MEETING:
May 14, 2019

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Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743
SUSSEX COUNTY COUNCIL

AGENDA

MAY 14, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator’s Report

Jim Hickin, Airport Manager

1. Delaware State Police
   A. Lease Extension

Bill Pfaff, Economic Development Director

1. SBA (Small Business Administration) Awards

10:15 a.m. Public Hearing

1. Frankford Business Park Expansion of the Sussex County Unified Sanitary Sewer District

2. Lighthipe Expansion of the Sussex County Unified Sanitary Sewer District
“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”

Hans Medlarz, County Engineer

1. Western Sussex Transmission Facilities: Route 13 Force Main Project, Project 18-12, Contracts 1 & 2
   A. Recommendation to Award

2. Engineer of Record Reaffirmations
   A. Whitman, Requardt & Associates – North Coastal Planning Area Regional Wastewater Facilities
   B. GHD, Inc. – South Coastal Regional Wastewater Facility & City of Rehoboth Facility Projects

   A. Change Order 2

4. Department of Environmental Services Control Cabinet Upgrades, Project M19 – 11
   A. Recommendation to Award

5. Miscellaneous Engineering Consultant Selection
   A. Recommendation to Award

Grant Requests

1. The Greater Lewes Foundation for The History Book Festival
2. Slaughter Neck Community Action Organization for playground equipment
3. Steps for Hope for operating expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items
Conditional Use No. 2168 filed on behalf of Michael S. Mears
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMENDMENTS TO CONDITIONS OF APPROVAL OF CU 1645 (ORDINANCE NO. 1843) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (land lying on the north side of Paradise Road, approximately 0.26 miles west of Governor Stockley Road) (Tax I.D. No. 133-10.00-10.16) (911 Address: 22159 Paradise Road, Georgetown).

Conditional Use No. 2167 filed on behalf of Karen Ann Muller
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OPEN OUTDOOR SALES (YARD SALE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.073 ACRES, MORE OR LESS” (land lying on the southwest corner of Eagle Lane and John J. Williams Highway, approximately 914 feet northeast of Indian Mission Road) (Tax I.D. No. 234-23.00-10.00) (911 Address: 31977 Eagle Lane, Millsboro).

Change of Zone No. 1875 filed on behalf of L.W. & J.T. Mitchell Family, L.P. (Big Oyster)
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.317 ACRES, MORE OR LESS” (land lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road) (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available)

Adjourn

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

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In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 7, 2019 at 5:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###
A regularly scheduled meeting of the Sussex County Council was held on
Tuesday, April 30, 2019, at 10:00 a.m., in the Council Chambers, Sussex
County Administrative Office Building, Georgetown, Delaware, with the
following present:

Michael H. Vincent President
Irwin G. Burton III Vice President
Douglas B. Hudson Councilman
John L. Rieley Councilman
Samuel R. Wilson Jr. Councilman
Todd F. Lawson County Administrator
Gina A. Jennings Finance Director
J. Everett Moore, Jr. County Attorney

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

Mr. Vincent called the meeting to order.

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the
Agenda by deleting “Mobile Integrated Health Care Memorandum of
Understanding with Beebe Hospital” and to approve the Agenda, as
amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

The minutes of April 16, 2019 were approved by consent.

Jim Martin commented on the need for tiny home communities for the
homeless and unsheltered. He asked the County to consider permitting the
use of 3 acres of County-owned property for a limited time for legal over-
night parking/camping for home-less car dwellers (Sussex County
Vehicular and Workforce Safe Sleeping Parking Lot Proposal).

Michelle Williams spoke in support of tiny home communities.

Gregory Lake spoke in support of tiny home communities.

Cheryl Vince spoke in support of CHEER’s Meals On Wheels Program.
Dan Kramer stated that over-development does not exist in Sussex County. Mr. Kramer also commented on land purchased by the County, stating that the price paid needs to be divulged (per the Attorney General’s Office).

A Public Hearing was held on the Proposed Tanager Woods Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The annexation was requested by Solutions IPEM on behalf of their clients, Bryton Homes of Delaware, LLC, for Parcels 234-6.00-58.00 and 85.00 to connect the project to existing infrastructure installed by the County. An Infrastructure Use Agreement will be required. The expansion will consist of 56.46 acres, more or less. The property owner(s) will be responsible for System Connection Charges of $6,360.00 per EDU based on current rates.

John Ashman, Director of Utility Planning, stated that no calls or comments have been received.

There were no public comments.

The Public Hearing and public record were closed.

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to Adopt Resolution No. R 009 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 234-6.00-58.00 AND 85.00 ON THE EAST SIDE OF WIL-KING ROAD AND THE WEST SIDE OF ROBINSONVILLE ROAD, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Mr. Lawson reported on a vacancy on the Library Advisory Board (District 1 Appointment). Mrs. Calio has advised that she does not wish to continue to serve on the Board. Mr. Vincent recommends the appointment of Dr. Steve Schwartz.

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the appointment of Dr. Steve Schwartz to the Sussex County Library Advisory Board until such time that the term expires in June 2020.

Motion Adopted: 5 Yeas.
Mr. Lawson read the following information in his County Administrator’s Report:

1. **New Double Eagle, LLC**

   On Friday, April 5, 2019, Sussex County settled with New Double Eagle, LLC, for the purchase of a certain piece of property identified as Tax ID 234-16.00-23.00 for $1,592,500.00. This purchase was needed for the continued operation of the Inland Bays Regional Wastewater Facility in Angola. Since the property acquisition was previously discussed by Council in Executive Session, the Attorney General’s office has advised the County that it should disclose the identity and price of the property when the need for confidentiality has ended. Today’s announcement follows the Attorney General’s guidance.

2. **Delaware State Police Activity Report**

   The Delaware State Police year-to-date activity report for March 2019 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 196 troopers assigned to Sussex County for the month of March.

