability & Special Needs

**Beneficiary Category
Other**

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

150

Scope

Girl Scouts of the Chesapeake Bay was formed in 1962 when the Wilmington Council and the Peninsula Council were combined. The Council encompasses the Delmarva Peninsula, which includes all three counties in Delaware, the Eastern Shore of Maryland and the Eastern Shore of Virginia. For more than 55 years, the GSCB has provided girls in grades K-12 with leadership development opportunities. Girl Scouts of the Chesapeake Bay is part of (Council) Girl Scouts of the USA, and we serve over 5,500 girls and 3,000 adults each year.

The Girl Scouts of the Chesapeake Bay (GSCB) is requesting

a Council Grant of \$1,700 to help fund summer camp experiences for underserved Girl Scouts from Sussex County in the summer of 2022. GSCB has 35 troops in Sussex County and we expect to send 150 Girl Scouts to summer camp at Camp Grove Point in Earleville, MD, in 2022. Grant funds will specifically be used to purchase some much-needed equipment and to secure the services of an interpreter for two deaf and hard-of-hearing Girl Scouts from Sussex County troops who will be attending camp this year.

For the past two years, Girl Scouts of the Chesapeake Bay has had to forego our summer camp experiences for Girl Scouts because of the outbreak of COVID-19. We are very happy to now have the opportunity to once again welcome girls from across the Delmarva peninsula and all three counties in Delaware to our summer camps, which will begin in July and be held through August 2022.

In order to provide the best experience possible for our Girl Scouts, however, GSCB is in need of some new equipment as there has been much wear and tear on the kayaks, sail boats, cabins, and sports equipment over the years. This year at Camp Grove Point we are particularly in need of 10 new kayaks at a cost of \$700.00 per unit. Accordingly, we are requesting that \$700.00 of our grant request be earmarked for the purpose of one new kayak.

In addition to this expense, GSCB is faced with a unique challenge this summer: we have two deaf/hard-of-hearing Girl Scouts from Sussex County who would like to attend camp this summer. These two girls are in need of a sign-language interpreter to accompany them at camp. The cost of an interpreter for one week is \$5,000, which is on the low end as costs for this service can range anywhere from \$5,000 to \$15,000 for the week. GSCB has already raised \$4,000 toward the cost of the interpreter, and we would like to request that the Sussex County Council provide the

remaining \$1,000 toward the final cost so that our deaf/hard-of-hearing Girl Scouts can enjoy the same experience as their peers.

In summary, GSCB requests a grant of \$1,700 to support the purchase of one kayak at \$700.00 and to assist with securing the services of the sign-language interpreter at \$1,000.00.

**Religious
Components**

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

21,500.00

Description Heating Repairs

Amount 2,000.00

Description 2 Sailboats at \$3,800 each

Amount 7,600.00

Description 10 Kayaks at \$700 each

Amount 7,000.00

Description 4 Platform Tents at \$400 each

Amount 1,600.00

Description	Sign Language Interpreter for Deaf and Hard of Hearing Scouts
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Amount	5,000.00
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Description	
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Amount	
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Description	
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Amount	
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Description	
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Amount	
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TOTAL EXPENDITURES	23,200.00
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TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,700.00
--	-----------

Name of Organization	Girl Scouts of the Chesapeake Bay Inc.
-----------------------------	--

Applicant/Authorized Official	Mary Lou Tietz
--	----------------

Date	06/19/2022
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Affidavit Acknowledgement	Yes
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Green

OK-July

Council Grant Form

**Legal Name of
Agency/Organization**

New Coverdale Outreach Mission Inc ✓

Project Name

Back to school supplies

Federal Tax ID

31-1695369 ✓

Non-Profit

Yes

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

Yes

**Organization's
Mission**

Faith based NCOM serves neighboring community's we provide clothes at Christmas food at thanksgiving school supplies for children that families are under privgiled on an annually 100+ famalies we do this yearly

Address

22215 coverdale rd

Address 2

City

seaford

State

DE

Zip Code

19973

Contact Person

Diane Lofland

Contact Title

Executive Director

**Contact Phone
Number** 3026293036

**Contact Email
Address** cutiepie14k@gmail.com

**Total Funding
Request** 13,500

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

**If YES, how much was
received in the last 12
months?** 1000

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

**If YES, approximately
what percentage of
the project's funding
does the Council
grant represent?** 80

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

**Program Category
Other**

Primary Beneficiary Category	Other
Beneficiary Category Other	under privedgelled famailies
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	100
Scope	1500 is needed for back to school supplies coverdale famailies and neigboring famailies 12,000 is needed for the building that we serve these famailies out of . The facility central air has gone up and we need central air in order to have cool air in the summer and heat in the winter.
Religious Components	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	1,500.00
Description	building insurance
Amount	2,700.00
Description	Utilites

Amount	4,500.00
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Description	cleaning supplies
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Amount	1,000.00
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Description	
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Amount	
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Description	
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Amount	
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TOTAL EXPENDITURES	8,200.00
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TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-6,700.00
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Name of Organization	New coverdale Outreach Mission
-----------------------------	--------------------------------

Applicant/Authorized Official	Diane Lofland
--	---------------

Date 06/16/2022

Affidavit Yes

Acknowledgement

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Council Grant Form

Legal Name of Agency/Organization	Big Brothers Big Sisters of Delaware Inc. ✓
Project Name	Summer Youth Mentoring Program
Federal Tax ID	51-6018399 ✓
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 and support one-to-one mentoring relationships that ignite the power and promise of youth.
Address	17527 Nassau Commons Blvd Suite 201
Address 2	
City	Lewes
State	DE
Zip Code	19958
Contact Person	Mary Lou Tietz
Contact Title	

Contact Phone Number 302-539-0793

Contact Email Address maryloutietz@yahoo.com

Total Funding Request 2000

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? 1300

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? 32

Program Category (choose all that apply) Educational

Program Category Other

Primary Beneficiary Category	Youth
Beneficiary Category Other	
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	20
Scope	<p>Big Brothers Big Sisters is the oldest one-to-one youth mentoring organization in the United States and is more than 100 years old nationally. It is relevant in communities because it helps lift children academically, improving their grades and helping them to connect with adults who can help them achieve more academically and socially. The community benefits by having this resource as the public school system can access fully-vetted tutoring volunteers through the staff of Big Brothers Big Sisters of Delaware (BBBSDE).</p> <p>Big Brothers Big Sisters of Delaware provides youth mentoring services in all three counties in Delaware. BBBSDE is requesting a grant of \$2,000 from the Sussex County Council to support our Summer Youth Mentoring Program in 2022, which will match 10 low-income youth with 10 volunteer mentors from Sussex County to provide academic and emotional/social support during the summer months.</p> <p>The purpose of the Summer Youth Mentoring Program is to maintain the efficacy of BBBSDE's school-year mentoring programs during the summer months when school is not in</p>

session, so that students do not lose the progress they have made with their mentors toward academic and social growth.

The program will match 10 vetted volunteers with 10 selected youth through BBBSDE's offices in Lewes. Mentors will provide tutoring support to help youth raise their academic performance in certain areas, particularly reading. The volunteer mentors will tutor youth once or twice weekly, helping to keep them engaged academically during the summer months and into the school year as it begins again in the fall. The Summer Youth Mentoring Program not only helps youth academically but also increases their aspirations, confidence, educational, emotional and social success, and helps them successfully transition to post-secondary school. The program emphasizes positive behaviors and decreases and avoids risky behaviors.

Grant funds from the Sussex County Council will specifically be used for BBBSDE staff members who manage the Summer Youth Mentoring Program, for program supplies, and for volunteer training.

**Religious
Components**

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

4,300.00

Description

Program Supplies: \$150 per student X 10 students

Amount	1,500.00
Description	Staff Support for Volunteers and Students
Amount	3,600.00
Description	Volunteer Training
Amount	1,200.00
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	6,300.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,000.00

Name of Organization Big Brothers Big Sisters of Delaware

**Applicant/Authorized
Official** Mary Lou Tietz

Date 06/21/2022

Affidavit Yes

Acknowledgement

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Rieley
July

Council Grant Form

**Legal Name of
Agency/Organization**

La Esperanza Inc. ✓

Project Name

Emergency Housing Services for Latino Immigrants

Federal Tax ID

31-1606956 ✓

Non-Profit

Yes

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

No

**Organization's
Mission**

La Esperanza's mission is to assist Sussex County Latinos on their journey to achieve stability, integration, and success.

Address

216 N. Race Street

Address 2

City

Georgetown

State

Delaware

Zip Code

19947

Contact Person

Dr. Jennifer Fuqua

Contact Title

Executive Director

Contact Phone Number 302-854-9262

Contact Email Address jfuqua@laesperanza.org

Total Funding Request 2000

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? 2000

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? 56

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

Program Category Other

Primary Beneficiary Category Minority

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 25

Scope

Founded in 1997, La Esperanza is a bilingual multi-service nonprofit agency in Sussex County providing free culturally and linguistically appropriate services in youth and family development, immigration and victim services for Latino adults, children and families. La Esperanza programs serve more than 3,000 individuals and families annually. In the past, La Esperanza was able to spur the development of other significant organizations serving the Latino community in Sussex County, such as La Red Health Center and La Rosa Health Center. Today, La Esperanza has integrated the La Colectiva de Delaware collaborative network initiative as well as fostering La Plaza, an initiative designed to support Latino small business owners and entrepreneurs.

La Esperanza works to empower the community and improve the health and wellness of Latino youth and families in Sussex County. La Esperanza's bilingual guides have offered resource navigation and family coaching to clients at our center in Georgetown since 2019. We currently provide place-based, bilingual navigation and coaching support at an expanded number of local libraries, beginning with the Georgetown Library in 2021 and now in

2022 including the Seaford, Bridgeville, Laurel, and Milford Libraries, which serve a significant number of Latino immigrants. Our partnerships with libraries have also allowed us to bring La Esperanza's other services, as well as our La Colectiva partners, to communities across Sussex County. We make referrals through our navigation services, building agency and resiliency through our coaching services, and supporting vital conditions with our partners and through community engagement.

La Esperanza is aware of an ongoing need to address Basic Needs for Health and Safety, as we come across families requiring emergency services when they first come into contact with La Esperanza. For example, families often need emergency housing prior to being able to access an affordable rental unit and the need is immediate. La Esperanza provides families with referrals to area hotel accommodations, support in accessing housing, and transportation costs for a period of 2 to 4 days until other housing arrangements can be made.

