

# Sussex County Council Public/Media Packet

# MEETING: February 21, 2017

### \*\*DISCLAIMER\*\*

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

Sussex County Council

The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743

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



2 THE CIRCLE | PO BOX 589 GEORGETOWN, DE 19947 (302) 855-7743 T (302) 855-7749 F sussexcountyde.gov ROBIN GRIFFITH CLERK

# A G E N D A

### **FEBRUARY 21, 2017**

## 10:00 A.M.

# Call to Order

Approval of Agenda

**Approval of Minutes** 

**Reading of Correspondence** 

**Public Comments** 

Bill Andrew, President & CEO, Delaware Electric Cooperative - Check Presentation

## **Todd Lawson, County Administrator**

- 1. Wastewater Agreement No. 925-1 Sussex County Project No. 81-04 Deerbrook Long Neck Sanitary Sewer District
- 2. Appointments to the Building Code Appeal Board
- 3. Henlopen TID Update and Discussion
- 4. Comprehensive Land Use Plan Update and Discussion
- 5. Administrator's Report

# **Janelle Cornwell, Director of Planning and Zoning**

- 1. Requests for Time Extensions
  - A. Conditional Use No. 1978 John W. Davidson
  - B. 2005-72 Baywood, LLC (Bridlewood at Baywood)



## Hans Medlarz, County Engineer

- 1. Pennoni Associates EJCDC Agreement
  - A. Amendment #1 Maintenance Garage Final Design
  - B. Amendment #2 West Complex HVAC/Electrical Final Design

# **Grant Requests**

- 1. Lewes Rehoboth Rotary Club for Trail Guide publication
- 2. Delaware Technical & Community College for Science Fair

# **Introduction of Proposed Zoning Ordinances**

# **Council Members' Comments**

Executive Session – Land Acquisition, Personnel and Job Applicants' Qualifications pursuant to 29 Del. C. §10004(b)

# **Possible Action on Executive Session Items**

### **Adjourn**

\*\*\*\*\*\*\*\*\*

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

\*\*\*\*\*\*\*\*\*

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on February 14, 2017, at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

####

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 14, 2017 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent
George B. Cole
Robert B. Arlett
Irwin G. Burton III
Samuel R. Wilson Jr.

President
Vice President
Councilman
Councilman
Councilman

Todd F. Lawson
Gina A. Jennings
J. Everett Moore Jr.

County Administrator
Finance Director
County Attorney

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

Call to Order

Mr. Vincent called the meeting to order.

M 061 17 Amend and Approve Agenda A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Agenda by deleting "Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)" and "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Minutes The minutes of February 7, 2017 were approved by consent.

Public Comments **Public Comments** 

Dan Kramer commented on the quality of the audio during the Planning and Zoning Commission meeting on February 9, 2017.

Chris Pollinger discussed ongoing issues in Heron Bay and the proposed Memorandum of Understanding between Sussex County Council and Louis Capano III.

Public Interview The Council conducted a public interview for Planning and Zoning Commission nominee Kimberly Hoey Stevenson.

M 062 17 A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Kimberly Hoey Stevenson to

M 062 17

Appointment to

the Sussex County Planning and Zoning Commission, effective February 14, 2017, for the balance of the seat's current term until June 30, 2017.

Planning and Zoning

Motion Adopted:

Commission (continued)

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

5 Yeas.

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

[Kimberly Hoey Stevenson will fill the seat vacated by I. G. Burton III who was elected to the Sussex County Council in November 2016 and took office on January 2, 2017.]

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

# 1. 2016 National Safety Council Award

I am pleased to announce that Sussex County has received the 2016 Occupational Excellence Achievement Award which is presented by the National Safety Council. The award recognizes organizations with injury and illness records better than or equal to 50 percent of the Bureau of Labor Statistics for the County's specific Industry Classification Code. The National Safety Council measures both Total Recordable Case Rates and Total Lost Workday Incident Rates for this award.

I would like to commend the County's Safety Manager, Mr. Ron Verosko, and Human Resources Director, Ms. Karen Brewington and their staff, who worked diligently on the County's OSHA logs and claims management to reduce the County's incident rates. This is the first time that Sussex County has received such an award.

The Council presented the award to Mr. Ron Verosko, Ms. Karen Brewington, and Ms. Kim Beauchamp.

Proposed
Amendments to
Base
Engineering
Contract/
North
Coastal
Planning
Area

Hans Medlarz, County Engineer, presented a request for the approval of Contract Amendments No. 10 and No. 1 to the Base Engineering Contract with Whitman Requardt and Associates, LLP in the amounts of \$430,102.00 and \$79,668.00 respectively for construction administration and inspection for the three (3) projects in the North Coastal Planning Area, contingent upon the concurrence of the respective funding agency. The three projects include the Angola Neck Sanitary Sewer District: Angola North Expansion, Millville Sanitary Sewer District: Millville Northwest Expansion II – Irons Lane and PS#311, and Route 54 Expansion of the Fenwick Island Sanitary Sewer District.

Mr. Medlarz presented two proposed Motions and noted that the Motions deal with the funding source differently.

M 063 17 Approve Amendment No. 10/ Base Engineering Contract/ North A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 10 to the Base Engineering Contract for the North Coastal Planning Area with Whitman Requardt and Associates, LLP be approved in the amount not to exceed of \$430,102.00 for Construction Administration and Project Inspection for the Angola North and Route 54 Expansion Projects, pending State Revolving Loan Fund approval.

North Coastal Planning

Area

**Motion Adopted:** 5 Yeas.

Vote by Roll Call:

coll Call: Mr. Arlett, Yea; Mr. Burton, Yea;

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 064 17 Approve Amendment No. 1/ Base Engineering Contract/ North A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1 to the EJCDC Agreement with Whitman Requardt and Associates, LLP be approved in the amount not to exceed \$79,688.00 for Construction Administration and Project Inspection for the Millville Northeast Expansion, Irons Lane and Pump Station 3-11, pending USDA funding agency approval.

Motion Adopted: 5 Yeas.

**Planning** 

Area

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Proposed MOU Relating to Heron Bay Hans Medlarz, County Engineer, presented a proposed Memorandum of Understanding (MOU) between Sussex County, Heron Bay Associates, LLC, and LC Homes Delaware, Inc. (LC Homes). The Engineering Department has been negotiating with Heron Bay Associates, LLC as well as LC Homes, the builder, to come up with an implementation plan for remaining drainage repairs and amenities in return for a controlled release of building permits. This arrangement, as well as remedial action for future driveway culvert issues has been incorporated in the MOU. The Engineering Department recommends approval in order to allow the completion of the remaining scope of work in a controlled process.

M 065 17 Approve MOU Relating to Heron Bay A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Memorandum of Understanding between Sussex County, Heron Bay Associates, LLC, and LC Homes Delaware, Inc. for the completion of the remaining correctional drainage work and the amenities in the Heron Bay Development, as presented.

**Motion Adopted:** 5 Yeas.

M 065 17 (continued)

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Request to Prepare and Post Notices/ Mulberry Knoll

Area

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for a Public Hearing on the boundary for the Proposed Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District (Mulberry Knoll/Bayshore Hills Civic Association). Mr. Ashman reported that petitions were circulated and a sufficient number of petitions have been

received (52 out of approximately 80 parcels).

M 066 17 Authorize Posting of Notices/ Mulberry Knoll Area

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based on receipt of petitions submitted pursuant to 9 Del. C. §6503, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a Public Hearing to establish a boundary for the Proposed Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Grant

Request Mrs. Jennings presented a grant request for the Council's consideration.

M 067 17 Councilmanic Grant A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$500.00 (\$250.00 each from Mr. Burton's and Mr. Wilson's Councilmanic Grant Accounts) to Delmarva Clergy United in Social Action Foundation (DCUSA Foundation) for the Dolls Tea Program.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Introduction of Proposed Ordinance

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS" (Change of Zone No. 1817) filed on behalf of Liborio Ellendale, LLC (Tax I.D. No. 230-26.00-115.00, 115.04, 122.00; and 230-31.00-33.00, 33.01) (911 Address: None Available).

The Proposed Ordinance will be advertised for Public Hearing.

# M 068 17 Recess

At 11:03 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess until 1:30 p.m.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

# Profile Luncheon

At 12:00 Noon, the Council attended the Sussex County Profile Luncheon held at the Sussex County Association of Realtors office building in Georgetown.

# M 069 17 Reconvene

At 1:34 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to reconvene.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

### Rules

Mr. Moore read the Rules of Procedures for Public Hearings.

# Public Hearing CU 2062

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2062) filed on behalf of RDK&A Investments, LLC (Tax I.D. No. 134-12.00-373.05) (911 Address: 36017 Burbage Road, Ocean View).

The Planning and Zoning Commission held a Public Hearing on this application on January 12, 2017 at which time the Commission deferred action. On January 26, 2017, the Commission recommended approval with the following conditions:

- A. There shall not be any building contractor or subcontractor's office or workshop on the site.
- B. No medical supply, device or product shall be manufactured, created, or assembled, or stored on the property except that such medical supplies, devices or products which are customarily found in an office setting shall be permitted on this premises.
- C. Any security lighting shall be downward screened so that it doesn't shine on any neighboring properties or roadways.
- D. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the office shall be screened from the

Public Hearing/ CU 2062 (continued) view of any residential properties.

- E. The site shall not be used for the storage or delivery of medical supplies, devices or products or other items sold as part of the mail order medical supply business.
- F. All inventory for the mail order medical supply business shall be maintained at a different location.
- G. Only one unlit sign shall be permitted on the property and shall not exceed 32 square feet per side.
- H. All vehicles parking shall be clearly shown on the final site plan and clearly marked on the site.
- I. The site shall not be used for any on-site retail business sales.
- J. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated January 12 and 26, 2017.)

Janelle Cornwell, Director of Planning and Zoning, presented a summary of the minutes of the Planning and Zoning Commission's public hearing, the Commission's recommendation, and a staff analysis.

Etta Mayers, Attorney with Tunnell & Raysor, P.A., was present with the Applicant, Richard Swear. They stated that the proposed use is for office space for a mail order medical supply business; that there will be no distribution from the site; that they have outgrown their existing location; that there is a house located on the property which they will utilize; that no new buildings are necessary; that the parking area has been graveled; and that no customers will come to the site.

There were no public comments and the Public Hearing was closed.