3. **Projects Receiving Substantial Completion**

   Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Marsh Farm Estates - PS & FM (Plan Review and Construction), effective April 15th; Showfield - Phase 5, effective April 17th; Governors - Phase 2, effective April 17th; Saddle Ridge - Phase 1B PS & FM, effective April 23rd; and Coastal Club - Land Bay 2B (Construction Record), effective April 24th.

4. **Delaware/Maryland Library Association Conference**

   On Thursday, May 2nd, most public libraries in Sussex County will be closed for the annual Delaware/Maryland Library Association Conference. The professional associations of both states share resources and expenses for this multi-state continuing education event. Libraries will reopen at their regularly scheduled times on Friday, May 3rd.

5. **Sussex County Council FY 2020 Budget Workshop**

   On Tuesday, May 7th, the Sussex County Council will meet for its annual budget workshop. The Fiscal Year 2020 Budget Workshop will
Adminis-
trator’s Report (continued)

be held at 9:00 a.m. at the Sussex County Emergency Operations Center. The next regularly scheduled Council meeting will be held on Tuesday, May 14th, at 10:00 a.m.

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

Lease with J&Y Limited Family Partnership/ Medic 103

Bobby Schoonover, EMS Manager of Logistics, reported that with the completion and move of the new EMS Special Operations Station to Georgetown, EMS will be terminating, effective May 31, 2019, a portion of the current lease with J&Y Limited Family Partnership. The lease would continue with the current approximate 3900 square feet Medic 103 station in Dagsboro at a monthly rate of $2,100.00. The proposed amended and restated lease is for a five-year period with a 60 day opt-out clause.

M 212 19 Approve Amended and Restated Lease/ Medic 103

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves a new amended and restated lease agreement for Medic Station 103 between Sussex County Council and J&Y Parker Family Limited Partnership for a period of five years, from June 1, 2019 through May 31, 2024, per the terms and conditions of the Lease.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Public Hearing/ Winding Creek Village Water District Project/ General Obligation Bonds Issuance

Hans Medlarz, County Engineer, reported that this Ordinance provides for the issuance of up to $2,000,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the “Subdivision”), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the "Project"), with the expectation that up to $1,000,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to $1,000,000 upon Project completion.

There were no public comments.
M 213 19
Adopt
Ordinance
No. 2650

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2650 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $2,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 214 19
Approve
Time
Extension

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves a one-time six-month time extension for Conditional Use No. 2045, application of Robert and Deborah Reed for Riverside Plaza.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Janelle Cornwell, Planning and Zoning Director, presented a request for a time extension for Conditional Use No. 2045 filed on behalf of Robert and Deborah Reed (Riverside Plaza). The Conditional Use was granted approval by the Council on May 3, 2016 for the construction of 142 townhomes. The Planning and Zoning Commission approved a preliminary site plan on September 8, 2016; however, since that time they have changed engineers; therefore, they are asking for a one-time six-month time extension. Ms. Cornwell stated that, at this time, they do have State Fire Marshal approval and DNREC approval pending with the Engineering Department. They are expecting other agency approvals within the next few months and they anticipate being under construction within the six-month time frame.

Hans Medlarz, County Engineer, presented a Balancing Change Order and request to grant Substantial Completion for the James Farm Master Plan Implementation Phase I – Cedar Neck Road Entrance – Project C19-02A. Change Order No. 2 includes various signage for the parking area, striping for ADA parking, crosswalk striping and balancing final quantities in the amount of $5,165.00 bringing the final contract cost to $372,102.50. Mr. Medlarz reported that construction began on November 26, 2018 and was declared substantially complete on April 9, 2019. The Engineering Department recommends approval of Change Order No. 2 and the granting of Substantial Completion.
<p>| M 215 19 Approve Change Order and Grant Substantial Completion/James Farm Master Plan Implementation Phase I/Contract C19-02A | A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract C19-02A, James Farm Master Implementation Phase 1, Cedar Neck Road Entrance, be approved, which increases the contract amount by $5,165.00 for a final contract total of $372,102.50 and that Substantial Completion be granted effective April 9, 2019, and any held retainage be released in accordance with the contract documents. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea |
| WR&amp;A/ North Coastal Planning Area Base Contract Amendments | Hans Medlarz, County Engineer, presented a revised Amendment 10 for the Angola North Expansion Construction Administration and Project Inspection and Amendment 10A for the Angola North Expansion Construction Administration and Resident Project Representation Close-Out Services. The proposed amendments are for the Base Engineering Services Contract for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Mr. Medlarz noted that an excess of design funds remains in Amendment 4 and a shortfall exists in Amendment 10, construction administration and inspection. Therefore, a transfer of $5,480.87 from Amendment 4 to Amendment 10 is proposed to supplement a portion of the additional contract administration costs. In addition to the transfer, the Engineering Department requests funding approval of Amendment 10A in the amount of $82,924.00 to cover the remaining inspection costs for work that occurred beyond the original contract completion date and the additional inspection services provided for the Love Creek Woods master sewer lateral connections contract. On April 16, 2019, Council approved Change Order No. 2 to the Pact One, LLC construction contract in the credit amount of $506,601.82. This change order included a $40,000.00 credit towards additional field engineering and inspection services provided by WRA partially offsetting Amendment 10A expenses. In addition, the Engineering Department has been tracking the Love Creek Woods related inspection services provided by WRA separately, further offsetting Amendment 10A costs. |
| M 216 19 Approve Amendment 10A/ North Coastal Planning Area/ Base Contract | A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 10A to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed $82,924.00 to provide Contract Administration and Construction Inspection Services for the Angola North Expansion Project. Motion Adopted: 5 Yeas. |</p>
<table>
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<tr>
<th>M 216 19 (continued)</th>
<th>Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</th>
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<td>M 217 19 Approve Transfer/ Angola North Expansion Project/ North Coastal Planning Area</td>
<td>A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, the Sussex County Council hereby approves a transfer of $5,480.87 from Whitman, Requardt and Associates, LLP, Contract Amendment No. 4 to Contract Amendment No. 10 to supplement a portion of additional contract administration costs for the Angola North Expansion Project. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</td>
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<td>The Owl’s Nest Proposed Chapter 96 SCI Project</td>
<td>Patrick Brown, Project Engineer, presented a request from The Owls Nest Homeowners Association to organize a Streetlighting District in accordance with Sussex County Code, Chapter 95 – Streetlighting. Mr. Brown presented the proposed Streetlighting District boundaries. Mr. Brown reported that there are 17 tax parcels in the District boundaries and that 11 valid petitions were received, which is a majority. The next step is the scheduling of a referendum.</td>
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<td>M 218 19 Adopt R 010 19 Grant Requests</td>
<td>A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Resolution No. R 010 19 entitled “A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE OWL’S NEST PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT”. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</td>
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<td>M 219 19 Councilmanic Grant</td>
<td>Mrs. Jennings presented grant requests for the Council’s consideration. A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give $1,000.00 ($200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for Georgetown-Millsboro Rotary Club’s Flags for Heroes Program. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</td>
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| M 220 19 Councilmanic Grant | A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give $1,000.00 from Mr. Rieley’s Councilmanic Grant Account to Indian River High School for Business Professionals of America, Indian River Chapter, for conference expenses.  
Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea |
|---|---|
| M 221 19 Councilmanic Grant | A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give $1,000.00 ($200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for the Melody Joy Foundation fundraiser to benefit Cancer Support Community Delaware.  
Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea |
| M 222 19 Countywide Youth Grant | A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give $2,000.00 from Countywide Youth Grants to La Esperanza for youth program trip expenses (YELL Program).  
Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea |
| M 223 19 Councilmanic Grant | A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give $1,000.00 ($500.00 each from Mr. Burton’s and Mr. Wilson’s Councilmanic Grant Accounts) to the Carlisle Fire Company for equipment costs.  
Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea |
| M 224 19 Councilmanic Grant | A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give $1,000.00 ($500.00 each from Mr. Vincent’s and Mr. Rieley’s Councilmanic Grant Accounts) to the Town of Laurel for fireworks display costs.  
Motion Adopted: 5 Yeas. |
**M 224 19**  
Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