La Esperanza is requesting a grant of \$2,000 from the Sussex County Council to help defray some of these emergency costs that help us stabilize living arrangements for our clients, while providing ongoing coaching support that will help them take the next step toward independence and self-sufficiency.

Religious Components

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

1,550.00

Description	Personnel Costs
Amount	1,000.00
Description	Transportation
Amount	300.00
Description	Motel Rental Costs
Amount	2,250.00
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	3,550.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION**

-2,000.00

Name of Organization

La Esperanza Inc.

**Applicant/Authorized
Official**

Dr. Jennifer Fuqua

Date

06/21/2022

**Affidavit
Acknowledgement**

Yes

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Rieley
July

Council Grant Form

Legal Name of Agency/Organization	Primeros Pasos Inc. ✓
Project Name	Educational Field Trips for Early Learning Students
Federal Tax ID	51-0375288 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Since 1996, Primeros Pasos has provided safe, affordable and nurturing care and educational support for children in the Georgetown area who would otherwise not have the opportunity for this experience. The mission of Primeros Pasos Early Learning Center is to provide a high quality education in a culturally diverse environment for all children.
Address	20648 Savannah Road
Address 2	
City	Georgetown
State	DE
Zip Code	19947

Contact Person	Casey Christophel
Contact Title	Executive Director
Contact Phone Number	302-856-7406
Contact Email Address	director@primerospasosde.org
Total Funding Request	1200
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?	1440
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?	70
Program Category (choose all that apply)	Educational

Program Category
Other

Primary Beneficiary
Category Youth

Beneficiary Category
Other

Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program 62

Scope

Since 1996, Primeros Pasos has provided safe, affordable and nurturing care and educational support for children in the Georgetown area who would otherwise not have the opportunity for this experience. The mission of Primeros Pasos Early Learning Center is to provide a high quality education in a culturally diverse environment for all children. Many of our students come to us understanding and speaking only Spanish. Our bilingual staff gives the children a sense of security when they know they can understand what is being said to them. Most of the children enrolled in the Early Learning Center come from families residing in the area of Georgetown and the surrounding communities. Their parents typically work in beginning-level jobs that pay little more than minimum wage. Families are referred to Primeros Pasos by friends, area churches, and the public school system.

In 2017, Primeros Pasos opened a new, 4,000 sq. ft., state-of-the-art Early Learning Center on Savannah Road. The center is licensed for up to 67 children ages 12 weeks to 12

years. Primeros Pasos participates in Delaware STARS for Early Success, a program initiated by the Delaware Early Childhood Council to ensure that all children enter school ready to succeed. Following the opening of our new Early Learning Center, Primeros Pasos was evaluated and awarded the highest 5 Star rating by Delaware STARS.

During the COVID-19 pandemic, Primeros Pasos Early Learning Center was unable to offer field trips for our students for safety reasons. These trips provide educational and social value for Primeros Pasos students, most of whom are low-to low-moderate income. Primeros Pasos' Program Director is eager to begin these trips again to outdoor locations in Sussex County, where outside organizations can present educational experiences for our children.

One group that has been very popular in the past is the Adams Mill Nature Center. Staff from this Center visit the school and bring animals with them that children can see, touch, and learn about in a safe and secure environment. Adams Mill is offering four packages specific to children of pre-school age. The Primeros Pasos staff would like to provide these in-house presentations as well as a few trips that the children will take to local parks and farms.

Packages offered by the Adams Mill Nature Center are the following:

Learning About the Owls of Delaware - This presentation will include learning about 4 species of owls common to the State of Delaware, examining their adaptations, the calls that are recorded on tapes and seeing them mounted. 20 children ages 2 through 4 would take part in this presentation.

Reptiles and Amphibians - This presentation would be for 3 and 4 year-olds with about 36 in attendance and would

involve seeing various reptiles and amphibians that Adams Mill staff are able to bring to the school.

Funny Farm Petting Zoo -Staff from Adams Mill will bring guinea pigs, rabbits, iguanas, Bearded Dragons, Chinchillas, Tortoises, Ferrets and Sugar Glades to the school, teaching the children about their habits and allowing them to pet these animals. About 36 children could take part in this field trip.

The last package would be the Miniature Horse and Sweet Cow package, where children would have the opportunity to ride a full-size pony and miniature pony and to pet Sweet Cow Annabelle. Also, a few goats, alpacas, and sheep will be available. About 42 children could take part in this field trip.

The total cost of field trips for the summer of 2022 is \$1,745, and Primeros Pasos is asking for a contribution of \$1,200 from the Sussex County Council toward this total budget cost.

The children will benefit so much from these added opportunities to experience nature and all that it has to offer first-hand. Field trips are great opportunities to expand upon the educational opportunities that Primeros Early Learning Center provides for our students.

Religious Components

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

505.00

Description	Bus Transportation for Field Trips to Adams Mill
Amount	250.00
Description	Snacks for Students
Amount	150.00
Description	Trip #1
Amount	115.00
Description	Trip #2
Amount	215.00
Description	Trip #3
Amount	325.00
Description	Trip #4
Amount	650.00
Description	
Amount	
Description	
Amount	
TOTAL EXPENDITURES	1,705.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,200.00

Name of Organization Primeros Pasos Inc.

**Applicant/Authorized
Official** Casey Christophel

Date 06/21/2022

Affidavit Yes

Acknowledgement

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Rieley
July

Council Grant Form

Legal Name of Agency/Organization	American Legion Post # 8 Ambulance 8 Inc
Project Name	Ballistic Vest
Federal Tax ID	51-6018018 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Ballistic vest to be worn by Emergency Medical Technicians on ambulance calls
Address	406 N. Front St
Address 2	
City	Georgetown
State	StatePicklistChoiceSet.Delaware
Zip Code	19947
Contact Person	Lisa FENSICK
Contact Title	Captain/Administrator

**Contact Phone
Number** 3027526335

**Contact Email
Address** lfensick93@yahoo.com

**Total Funding
Request** 20,000.00

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

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

**Are you seeking other
sources of funding
other than Sussex
County Council?** No

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

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

**Program Category
Other**

Primary Beneficiary Category Other

Beneficiary Category Other 911 Healthcare

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 3500

Scope Ballistic vest are used on a daily basis for ambulance calls in Georgetown district and surrounding districts. When entering home, facilities or even with patients on the street it is not safe anymore.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 0.00

Description

Amount 0.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 0.00

TOTAL DEFICIT FOR ~~-0.00~~ -20,000
PROJECT OR
ORGANIZATION

Name of Organization American Legion Post #8 Ambulance

Applicant/Authorized Lisa Fensick
Official

Date 06/02/2022

Affidavit

Yes

Acknowledgement

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5.26 Schaeffer — Yes
5.26 Vincent — Yes, end of
Hudson June

Council Grant Form

Legal Name of Agency/Organization ~~Make-A-Wish Philadelphia, Delaware & Susquehanna Valley~~
Make-A-Wish Foundation of Philadelphia,
Delaware & Sus Valley.

Project Name Wishes Transforming Lives in Sussex County

Federal Tax ID 22-2755963 ✓

Non-Profit Yes

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

Organization's Mission Make-A-Wish creates life-changing wishes for children with critical illnesses.

Address 100 W. 10th Street, 106

Address 2

City Wilmington

State DE

Zip Code 19801

Contact Person Karen Traten

Contact Title Sr. Director of Development

**Contact Phone
Number** 2159873147

**Contact Email
Address** ktraten@philadesv.wish.org

**Total Funding
Request** 10,000

**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?** 6900.00

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

**If YES, approximately
what percentage of
the project's funding
does the Council
grant represent?** 10

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

**Program Category
Other**

Primary Beneficiary Category Youth

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 10

Scope

Make-A-Wish® is a 501(c) (3) tax-exempt organization that finances its work through generous contributions from the local community. Gifts and grants stay local. Make-A-Wish serves children up to age 18 (at time of referral) diagnosed with a critical illness putting their lives in jeopardy. In the midst of the worldwide COVID-19 health crisis, imagine a family in the Sussex community who hears the devastating news that their child has been diagnosed with a critical illness. Hospital stays, doctor's visit and treatments ultimately turn their lives upside down. At Make-A-Wish, we are committed to our vision of granting the wish of every eligible child. Prior to the COVID-19 pandemic, our pipeline of children who qualify for a wish had steadily grown as more people have become aware of the physical and emotional benefits that a wish can give a child. The pandemic forced a different challenge. Throughout the pandemic, many children have had to wait for their wish until it was safe for them, including children with travel wishes. As a result, we have a few hundred children in the pipeline waiting for their wish, with more than 10 living in Sussex County. As we reemerge from the pandemic, we expect to see a return to a growing number of referrals. Coupled with the current backlog of wishes, we are facing a

big task and we need your help to make sure we are granting a wish to every eligible child in a timely fashion. Wishes have the power to change a child's outlook about their critical illness and can help improve health outcomes. According to an impact survey, 9 out of 10 wish recipients, parents and medical professionals said that a wish provides much needed relief from the trauma and stress caused by an illness. 9 out of 10 wish recipients agreed that the wish journey is often a pivotal experience during treatment and recovery.

**Religious
Components**

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

100,000.00

Description

Wish Expense

Amount

52,500.00

Description

Staffing support

Amount

15,000.00

Description

supplies, travel, other

Amount

2,500.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 70,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** 30,000.00

Name of Organization Make-A-Wish

**Applicant/Authorized
Official** Karen Traten

Date 02/10/2022

**Affidavit
Acknowledgement** Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

To Be Reintroduced: 07/12/2022

Council District 3: Mr. Schaeffer
Tax I.D. No.: 235-8.00-62.00
911 Address: 12537 Coastal Highway

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS

WHEREAS, on the 13th of August 2021, a conditional use application, denominated Conditional Use No. 2309 was filed on behalf of Rockswitch Properties, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2309 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2309 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 Broad Kill Hundred, Sussex County, Delaware, and lying on the north side of Coastal Highway (Route 1) approximately 0.14 mile southeast of Deep Branch Road (S.C.R 234), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., containing 1.38 acres, more or less.