M 070 17 Adopt Ordinance No. 2481/ CU 2062 A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2481 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2062) filed on behalf of RDK&A Investments, LLC, with the following conditions:

- A. There shall not be any building contractor or subcontractor's office or workshop on the site.
- B. No medical supply, device or product shall be manufactured, created, or assembled, or stored on the property except that such medical supplies, devices or products which are customarily found in an office setting shall be permitted on this premises.
- C. Any security lighting shall be downward screened so that it doesn't shine on any neighboring properties or roadways.
- D. A landscape buffer of Leyland Cypress or similar vegetation shall be

# M 070 17 (continued)

- maintained or planted along the boundaries of the project adjacent to any residential properties so that the office shall be screened from the view of any residential properties.
- E. The site shall not be used for the storage or delivery of medical supplies, devices or products or other items sold as part of the mail order medical supply business.
- F. All inventory for the mail order medical supply business shall be maintained at a different location.
- G. Only one unlit sign shall be permitted on the property and shall not exceed 32 square feet per side.
- H. All vehicles parking shall be clearly shown on the final site plan and clearly marked on the site.
- I. The site shall not be used for any on-site retail business sales.
- J. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

# Public Hearing CU 2063

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2063) filed on behalf of Michael and Faith Whaley (Tax I.D. No. 330-15.00-60.01) (911 Address: 7512 and 7524 Cedar Creek Road, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on January 12, 2017 at which time the Commission recommended approval with the following conditions:

- A. There shall not be any building contractors' or subcontractors' offices or workshops within the site.
- B. There shall not be any storage of building materials or other construction materials on the site.
- C. Any security lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
- D. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the storage areas are screened from view from any residential properties.
- E. No U-Haul vehicles shall be parked or stored within the front yard setbacks of the property.
- F. Only one [lighted] sign shall be permitted on the property. It shall not

Public Hearing CU 2063 (continued) exceed 32 square feet in size per side.

- G. All vehicle and trailer parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.
- H. Hours of operation shall be between 10:00 a.m. and 4:30 p.m., Monday Friday, and Sundays 6:00 a.m. to 9:00 a.m.
- I. No more than 2 (20) U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time. And, some months there will be none at all.
- J. No vehicle or trailer repairs shall be performed on the site.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated January 12, 2017.)

Janelle Cornwell, Director of Planning and Zoning, presented a summary of the minutes of the Planning and Zoning Commission's public hearing, the Commission's recommendation, and a staff analysis.

Michael and Faith Whaley were present on behalf of their application. Mr. Whaley stated that he proposes to rent out U-Haul equipment consisting of trucks and trailers; that there is currently a small business on the property (hair salon); that he proposes to have 9 to 10 U-Haul trucks or trailers at a time; that they will come and go on a regular basis and there will be times when there will be no equipment on the property; and that he has three parcels and the Conditional Use will be contained to one parcel.

There were no public comments and the Public Hearing was closed.

Mr. Burton questioned Condition "I" recommended by the Commission and the reference to "2" U-Haul vehicles. Ms. Cornwell researched the matter and reported that the number should have been "20".

The Council discussed the number of vehicles to be permitted on the property. It was noted that, during the site plan review process, if it is determined that 20 vehicles/parking places would not fit, then 20 vehicles would not be permitted. However, the maximum allowed would be 20. Ms. Cornwell clarified that the total number of parking places/vehicles would be approved as part of the final site plan process.

M 071 17 Amend Condition A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve Condition A through K, with Condition I being amended as follows: "No more than <u>20</u> U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time. And, some months there will be none at all."

Mr. Cole again questioned the number of parking places for the trucks and trailers. Ms. Cornwell responded that the number of U-Hauls will be contingent upon the number of parking places available and that the

M 071 17

Planning and Zoning Commission will have to approve the site plan.

Motion Withdrawn

Mr. Wilson and Mr. Arlett withdrew their Motions.

M 072 17 Amend Condition I A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend Condition I, as follows "No more than 20 U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time, subject to the Planning and Zoning Commission's final site plan review. And, some months there will be none at all."

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 073 17 Adopt Ordinance No. 2482/ CU 2063 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2482 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2063) filed on behalf of Michael and Faith Whaley, with the following conditions, as amended:

- A. There shall not be any building contractors' or subcontractors' offices or workshops within the site.
- B. There shall not be any storage of building materials or other construction materials on the site.
- C. Any security lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
- D. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the storage areas are screened from view from any residential properties.
- E. No U-Haul vehicles shall be parked or stored within the front yard setbacks of the property.
- F. Only one [lighted] sign shall be permitted on the property. It shall not exceed 32 square feet in size per side.
- G. All vehicle and trailer parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.
- H. Hours of operation shall be between 10:00 a.m. and 4:30 p.m., Monday Friday, and Sundays 6:00 a.m. to 9:00 a.m.
- I. No more than (20) U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time, subject to the Planning and Zoning Commission's final site plan review. And, some months there will be none at all.
- J. No vehicle or trailer repairs shall be performed on the site.

M 073 17 (continued)

K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Public Hearing/ CZ 1811 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS" (Change of Zone No. 1811) filed on behalf of Dustin Yoder (Tax I.D. No. 430-3.00-11.01 (Part of) (911 Address; None Available).

The Planning and Zoning Commission held a Public Hearing on this application on January 12, 2017 at which time the Commission recommended approval.

(See the minutes of the meeting dated January 12, 2017.)

Janelle Cornwell, Director of Planning and Zoning, presented a summary of the minutes of the Planning and Zoning Commission's public hearing, the Commission's recommendation, and a staff analysis.

Dustin Yoder was present on behalf of his application and stated that a majority of the property is already zoned LI-2; that he is seeking an expansion of the zoning; and that he proposes an expansion of an existing business.

There were no public comments and the Public Hearing was closed.

M 074 17 Adopt Ordinance No. 2483/ CZ 1811 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2483 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS" (Change of Zone No. 1811) filed on behalf of Dustin Yoder.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 075 17 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:13 p.m.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith Clerk of the Council

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

### **ENGINEERING DEPARTMENT**

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



# Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 10, 2017

# **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04 DEERBROOK AGREEMENT NO. 925 - 1

# **DEVELOPER:**

Mr. Gus Croll Alpaco V, L.L.C. P.O. Box 748 Georgetown, DE 19947

## **LOCATION:**

1050' west of SR24 / #299 Intersection

# **SANITARY SEWER DISTRICT:**

Long Neck Sanitary Sewer District

### TYPE AND SIZE DEVELOPMENT:

120 Single Family detached subdivision, pump station, force main and 11 houses in this phase.

# **SYSTEM CONNECTION CHARGES:**

\$63,525.00

### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval 06/16/16

Department of Natural Resources Plan Approval 01/26/17

# **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 35 Construction Admin and Construction Inspection Cost – \$73,180.05 Proposed Construction Cost – \$487,867.00



### **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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 21, 2017

# PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 925-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "ALPACO V, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "DEERBROOK", LOCATED IN LONG NECK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38 AGREEMENT NO. 925-1

TODD LAWSON COUNTY ADMINISTRATOR



# TODD F. LAWSON COUNTY ADMINISTRATOR

(302) 855-7742 T (302) 855-7749 F tlawson@sussexcountyde.gov





# Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President

The Honorable Robert B. Arlett The Honorable Irwin G. Burton III The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson

County Administrator

RE: APPOINTMENTS TO BUILDING CODE APPEAL BOARD

DATE: February 17, 2017

During Tuesday's meeting, you will consider three appointments to the Building Code Appeal Board. Attached is a list of the current members that fulfill specific positions for the make-up of the Board. You will see that the terms of Arthur Marvel, James Clark, and Bruce Mears have expired. All three members have expressed an interest in continuing to serve on the Board.

As you know, the Building Code Appeal Board meets as necessary to examine and resolve projects that require an interpretation of the County's adopted Building Code.

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

TFL/sww

Attachment



# BOARD OF ADJUSTMENTS & APPEALS

# (a/k/a BUILDING CODE APPEAL BOARD and HOUSING CODE APPEAL BOARD)

_	Members	Term Expires
1.	Arthur B. Marvel	December 2016
	(District 1)	
2.	Kevin Pritchett	April 2020
	(was in District 2 - now in District 1)	
3.	James Clark	December 2016
	(District 2)	
4.	Bruce Mears	December 2016
	(District 4)	
5.	Bradley Layfield	April 2020
	(District 5)	

Appointed for a term of 4 years.

- 1 Representative Sussex County Fire Service
  - 1 Representative Home Building Industry
  - 3 Representatives General Public

No more than 3 representatives shall be of the same political party.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



# Sussex County DELAWARE sussexcountyde.gov

# **Memorandum**

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: February 17, 2017

RE: Request for Time Extension – CU 1978 John W. Davidson

On January 2 2017, the Planning and Zoning Department received a request for an extension for application CU 1978 Lands of John W. Davidson. The Conditional Use application was granted approval by the County Council on March 18, 2014 for a professional office with contractor storage. The property is located on the southwest side of Harbeson Rd. north of Hollyville Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
  - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
  - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.



(c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be "substantially constructed" within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. There is no DelDOT approval. The applicant is awaiting the results of the new stormwater management regulations to address approval from the Sussex Conservation District. Approval is not required from the Sussex County Engineering Department Division of Public Works as there are no roads. The applicant has been in contact with the Office of the State Fire Marshal. The applicant has an engineer under contact pending the outcome of the time extension request.

It may be difficult for the project to be substantially underway; however, the Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have the project substantially underway prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Conditional Use (CU 1978) for lands of John W. Davidson shall be granted a six (6) month time extension until September 18, 2017, which is six (6) months from March 18, 2017, the original termination date for the subdivision.

# John W. Davidson 30281 Hollymount Road Harbeson, DE 19951 302-542-2460

January 23, 2017

Sussex County Delaware Planning and Zoning Commission 2 The Circle Georgetown, DE 19947

RE: CU#1978

Professional Office with Contractor Storage Tax Map# 2-34-10.00-70.16

To Whom It May Concern,

The purpose of this letter is to ask for a 6 month extension for Conditional Use #1978 with conditions.

The main reason construction has been delayed is due to changes within DNREC requirements relating to storm water management which have apparently been modified in the last year. Since these modifications have been made it may be feasible to begin construction at this time.

We have contacted an engineer to do a final site plan for the County.

Please call with any questions.

Thank you for your cooperation.

Sincerely,

John W. Davidson

JWD/cpa Enclosures

RECEIVED

JAN 2 42017 CUSSEX COUNTY PLANNING & ZONING

# PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN IRWIN G. BURTON, III MICHAEL B. JOHNSON MARTIN L. ROSS RODNEY SMITH



# Sussex County

DELAWARE sussexcountyde,gov (302) 855-7878 T (302) 854-5079 F LAWRENCE B. LANK

March 18, 2014

John W. Davidson 30281 Hollymount Road Harbeson, DE 19951

RE: CU #1978

Professional Office with Contractor Storage Tax Map 2-34-10.00-70.16

Dear Mr. Davidson,

Please be advised that on March 18, 2014 the Sussex County Council approved the above referenced Conditional Use application with conditions. The approved use needs to be substantially underway by March 18, 2017. The conditions of this approval are:

- A. The use shall be limited to professional offices and contracting, including the Applicant's masonry, dumpster rental and house moving business.
- B. Although permitted for use as the Applicant's house moving business, the site shall not become a sales facility for used or relocated houses, mobile homes or manufactured homes.
- C. All security lighting shall be screened from view so that it does not shine on neighboring properties or roadways.
- D. No junked or unregistered vehicles, trailers or similar equipment shall be stored on the site.
- E. The Final Site Plan shall depict all areas used for outside storage, including:
- (a) Vehicles, trailers and similar equipment storage and parking;
- (b) Storage of house moving materials such as beams, axles, dunnage, jacks, etc.;
- (c) Materials associated with the masonry business;
- (d) Construction dumpsters;
- (e) Structures temporarily moved to the site while in transit between locations; and
- (f) Any other outside storage associated with the Applicant's business.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for all required storm water management governed by that office.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- H. The project shall be subject to all DelDOT requirements regarding entrances and roadway improvements.
- I. The hours of operation on this site shall be from 6:00 a.m. until 6:00 p.m.