**Introduction of Proposed Ordinances**
Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS” (Conditional Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman (Tax I.D. No. 334-11.00-47.00) (911 Address: 18583 Robinsonville Road, Lewes.

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.015 ACRES, MORE OR LESS” (Change of Zone No. 1885) filed on behalf of 36191 DWB, LLC (Tax I.D. No. 533-19.00-15.00) (911 Address: 36191 Lighthouse Road, Selbyville).

The Proposed Ordinances will be advertised for Public Hearing.

**M 225 19**  
Go Into Executive Session
At 11:02 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to collective bargaining, pending litigation, and land acquisition.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

**Executive Session**
At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to collective bargaining, pending litigation, and land acquisition. The Executive Session concluded at 12:09 p.m.

**M 226 19**  
Reconvene Regular Session
At 12:13 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.
M 226 19 (continued) Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 227 19 Authorize Land Acquisition A Motion was made by Mr. Wilson, seconded by Mr. Burton, to authorize the County Administrator to negotiate and enter into a contract and proceed to settlement for a parcel of land identified as Land 2019-C.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 228 19 Recess At 12:13 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 229 19 Reconvene At 1:34 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to reconvene.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Rules Mr. Moore read the rules of procedure for zoning hearings.

Public Hearing/ CU 2163 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 EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS” (Conditional Use No. 2163) filed on behalf of William H. McQueen Jr. (Tax I.D. No. 235-15.00-4.01) (911 Address: 26285 Broadkill Road, Milton).

The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)
Janelle Cornwell, Planning and Zoning Director, presented the application. The Council found that William McQueen, Jr. was present on behalf of his application. He stated that they are proposing an event venue at the same location that they operate their Bed and Breakfast; that they want to become a wedding venue for an attendance of up to 100 people; that parking was a concern and the reason for denial at the Public Hearing before the Planning and Zoning Commission; that they are proposing a reconfigured parking plan on the proposed site of the event venue; that the existing driveway would be used; and that no new buildings are proposed as they plan to use tents only. Mr. McQueen submitted the reconfigured parking plan into the record.

There were no public comments in support of the application.

Ken Bock, CEO of CHEER, spoke in opposition to the application, referencing the Milton CHEER Center located on Route 16. He expressed concern with parking; that CHEER is an event venue also and needs access to their entire parking lot to support the size of their events; that it was previously mentioned that their site could be used for parking for this proposed event venue; that they wish to preserve their capacity for parking; and that the proposed application should not be permitted to impinge upon CHEER’s ability to satisfy their own parking needs.

The Public Hearing and public record were closed.

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS” (Conditional Use No. 2163) filed on behalf of William H. McQueen, Jr.

Motion Denied: 5 Nays.

Vote by Roll Call: Mr. Hudson, Nay; Mr. Rieley, Nay; Mr. Wilson, Nay; Mr. Burton, Nay; Mr. Vincent, Nay

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS” (Conditional Use No. 2166) filed on behalf of Deborah Townsend.
The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Deborah Townsend was present on behalf of her application. She stated that a storage facility is located adjacent to her property; that she has renovated bedrooms in her house (on the side adjacent to the storage facility) into a conference room, office space, and a bathroom and segregated it from the other part of the house; that she proposes to rent office space; that people may be there from time to time but most of the time there would not be anyone there; that it could be a virtual office – that some clients will only want to use the address; that some will use it only a few times a month; and that the existing driveway will be used and a parking area exists.