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

To Be Introduced: 07/12/2022

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-13.20-20.00
911 Address: 19840 Central Avenue, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS

WHEREAS, on the 29th day of March 2022, a conditional use application, denominated Conditional Use No. 2361 was filed on behalf of Beachfire Brewing Company, LLC ; and

WHEREAS, on the ____ day of _____ 2022, 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. 2361 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2361 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 Central Avenue, approximately 160 feet southwest of Canal Crossing Road and being more particularly described in the attached legal description prepared by Gordon, Fournaris & Mammarella, P.A., said parcel containing 0.115 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: 07/12/2022

Council District 5: Mr. Rieley
Tax I.D. No.: 234-10.00-12.09
911 Address: 28816 Four of Us Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMENDMENTS TO CONDITIONAL USE NO. 1334 (ORDINANCE NO. 1383) TO ALLOW FOR AN ADDITIONAL COMMERCIAL BUILDING FOR STORAGE AND OPERATIONS OF A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS

WHEREAS, on the 28th day of April 2022, a conditional use application, denominated Conditional Use No. 2370 was filed on behalf of William D. & Carol Emmert; and

WHEREAS, on the ____ day of _____ 2022, 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. 2370 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2370 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 Indian River Hundred, Sussex County, Delaware, and lying on north side of Four of Us Road approximately 234 ft. west of Hollyville Road (Rt. 48) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 3.93 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: 07/12/2022

Council District 2: Ms. Green
Tax I.D. No.: 130-6.00-115.00
911 Address: 18017 and 18033 Johnson Road, Lincoln

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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS

WHEREAS, on the 11th day of May 2022, a zoning application, denominated Change of Zone No. 1986 was filed on behalf of JKJ Properties, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 1986 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the north side of Johnson Road (S.C.R. 207) approximately 0.12 mile east of DuPont Boulevard (Rt. 113) and being more particularly described in the attached legal description prepared by Pennoni, said parcel containing 1.22 ac., more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 8, 2022

RE: County Council Report for C/U 2295 filed on behalf of Bones & Sons Heating & Air

The Planning and Zoning Department received an application (C/U 2295 filed on behalf of Bones & Sons Heating & Air) for a Conditional Use for parcel 331-3.00-129.07 for indoor and outdoor storage of heating and cooling equipment. The property is located at 22135 Conrail Road, Seaford. The parcel size is 4.03 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on June 9, 2022. At the meeting of June 23, 2022, the Planning & Zoning Commission recommended approval of the application subject to 7 reasons stated and subject to 9 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of June 9, 2022, and June 23, 2022.

Draft Minutes of the June 9, 2022 Planning & Zoning Commission Meeting

C/U 2295 Bones & Sons Heating & Air

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS. The property is lying on the east side of Conrail Road (S.C.R. 546), approximately 606 feet south of the intersection of Hearn Pond Rd (S.C.R. 544). 911 Address: 22135 Conrail Road, Seaford, DE. Tax Parcel: 331-3.00-129.07.



Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's boundary survey, the Applicant's site plan, the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division; a letter from DelDOT as part of the Service Level Evaluation Response. Mr. Whitehouse noted that there were zero comments and zero mail returns.

The Commission found that Ms. Tiffany Bone was present on behalf of her Application; that her family lives at the property; that there is a garage behind the home; that in the center of the property there is a concrete pad that is used for temporary parking when employees are picking up materials; that behind that pad there are some storage buildings for items used for the business; that there is not much traffic associated with the business but there are occasional deliveries; that in addition to her and her husband there are three employees with only one work truck; that there is some outdoor storage of old heating and air equipment until it can be scrapped; that there is some commercial activity in the area including a hair salon and a welding business; that clients give them items when renovating or demolishing houses; that these items are stored on the property in the shed until they can be recycled or donated; that this company is in business since 2009 but at this location since 2018; that there were no complaints from neighbors; and that a sign is being requested.

Mr. Hopkins stated that he had concerns about outdoor storage as it can accumulate.

Ms. Stevenson asked about how long items sit on the property before being disposed of and if there are chemicals stored on site.

Ms. Bone said that items can be on the property for a few months until they are disassembled, divided into different categories, and taken to the scrap yard or get sold; that the most toxic item is refrigerant and that is stored inside the pole building.

Ms. Wingate asked about the hours of operation.

Ms. Bone stated that the hours of operation are 9:00 am – 5:00 pm Monday through Friday with no weekend hours.

Mr. Mears asked about the delivery of materials and how often employees come to the site, and the area used for storage because maybe a fence would be appropriate to screen these items. Mr. Mears noted that he commends the recycling of all these items.

Ms. Bone stated that the deliveries are usually in a box truck and not a tractor-trailer; that employees stop by the site once or twice a week to stock up; and that they have considered putting up a fence

Chairman Wheatley asked about the size of the outdoor storage.

Ms. Bone stated that the pole building is 30 X 50, and the outdoor storage takes less space than the pole building.

Mr. Robertson stated that a junkyard is only allowed in H-I zoning districts so if this Conditional Use is recommended for approval there will have to be conditions set so that this is not a junkyard.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

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

In relation to Application C/U 2295 Bones & Sons Heating & Air. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion 5-0.

Draft Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since June 9, 2022.

Mr. Hopkins moved that the Commission recommend approval of C/U 2295 Bones & Sons Heating & Air for an HVAC repair business with outdoor storage of heating and cooling equipment on land zoned AR-1 based on the record made during the public hearing and for the following reasons:

1. The applicant operates an HVAC repair business on the site. It evolved from a home occupation to the point where a Conditional Use is now required. This Conditional Use will bring the use into compliance with the zoning code.
2. As part of the HVAC repair business, the Applicant keeps damaged, replaced, and worn-out HVAC equipment on the site to recycle the various metal parts contained in them.
3. The use will not have an adverse impact upon neighboring properties or area roadways.
4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. The Applicant has stated that they reside at the property and will continue to do so as part of this Conditional Use.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - A. The property shall be used for an HVAC repair business in addition to the Applicant's residence. As part of that Business, the temporary storage of used HVAC equipment shall be allowed so that it can be recycled.
 - B. There shall be no retail sales of HVAC equipment from the property.
 - C. The site shall not be permitted to become a junkyard, which requires separate zoning and other approvals. The used HVAC equipment shall be kept within a fenced and screened area, and none of it shall be permanently stored. The Applicant shall only store HVAC equipment it obtains as part of its repair and installation business. No HVAC equipment shall be brought to the site by other contractors, businesses, or individuals other than the Applicant and its employees.
 - D. No more than 1,600 square feet on the site shall be set aside for this temporary storage area. This area shall be shown on the Final Site Plan.
 - E. Any outdoor lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.

- F. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster location shall be shown on the Final Site Plan.
- G. The Applicant shall comply with any DelDOT requirements for entrance and roadway improvements.
- H. Any violation of these conditions of approval may result in the termination of this Conditional Use.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2295 Bones & sons Heating & Air for the reasons and conditions stated in the motion. Motion carried 5-0.

The vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 9th, 2022

Application: CU 2295 Bones & Sons Heating & Air

Applicant: Bones & Sons Heating & Air
22135 Conrail Rd
Seaford, Delaware 19973

Owner: Carl & Tiffany Bone
22135 Conrail Rd
Seaford, Delaware 19973

Site Location: The site is on the east side of Conrail Road (S.C.R. 546), south of the intersection of Hearn's Pond Rd (S.C.R. 544).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 1 - Vincent

School District: Seaford School District

Fire District: Seaford Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Not Applicable

Site Area: 4.03 acres +/-

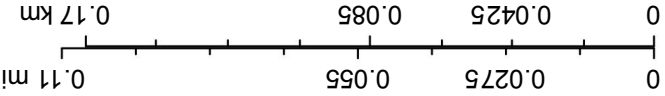
Tax Map ID: 331-3.00-129.07



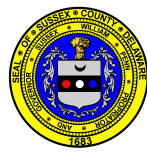


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- polygonLayer Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

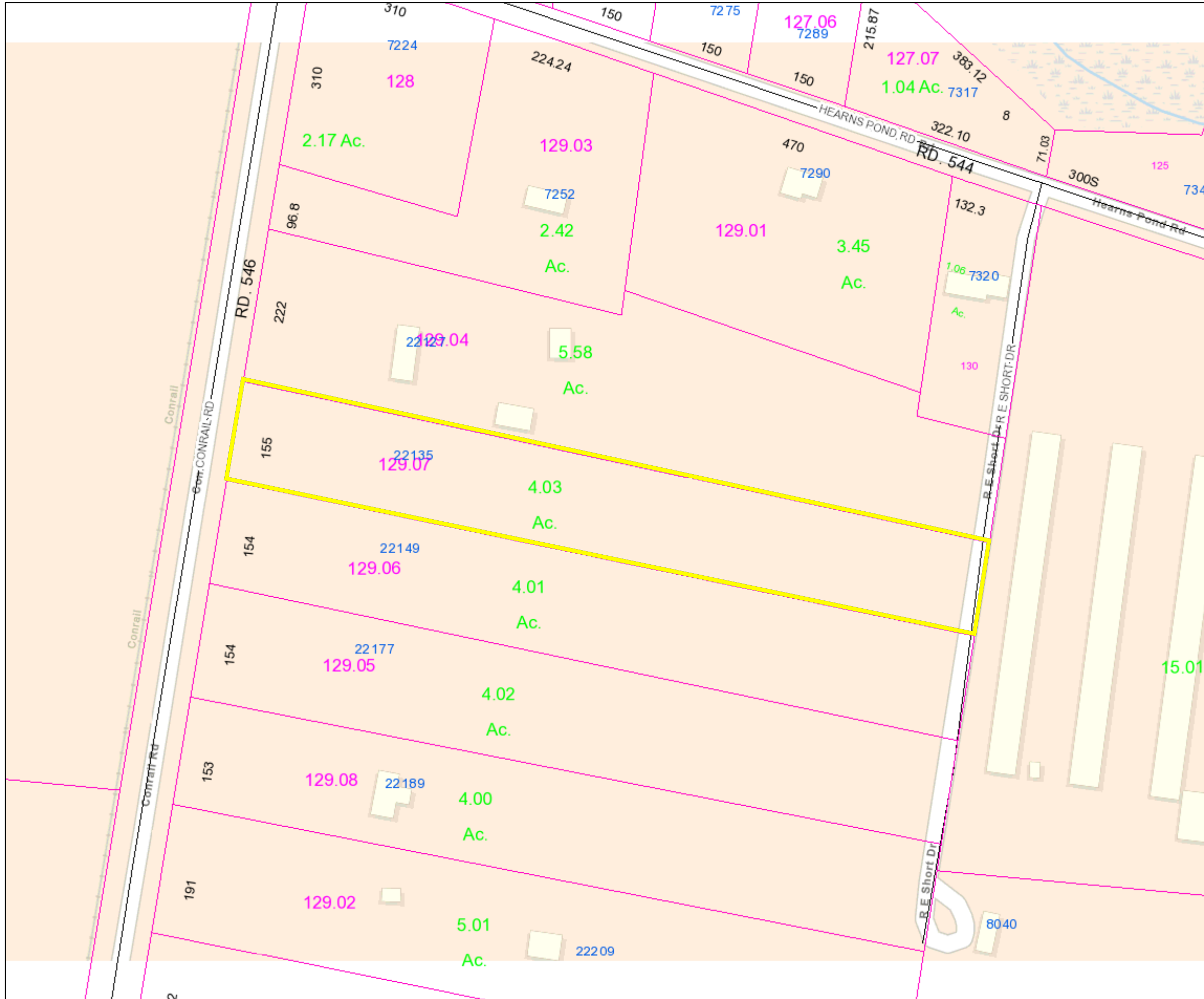
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PIN: 331-3.00-129.07		Owner Name		BONE CARL V	
Book		5379		Mailing Address	
		22135 CONRAIL RD		City	
		SEAFORD		State	
		DE		Description	
		E/RT 546		Description 2	
		606' S/RT 544		Description 3	
		N/A		Land Code	