The Final Site Plan shall be prepared by a Delaware Licensed Surveyor or Professional



March 18, 2014 Page 2

Engineer and these conditions of approval shall be noted and depicted on the Final Site Plan. Final site plan approval shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all agency approvals. The following approvals are required for this project: DelDOT, DNREC, Office of the State Fire Marshal and Sussex Conservation District.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Shane Abbott
Assistant Director

# John W. Davidson 30281 Hollymount Road Harbeson, DE 19951 302-542-2460

February 16, 2017

Sussex County Delaware Planning and Zoning Commission 2 The Circle Georgetown, DE 19947

Attn: Janelle Cornwell

RE: CU#1978

Professional Office with Contractor Storage

Tax Map# 2-34-10.00-70.16

Dear Janelle,

Per your request, I am writing this letter to give you the details of what steps I have taken to date in order to get started on the above project.

I contacted Kenneth Christenbury with Axiom Engineering to handle the site planning and engineering services. Ken and I walked over to Planning and Zoning and met with Lawrence Lank. After five months of phone calls and no proposal from Axiom, I contacted Roger Gross with Merestone Consultants, Inc. Please see attached a copy of the proposal Merestone sent me.

As stated in the proposal, Merestone will prepare and submit to the Sussex Planning Commission a Preliminary Site Plan in accordance with Conditional Use (CU) approval #1978, after I have obtained an extension.

Your cooperation in granting this (6) month extension would be greatly appreciated.

Sincerely

John W. Davidson

JWD/cad Enclosures

# MERESTONE

Consultants, Inc.

# Civil Engineers - Land Surveyors - Site Planners

25 January 2017

John W. Davidson 30281 Hollymount Road Harbeson, DE 19951

via email: cdavidson1129@verizon.net

Harbeson Contractor's Storage Facility Tax Parcel No. 234-10.00-70.16

Dear Mr. Davidson.

In accordance with your recent request, I am pleased to submit this proposal on behalf of Merestone Consultants, Inc. (hereinafter referred to as Merestone) for professional and technical services on the above referenced project. Services will be provided to our best professional ability. There is no guarantee, however, expressed or implied, that assures approval of this project by any or all agencies having jurisdiction.

### Basis for the Proposal

Generally, Merestone will provide the research, field surveying, site planning & engineering services required to prepare and submit a commercial site plan and construction improvement plans for a proposed Contractor's Storage facility and related site improvements to Sussex County and the applicable permitting agencies in accordance with Conditional Use #1978 and the applicable County, State and Federal regulations.

### Scope of Services

#### 1. Field Surveying

Research and Information Acquisition. a)

Under this contract item Merestone will research available deeds and plans; right-of-way and utility plan information applicable to the subject property. Research projects horizontal and vertical datum requirements.

b) Perform a Boundary and Topographic As-Built Location Survey and Plan.

Our office will obtain owners' names, tax maps, deeds, record plans, Del DOT plans, utility plans, and any other documentation that is available and deemed necessary to meet project specifications. Upon review of the same, our office will then conduct a perimeter field survey, which will include the location of any property corner evidence along the subject and adjoining property lines. This information will be collectively analyzed with the research information to generate a boundary and asbuilt topographic survey for the subject property and the adjoining roadway. Merestone will identify or replace missing property corners in accordance with the boundary determination; field locate visible site features including existing buildings and structures; driveways, parking areas and sidewalks, above ground and subsurface utilities and other relevant data for use in the preparation of the existing conditions plan. Merestone will establish horizontal control by locating existing property markers in accordance with existing deeds and plans, all of which will be geo-referenced to the Delaware State Plane Coordinate System. All elevations will be based on NAVD of 1988 at one-foot contours.

#### 2. **Preliminary Planning Services**

Preliminary Site Plan. a)

> Merestone will prepare and submit to the Sussex Planning Commission a Preliminary Site Plan in accordance with Conditional Use (CU) approval #1978. Per our discussion you will be responsible for obtaining an extension for the CU approval which is due to expire March 18th 2017.

John W. Davidson. Harbeson Contractor's Storage Conditional Use 25 January 2017 Page 2

b) Planning Commission Meeting.

Merestone will attend the Planning Commission meeting for preliminary site plan approval. If action is deferred on the application and subsequent meetings are required then, they will be an extra and billed on a time spent basis in accordance with the attached Fee Schedule.

#### 3. Engineering Services

a) Lines and Grades Plan.

The plan will include dimensional facility layout of the proposed building(s); parking and access ways; site grading, drainage structures and additional utility connections, as required.

b) Commercial Entrance Plan.

Merestone will design an entrance from Harbeson Road to the site. The entrance will be designed in accordance with the State of Delaware D.O.T. design standards and requirements. Excluded in this contract item is any offsite roadway, multi-modal or intersection improvement surveys, design or plans which may be required by Del DOT through their review.

1. Schedule and attend Pre-Application Meeting.

Del DOT Letter of No Objection (LONO) Site Plan Submission
 Merestone will submit the site plan and required documents to Del DOT for a Letter of No Objection (LONO) site plan approval. Prepare and submit Gate-Keeping Checklist – Site Plan, Initial Fee Stage Form & Design Checklist – Site Plan.

3. Entrance Construction Plans, Details & Specifications.

Merestone will design and prepare entrance construction plans in accordance with current Del DOT requirements. Prepare Entrance Application, Construction Fee Stage Form & Commercial Entrance Checklist.

c) Sediment and Stormwater Management Plan.

The current State of Delaware stormwater regulations are undergoing a significant revision and it's not known what impacts, if any, this will have on this project. This project will be subject to the new Regulations. Merestone has provided an abbreviated plan approval process per the new Regulations.

All projects requiring approval of a detailed Sediment and Stormwater Management Plan are subject to a three step approval process.

- Scheduling and conducting the project application meeting. A Stormwater Assessment Study Report will be prepared as a pre-requisite to scheduling the project application meeting with the Sussex Conservation District.
- 2. Submission of the "preliminary" Sediment and Stormwater Management Plan.
- 3. Submission of the "final" Sediment and Stormwater Management Plan.

d) Stormwater Management Geotechnical Services.

Soil boring tests will be performed to assess seasonal groundwater elevations, determine limiting zones and determine site areas that may be suitable for stormwater management practices to be used for initial planning purposes. More detailed investigation including infiltration testing may be required once specific stormwater areas are targeted. Infiltration testing, if required, is not included within the scope of work. Merestone will solicit cost proposals for these services for your review and acceptance.

e) State Fire Marshal Plan & Application.

Merestone will prepare a plan meeting the requirements of the State Fire Prevention Regulations and submit a site plan application to the Office of the State Fire Marshal.

John W. Davidson. Harbeson Contractor's Storage Conditional Use 25 January 2017 Page 3

#### 4. Contract Administration and Consultation Services

a) So as to not limit the ability to represent this project attendance of meetings; site visits; and communications with the client, its representatives or review agencies; efforts assisting the preparation of required documents or agreements related to this plan process.

Compensation (Fee Requirement.....\$23,750.00)

A Retainer of \$3,500.00 will be required at contract signing. Merestone's scope of work will not incur fees exceeding the above fee without the client's written consent or Change Order approval. Merestone, at our discretion, will apply a portion of the available retainer to invoices throughout the project, any available retainer remaining upon completion of these contract services will be credited to the final invoice. Fees for the above services will be invoiced periodically as work progresses. All invoices, which are not paid within 30 days of invoice date, are subject to a finance charge of 2.0% per month (24% per annum).

### Reproduction - Reimbursables

Miscellaneous expenses such as overnight delivery, plan or report reproduction, as required or requested by you, shall be billed as a reimbursable and is not a part of the Fee Requirement.

### **Change Orders**

Any request and/or change by any reviewing agency, sub-consultant or the Client requiring work as deemed by Merestone to be beyond the scope of services, shall be considered "Extra Work". Merestone shall submit to the Client, in the form of a change order, the modification of terms to the agreed upon services. Merestone shall not engage in any extra work until the Client has agreed to and authorized, in writing, their acceptance of the modified terms.

#### Schedule

Upon authorization we will commence with the required field survey services within ten (10) to fifteen (15) working days. Schedule information provided is based upon current workload forecasts. Scheduling is subject to change based upon workload at the time of authorization to proceed.

### Exclusions (Not limited to the following)

The following additional design and construction related services are not included as part of this proposal, unless specifically mentioned in the above scope of work for this project but are available, if requested by you, and will be the subject of a separate proposal.

- Off-Site stormwater management, drainage investigation or design; sanitary sewer pump station evaluation and/or design; off-site sanitary sewer, water distribution or any other utility extensions.
- Application or representation to the Delaware State Planning Office's Preliminary Land Use Service (PLUS) process.
- 3. Design, surveys and/or plans of offsite roadway improvements, if required by Del DOT.
- 4. Wetlands delineation, location and permitting.
- Construction layout or other construction related services.

John W. Davidson. Harbeson Contractor's Storage Conditional Use 25 January 2017 Page 4

- Construction management, certified construction review, cost estimating.
- Any variance; change of zone or special use exceptions; geotechnical or environmental studies; floodplain study; traffic impact study; etc.
- Any and all filing and reviewing fees for submission to public agencies; tax certification fee; hydrant flow test fee; permit application fees; etc.

### **Extras**

- If, after the acceptance of any plans by yourself and/or approval by a public agency, any change is required by you or the public agency, Merestone shall be reimbursed at the current rates as indicated on the attached Fee Schedule to accomplish said changes.
- Fees for other work and/or services not specified in the 'Scope of Services' and requested by you, shall be billed at the current rates as indicated on the attached Fee Schedule.
- Attendance of client/sub-consultant meetings not related to the content of this proposal. These meetings will be billed at the current rates as indicated on the attached Fee Schedule.