Council commented on parking requirements including handicapped parking. Ms. Cornwell explained the site plan approval process.

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

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2651 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS” (Conditional Use No. 2166) filed on behalf of Deborah Townsend (Tax I.D. No. 134-11.00-226.01) (911 Address: 34745 Burbage Road, Frankford), with the following conditions:

A. The use shall be limited to professional offices, business services, and a residence.
B. As stated by the Applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance.
C. The hours of operation shall be between 7:00 a.m. and 9:00 p.m. Monday through Friday, and 9:00 a.m. until 5:00 p.m. on Saturdays. There shall not be any Sunday hours.
D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
E. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic, and roadway improvements.
F. All exterior lighting shall be downward screened so that it does not
G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.

H. 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. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

The next scheduled Public Hearing was on Change of Zone No. 1868 filed on behalf of Ronald Nanney; however, it was noted that the Applicant was not in attendance. For this reason, Council proceeded to the next Public Hearing with the understanding that this Public Hearing would be held thereafter if the Applicant was in attendance.

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS” (Change of Zone No. 1869) filed on behalf of WMF Watercraft and Marine (Tax I.D. No. 234-34.08-45.00) (911 Address: 32676 Oak Orchard Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Tim Willard, Attorney, was present with William Forenski, the Applicant, and Ring Lardner of Davis, Bowen & Friedel. Mr. Willard stated that the Applicant currently uses the site as a boat service and boat storage area; that the Applicant is planning to keep the same use; that rezoning the site to Commercial will help with financing; that the Applicant has a pontoon boat sales office at another location (on Route 24); and that no Traffic Impact Study was required.

There were no public comments.

The Public Hearing and public record were closed.
A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2652 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS” (Change of Zone No. 1869) filed on behalf of WMF Watercraft and Marine.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

The Council returned to the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS” (Change of Zone No. 1868) filed on behalf of Robert Nanney.

The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

It was noted that the Applicant, Ronald Nanney, was not present.

Ms. Cornwell stated that attempts to reach the Applicant were unsuccessful.

No one was present in support of or in opposition to the application.

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.194 ACRES, MORE OR LESS” (Change of Zone No. 1868) filed on behalf of Robert Nanney.

Motion Denied: 5 Nays.
M 233 19  
(continued)  

Vote by Roll Call:  Mr. Hudson, Nay; Mr. Rieley, Nay;  
Mr. Wilson, Nay; Mr. Burton, Nay;  
Mr. Vincent, Nay

M 234 19  
Adjourn  

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 2:13 p.m.

Motion Adopted:  5 Yeas.

Vote by Roll Call:  Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, 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.}
The Sussex County Council held a Budget Workshop on May 7, 2019 beginning at 9:02 a.m. at the Sussex County Emergency Operations Center in Georgetown for the purpose of discussing the proposed FY 2020 Budget.

The following were present:

- Michael H. Vincent, President
- I.G. Burton III, Vice President
- Douglas B. Hudson, Councilman
- John L. Rieley, Councilman
- Samuel R. Wilson, Jr., Councilman
- Todd F. Lawson, County Administrator
- Gina A. Jennings, Finance Director
- Kathy Roth, Deputy Finance Director

Mr. Lawson stated that the purpose of the Budget Workshop was to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2020 Budget.

An overview of FY 2019 Budget accomplishments and highlights of the proposed FY 2020 Budget were presented.

Department presentations were provided by the following departments: Register of Wills, Paramedics, Libraries, Economic Development, Airport, and Engineering (water and sewer).

No action was taken.

The workshop concluded at 6:52 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council
MEMORANDUM

TO:       Sussex County Council

THROUGH:  Todd Lawson
           County Administrator

FROM:     Jim Hickin, A.A.E.
           Airport Manager

DATE:     May 10, 2019

RE:       DELAWARE STATE POLICE LEASE

The Delaware State Police and the State of Delaware, acting through the Department of Homeland Security, currently lease Lot G at Delaware Coastal Airport. The initial ten year term will expire June 23, 2019 and there are two, five-year options to extend. They have requested to exercise the first extension option.

The State Police use the State-owned hangar on the property to house and operate their Aviation South unit. The hangar also houses some non-aviation assets used by the State Police in Sussex County.

Council’s approval of the extension requests is recommended.

Please feel free to call me at 855-7775 with any questions.

cc:       Hans Medlarz, P.E., County Engineer
LEASE EXTENSION ADDENDUM - GROUND LEASE FOR LOT G AT THE SUSSEX COUNTY AIRPORT

Resident(s): Delaware State Police

Address: 21365 Rudder Lane Georgetown, DE. 19947

THIS LEASE EXTENSION ADDENDUM was made and entered by and between the above Resident(s) and Sussex County, Delaware, hereinafter referred to as "Landlord"; and

WHEREAS, the Landlord and Resident fully intend to be bound by this Agreement; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the Landlord and Resident agrees as follows:

1. The termination date on the lease agreement shall be extended for additional 5 year(s) basis upon the same terms and conditions as contained in the lease agreement except for those provisions contained in this Addendum. The new termination date shall be June 23, 2024.

2. The rental amount for the period beginning June 23, 2019 until the termination date stated in paragraph one hereinabove is listed on Exhibit B from the original lease dated June 23, 2009.

EXECUTED this __________ day of ________, 20___.