Sussex County

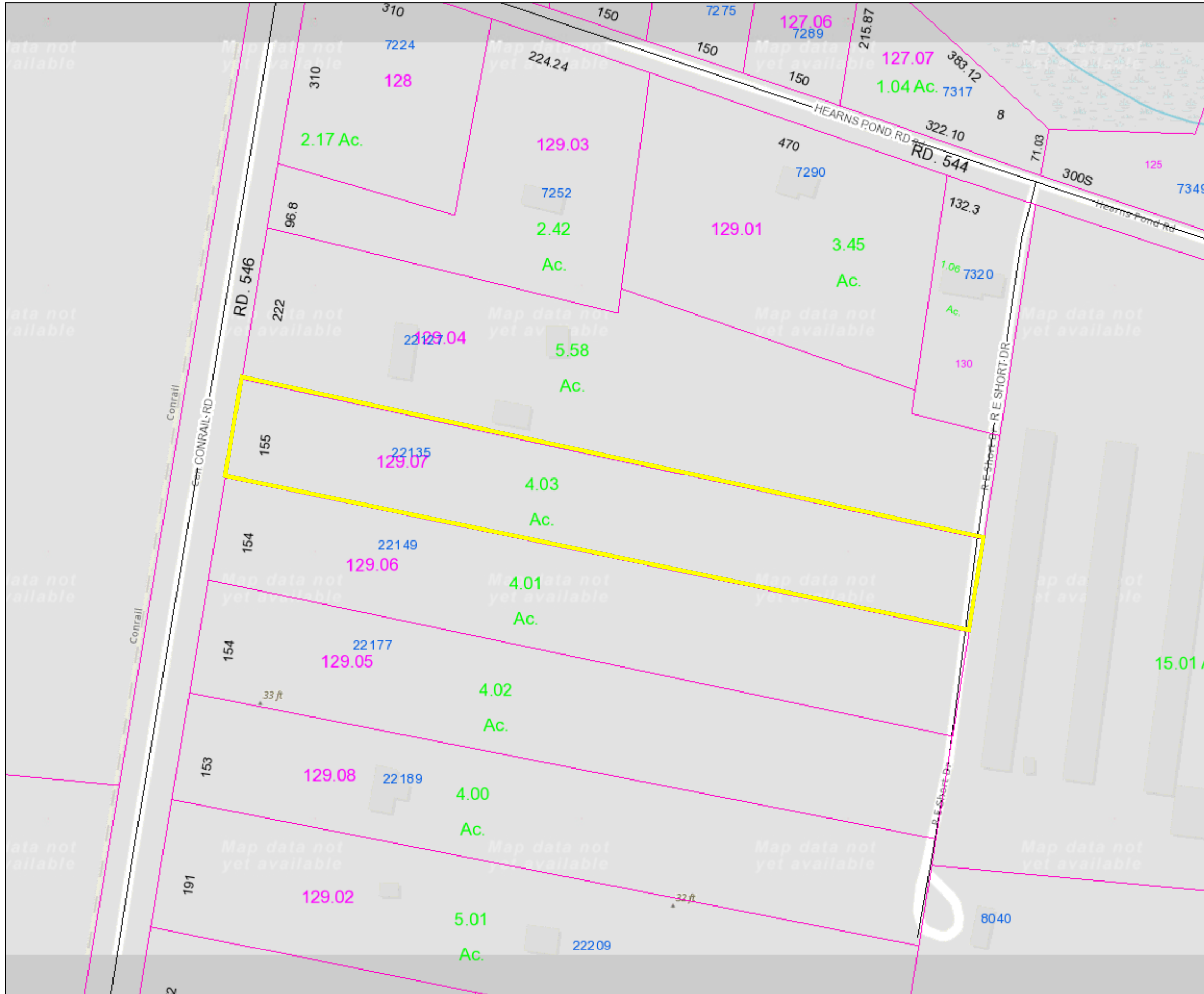


PIN:	331-3.00-129.07
Owner Name	BONE CARL V
Book	5379
Mailing Address	22135 CONRAIL RD
City	SEAFORD
State	DE
Description	E/RT 546
Description 2	606' S/RT 544
Description 3	N/A
Land Code	

- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries



Sussex County



PIN:	331-3.00-129.07
Owner Name	BONE CARL V
Book	5379
Mailing Address	22135 CONRAIL RD
City	SEAFORD
State	DE
Description	E/RT 546
Description 2	606' S/RT 544
Description 3	N/A
Land Code	

polygonLayer
Override 1

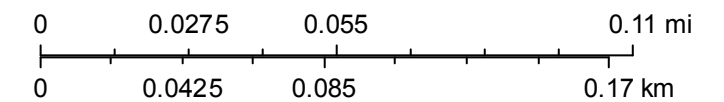
polygonLayer
Override 1

--- Tax Parcels

--- 911 Address

--- Streets

1:2,257



Introduced: 5/17/2022

Council District Mr. Vincent
Tax I.D. No. 331-3.00-129.07
911 Address: 22135 Conrail Rd, Seaford, DE 19973

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2021, a conditional use application, denominated Conditional Use No. 2295 was filed on behalf of Bones & Sons Heating & Air; and

WHEREAS, on the ____ day of _____ 2022, 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. 2295 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2295 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Seaford Hundred, Sussex County, Delaware, and lying on the east side of Conrail Road (S.C.R. 546), approximately 606 feet south of the intersection of Hearn's Pond Rd (S.C.R. 544), and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcel containing 4.03 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 8, 2022

RE: County Council Report for C/U 2296 filed on behalf of Michael Milligan

The Planning and Zoning Department received an application (C/U 2296 filed on behalf of Michael Milligan) for a Conditional Use for parcel 232-19.00-12.02 for a towing business. The property is located at 31531 Jestice Farm Rd, Laurel. The parcel size is 3.078 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on June 9, 2022. At the meeting of June 23, 2022, the Planning & Zoning Commission recommended approval of the application subject to 5 reasons stated and subject to 11 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of June 9, 2022, and June 23, 2022.

Draft Minutes of the June 9, 2022 Planning & Zoning Commission Meeting

C/U 2296 Michael Milligan

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOWING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.078 ACRES, MORE OR LESS.

The property is lying on the east side of Jestice Farm Road (S.C.R. 449A), approximately 0.31 mile south of Johnson Road (S.C.R. 447). 911 Address: 31531 Jestice Farm Road, Laurel. Tax Parcel: 232-19.00-12.02.

Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's site plan, the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division; a



letter from DelDOT as part of the Service Level Evaluation Response. Mr. Whitehouse noted that there were zero comments.

The Commission found that Mr. Michael Milligan was present on behalf of his Application; that he runs a towing business from the subject property; that this is his ninth year in business; that he lives at the property; that it is a repossession business; that the pound is fenced in with cameras, lights and security; that he has two rottweilers and a pit bull; that he has eight employees and may have 70 vehicles on the property at a given time; that vehicle rotate out on Mondays, Wednesdays, and Fridays; that Delaware vehicles are usually on-site for approximately six days and Maryland vehicles are on-site for approximately twenty-one days; that a sign in not being requested; and that the property is surrounded by farmland.

Mr. Hopkins asked how the Applicant knew to apply for the Conditional Use.

Mr. Whitehouse stated that this was triggered by a complaint to the Constables Office.

Mr. Milligan stated that he was aware of the complaint, and he believes it was reported by an unhappy customer but that he is doing what is necessary to bring the property into compliance with County Code.

Mr. Hopkins asked if the employees park their trucks on-site and what are the hours of operation.

Mr. Milligan stated that each employee takes their trucks home that his truck is the only truck kept on-site and that the business is operating from dawn to the wee hours of the morning.

Mr. Mears asked if the Applicant also tows vehicles for violations also.

Mr. Milligan stated that they also tow vehicles with violations, and they may be on the property for 60 days; that after 30 days he sends a certified letter to the owner, and if there is no response then the vehicle will be sent to auction.

Mr. Robertson asked if all the vehicles on site are registered.

Mr. Milligan stated that some of the vehicles towed for violations may not be registered.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

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

In relation to Application C/U 2296 Michael Milligan. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion 5-0.

Draft Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since June 9, 2022.

Mr. Hopkins moved that the Commission recommend approval of C/U 2296 Michael Milligan for a towing business based on the record made during the public hearing and for the following reasons:

1. Although characterized as a towing business, the Applicant operates an impound yard on this property. As a result, it does not generate customer traffic in the way that a typical towing operation would. Cars are brought in, stored for a short time, and then hauled out. No maintenance or repairs occur onsite.
2. The towing business is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or nearby roadways.
3. The Applicant resides on the property and the impound yard is screened from view. The Applicant intends to keep this primarily residential appearance.
4. The use as a towing business and impound yard is of a public or semi-public character and it is a service that is relied upon by banks, financing companies, and other businesses that require the towing and impounding of vehicles.
5. No parties appeared in opposition to this application.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The Applicant has stated that no sign is required or needed.
 - B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - C. Any dumpsters shall be screened from the view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - D. No repairs shall be performed on the site.
 - E. No junked, unregistered, or permanently inoperable vehicles or trailers shall be stored on the site.
 - F. There shall not be any parking in the front yard setback.
 - G. The impound and parking areas shall be shown on the Final Site Plan and marked on the site itself. Vehicles shall only be parked within these designated areas.
 - H. The perimeter of the impound area shall be screened from the view of neighboring properties with a fence or vegetation. This screening shall be shown on the Final Site Plan.
 - I. No cars shall be sold from the property.
 - J. Any violation of these conditions may be grounds for termination of this Conditional Use.
 - K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2296 Michael Milligan for the reasons and conditions stated in the motion. Motion carried 5-0.

The vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 9th, 2022

Application: CU 2296 Michael Milligan

Applicant: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Owner: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Site Location: 31531 Jestice Farm Road, Laurel, DE 19956

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Agricultural Residential (AR-1) Zoning District

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic

Water: Well

Site Area: 3.078 acres +/-

Tax Map ID.: 232-19.00-12.02



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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 6th, 2022
RE: Staff Analysis for CU 2296 Michael Milligan

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2296 Michael Milligan to be reviewed during the June 9th, 2022, Planning and Zoning 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.

The request is for a Conditional Use for Tax Parcel: 232-19.00-12.02, to allow for a towing business, to be located at 31531 Jestice Farm Road, Laurel, Delaware. The property is lying on the east side of Jestice Farm Road (S.C.R. 449A), approximately 0.31 mile south of Johnson Road (S.C.R. 447). The parcel consists of 3.078 acres +/-.

Comprehensive Plan Analysis

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 parcel has a designation of "Low Density." The parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined within the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size, and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses. (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, south, east, and west of the subject property are also zoned Agricultural Residential (AR-1) District.



Existing Conditional Uses within the Vicinity of the Subject Property

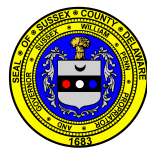
Since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the application site. Conditional Use No. 2178 for Steven & Carrie Coleman to allow for a welding and fabricating business to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, July 19, 2019, through Ordinance No. 2667.

Based on the analysis provided, the Conditional use to allow for a towing business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

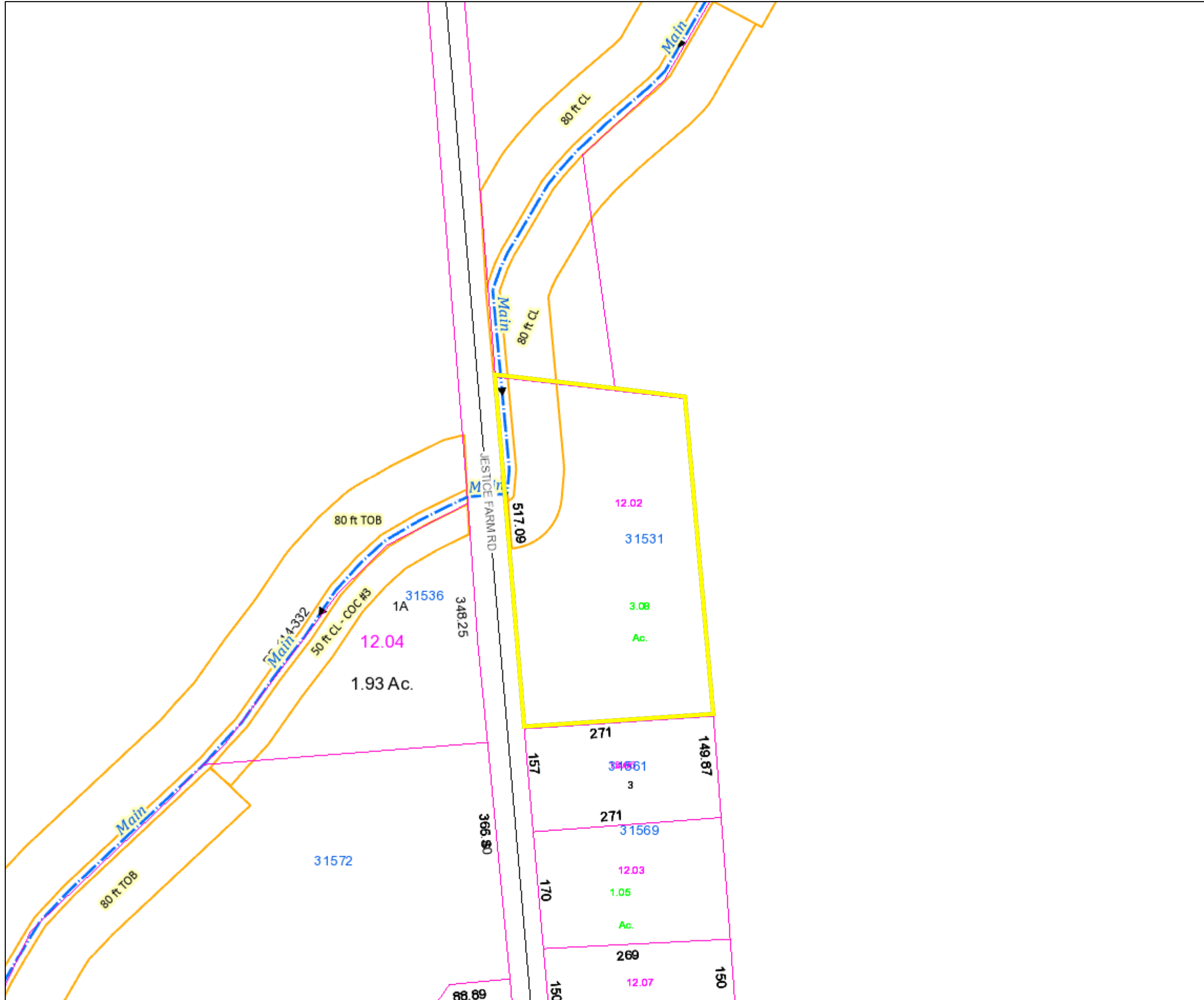


PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
Book	3331
Mailing Address	31531 JESTICE FARM RD
City	LAUREL
State	DE
Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

-
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 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID
- polygonLayer**
- Override 1
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
 - DeDOT Maintained
 - HOA Maintained
 - Pipe - DeDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature



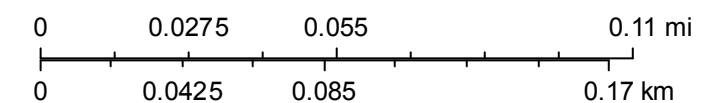
Sussex County

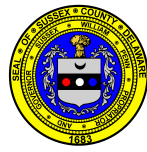


PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
Book	3331
Mailing Address	31531 JESTICE FARM RD
City	LAUREL
State	DE
Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

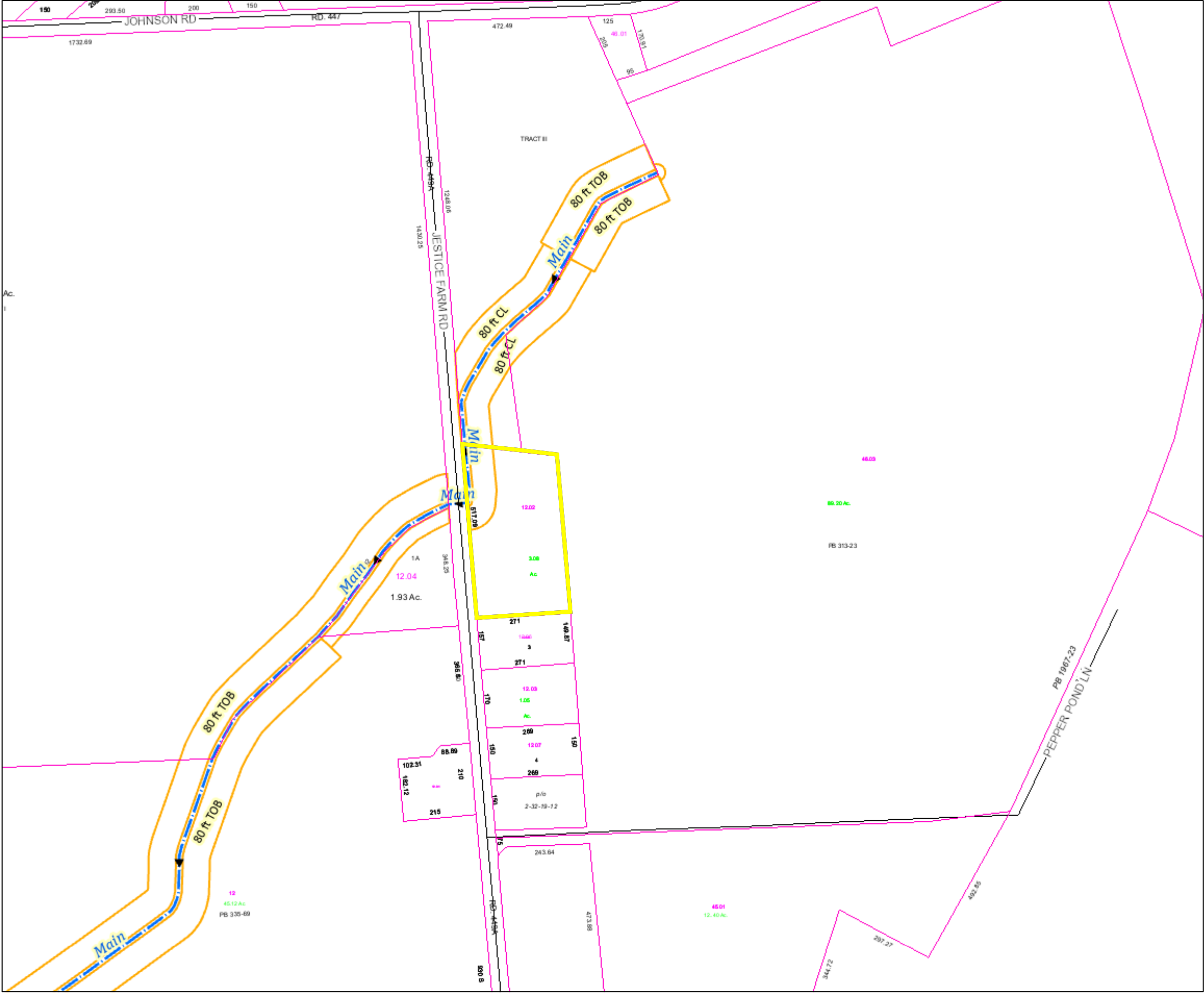
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Override 1		
		Municipal Boundaries
		TID
		911 Address
		Streets
		County Boundaries
Tax Ditch Segments		
		Tax Ditch Channel
		DeIDOT Maintained
		HOA Maintained
		Pipe - DeIDOT
		Pipe - Tax Ditch
		Pipe - Private
		Pond Feature