This Proposal is valid for thirty (30) calendar days from the date written above. Upon execution by the Client, this Proposal, including the General Terms and Conditions enclosed herewith, shall become our Agreement for Professional Services. If you should have any questions, or wish to discuss the content of this proposal, please contact me. If this proposal meets with your approval, please sign the original copy and the General Terms & Conditions and return them to my office with a Retainer of \$3500.00.

Very truly yours, Merestone Consultants, Inc.

Roger A Gross, P.

Digitally signed by Roger A Gross, P.E.

DN: C=US, E=roger.gross@merestoneconsultants.com, O="Merestone Consultants, Inc.", CN="Roger A Gross, P.E."

Reason: I am the author of this document

Roger A. Gross, P.E. encs.

Accepted:

R:\Administrative\Proposals\JOBS2017\John Davidson CU Harbeson.docx

# Merestone Consultants, Inc. **General Terms & Conditions**

These General Terms and Conditions are an integral part of the Proposal or Agreement; said words used interchangeably, dated 25 January 2017 to John W. Davidson (Hereinafter the "Client").

2. The terms "Merestone" or "Engineer/Land Surveyor" shall mean Merestone Consultants, Inc.

- 3. This Proposal is valid for thirty (30) calendar days from the date written above. Upon execution by the Client, this Proposal, including these Terms and Conditions, shall become our Agreement for Professional Services. Any additions, deletions, or changes to this Proposal or these Terms and Conditions by the Client shall be subject to an acceptance in writing by Merestone, Allowing Merestone to commence work or preparation of work will constitute acceptance by Client of this proposal and all of its Terms and Conditions.
- The scope of the project shall be only that as is described in this Agreement and includes all and only such work as Merestone 4. (a) deems necessary to carry out and complete the project. The project scope shall not be altered, except by mutual Agreement and proper authorization to proceed.
  - Unless otherwise stated in the proposal, the fees and charges for the project as set forth in this Agreement constitute and are (b) based on Merestone's best estimate of the time and effort required to complete the project, and cannot be regarded as other than an approximation. Similarly, any Schedules or Target Dates provided by Merestone are merely our best estimates of when we feel tasks can be completed based on our professional experience and failure to meet any Schedule or Target Date shall not constitute breach of this Agreement nor be the basis for any claim by Client or any third party.

The Client warrants that Merestone will be able to proceed with the project without delay or interruption.

- (c) (d) For those projects involving conceptual process development work, activities are often not fully definable in the initial planning. As the project progresses, the facts uncovered may dictate a change in direction, which may alter the scope. Merestone will inform the Client of any unusual situation so that negotiation of change in scope can be accomplished if required.
- (e) If, during the course of the prescribed work, additional services are requested, such additional scope of work and method of compensation shall be agreed to in writing prior to undertaking additional work. If, for any reason, additional services, etc. are requested by the Client, and this paragraph has not been complied with, Merestone shall be compensated at its then prevailing rates.
- (f) If, after the provisional or final acceptance of any plans by the Client, and/or by the appropriate public agencies any change is required or requested, Merestone shall be compensated at its then prevailing rates.
- Unless otherwise agreed, the Client will furnish Right of Entry on the site to the extent required for Merestone to make the planned 5. (a) surveys and other investigations. We will take reasonable precautions to minimize damage to the site from use of equipment, but have not included in our fee that cost for restoration of damage that may result from these operations. If we are required to restore the site to its former conditions, this will be accomplished and the cost will be added to our fee.
- (b) We may utilize the services of Miss Utility to locate hidden underground utilities, where possible. However, we will not be responsible for damage or injury resulting from our explorations for your project which encounter hidden utilities or structures.
- 6. Estimates, opinions, and statements of probable construction cost prepared by Merestone represent its best judgment as a design professional and are supplied for the general guidance of the Client. Because Merestone has no control over the costs of labor and material, over Contractor's methods of determining bid prices, or over competitive bidding or market conditions, Merestone cannot, and does not guarantee that any such estimates, opinions, or statements will not vary from Contractor's bids or actual cost to the Client
- 7. Merestone shall not be responsible for any Contractor's construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Contractor's work; nor plans, specifications, and contracts, or for the safety and integrity of any such Contractor's or third person's work, or for the acts or omission of any Contractor or third person, or their agents or employees, or for the failure of plants to grow. Merestone disclaims any and all warranties, expressed or implied, of merchantability, fitness or otherwise.
- The Client or his representative shall be responsible to provide the most current and up to date building plans , properly and 7. (a) correctly dimensioned, that are used for layout of any kind.
- Merestone makes no warranty, either expressed or implied, as to its findings, designs, recommendations, plans, drawings, 8. (a) calculations, specifications, or professional advice.
  - (b) The Client shall make no demand for liquidated damages for delays or actual damages for delays, and no liquidated damages may be assessed against Merestone for delays or causes attributed to other contractors or arising outside the scope of this
- Drawings, plans, calculations, specifications and field notes, as instruments of service, are and shall remain at all times the exclusive property of Merestone whether the project for which they are made is executed or not. They are not to be used by the 9. Client on other projects or extensions to this project except by Agreement in writing with and with appropriate compensation to Merestone. Merestone intends to copyright all drawings and plans and reserves the right to register the copyright within five (5) years of the published date.
- The client shall be billed for described services and reimbursable expenses upon completion of each phase of the project or, on a 10. (a) monthly basis. Payment shall be due upon client receipt of the invoice. Visa and MasterCard payments may be accepted only for invoices paid within 30 days of invoice date. Failure to remit within 30 days of the invoice date will result in a 2% per month finance charge. Reimbursable expenses shall include, but are not limited to, toll telephone calls, overnight or other delivery service, postage, printing, photocopying, photography and transportation. Expenses shall be reimbursed at 1.15 times direct cost with the exception of mileage which will be reimbursed per the current IRS rate.
  - (b) Invoices shall be considered correct as rendered if not questioned in writing within ten (10) calendar days of the date of the invoice. Time spent in additional detailing of invoice is considered direct effort on the project and will be invoiced.
  - Failure to pay any invoice when due shall entitle Merestone to suspend or terminate all work on the project, at its option. In the event of such suspension or termination, Client waives all rights, claims, etc. which it might otherwise have against Merestone as a direct result of such suspension or termination.

- (d) Should Merestone bring any action or proceeding at law or in equity to enforce payment of unpaid invoices, together with any and all service charges, and if Merestone recovers judgment in any sum, Merestone shall also recover as reasonable counsel fees 20 percent of the amount decreed due for principal, service charges, and interest, as well as all litigation and collection expenses, witness fees, and court costs.
- (e) Notwithstanding any provision contained on this proposal or the contract documents for this project, in the event that any payment to Merestone is not made as when provided for by Agreement, Merestone may file a lien or claim. Client specifically waives the provision of 25 DEL C 2703 (Mechanics Lien Law of Delaware) entitled "Contract Requirements to Obtain Lien Based Solely on Improvements to Land," and shall not avail itself of any legal defense based on said statutory provision.
- 11. (a) In the event that Client institutes legal action of any kind (suit, arbitration, etc.) against Merestone because of any failure or alleged failure to perform, error, omission, or negligence; and if such legal action is not successfully prosecuted, or if it is dismissed, or if the decision is rendered for Merestone, Client agrees to pay fees, and court cost and any cost of defense, including attorney's fees, expert witnesses' fees, and court cost and any and all other expenses of defense which may be necessary immediately following dismissal of the case or immediately upon a decision being rendered on behalf of Merestone.
  - (b) Merestone shall not be liable for an omission causing an increase in the cost of construction which may have been a required part of the construction had Merestone not made the omission.
  - (c) Merestone is not responsible, and liability is waived by the Client as against Merestone, for use by Client, or any other person of any Plans or drawings not signed and sealed by a professional registrant of Merestone.
- 12. (a) This Agreement may be terminated by either party upon seven (7) days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination.
  - (b) In the event this Agreement is terminated, Merestone shall be paid its compensation for services performed to the termination date, including reimbursable expenses then due and all termination expenses, pursuant to this paragraph 12.
- 13. (a) Neither party shall hold the other responsible for damages or delays caused by acts of God, strikes, lockouts, accidents, or other events beyond the other's control.
  - (b) In the event that any staking is destroyed by an act of nature, or by parties other than Merestone, the cost of re-staking shall be paid for by the Client, as an extra, in the manner provided for in the proposal between the parties; or, if not provided for, at Merestone's then prevailing rates.
  - (c) Merestone will not be responsible for special, incidental, or consequential damages. Nor shall it be responsible for damage to its work by other parties. Any work necessitated by caused damage will be considered as an order for extra work.
- 14. Upon written request, each of the parties hereto shall execute and deliver, or cause to be executed and delivered, such additional information, instruments and documents which may be necessary and proper to carry out the terms of this proposal.
- 15. In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, terms, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.
- 16. This Agreement shall be binding upon the parties and their respective successors, assigns, and personal representatives. Neither party shall assign its or his interest in this Agreement without the written consent of the other.
- 17. This Agreement constitutes the entire and integrated Agreement between the Client and Merestone, and supersedes all prior negotiations, representations, or Agreements, whether written or oral except as are specifically incorporated by reference. This Agreement may not be amended except by written instrument signed by both the Client and Merestone.
- 18. Any controversy or claim arising out of the or relating to this Agreement, or any modification or extension thereof, including any claim for damages or rescission or both shall be settled by arbitration in Wilmington, Delaware, in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. The parties further agree that arbitration must be instituted within one (1) year after the claim accrues, and that the failure to institute arbitration proceedings within such period, and to give written notice of the nature of said claim within ninety (90) days after its occurrence, shall constitute an absolute bar to the institution of any proceedings, and a waiver of all claims. Judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. All causes of action shall be deemed to have accrued on the date of substantial completion or the last payment to Merestone, whichever occurs earliest.

  Limitation of Liability:
  - Limitation of Liability:

    In recognition of the relative risks and benefits of the project to both the Client and the Engineer/Land Surveyor, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the aggregate liability of the Engineer/Land Surveyor, the Engineer/Land Surveyor's principals and employees, and the Engineer/Land Surveyor consultants, to the Client and anyone claiming by, through or under the Client, for any and all claims, losses, costs, or damages of any nature whatsoever or claims expenses from any cause arising from the Project or this Agreement, to the total fees paid to the Engineer/Land Surveyor for this project, or the amount of \$50,000, whichever is greater. Such claims or causes include, but are not limited to, negligence, professional errors or omissions, strict liability, breach of contract or warranty.

This Agreement shall be governed by the laws of the State of Delaware.