Acknowledged and Agreed to by:

THE DELAWARE STATE POLICE

By: Colonel Nathaniel McQueen, Jr.
Title: Superintendent

SUSSEX COUNTY DELAWARE

By: ____________________________
Name: ____________________________
Title: ____________________________
EXHIBIT D –
UPDATED FROM THE ORIGINAL LEASE DATED JUNE 23, 2009

Emergency Contact List

LESSOR:

Jim Hickin, Airport Manager - 855-7774

Hans Medlarz, County Engineer - 855-7718

Todd Lawson, County Administrator - 855-7742

LESSEE:

Section Commander
Captain Charles Condon
21365 Rudder Lane
Georgetown, DE 19947
Work 302-856-5717
Cell 302-943-7142

Deputy Section Commander
Lieutenant Eric Hamm
21365 Rudder Lane
Georgetown, DE 19947
Work 302-856-5717
Cell 302-373-8115

NCOIC Aviation South
Sgt. William White
21365 Rudder Lane
Georgetown, DE 19947
Work 302-856-5717
Cell 302-841-8686
A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 433-11.00-21.00, 21.01, 21.02, 22.00 AND 23.00 ON THE EAST SIDE OF DUPONT BOULEVARD THE PARCELS ARE LOCATED IN THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north side of Warrington Road, as follows: Beginning at a point, said point being on the Sussex County Unified Sanitary Sewer District (SCUSSD) boundary, said point also being on the easterly ROW of DuPont Boulevard (US 113); thence proceeding by and with said SCUSSD boundary in a southeasterly direction a distance of 73' ± to a point, said point being the westernmost property corner of lands N/F of East Side Developers, Inc., thence leaving said SCUSSD boundary and proceeding in a southeasterly direction a distance of 824' ± to a point, said point being the westernmost property corner of lands N/F of Hilton Spence Heirs, said point also being the southermost property corner of other lands N/F of East Side Developers, Inc., said point further being on the SCUSSD boundary; thence proceeding by and with said SCUSSD boundary in a southeasterly, southerly and southeasterly direction respectively a distance of 433' ± to a point, said point being on the westerly ROW of Delaware Avenue Extended, said point also being the southeasterly property corner of lands N/F of Fentrell L. & Barbara Church; thence leaving said SCUSSD boundary and continuing by and with said ROW in a southwesterly direction a distance of 1,154' ± to a point, said point being on the westerly ROW of Delaware Avenue Extended, said point also being the southeasterly property corner of lands N/F of Martin Property Development, LLC, said point also being on the southeasterly property corner of lands N/F Robert H. Davis, Trustee Revocable Trust; thence leaving said ROW and proceeding in a northerly direction a distance of 1,802' ± to a point, said point being the Point of Beginning.

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

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.
BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

A. On April 22, 2019 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and

B. On April 22, 2019 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

Notices were posted in the expansion area in the following four (4) locations:

1. On a post in front of Delmarva Power Pole #573_4/98288 in the westerly ROW of Delaware Avenue Extended;

2. On a post in the westerly ROW of Delaware Avenue Extended 513' ± south of Delmarva Power Pole #573_4/98288;

3. On a post in front of Delmarva Power Pole # 7233 in the easterly ROW of DuPont Blvd. 1,704' ± north of the intersection of Delaware Avenue Extended and DuPont Blvd.;

4. On a post in the easterly ROW of DuPont Blvd. 190' ± north of Delmarva Power Pole #57227/98340;

Notices were posted in the existing sewer district in the following four (4) locations.

5. On a post in front of Delmarva Power Pole #57233/98457 in the southerly ROW of Frankford Avenue 150' ± east of DuPont Blvd.;

6. On a bulletin board inside the lobby of Frankford Town Hall, 9 Maint Street, Frankford, DE;

7. On a bulletin board inside the lobby of U.S. Post Office, 1 Main Street, Frankford, DE;

8. On a post 1's north of Delmarva Power Pole #57325/98365 at the edge of the parking lot for Trinity Holiness Church, in the westerly ROW of Delaware Avenue Extended.
SWORN TO AND SUBSCRIBED before me on this 23rd day of April, A.D., 2019

NOTARY PUBLIC

My Commission Expires ____________________________

PHILLIP C. CALIO
The public hearing will be held on the issue at 10:15 a.m. on May 14, 2019 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. For more information please visit: https://www.sussexcountyde.gov/legal-notices/sewer-water, or call Sussex County Utility Planning at 302-855-1298.
PUBLIC NOTICE

PROPOSED FRANKFORD BUSINESS PARK EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 9, 2019 to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Dagsboro/Frankford Area, to include several parcels on the east side of US 113 and south of the Town of Frankford, being situate in Dagsboro Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the Sussex County Unified Sanitary Sewer District (SCUSSD) boundary, said point also being on the easterly ROW of DuPont Highway (US 113); thence proceeding by and with said SCUSSD boundary in a southeasterly direction a distance of 73’ ± to a point, said point being the westernmost property corner of lands N/F of East Side Developers, Inc., thence leaving said SCUSSD boundary and proceeding in a southeasterly direction a distance of 824’ ± to a point, said point being the westernmost property corner of lands N/F of Hilton Spence Heirs, said point also being the southermost property corner of other lands N/F of East Side Developers, Inc., said point further being on the SCUSSD boundary; thence proceeding by and with said SCUSSD boundary in a southeasterly, southerly and southeasterly direction respectively a distance of 433’ ± to a point, said point being on the westerly ROW of Delaware Avenue Extended, said point also being the southeasterly property corner of lands N/F of Fentrell L. & Barbara Church; thence leaving said SCUSSD boundary and continuing by and with said ROW in a southwesterly direction a distance of 1,154’ ± to a point, said point being the southermost property corner of lands N/F of Martin Property Development, LLC, said point also being the northeasternmost property corner of lands N/F Robert H. Davis, Trustee Revocable Trust; thence leaving said ROW and proceeding in a northwesterly direction a distance of 477’ ± to a point, said point being on the westerly ROW of DuPont Highway (US 113), said point also being a shared property corner of lands N/F of Martin Property Development, LLC and lands N/F of Robert H. Davis, Trustee Revocable Trust; thence proceeding by and with said ROW in a northerly direction a distance of 1,802’ ± to a point, said point being the Point of Beginning.

NOTE: The above description has been prepared using Sussex County Tax Map 433-11.00 and Sussex County property assessment records. The annexation contains 20.34 acres more or less.