1:2,257





Sussex County

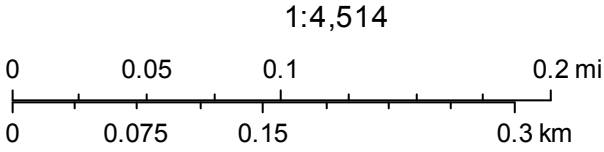


PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
Book	3331
Mailing Address	31531 JESTICE FARM RD
City	LAUREL
State	DE
Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets



Introduced 08/24/21

Council District 1 - Vincent

Tax I.D. No. 232-19.00-12.02

911 Addresses: 31531 Jestice Farm Road, Laurel

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOWING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.078 ACRES, MORE OR LESS

WHEREAS, on the 1st of July 2021, a conditional use application, denominated Conditional Use No. 2296 was filed on behalf of Michael Milligan; and

WHEREAS, on the ____ day of _____ 2021, 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. 2296 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2296 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the east side of Jestice Farm Road (S.C.R 449A) approximately 0.31 mile south of Johnson Road (S.C.R 447), and being more particularly described in the attached legal description prepared by Haller & Hudson, containing 3.078 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 8, 2022

RE: County Council Report for C/Z 1957 filed on behalf of Ronicca Payton

The Planning and Zoning Department received an application (C/Z 1957 filed on behalf of Ronicca Payton) to amend the Comprehensive Zoning Map of Sussex County from a B-1 Neighborhood Business District to an AR-1 Agricultural Residential District. The property is located at 8465 Front Street, Lincoln. The change of zone is for 0.28 acre, more or less.

The Planning and Zoning Commission held a public hearing on June 9, 2022. At the meeting of June 9, 2022, the Commission recommended approval of the application for the 7 reasons as outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of June 9, 2022.

Draft Minutes of the June 9, 2022 Planning & Zoning Commission Meeting

C/Z 1957 Ronicca Payton

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS. The property is lying on the east side of Front Street (S.C.R. 38B), approximately 200 feet south of Washington St. (S.C.R. 225C). 911 Address: 8465 Front Street, Lincoln, DE. Tax Parcel: 230-6.17-19.00

Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's site plan, the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division; a

letter from DelDOT as part of the Service Level Evaluation Response. Mr. Whitehouse noted that there were zero comments and one mail return.

The Commission found that Ronicca Payton was present on behalf of her Application; that she lives at the subject property and operates a hair salon from this building; that it is an old building; that she has purchased the property but the previous landowner is holding the mortgage; that she wants to downzone the property to residential in order to obtain a residential mortgage and continue to be a good steward for the building; that it is an old general store and old Post Office of Lincoln; and that the buildings were combined.

There were no questions from the Commission members.

Mr. Robertson stated that it is currently non-conforming as residential is not permitted in B-1 zoning; that downzoning this property to AR-1 it will bring the property into compliance with Sussex County Code; and that a hair salon is permitted as a Home Occupation Business in the AR-1 zoning district.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

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

Mr. Hopkins moved that the Commission recommend approval of C/Z 1957 Ronicca Payton for a Change in Zone from B-1 Neighborhood Business to AR-1 Agricultural Residential based on the record made during the public hearing and for the following reasons:

1. This property currently is located at the corner of Front Street and Butler Avenue in Lincoln. It is zoned B-1. There are no other properties around it that are zoned B-1. All of the properties on this block and the east side of Front Street in the vicinity of this property are zoned AR-1.
2. This rezoning as requested by the Applicant will make this property consistent with the zoning of all the other properties around it.
3. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.
4. The Applicant does not conduct any business from this property and has no plans to do so.
5. The property is currently used for residential purposes, which actually makes it nonconforming under the existing B-1 Zoning. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.
6. There were several letters in support of this downzoning to AR-1. There was no opposition to it.
7. For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.

In relation to Application C/U 1957 Ronicca Payton. Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1957 Ronicca Payton, for the reasons stated in the motion. Motion 5-0.

The vote by roll call: Ms. Stevenson - yea, Mr. Hopkins - yea, Ms. Wingate - yea, Mr. Mears - yea, Chairman Wheatley - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 9th, 2022

Application: C/Z 1957 Ronicca Payton

Applicant: Ronicca Payton
8465 Front Street
Lincoln, DE 19960

Owner: Ronicca Payton
8465 Front Street
Lincoln, DE 19960

Site Location: Lying on the east side of Front Street (S.C.R. 38B), approximately 200 feet south of the intersection of Washington Steet (S.C.R. 225C) and Front Street.

Current Zoning: Neighborhood Business (B-1) District

Proposed Zoning: Agricultural Residential (AR-1) District

Comprehensive Land
Use Plan Reference: Commercial

Councilmanic
District: Ms. Green

School District: Milford School District

Fire District: Ellendale Fire Co.

Sewer: Private Septic

Water: Well

Site Area: 0.28 Ac. +/-

Tax Map ID.: 230-6.17-19.00



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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: June 1, 2022
RE: Staff Analysis for CZ 1957 Ronicca Payton

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1957 Ronicca Paton to be reviewed during the June 9 2022, 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.

The request is for a Change of Zone for Tax Parcel 230-6.17-19.00 to allow for a change of zone from a Neighborhood Business District (B-1) to an Agricultural Residential District (AR-1). The property is lying on the east side of Front Street (S.C.R. 38B) approximately 200-feet south of the intersection of Washington Steet (S.C.R. 225C) and Front Street. The parcel to be rezoned contains 0.28 acres +/-.

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 land use designation of "Commercial." The properties to the north, south, east, have the land use designation of Low Density as well as one outlier of Developing area directly to the east.

Vicinities designated to be within the Commercial Area are generally concentrations of retail and services uses along arterial roadways and highways. These areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared toward vehicular traffic. The Commercial Area designation does not include many medium or large-scale commercial uses that are larger in scale and higher in intensity. The Comprehensive Plan notes that mixed use development may be appropriate in these areas.

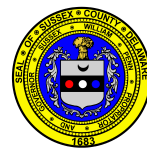
The property is zoned Neighborhood Business (B-1) Zoning District. Adjacent parcels to the north, south, and west are zoned Agricultural Residential (AR-1) Zoning District. The properties to the west are zoned Agricultural Residential (AR-1) Zoning District and Light Industrial (LI-2) Zoning District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the Agricultural Residential Zoning District (AR-1) is listed as an applicable zoning district in the "Commercial Area."



Since 2011, there has been zero (0) Change of Zone applications within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Neighborhood Business Zoning District (B-1) to an Agricultural Residential Zoning District (AR-1) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.



PIN:	230-6.17-19.00
Owner Name	PAYTON RONICCA J
Book	3868
Mailing Address	8465 FRONT ST
City	LINCOLN
State	DE
Description	BUTLER R R AVE
Description 2	E/RT 38 B INT
Description 3	N/RT 225 B
Land Code	

polygonLayer

Override 1

polygonLayer

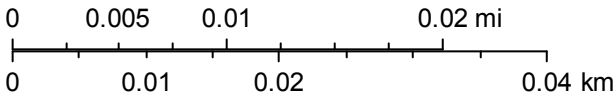
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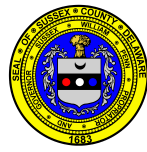
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries

Flood Zones 2018

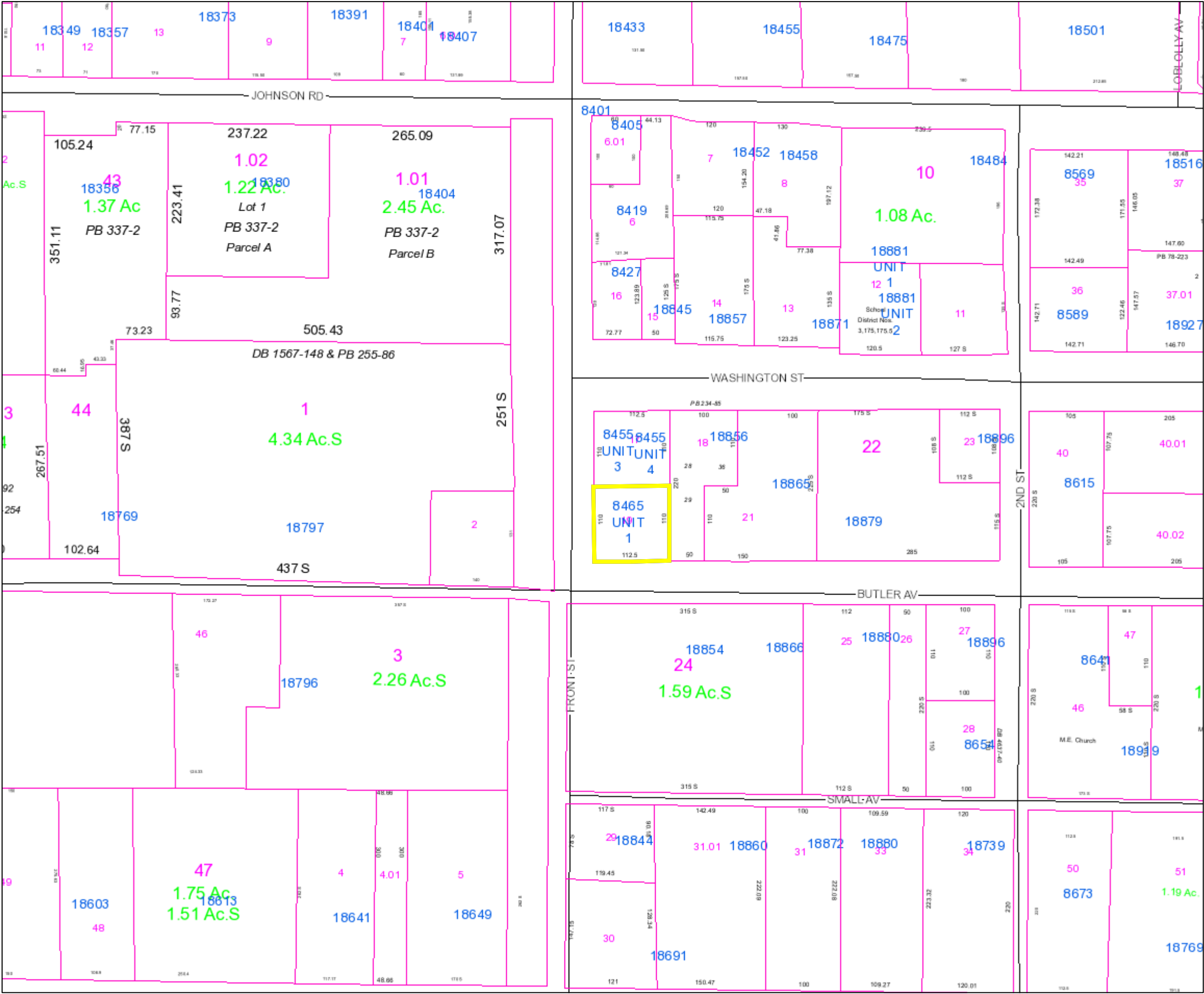
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- A
- AE
- AO
- OPEN WATER
- VE