ACCEPTEDBY Authorized Agent DATE: 1-27-2017

# MERESTONE CONSULTANTS, INC. 2016 FEE SCHEDULE (Subject to Change)

Professional Services: Rate per Hour:

\$179.00
\$143.00
\$143.00
\$124.00
\$120.00
\$110.00
\$95.00
\$88.00
\$84.00
\$79.00
\$75.00
\$72.00
\$72.00
\$59.00
\$57.00
\$51.00
\$48.00
\$45.00
\$40.00
\$40.00
\$36.00

Survey Crew Rates: \*\* Rate

Rate per Hour: \*\*\*

\$98.00
\$125.00
\$135.00
\$140.00
\$155.00
\$175.00
\$172.00
\$220.00
\$193.00
\$208.00
\$229.00

Reimbursable Expenses:

Rate:

Plan Copies	\$5.00
Archive Plan Copies (minimum)	\$50.00
Mylar Copies (24" x 36")	\$20.00
Mileage	@ Current IRS Rate
Tolls	@ Current Rate + 15%
GPS Equipment (3 hr min)	\$55.00 / hour
Robotic Instrument	\$30.00 / hour
Deed Research (minimum)	\$25.00
4x4 NCCo/ Sub Sign	\$430.00
Postage/Overnight Fees	@ Current Rate + 15%
Agency Fees	Fee + 15%
Subconsultants	Fee + 15%
Personal Protection Equipment (PPE)	Cost + 15%

\*\* Survey Crews are charged portal-to-portal.

<sup>\*\*\*</sup>Survey Crew/Field Time on HAZWOPER sites will be invoiced at 1.1 times the rate per hour. Please note: If a client requests that work be performed on a Saturday or Sunday and/or more than forty hours of work be performed in a week's time, the above rates will be increased one and one-half times. If a client requests that work be performed on a holiday, the above rates will be doubled.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



# Sussex County DELAWARE sussexcountyde.gov

# **Memorandum**

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: February 17, 2017

RE: Request for Time Extension – Bridlewood at Baywood 2005-72

On January 17, 2017, the Planning and Zoning Department received a request for an extension for application 2005-72 (Bridlewood at Baywood). The application was granted final approval by the Planning and Zoning Commission on December 15, 2011 for the construction of 174 single family lots in phase 1. The plan was recorded on February 2, 2012. The property is located on both sides of Green Rd. and on the east of Banks Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
  - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
  - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or



delays caused by significant medical or health issues impacting applicant's key stakeholders.

(c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be "substantially constructed" within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. The TIS and entrance plan approval from DelDOT has lapsed. The Letter of No Objection to Recordation approval expires at the end of the month. The Sussex Conservation District approval has lapsed and DNREC denied a request for a variance from the stormwater management regulations. The Sussex County Engineering Department Division of Public Works completed their first review on March 15, 2016 and their second review on May 24, 2016. There have been no further submissions. The Division of Public Health Office of Drinking Water approval lapsed. The Office of the State Fire Marshal is valid.

It may be difficult for the site to be under substantial construction; however, the Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have substantially constructed the project prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Bridlewood at Baywood Subdivision shall be granted a six (6) month time extension until August 3, 2017, which is six (6) months from February 3, 2017, the original termination date for the subdivision.



January 16, 2017

Mrs. Janelle M Cornwell, AICP, Director Sussex County Planning and Zoning 2 The Circle Georgetown, DE 19947 P: 302.855.7878

Re: Bridlewood at Baywood

Dear Mrs. Cornwell,

The purpose of this letter is to request a six month extension of the final approval of Bridlewood at Baywood cluster subdivision, Phase 1 for six months so the developer can continue to work with Sussex County Engineering Department and Sussex Conservation District personnel to finalize their re-review/approval of the construction plans. The recorded plans are set to expire on February 3, 2017. Every effort has been made to make sure the improvements associated with the subdivision plat were 'substantially constructed' prior to the January 1, 2016, deadline, however, due to delays associated with Sussex County Engineering review and personnel change, the developer will be unable to meet the date. Furthermore, the stormwater management regulations have changed and are subject to on-going revisions, as such the stormwater management plans have been delayed and are currently being revised.

The Bridlewood at Baywood project has been in the design and approval process for approximately 10 years. Below is a project chronology of submittals and project milestones demonstrating that our client has been diligently pursuing completion of project engineering, approvals and such that construction can begin:

- Project preparation commenced in the early spring of 2005. Work included land surveying, wetland studies, initial meetings with agencies, and land planning.
- The plan was submitted to PLUS on July 13, 2005. Comments from the State were received on September 15, 2005. The comments were addressed via a response letter dated July 10, 2006.
- The preliminary plat was submitted to Planning and Zoning on September 9, 2005. The plan was presented at the October 12, 2006 Planning and Zoning meeting. Preliminary plat approval was received on January 18, 2007.
- Based on comments from PLUS a sanitary sewer concept plan was prepared and submitted to Sussex County
  Engineering for review on June 1, 2007. The County responded on October 12, 2007 stating that their PLUS
  comment was in error and that a sanitary sewer concept plan was not required.

- DelDOT: The Bridlewood project is responsible for the following:
  - Design and construct entrance plans for the community which involved reconstruction and reconfiguration of Green Road as well as modifications to Banks Road / Green Road intersection. This plans were submitted to DelDOT on July 26, 2007. After numerous rounds of review, the plan was approved on September 22, 2011. An approved entrance and a portion of the Banks Road / Green Road intersection was constructed in the fall of 2012.
  - Design and construct roadway plan for the relocation of the Banks Road / Rte 24 intersection. Plans for the improvements were approved by DelDOT on May 7, 2007. The intersection construction improvements were completed in 2008.
  - Pay for a portion of the Banks Road / School Lane / Long Neck Road improvements. Plans were approved by DelDOT on March 11, 2011. Construction and associated payments were competed in the fall of 2011.
- A Notice of Intent was completed and submitted to DNREC on October 4, 2007.
- Plans were submitted to the Delaware State Fire Marshal's office on October 10, 2007. The plans were approved on November 19, 2007.
- Potable water plans were prepared and submitted to Delaware Department of Health and Social Services on October 4, 2007. Plan approval was received on November 19, 2007.
- Construction site plans for roadway, drainage and sanitary sewer were prepared and submitted to Sussex County Engineering on May 18, 2008. After several rounds of review, the plan were approved on November 25, 2009.
- Stormwater management and sediment & erosion control plans were prepared and submitted to the Sussex Conservation District on October 4, 2007. Following several reviews, the plans received final approval on July 1, 2008. The plans were subsequently revised based on other agency comment and received revised approval on March 4, 2009.
- The final plat was approved on December 15, 2011 and recorded on February 3, 2012.

At this point all of the necessary approvals were in place, and in fact some of the required DelDOT improvements had been constructed and funded. Understanding that there is a deadline to be 'substantially complete' by January 1, 2016, the developer wished to start construction in the summer of 2015.

### Sussex County Engineering:

 On July 20, 2015 a construction phasing plan for bonding purposes was prepared and submitted to Planning and Zoning and County Engineering for review. At such time the County Engineering Department informed the developer that their plans had expired.

- On July 23, 2015 a letter was prepared and submitted to County Engineering requesting the construction plans be reviewed and re-approved in their current state. Shortly thereafter the Developer was verbally informed by County Engineering personnel that construction could proceed under the current construction plans.
- Since that time the Developer has been attempting to complete the necessary construction agreements and project kick-off meetings, with little to no response for the Engineering Department.
- During an impromptu meeting with the Engineering Department in October of 2015, the Developer was informed that since Mike Izzo retired, as decision regarding the validity of the construction plans would now need to go through the acting County Engineer, Joe Wright.
- After several rounds of additional plan review, the Developer met with the County Engineering staff. At said meeting, verbal approval was granted with a letter to be forthcoming.

### Sussex Conservation District / DNREC:

- In July / August of 2015 the Developer attempted to start construction of sediment and erosion control devices and stormwater management controls. At that time he was informed that the approval had expired.
- A request to expend the previous approval was made to the Sussex Conservation district was made by the Developer. The request was denied.
- A variance request was made to DNREC to have the project grandfathered in December of 2015. In January of 2016, the variance was denied.
- In April of 2016, the stormwater law was overturned. At that time, the Developer resubmitted the plans to Sussex Conservation for review. The plans were not accepted by the District.
- Since that time, there has been several additional law suits and revisions to the code. The design standards are
  currently in flux and are currently being revised. One of the revisions allows for the use of wet ponds for water
  quality, which will allow for the plan to be maintained in its present form.

### Schedule:

- Coordinate with County to work through their concerns and plan changes Now thru January 31, 2017.
- Update stormwater management plans and submit to Sussex Conservation District Now thru May 15, 2017.
- Revise and complete stormwater management design and approval July 7, 2017.
- Complete phasing plan and bonding requirements for Phase 1A July 14, 2017.
- Complete construction through 'substantial completion' of Phase 1A July 15 through August 3, 2017

In short the Developer has been delayed by the County Engineering Department and still does not have a decision on the viability of the construction plans as well as the revisions to stormwater management regulations.

Again, we respectfully request an extension of time to allow for the time to work out outstanding issues with the County Engineer.

We greatly appreciate your consideration in this matter. Should you have any questions or require any additional information to process the extension request, please don't hesitate to call.

Sincerely,

Solutions, IPEM

Jason Palkewicz, PE

Copy:

Vincent G Robertson Everett J Moore, Jr.



February 16, 2017

Mrs. Janelle M Cornwell, AICP, Director Sussex County Planning and Zoning 2 The Circle Georgetown, DE 19947 P: 302.855.7878

Re: Bridlewood at Baywood

Dear Mrs. Cornwell,

The purpose of this letter is to request a six month extension of the final approval of Bridlewood at Baywood cluster subdivision, Phase 1 for six months so the developer can continue to work with Sussex County Engineering Department and Sussex Conservation District personnel to finalize their re-review/approval of the construction plans. The recorded plans are set to expire on February 3, 2017. Every effort has been made to make sure the improvements associated with the subdivision plat were 'substantially constructed' prior to the January 1, 2016, deadline, however, due to delays associated with Sussex County Engineering review and personnel change, the developer will be unable to meet the date. Furthermore, the stormwater management regulations have changed and are subject to on-going revisions, as such the stormwater management plans have been delayed and are currently being revised.

The Bridlewood at Baywood project has been in the design and approval process for approximately 10 years. Below is a project chronology of submittals and project milestones demonstrating that our client has been diligently pursuing completion of project engineering, approvals and such that construction can begin:

- Project preparation commenced in the early spring of 2005. Work included land surveying, wetland studies, initial meetings with agencies, and land planning.
- The plan was submitted to PLUS on July 13, 2005. Comments from the State were received on September 15, 2005. The comments were addressed via a response letter dated July 10, 2006.
- The preliminary plat was submitted to Planning and Zoning on September 9, 2005. The plan was presented at the October 12, 2006 Planning and Zoning meeting. Preliminary plat approval was received on January 18, 2007.
- Based on comments from PLUS a sanitary sewer concept plan was prepared and submitted to Sussex County
  Engineering for review on June 1, 2007. The County responded on October 12, 2007 stating that their PLUS
  comment was in error and that a sanitary sewer concept plan was not required.