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

The public hearing will be held on this issue at 10:15 a.m. on May 14, 2019 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer
RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE LIGHTHYPE SUBDIVISION ON THE NORTH SIDE OF MUDDY NECK ROAD, THE PARCELS ARE LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north side of Muddy Neck Road, as follows:

BEGINNING at a point, said point being on the boundary line of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being on the easterly property line of lands N/F Chunling Fan; thence proceeding by and with said SCUSSD boundary the following seven (7) courses and distances: (1) N 14°01'18" E, 1408.88', (2) N 86°00'03" E 1542.34', (3) S 24°52'22" E 996.64', (4) S78°20'09" W 65.13', (5) S 55°02'51" W 544.83', (6) S 85°43'52" W 1170.60', (7) S 70°38'08" W 616.37' to a point, said point being the place of BEGINNING.

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

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

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

A. On April 29, 2019 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and

B. On April 29, 2019 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

1. On a driven post at the end of pavement of Bennett Point Lane;

2. On DEC Pole 61666/99007 in the northeasterly ROW of Muddy Neck Road 62± from Ogre Drive;

3. On a driven post in front of a stop sign located in the easterly ROW of Parker House Road at the intersection of Muddy Neck Road;

4. On a post in the southerly ROW of Muddy Neck Road in front of Delmarva Power Pole 61958/98863, 404± feet southeast of Waterside Drive;

5. On the site of the expansion area in the following four (4) locations
   1. On a driven post at the end of the pavement of Old Orchard Road;
   2. On a driven post at the end of the pavement of Nantasket Avenue;
   3. On a driven post at the rear property line of Lot 33 on Fog Land Road;
   4. On a driven post at the back of a cul-de-sac of East Riga Drive.

[Signature]

PHILLIP C. CALIO
SWORN TO AND SUBSCRIBED before me on this 1 day of May A.D., 2019

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/13/2022
PUBLIC NOTICE

EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
LIGHTHIPE EXPANSION – BETHANY BEACH AREA
FILE NUMBER: OM 2.09.05

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 16, 2019, to consider expanding the boundary of the Bethany Beach Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the Lighthipe subdivision situated on the north side of Muddy Neck Road. The subdivision is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, said point being on the boundary line of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being on the easterly property line of lands N/F Chunling Fan; thence proceeding by and with said SCUSSD boundary the following seven (7) courses and distances: (1) N 14°01'18" E, 1408.88', (2) N 86°00'03" E 1542.34', (3) S 24°52'22" E 996.64', (4) S78°20'09" W 65.13', (5) S 55°02'51" W 544.83', (6) S 85°43'52" W 1170.60', (7) S 70°38'08" W 616.37' to a point, said point being the place of BEGINNING.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 54.35 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 134-17.00 and the Lighthipe Subdivision Record Plan found in the Sussex County Recorder of Deeds Plot Book 246 Page 15.

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

The public hearing will be held on this issue at 10:15 am on May 14, 2019 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

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

Hans M. Medlarz, P.E.
County Engineer
The public hearing will be held on this issue at 10:15 a.m. on May 14, 2019, in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. For more information please visit: https://www.sussexcountyde.gov/legal-notices/sewer-water. Or call Sussex County Utility Planning at 302-855-1299.
Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 9, 2019

RE: County Council Report for Ord. 19-6 (Cluster Ordinance)

The Planning and Zoning Commission held a public hearing on April 11, 2019 to amend the Zoning Code. The following are the draft minutes for the Ordinance from the Planning and Zoning Commission meetings.

Ord 19-6
AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS.

Ms. Cornwell explained the background to the proposed Ordinance; that Ms. Cornwell stated the Zoning and Subdivision Code currently has two paths that an applicant can take for a cluster subdivision; that the first one is a standard cluster subdivision and the second one is a superior design criteria which is currently voluntary; that a standard subdivision would have to have certain amount of open space, setbacks, and preservation of other features of a site; that the proposed Ordinance would change this from being a voluntary process; that it would be a mandatory criteria for all new subdivision applications.

Mr. Robertson stated that the current Cluster Subdivision Ordinance was adopted in the early 2000’s and it was required by the Comprehensive Plan in force at the time; that it effectively shrunk the size of the lots in exchange for a subdivision having a certain amount of continuous open space, with the result being a better design than would ordinarily result from a standard three-quarter-acre per lot subdivision or 20,000 square foot lot subdivision; that the Code stated a superior design is needed but did not give any criteria as to what superior design meant; that there were not any standards on what it meant to be superior; that Ordinance No. 2024 tried to introduce a design process where a developer starts with a usable open space, whether it be trees, next to a park, or next to water; and then design around the open space with a good design and not start with how many lots you could get; that the proposed Ordinance went through the Planning and Zoning Commission with it being a requirement that you had to submit the yield plan, it had to design with specific superiority requirements; that the proposed Ordinance went before the County Council who, following discussion, voted to make it optional which made two paths and kept it essentially the way the Ordinance was; that County Council also kept the requirement of the yield plan with the superior design requirements as an option; that the option would allow for expedited application processing, which was a valuable incentive at the
time because there was a two-year waiting list for applications to reach the Planning & Zoning Commission; that ultimately there were no applications submitted under the optional route under superior design subdivision; that what the Ordinance does, is take the Code back to what exactly what Planning and Zoning Commission approved in November 2008; that all cluster subdivisions would have to meet the requirements; and that if it is a standard subdivision, it will take the normal course.

Mr. Wheatley noted that, what is currently before the Commission, is essentially the same as what was recommended for approval 11 years ago.