1:564





Sussex County



PIN:	230-6.17-19.00
Owner Name	PAYTON RONICCA J
Book	3868
Mailing Address	8465 FRONT ST
City	LINCOLN
State	DE
Description	BUTLER R R AVE
Description 2	E/RT 38 B INT
Description 3	N/RT 225 B
Land Code	

polygonLayer

Override 1

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Override 1

Tax Parcels

911 Address

Streets

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

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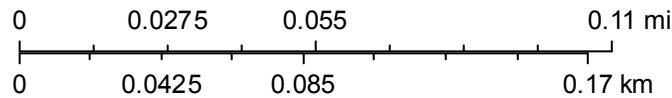
AE

AO

OPEN WATER

VE

1:2,257





Sussex County



PIN: 230-6.17-19.00

Owner Name PAYTON RONICCA J

Book 3868

Mailing Address 8465 FRONT ST

City LINCOLN

State DE

Description BUTLER R AVE

Description 2 E/RT 38 B INT

Description 3 N/RT 225 B

Land Code

polygonLayer

Override 1

polygonLayer

Override 1

8641 Tax Parcels

911 Address

Streets

1:2,257



Introduced: 2/1/22

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS

WHEREAS, on the 5th day of October 2021, a zoning application, denominated Change of Zone No. 1957 was filed on behalf of Ronicca J. Payton; and

WHEREAS, on the ____ day of _____ 2022, 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. 1957 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 B-1 Neighborhood Business District and adding in lieu thereof the designation of 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 Front Street (S.C.R. 38B), approximately 200 feet south of Washington St. (S.C.R. 225C), being more particularly described in the attached survey prepared by Douglas Annand P.L.S., said parcel containing 0.28 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: July 8, 2022

RE: County Council Report for C/Z 1958 filed on behalf of Boardwalk Development, LLC

The Planning and Zoning Department received an application (C/Z 1958 filed on behalf of Boardwalk Development, LLC) to amend the Comprehensive Zoning Map of Sussex County from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community. The property is located on the north and northeast side of Banks Road (SCR 298), approximately 0.49 mile southeast of John J. Williams Highway (Rt.24). The change of zone is for 21.32 acres, more or less.

The Planning and Zoning Commission held a public hearing on June 9, 2022. At the meeting of June 23, 2022, the Commission recommended approval of the application for the 9 reasons and 17 recommended conditions as outlined within the motion (included below).

Below are the minutes from the Planning & Zoning Commission meetings of June 9, 2022 and June 23, 2022.

Draft Minutes of the June 9, 2022 Planning & Zoning Commission Meeting

C/Z 1958 Boardwalk Development, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS. The property is lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49-mile southeast of John J. Williams Highway (Rt. 24). 911 Address: N/A. Tax Parcel: 234-17.00-165.00.

Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's preliminary subdivision plat, the Applicant's exhibit booklet, the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division; a letter from DelDOT as part of the Service Level Evaluation Response, a copy of the Plus comments from the State Planning Office and the Applicant's response, a copy of the original Change of Zone 1844 dated March 13, 2018, TAC comments, the Applicant's proposed Findings of Fact, a copy of the Applicant's 99.9 C response. Mr. Whitehouse noted that there were zero comments and seven mail returns.

Mr. Robertson recused himself and left Council Chambers.

The Commission found that Mr. Ken Christenbury, Axiom Engineering was present on behalf of the Application; that this Application was before the Commission four years ago as CZ 1844 which was unanimously approved by the Commission and County Council; that the project is 54 single-family lots with detached homes on 21.32 acres with a density of 2.54 dwellings per acre; that there is no change in density from the prior approval; that there is no changes in amenities or buffers; that the project has generous buffers much of which is wooded areas to remain; that the purpose of tonight's application is to reestablish the RPC overlay zone on the current GR zoning to decrease front yard setbacks to 25', decrease side yard setbacks to 8' and decrease minimum lot size to 7,500 sf.; that will allow the development to maximize open space; that there will be over nine acres of open space with only one acre being wet and six acres forested; that the utilities is the biggest new information for this Application; that public utilities are underway for the area and sewer will be available by next spring and public water by the fall of 2023; that due to Pandemic delays the project was unable to break ground before the previous change of zone expired; the State Strategies Map was updated in 2020 and it is in a Level III area which is suitable for this type of development; that DelDOT Service Level Evaluation Request (SLER) was resubmitted and a Traffic Impact Study (TIS) is not required; that the Wetlands scientist verified that the information submitted five years ago has not changed; and that the proposed Findings of Fact have been updated.

There were no questions from the Commission members.

Mr. Whitehouse stated that the County Code has been updated as to how Tidal Wetlands are calculated.

Mr. Christenbury confirmed that Tidal Wetlands are not present on the subject property.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

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

Mr. Robertson returned to Council Chambers.

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

In relation to Application C/Z 1958 Boardwalk Development, LLC. Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion 5-0.

Draft Minutes of the June 23, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since June 9, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1958 Boardwalk Development, LLC, for a Change in Zoning from GR General Residential to a GR-RPC based upon the record and for the following reasons:

1. The property is currently zoned GR. This would simply apply the RPC zoning overlay to the plan.
2. GR-RPC Zoning is also consistent with the adjoining Dogwood Lane development, which has a density of 9.32 units per acre.
3. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
4. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 43% open space, which includes 6.5 acres of existing forest. It also includes large, wooded buffers on both sides of the site. There will also be amenities along the water available to the entire community.
5. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics. This is basically infill development, with a density similar to what exists in the immediate area.
6. The proposed development will have a density of 2.54 units per acre, which is less than the 2.67 units per acre to the north, and the 9.32 units per acre to the south.
7. According to the County's current Comprehensive Plan, the project is in a Developing Area.
8. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
9. No parties appeared in opposition to the application.
10. This recommendation is subject to the following conditions:
 - A. The maximum number of lots shall not exceed 54 single family lots.
 - B. A Homeowners Association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas.
 - C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
 - D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
 - E. The RPC shall be served by central water.
 - F. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. Interior street design shall meet or exceed Sussex County's Street design requirements.

- There shall also be sidewalks on both sides of all streets within the RPC.
- H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan. There shall be minimum disturbance of trees and other vegetation within these buffer areas. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the “Limits of Disturbance” shall be indicated on the Final Site Plan.
 - I. As stated by the Applicant in the previously approved RPC for this property that was the same as this application, all amenities shall be completed prior to the issuance of the 27th Building Permit.
 - J. A 20-foot-wide vegetated buffer shall be established along the perimeter of the site. This buffer shall utilize existing forest or similar vegetation that exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.
 - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
 - L. Road naming and addressing shall be subject to the review and approval of Sussex County Geographic Information Office (F.K.A. Mapping and Addressing Department).
 - M. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all the buffer areas. The Landscape Plan shall also clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all “Limits of Disturbance” within the site.
 - N. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a Lot Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
 - O. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
 - P. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - Q. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/Z 1958 Boardwalk Development, LLC. Motion carried 5-0.

The vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
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Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and applicant
Date: May 23, 2022
RE: Staff Analysis for C/Z 1958 Boardwalk Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1958 Boardwalk Development, LLC to be reviewed during the June 9, 2022, 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.

The request is for a Change of Zone for 234-17.00-165.00 to allow for a change of zone from a General Residential (GR) District to a General Residential District, Residential Planned Community (GR-RPC) District. The property is lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49 mile southeast of John J. Williams Highway (Route 24). The property consists of 21.32 acres +/-.

Further Site Considerations

Per County records, there do not appear to be any Tax Ditches or related Tax Ditch rights-of-way (ROW) on the subject property. The property is located within the "A," "AE," and "0.2 Percent Annual Chance" Flood Zone.

There is a Wellhead Protection Area located on the southeastern portion of the site. The property is located within an area of "fair" Groundwater Recharge Potential.

The subject property is not located within any established Transportation Improvement District (TID).

Comprehensive Plan Analysis

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 land use designation "Coastal Area." The properties to the east and west and on the opposite side of Banks Road all contain the Future Land Use designation of "Coastal Area." The majority of the properties which border the Rehoboth Bay and surround the subject site are also contain the "Coastal Area" Future Land Use Map designation. The northern portion of the property is bordered by a tidal body of water known as the Hopkins Prong.



As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories”, the General Residential (GR) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The property is zoned General Residential (GR) District. The adjacent parcels to the southeast, northwest and on the opposite side of Banks Road are zoned Agricultural Residential (AR-1) District. However, there is a large portion of the property which lies beyond these properties to the south that is zoned General Residential (GR) District.

Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been no Change of Zone Applications within a 1-mile radius of the Application site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Residential (GR) District to a General Residential District, Residential Planned Community (GR-RPC) could be considered as being consistent with the land use, area zoning and surrounding uses.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 9th, 2022

Application: C/Z 1958 Boardwalk Development, LLC

Applicant: Boardwalk Development, LLC
28855 Lewes Georgetown Highway, Suite B
Lewes, DE 19958

Owner: Boardwalk Development, LLC
28855 Lewes Georgetown Highway, Suite B
Lewes, DE 19958

Site Location: lying on the north and northeast side of Banks Road (S.C.R. 298,
approximately 0.49 mile southeast of John J. Williams Highway (Rt.
24)

Current Zoning: General Residential (GR) District

Proposed Zoning: General Residential - Residential Planned Community (GR-RPC)
District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Indian River School District

Fire District: Indian River Volunteer Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 21.32 acres +/-

Tax Map ID.: 234-17.00-165.00





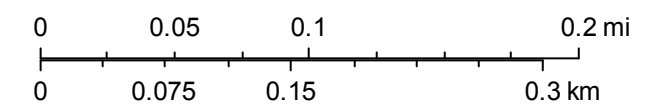
Sussex County

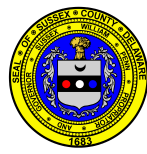


PIN:	234-17.00-165.00
Owner Name	BOARDWALK DEVELOPMENT LLC
Book	4747
Mailing Address	16165 ROCKPORT DR
City	LEWES
State	DE
Description	WATERVIEW FARMS
Description 2	N/A
Description 3	N/A
Land Code	

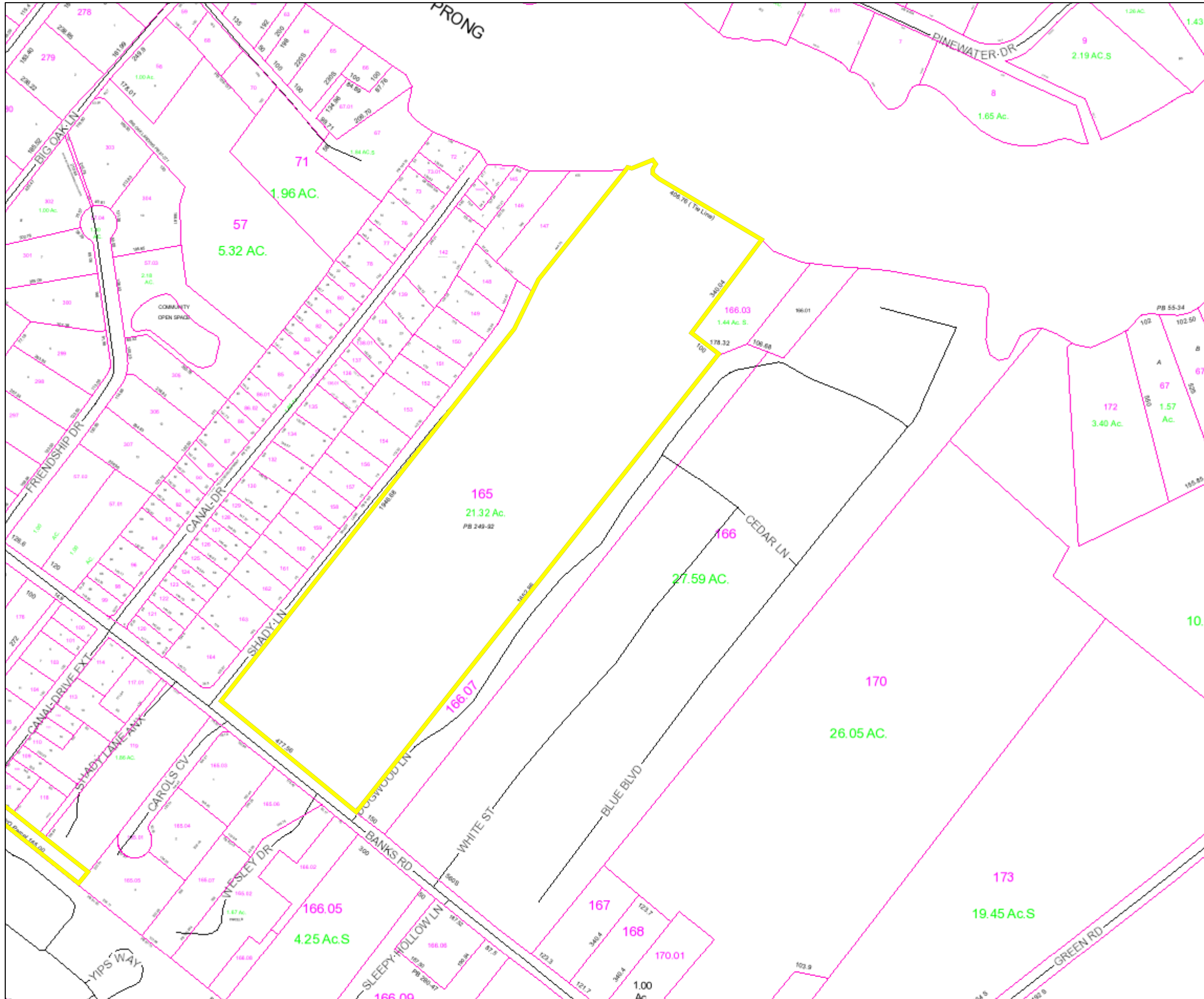
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...	TID
Tax Ditch Segments	
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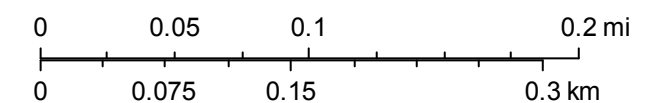
Sussex County

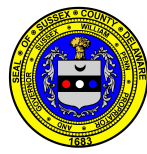


PIN:	234-17.00-165.00
Owner Name	BOARDWALK DEVELOPMENT LLC
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Mailing Address	16165 ROCKPORT DR
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State	DE
Description	WATERVIEW FARMS
Description 2	N/A
Description 3	N/A
Land Code	

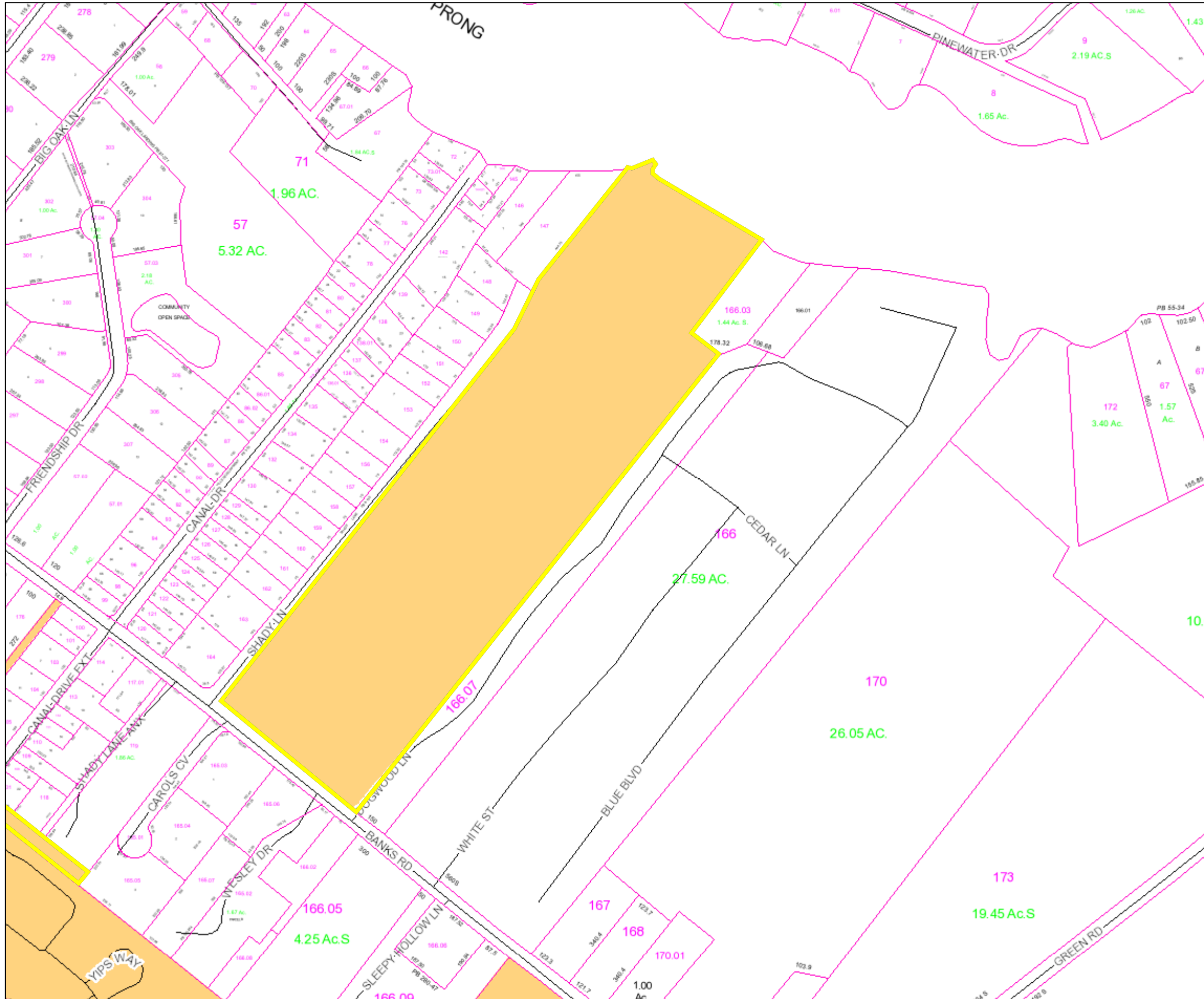
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Override 1	Pipe - Private
Tax Parcels	Pond Feature
Streets	Special Access ROW
County Boundaries	Extent of Right-of-Way
Tax Ditch Segments	Municipal Boundaries
Tax Ditch Channel	TID
DeIDOT Maintained	

1:4,514





Sussex County



PIN:	234-17.00-165.00
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Description	WATERVIEW FARMS
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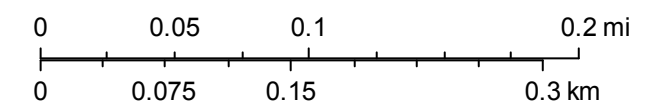
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Override 1

polygonLayer
Override 1

--- Tax Parcels

— Streets

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Introduced: 03/08/2022

Council District 3: Mr. Schaeffer

Tax I.D. No.: 234-17.00-165.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS

WHEREAS, on the 8th day of October 2021, a zoning application, denominated Change of Zone No. 1958 was filed on behalf of Boardwalk Development, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 1958 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 [GR General Residential District] and adding in lieu thereof the designation GR-RPC General Residential District – Residential Planned Community 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 Indian River Hundred, Sussex County, Delaware, and lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49 mile southeast of John J. Williams Highway (Rt. 24) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 21.32 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.