- DelDOT: The Bridlewood project is responsible for the following:
  - Design and construct entrance plans for the community which involved reconstruction and reconfiguration of Green Road as well as modifications to Banks Road / Green Road intersection. This plans were submitted to DelDOT on July 26, 2007. After numerous rounds of review, the plan was approved on September 22, 2011. An approved entrance and a portion of the Banks Road / Green Road intersection was constructed in the fall of 2012.
  - Design and construct roadway plan for the relocation of the Banks Road / Rte 24 intersection. Plans for the improvements were approved by DelDOT on May 7, 2007. The intersection construction improvements were completed in 2008.
  - Pay for a portion of the Banks Road / School Lane / Long Neck Road improvements. Plans were approved by DelDOT on March 11, 2011. Construction and associated payments were competed in the fall of 2011.
- A Notice of Intent was completed and submitted to DNREC on October 4, 2007.
- Plans were submitted to the Delaware State Fire Marshal's office on October 10, 2007. The plans were approved on November 19, 2007.
- Potable water plans were prepared and submitted to Delaware Department of Health and Social Services on October 4, 2007. Plan approval was received on November 19, 2007.
- Construction site plans for roadway, drainage and sanitary sewer were prepared and submitted to Sussex County Engineering on May 18, 2008. After several rounds of review, the plan were approved on November 25, 2009.
- Stormwater management and sediment & erosion control plans were prepared and submitted to the Sussex Conservation District on October 4, 2007. Following several reviews, the plans received final approval on July 1, 2008. The plans were subsequently revised based on other agency comment and received revised approval on March 4, 2009.
- The final plat was approved on December 15, 2011 and recorded on February 3, 2012.

At this point all of the necessary approvals were in place, and in fact some of the required DelDOT improvements had been constructed and funded. Understanding that there is a deadline to be 'substantially complete' by January 1, 2016, the developer wished to start construction in the summer of 2015.

#### Sussex County Engineering:

 On July 20, 2015 a construction phasing plan for bonding purposes was prepared and submitted to Planning and Zoning and County Engineering for review. At such time the County Engineering Department informed the developer that their plans had expired.

- On July 23, 2015 a letter was prepared and submitted to County Engineering requesting the construction plans be reviewed and re-approved in their current state. Shortly thereafter the Developer was verbally informed by County Engineering personnel that construction could proceed under the current construction plans.
- Since that time the Developer has been attempting to complete the necessary construction agreements and project kick-off meetings, with little to no response for the Engineering Department.
- During an impromptu meeting with the Engineering Department in October of 2015, the Developer was
  informed that since Mike Izzo retired, as decision regarding the validity of the construction plans would now
  need to go through the acting County Engineer, Joe Wright.
- After several rounds of additional plan review, the Developer met with the County Engineering staff. At said meeting, verbal approval was granted with a letter to be forthcoming.

#### Sussex Conservation District / DNREC:

- In July / August of 2015 the Developer attempted to start construction of sediment and erosion control devices and stormwater management controls. At that time he was informed that the approval had expired.
- A request to expend the previous approval was made to the Sussex Conservation district was made by the Developer. The request was denied.
- A variance request was made to DNREC to have the project grandfathered in December of 2015. In January of 2016, the variance was denied.
- In April of 2016, the stormwater law was overturned. At that time, the Developer resubmitted the plans to Sussex Conservation for review. The plans were not accepted by the District.
- Since that time, there has been several additional law suits and revisions to the code. The design standards are
  currently in flux and are currently being revised. One of the revisions allows for the use of wet ponds for water
  quality, which will allow for the plan to be maintained in its present form.

#### Schedule:

- Coordinate with County to work through their concerns and plan changes Now thru January 31, 2017.
- Update stormwater management plans, DelDOT entrance plans and water plans and submit to Sussex Conservation District, DelDOT and DHSS. – Now thru May 15, 2017.
- Revise and complete design and approval July 7, 2017.
- Complete phasing plan and bonding requirements for Phase 1A July 14, 2017.
- Complete construction through 'substantial completion' of Phase 1A July 15 through August 3, 2017

In short the Developer has been delayed by the County Engineering Department and still does not have a decision on the viability of the construction plans as well as the revisions to stormwater management regulations.

Again, we respectfully request an extension of time to allow for the time to work out outstanding issues and update the permits for Sussex Conservation District, DelDOT and DHSS.

We greatly appreciate your consideration in this matter. Should you have any questions or require any additional information to process the extension request, please don't hesitate to call.

Sincerely,

Solutions, IPEM

Jason Palkewicz, PE

Copy:

Vincent G Robertson Everett J Moore, Jr.

#### **ENGINEERING DEPARTMENT**

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



# Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

### Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President

The Honorable I.G. Burton, III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

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

RE: Maintenance Garage & West Complex HVAC/Electrical; Final Design Services

Amendment No.1 & 2 to the Pennoni Associates, Inc. EJCDC Agreement

DATE: February 21, 2017

In the 2017 fiscal year budget, Council authorized a central maintenance garage project at the Coastal Airport replacing the building which currently houses the EMS maintenance garage. This project is complicated by stormwater maintenance as well as Fire Marshall and entrance limitations. Despite these challenges, the Engineering Department accomplished the site design and permitting in-house. However, the programming of the garage functions and the preliminary design were contracted with Pennoni Associates, Inc. in accordance with the County's Procurement Policy under a stand-alone purchase order valued at \$10,400.00.

Also contained in the 2017 fiscal year budget, Council authorized HVAC improvements to the West Complex. Preliminary design was also contracted with Pennoni Associates, Inc. due to their expertise in the mechanical electrical field under a separate stand-alone purchase order valued at \$24,280.00. In the aforementioned preliminary design development phase, we discovered code issues associated with the electrical system requiring attention. Furthermore, the IT Department requested consideration of a fire suppression system for the server room.

On June 3, 2014, County Council awarded five (5) year on-call contracts for miscellaneous consultant services to Pennoni Associates, Inc and six (6) other engineering firms. Based on their specific expertise, the Department is now presenting a request for Council's consideration of the attached Pennoni Associates, Inc contract amendments. Amendment No. 1 covers the final design of the maintenance garage in the amount of \$70,000.00 and Amendment No.2 in the amount of \$30,720.00 covers the final design of the West Complex HVAC and electrical improvements as well as the development of a performance specification set suitable for bidding the IT server room fire suppression system. Both design packages are expected to conclude at the same time allowing simultaneous bids to be considered by Council by the end of fiscal year 2017 followed by construction in fiscal year 2018.



This is **EXHIBIT K**, consisting of [ ] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated October 13, 2015.

# AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. \_\_1\_\_\_

Effective Date of this Amendment is:	
Background Data	
Effective Date of Project Order:	
Owner: Sussex County Council	
Engineer: Pennoni Associates, Inc	
Project: Sussex Airport Auto Main	tenance Building
Nature of Amendment:	
<u>x</u> Additional Services to be perfo	ormed by Engineer
Description of Modifications:	
See attached scope of work for des	sign.
Project Order Summary:	
Original Project Order amount:	\$ -0-
Net change for prior amendments:	\$
This amendment amount:	\$ 70,000.00
Adjusted Project Order amount:	\$ 70,000.00

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

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

OWNER:	ENGINEER:
Sussex County Council	Pennoni Associates
By: Print name:  Title: President, Sussex County Council	By: Print name: Daniel P. Barbata Title:  AUP
Date Signed:	Date Signed: 2 (16 17
(SEAL)	
PREVIOUSLY APPROVED FORM	
ATTEST:	
Ms. Robin Griffith Clerk of the County	



T: 302-655-4451 F: 302-654-2895

www.pennoni.com

#### **Proposal**

Date:

February 9, 2017

Proposal #

SCED1602.02

To:

Hans M. Medlarz, P.E. Sussex County Engineer 2 The Circle I PO Box 589 Georgetown, DE 19947

From:

Steven J Visichio - Pennoni Associates

Carlton R. Savage, Jr., PE - Pennoni Associates

**Project:** 

Sussex Airport Auto Maintenance Building

We are pleased to submit the following proposal to perform engineering and design services to Sussex County.

#### I. Background

As an approved provider of professional services to Sussex County, Pennoni has been asked to provide a proposal to provide professional services in support of the design for a new Automotive Maintenance Building to be located at the Sussex County Airport. Pennoni was retained by Sussex County in April 2016 to produce conceptual and schematic design. This work was completed in October of 2016. This proposal presents the work proposed to advance the design from schematic to final design.

#### II. Scope

The scope of this proposal is to perform the following tasks:

#### **General Design Support**

Attend project meetings as needed.

#### Process/Mechanical

- Finalize HVAC load calculations based on the design space conditions.
- Finalize selection of major equipment.
- Prepare Mechanical equipment arrangements, plans and sections.
- Complete ductwork arrangements.
- Prepare airflow diagrams and establish Automatic Temperature Control (ATC) strategy
- Complete plumbing & piping plans.
- Full Mechanical Specifications suitable for construction.



#### **Electrical**

, as a

- Finalize electrical power and total connected load requirements
- Specify and select all major electrical equipment.
- Finalize electrical equipment arrangement.
- Complete electrical power plan.
- Complete lighting plan for the space.
- Panel Schedules
- Full Electrical Specifications suitable for construction.

#### Architectural/Structural

- Architectural plan.
- Foundation design
- Building design.
- Reflected ceiling plan.
- Elevations and sections as required.
- Details and notes.
- Door and Hardware schedules
- Finish schedules
- Full Architectural Specifications suitable for construction.

#### III. Cost

Fees for the subject efforts would be based upon the attached approved rate schedule for Sussex County on a T&M basis and in accordance with our current Engineer Services Agreement. We suggest a \$70,000 NTE budget for the funding vehicle. Should the work entail efforts that exceed the allotted funding, authorization and additional funding based on the attached rate sheet would be requested before proceeding further.

Terms are net 30 days to be invoiced on a progressive month end basis. This proposal assumes the acceptance of the attached Terms and Conditions.

This proposal is valid for 30 days from the date indicated above.

#### IV. Clarifications

- 1. **Authorization to Proceed:** No work will be performed without receipt of a formal purchase order. Further, please understand the timing required for the work would not begin until formal authorization has been received.
- As Built Drawings: Due to the difficulty of anticipating both the extent of work that may be required, as well as the timing for the receipt of marked up drawings from the field, "as built" drawings have not been included in the above. A separate proposal to perform as-built modifications would be offered upon request.
- 3. **Start up & Balancing:** We also offer start up assistance (trouble shooting, air and water balancing) and would be pleased to submit a proposal to provide these services upon request at the appropriate time.



4. **Construction support**: is not included in the above and could be offered on a T&M basis upon request.

We appreciate this opportunity and look forward to developing a long-term relationship in support of your business needs.