The Commission found that Mr. Rich Borraso, with Sussex Alliance for the Responsible Growth (SARG), was present; that SARG are neither in favor of or in opposition to the proposed Ordinance; that Mr. Borraso talked about the overview survey that was sent out about the proposed Ordinance; that of the 292 responses 272 agreed that the design criteria should be made mandatory; that 204 comments had been received as to why they agree, and those comments have been printed and submitted for the record. 82 comments were received as to why participants disagreed with the Ordinance. Mr. Borraso displayed a map showing where participants lived within the County and outlined that the survey will continue to be open to participants up until the date of the County Council meeting.

Mr. Robertson clarified the difference between an AR-1 Cluster Subdivision and an ESDDZO Cluster Subdivision, and that these are covered separately within the Code.

The Commission found that Ms. Michelle Schmidt, with Delaware Center for Inland Bays, Ms. Jeanette Alechter spoke in favor to the proposed Ordinance; that Ms. Schmidt that since 1994 the Inland Bays have worked in partnership with the County, State of Delaware, municipalities, businesses, and Universities; with the aim of implementing a Comprehensive Conservation and Management Plan to protect and restore the water bodies that are so important to Sussex County $7 Billion Coastal Economy; that the plan to which to the County is signatory lays out the action necessary to improve water quality in the bays and to project the important natural habitats; that the proposed Ordinance would make implementing the superior design criteria currently contain in Ordinance No. 2024 mandatory for new cluster subdivisions; that this change would provide for important Environmental protection and is consist with the coordinated land and water use decisions focus area of the Inland Bays Comprehensive Conservation Management Plan; that therefore it encourages it’s adoption; that this proposed Ordinance would help protect the ecology sensitive wetlands and waterways such of those of the Inland Bays by clustering homes on the Environmentally suitable portions of the track in areas that have the least impact on natural features such as wetlands, mature woodlands, and waterways; that additionally this proposed Ordinance encourages the creation of open space which is critical for providing both outdoor recreation opportunities and sanctuary for wildlife and other wise develop areas; that development in the Inland Bays watershed and Sussex County as a whole has been accruing at a rapid pace because of the servants has caused an rapid development of wetlands and beneficial functions in the Inland Bays watershed have decline greatly over time and in over all in poor condition; that the rapid increase in development effects not only salt marshes, but also replaces farmland and open natural areas jeopardizing the health of wetlands and waterways; that also with the flooding issues that have been seen recently; that by requiring new cluster subdivisions to implement the superior design criteria such as open space, requiring a setback around wetlands, implementing better stormwater management techniques and maintaining scenic views can help elevate from the growing pains the County is experiencing from such rapid growth; that will simultaneously providing many benefits to those who call this County home; that a copy of the letter was also submitted into
the record; that Ms. Alchter stated she does agree with all the comments there were previously heard in favor of the Ordinance; that the proposed Ordinance would give Planning and Zoning a good tool to apply reasoned guidance in land use decisions for the benefit of all; and that this Ordinance would provide muscle to guide development towards superior design and preserve open space.

The Commission found that Mr. Jim Eriksen spoke in opposition to the proposed Ordinance; that Mr. Eriksen stated that the proposed Ordinance does present issues; that it is entirely subjective, and although it gives consideration to certain criteria; that the term superior design implies subjectivity; that most of the subdivisions do provide amenities; that he is aware of subdivisions have won national design awards, that this is a competitive market where communities that do lack the amenities and other extras would result in having marketing and sales difficulty when they go to sell the lots; that clubhouses, pools, walking trails, gyms, athletic courts, active open space and parks are things that are in most communities that are brought before the Planning and Zoning Commission; that in many ways the market dictates that superior design is somewhat required; that there are many developments that are considered to be superior design; that there are two superior developments in Sussex County; that when there is less density in a community it is more difficult to provide exceptional amenities because it would add to the cost of the project and well as increase HOA fees; and that the reduced density would increase sprawl, increase in traffic, increase costly infrastructure projects, and pollution; that the Ordinance dictates the flow of the plan and it is not good for design; that there is a requirement of 25-foot setback from non-tidal wetlands that does not currently apply in all cases; that there is a working group currently working on looking at buffers from wetlands.

Mr. Robertson clarified that the working group is currently looking at a number of matters within the Subdivision Code, and that it is possible that multiple parts of the Code could be revisited in the future. This remains a separate matter to the current Ordinance.

At the conclusion of the public hearings, the Commission discussed this application.

The Commission held a discussion regarding Ordinance 19-6; that the Ordinance would do what the Planning and Zoning Commission had been trying to do; and that this would be a positive change.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to forward this Ordinance to the Sussex County Council with a recommendation that the Ordinance be approved for the reasons stated in the motion. Motion carried 5-0.
Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 4, 2019
RE: Staff Analysis for Ord. 19-6 Cluster Subdivision

This memo is to provide background and analysis for the Planning Commission to consider as a part of application Ord. 19-6 Cluster Subdivision to be reviewed during the April 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The proposed ordinance is to provide clarity on superior design. It would require the superior design concepts that are currently in the ordinance to be required and not an option for an AR-1 cluster subdivision. This will eliminate the option on what type of cluster subdivision to be used and will establish superior design within the code.
AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS.

WHEREAS, The original Cluster Ordinance adopted by Sussex County Council required a showing of “Superior Design”, but never clearly explained or defined what that term meant; and

WHEREAS, Sussex County Council and the Sussex County Planning & Zoning Commission directed the introduction of Ordinance #2024 which was intended to set specific design criteria that had to be satisfied in order to achieve a “Superior Design” for approval of a Cluster Subdivision; and

WHEREAS, upon the adoption of Ordinance #2024, it was amended to create two separate paths to be chosen by a Cluster Subdivision Applicant: one path that contained the existing undefined and unspecified “Superior Design” criteria; and a second path that made the new, specific design criteria optional and incentivized by providing that an Applicant seeking to use these criteria would receive expedited treatment and processing by the County over the land use application; and

WHEREAS, no applications have utilized the second incentivized pathway containing the specific “Superior Design” criteria; and

WHEREAS, Sussex County Council now desires to eliminate the two pathways for a Cluster Subdivision and require all Applicants to utilize the specific design criteria currently contained in Section 115-25F(3) of the Sussex County Zoning Code.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-25 “Height, Area and Bulk Requirements” is hereby amended at subsection F.(3) thereof by deleting the language in brackets and adding the italicized and underlined language:

§115-25 Height, Area and Bulk Requirements.