Sincerely,

Steven J. Visichio

Sr. Engineer

Carlton R. Savage, Jr., PE

**Division Manager** 



#### **HOURLY RATES**

# MISCELLANEOUS ENGINEERING SERVICES PROJECTS IN SUSSEX COUNTY, DELAWARE

ENGINEERING	<b>HOURLY RATE</b>
Senior Engineer/Geologist/Planner	\$130.00
Project Engineer	\$125.00
Staff Engineer	\$115.00
Senior Environmental Scientist	\$100.00
Associate Engineer	\$100.00
Senior Electrical/Mechanical Designer	\$95.00
Graduate Engineer	\$90.00
Senior Engineering Technician	\$85.00
Engineering Technician II	\$80.00
Engineering Technician	\$75.00
Engineering Designer	\$75.00

LANDSCAPE ARCHITECTURE HOURLY RATE
Landscape Architect \$120.00

CONSTRUCTION HOURLY RATE 1nspector \$80.00

Certified Construction Reviews At hourly rates

or \$250 per CCR report including expenses

**SURVEYING HOURLY RATE** Senior Surveyor \$130.00 **Project Surveyor** \$120.00 Staff Surveyor \$100.00 Senior Survey Technician \$85.00 Survey Technician \$70.00 Two-Person Survey Crew \$155.00 Three-Person Survey Crew \$200.00

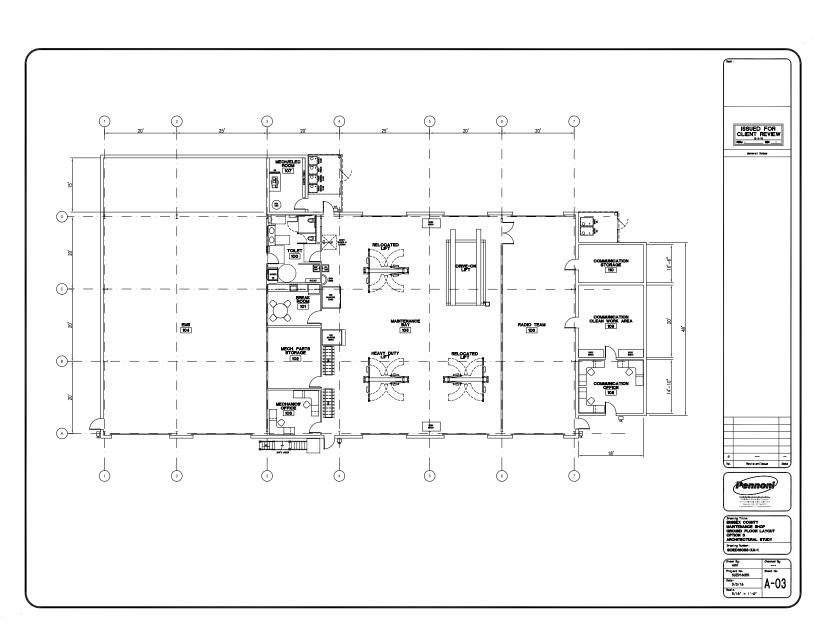
OTHER SERVICES

Mileage

Meetings Exhibits and Display Boards

Copies and Reproduction

UNIT RATE
IRS Rate
At Cost
No Charge







This is **EXHIBIT** K, consisting of [ ] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated October 13, 2015.

# AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 2

The Effective Date of this Amendment is:
Background Data
Effective Date of Project Order:
Owner: Sussex County Council
Engineer: Pennoni Associates, Inc.
Project: Administrative Offices West Complex HVAC/Electrical Design
Nature of Amendment:
x Additional Services to be performed by Engineer
Description of Modifications:
See attached scope of work for design.
Project Order Summary:
Original Project Order amount: \$ 70,000.00  Net change for prior amendments: \$  This amendment amount: \$ 30,720.00  Adjusted Project Order amount: \$ 100,720.00
Change in time for services (days or date, as applicable):

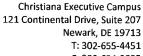
The foregoing Project Order Summary is for reference only and does not alter the terms of the Agreement or the Project Order, including those set forth in Exhibit C.

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

Exhibit K – Amendment to Owner-Engineer Agreement.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

OWNER:	ENGINEER:
Sussex County Council	Pennoni Associates
By: Print name:	Pennoni Associates  By: Dominion to  Print name: Daniel P Barbato
Title: President, Sussex County Council	Title: AVP
Date Signed:	Date Signed: 2(16(17
(SEAL)	
PREVIOUSLY APPROVED FORM	
ATTEST:	
Ms. Robin Griffith Clerk of the County	



T: 302-655-4451 F: 302-654-2895

www.pennoni.com

#### **Proposal**

Date: February 14, 2017 Proposal #

SCED1601.01

To:

Hans M. Medlarz, P.E. **Sussex County Engineer** 2 The Circle I PO Box 589 Georgetown, DE 19947

From:

Steven J Visichio – Pennoni Associates

Carlton R. Savage, Jr., PE – Pennoni Associates

Project:

**Administrative Offices West Complex** 

We are pleased to submit the following proposal to perform engineering and design services to Sussex County.

#### 1. Background

As an approved provider of professional services to Sussex County, Pennoni has been asked to provide a proposal to provide professional services in support of the design for the HVAC Upgrades needed at the Sussex County Administrative Offices West Complex. Pennoni was retained by Sussex County in 2016 to produce conceptual and schematic design. This work was completed in September of 2016. This proposal presents the work proposed to advance the design from schematic to final design.

#### 11. Scope

The scope of this proposal is to perform the following tasks:

#### **General Design Support**

Attend project meetings as needed.

#### HVAC

- Finalize selection of major equipment.
- Prepare Mechanical equipment arrangements, plans and sections.
- Complete ductwork arrangements.
- Prepare airflow diagrams and establish Automatic Temperature Control (ATC) strategy
- Full Mechanical Specifications suitable for construction.



#### **Electrical**

- Specify and select any major electrical equipment needed.
- Finalize electrical equipment arrangement.
- Complete electrical power plan.
- Prepare Panel Schedules
- Full Electrical Specifications suitable for construction.

#### **Fire Suppression**

Prepare fire suppression performance specification for Server Room

#### III. Cost

Fees for the subject efforts would be based upon the attached approved rate schedule for Sussex County on a T&M basis and in accordance with our current Engineer Services Agreement. We suggest a \$30,720 NTE budget for the funding vehicle. Should the work entail efforts that exceed the allotted funding, authorization and additional funding based on the attached rate sheet would be requested before proceeding further.

Terms are net 30 days to be invoiced on a progressive month end basis. This proposal assumes the acceptance of the attached Terms and Conditions.

This proposal is valid for 30 days from the date indicated above.

#### IV. Clarifications

- 1. **Authorization to Proceed:** No work will be performed without receipt of a formal purchase order. Further, please understand the timing required for the work would not begin until formal authorization has been received.
- As Built Drawings: Due to the difficulty of anticipating both the extent of work that may be required, as well as the timing for the receipt of marked up drawings from the field, "as built" drawings have not been included in the above. A separate proposal to perform as-built modifications would be offered upon request.
- 3. **Start up & Balancing:** We also offer start up assistance (trouble shooting, air and water balancing) and would be pleased to submit a proposal to provide these services upon request at the appropriate time.
- 4. **Construction support**: is not included in the above and could be offered on a T&M basis upon request.

We appreciate this opportunity and look forward to developing a long-term relationship in support of your business needs.

Sincerely,

Steven J. Visichio Sr. Engineer

Carlton R. Savage, Jr., PE

uthet Song 2

**Division Manager** 



#### **HOURLY RATES**

#### MISCELLANEOUS ENGINEERING SERVICES PROJECTS IN SUSSEX COUNTY, DELAWARE

ENGINEERING	HOURLY RATE
Senior Engineer/Geologist/Planner	\$130.00
Project Engineer	\$125.00
Staff Engineer	\$115.00
Senior Environmental Scientist	\$100.00
Associate Engineer	\$100.00
Senior Electrical/Mechanical Designer	\$95.00
Graduate Engineer	\$90.00
Senior Engineering Technician	\$85.00
Engineering Technician II	\$80.00
Engineering Technician	\$75.00
Engineering Designer	\$75.00

#### LANDSCAPE ARCHITECTURE

Landscape Architect

#### **CONSTRUCTION**

Inspector

**SURVEYING** 

#### **Certified Construction Reviews**

Senior Surveyor **Project Surveyor** Staff Surveyor Senior Survey Technician Survey Technician **Two-Person Survey Crew** Three-Person Survey Crew

#### **OTHER SERVICES**

Mileage Meetings Exhibits and Display Boards **Copies and Reproduction** 

#### **HOURLY RATE**

\$120.00

#### **HOURLY RATE**

\$80.00

#### At hourly rates

or \$250 per CCR report including expenses

\$130.00 \$120.00 \$100.00 \$85.00 \$70.00

**HOURLY RATE** 

\$155.00 \$200.00

#### **UNIT RATE**

**IRS Rate** At Cost No Charge



## SUSSEX COUNTY GOVERNMENT

**GRANT APPLICATION** 

	BECTION I APPLICAN	INTOMMATION	
ORGANIZATION NAME:	Lewes-Reh	both Rotary Clo	b
		epaign - 2017 Tra	
FEDERAL TAX ID:		NON-PROFIT: [	
DOES YOUR ORGANIZATI	ON OR ITS PARENT ORGA	NIZATION HAVE A RELIGIOUS AFF	FILIATION?
	☐YES ☒NO *IFY	YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISSIO	N:		
ADDRESS:	PO Box	71	
	Lewel	DE	19958
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Mike Son	H	
TITLE:	Director		
PHONE:	540, 974, 3544 EN	MAIL: MRSOUTHONYMH	11L, Com
95.	TOTAL FUNDING REQU	JEST:	
Has your organization rec	eived other grant funds fro	om Sussex County Government in	XYES \_\no
	eived in the last 12 months	s?	#37500
f you are asking for fundin ouilding in which the fundi		improvements, do you own the	□YES ⊠NO
Are you seeking other sour	ces of funding other than	Sussex County Council?	XYES \ NO
f YES, approximately wha	t percentage of the projec	t's funding does the Council grant	represent? , 02

SECT	TION 2: PROGRAM DESCRIPTION		
PROGRAM CATEGORY (choose all that apply)  Fair Housing Health and Human Services  Infrastructure  Other  Least Gaudes Educational			
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY  Victims of Domestic Violence Homeless  Low to Moderate Income <sup>2</sup> Youth  Other Various Locals Visitors		
Approximately the total num	BENEFICIARY NUMBER  mber of Sussex County Beneficiaries served annually by this program		
	SECTION 3: PROGRAM SCOPE  gram for which funds are being requested. The narrative should include addressed in relation to the population to be served or the area to		
the need or problem to b benefit.	ram for which funds are being requested. The narrative should inclu		

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

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

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

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

#### **SECTION 4: BUDGET**

REVENUE  Please enter the current support your organization receives for this project	
(not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EVDENDITUDES	\$ 0.00
TOTAL EXPENDITURES	4 5100
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

#### **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the Keloboth Rotary agrees that:

(Name of Organization)

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

#### **SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.

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

Applicant/Authorized Official

Witness

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

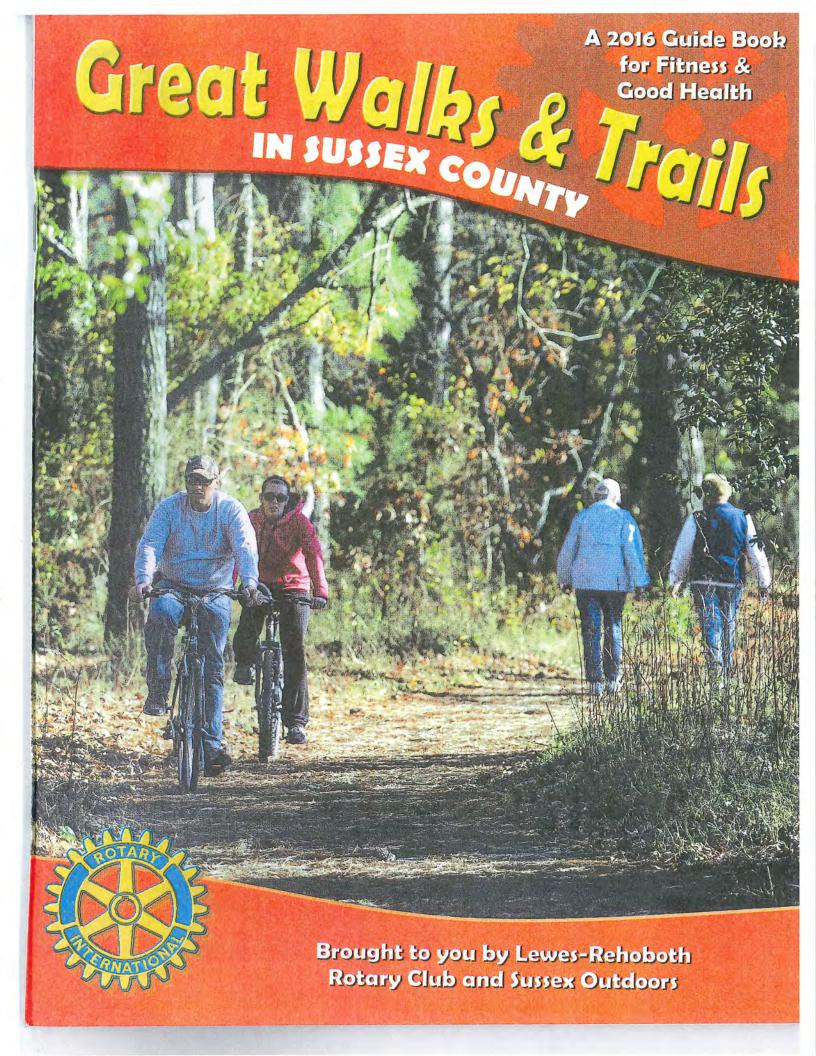
Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



# Blaze New Trails!

Here's to discovering endless possibilities off the beaten path in Sussex County.

# SUSSEX COUNTY COUNCIL





Members of Sussex County Council include (rear, 1-r) Rob Arlett, Joan Deaver and George Cole; and in front (1-r) Sam Wilson and Mike Vincent.

Visit the Sussex County website at sussexcountyde.gov



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness

Title

Date

cole



## SUSSEX COUNTY GOVERNMENT

## **GRANT APPLICATION**

	SECTION 1 APPLICANT IN	NFORMATION	
	: Delawage Technical an		ollege
PROJECT NAME:	Sussex County School	uce fair	
FEDERAL TAX ID:	51-6000279	NON-PRO	FIT: X YES NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGANIZA	ATION HAVE A RELIGIOU	JS AFFILIATION?
	YES NO *IF YES,	FILL OUT SECTION 3B.	
21065017 10	20076x(00)014chosuc 1	Elogo Kelligiana ICM	1
hume-schab Regardige S ADDRESS:	JON: To creat a scient Sussex (Whaty (public, poly to Mentur, start of some start of start of suspension and suspension of suspe	2 Common, Ty Colle	se teached
	Delaware lechnical and 21179 College Driv	2 Common, Ty Colle	se teached
	Delaware lechnical and	re DE	1993 0
ADDRESS:	Delaware lechnical and 21179 College Driv Georgatown	re DE	1993 0
	Delaware lechnical and 21179 College Driv George Town (CITY) Athu Mr. Stofanio	Le DE Absher (302-25	1993 0

TOTAL FUNDING REQUEST: 1000	
Has your organization received other grant funds from Sussex County Government is the last year?	n 🛛 YES 🗖 NO
If YES, how much was received in the last 12 months? $(9/25/15)$	8 1000 od
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	YES NO
Are you seeking other sources of funding other than Sussex County Council?	XYES NO
If YES, approximately what percentage of the project's funding does the Council gran	nt represent? 36%

3		A.V.
PRO Fair Housing	OGRAM CATEGORY (choose all that ap  Health and Human Services	oply)  Cultural
Infrastructure <sup>1</sup>	X Other Sciewa Fair	▼ Educational
Disability & Special Needs Elderly Persons Minority  Approximately the total num	BENEFICIARY CATEGORY  Victims of Domestic Violence  Low to Moderate Income <sup>2</sup> Other Science Vecchies  BENEFICIARY NUMBER  mber of Sussex County Beneficiaries serv	☐ Homeless ☑ Youth  yed annually by this progra
	SECTION 3: PROGRAM SCOPE	
benefit. The Sussex Con Creates a scient 12th grady in any where bet addition the s the county	e addressed in relation to the population with Science Fair (SCSF) was fair for all student SUSSEX County. The SCI ween 100 to 200 Science for CSF Sportcoes Science for that are often attailed! and State Representative	organizes and its from 6th to SF typically has an projects. In rights throughout by both

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

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

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

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

#### **SECTION 4: BUDGET**

REVENUE		
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)		
TOTAL REVENUES	≈3600	
EXPENDITURES		
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)		
Facilities Robbl Cack	- 1200	
State + Coch Auguste	- bm	
Fuel (Students Teachers Jako)	- 500	
PROGRAMS, Mod Conficient Printing	- 500	
Sof-pant Tear Zown	- 200	
TOTAL EXPENDITURES		\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION		\$ 0.00

#### **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the Sawa County Science Faire agrees that:

(Name of Organization)

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

#### SECTION 5: STATEMENT OF ASSURANCES (continued)

 All information and statements in this application are accurate and complete to the best of my information and belief.

5) All funding will benefit only Sussex County residents.

- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.

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

Applicant/Authorized Official

Witness

Feb 2017

10

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Council District No. 3 – Burton Tax I.D. No. 135-15.00-79.03

911 Address: 22592 Lewes-Georgetown Highway, Georgetown

#### ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE BUILDING, STORAGE YARD AND CRUSHING OF CONCRETE FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS

WHEREAS, on the 20th day of January 2017, a conditional use application, denominated Conditional Use No. 2083, was filed on behalf of Richard H. Bell III; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2083 be \_\_\_\_\_\_; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2083 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Lewes-Georgetown Highway (Route 9), approximately 1,731 feet west of Park Avenue, and being more particularly described per the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 5.97 acres, more or less.

Council District No. 5 – Arlett

Tax I.D. No. 333-14.00-23.00

911 Address: 20139 Lowes Road, Millsboro

ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECYCLE CENTER AND WEIGHT SCALE OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30.89 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2017, a conditional use application, denominated Conditional Use No. 2084, was filed on behalf of Term 2, LLC; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2084 be \_\_\_\_\_\_; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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.

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2084 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 Gumboro Hundred, Sussex County, Delaware, and lying on the north side of Lowes Road, approximately 63 feet southwest of Betts Road, and being more particularly described per the attached deed prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 30.89 acres, more or less.

**Council District No. 4 – Cole** 

Tax I.D. No. 134-9.00-88.00, 80.06, and 80.01 (portion of)

911 Address: None Available

#### ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.16 ACRES, MORE OR LESS

WHEREAS, on the 8th day of February 2017, a conditional use application, denominated Conditional Use No. 2085, was filed on behalf of Land and Marketing Corporation; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2085 be \_\_\_\_\_\_\_; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2085 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Sandy Cove Road, approximately 472 feet north of Cedar Neck Road and on the northwest side of Cedar Neck Road, approximately 764 feet north of Sandy Cove Road, and being more particularly described per the attached legal description, said parcel containing 4.16 acres, more or less.

**Council District No. 2 - Wilson** 

Tax I.D. No. 133-10.00-9.07

911 Address: 26330 Governor Stockley Road, Georgetown

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SHOP (WITH TWO CHAIRS AND THREE EMPLOYEES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, **CONTAINING 1.012 ACRES, MORE OR LESS** 

WHEREAS, on the 24th day of January 2017, a conditional use application, denominated Conditional Use No. 2086, was filed on behalf of Kristin Bryan; and

WHEREAS, on the \_\_\_\_\_day of \_\_\_\_\_\_2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and **Zoning Commission recommended that Conditional Use No. 2086 be** 

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2086 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the northwest side of Governor Stockley Road approximately 1,308 feet north of E. Piney Grove Road and being more particularly described per the attached Deed prepared by Wilson, Halbrook & Bayard, P.A., said parcel containing 1.012 acres, more or less.

Council District 3 – Burton
Tax I.D. No. 235-30.00-69.00, 235-30.00-70.00 (portion of)
911 Address: Not Available

#### ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.16928 ACRES, MORE OR LESS

WHEREAS, on the 20th day of January 2017, a zoning application, denominated

Change of Zone No. 1820 was filed on behalf of W&B Hudson Family LP & John Floyd Lingo III; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1820 be \_\_\_\_\_; and

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

#### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [C-1 General Commercial District] and [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial 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 Broadkill Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes – Georgetown Highway (Route 9) and Harbeson Road (Route 5) and being more particularly described per the attached legal descriptions.

Council District 5 - Arlett Tax I.D. No. 532-6.00-86.00 & 87.00

911 Address: Not Available

#### ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS

WHEREAS, on the 25th day of January 2017, a zoning application, denominated Change of Zone No. 1821 was filed on behalf of Nechay Ventures; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1821 be \_\_\_\_\_; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial 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 Little Creek Hundred, Sussex County, Delaware, and lying on the south side of Whitesville Road approximately 529 feet east of Sussex Highway (Route 13) and on the east side of Sussex Highway (Route 13) approximately 1,002 feet south of Whitesville Road and being more particularly described per the attached Deed prepared by The Smith Firm, LLC.