F. Review procedures for cluster developments.

...
In respect to any preliminary cluster subdivision application that is submitted after the effective date of this amendment, if the applicant voluntarily elects to comply with the superior design criteria contained in this amendment, the Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis. The superior design criteria contained in this amendment shall not apply to applications submitted under the terms of the cluster development ordinance, as it existed prior to the date of this amendment, or to any application hereafter submitted where the applicant does not voluntarily elect to comply with the requirements contained in this amendment.

Section 2. Effective Date.

This ordinance shall take effect upon ___ months from the date of adoption by Sussex County Council. Provided however, that it shall not apply to any completed applications on file with the Sussex County Office of Planning & Zoning.
Memorandum

TO: Sussex County Council
   The Honorable Michael H. Vincent, President
   The Honorable Irwin G. Burton III, Vice President
   The Honorable Samuel R. Wilson, Jr.
   The Honorable John L. Rieley
   The Honorable Douglas B. Hudson

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

RE: Western Sussex Transmission Facilities:
   Route 13 Force Main Project, Project 18-12 Contracts No. 1 & 2
   A. Recommendation to Award

DATE: May 14, 2019

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

Since then the Engineering and Finance Departments submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund (CWSRF) and on August 14, 2018, the State issued a binding commitment offer in the overall amount of $16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, $3,200,000 will be applied in principle forgiveness reducing the overall borrowing.

On December 5, 2017, Council approved the GMB, Inc. base contract in conjunction with Amendment No.1 in the amount of $1,302,178.00 for engineering planning, design and construction phase services in conjunction with transmission facilities to convey wastewater from the Towns of Bridgeville and Greenwood to Seaford for treatment and disposal. On April 2, 2019, Council approved Amendment No. 2 to GMB, Inc.’s base contract.

Contracts No. 1 & 2 were advertised in two newspapers and on the County website and bid in April and May respectively. Contract no.1 is close to the budget but contract no.2 is 70% over
budget which can mostly be attributed to the tight construction schedule required to minimize interference with the Seaford School District’s operations.

As part of the evaluation, the Engineering Department, in cooperation with GMB, reviewed the bids of both contracts and now requests the following awards contingent upon CWSRF concurrence:

- **Contract No.1** to A-Del Construction Co, Inc. in the amount of $3,224,820.00, for the Base Bid (Schedules A + B + C) and Alternate Bid Item D2.

- **Contract No.2** to Pact One, LLC in the amount of $2,063,255.00, for the Base Bid (Schedules A + B + C) and Alternate Bid Items D1 through D4. Alternate bid items are jointly funded between the County and the City of Seaford on an equal basis.
April 16, 2019

Sussex County Engineering Dept.
2 The Circle
Georgetown, DE  19958

Attn: Hans Medlarz
County Engineer

Re: Western Sussex Transmission Facilities: Route 13 Force main
Sussex County Project 18-12: Contract 1
Sussex County, Delaware
GMB File No. R170219

Dear Mr. Medlarz:

Bids for the referenced project were opened at the County Council Chambers at 3:00 p.m. on Wednesday, April 3, 2019. A copy of the Bid Opening Summary, Detailed Bid Tabulation, and copies of the five (5) bids received are enclosed for your files.

The lowest responsible total base bid was received from A-Del Construction Co, Inc. in the amount of $2,990,111.00. Alternate Bid Item D1 in the amount of $1,683,180.00 replaces Bid Item A-2: C900 PVC Force Main with Ductile Iron Force Main in the scope of work. Alternate Bid Item D2 in the amount of $234,709.00 adds directional drilling to the scope of work.

GMB has reviewed the bid proposals and found them to be consistent with the bidding requirements. DNREC has reviewed the bid for compliance with DBE requirements and found the bid documents to be acceptable. Accordingly, GMB recommends an award to A-Del Construction Co, Inc. in the amount of $3,224,820.00, which includes the Total Base Bid (Schedules A + B + C) and Alternate Bid Item D2.

If you have any questions, please do not hesitate to contact me at 302.628.1421. Thank you.

Sincerely,

Judy A. Schwartz, P.E.
Sr. Vice President/Project Director

Enclosures
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**Subtotal Schedule A: Force Main Installation** $2,204,400.00  
$2,084,328.50  
$2,215,100.00  
$2,484,409.50  
$2,540,506.00  
$2,481,277.00

| B-1 | Temporary Paving – GABC and 2nd Type C Superpave | 16" or 18" | SY | 4900 | $ 60.00 | $ 294,000.00 | $ 28.00 | $ 137,200.00 | $ 47.00 | $ 230,300.00 | $ 68.60 | $ 336,140.00 |
| B-2 | Permanent Pavement Restoration - Type C Superpave Surface Course, incl Full Width Mill & Overlay of Shoulder and Entrances | 2" | SY | 12,350 | $ 15.00 | $ 185,250.00 | $ 17.00 | $ 209,950.00 | $ 20.25 | $ 250,875.00 | $ 17.10 | $ 211,850.00 |
| B-3 | Permanent Pavement Restoration - Type B Superpave Base Course within Shoulder and Entrances | 5" | SY | 5350 | $ 20.00 | $ 107,000.00 | $ 36.00 | $ 192,600.00 | $ 43.25 | $ 231,375.00 | $ 76.30 | $ 408,205.00 |
| B-4 | Permanent Pavement Restoration within Cannon Road Intersection, all inclusive | - | LS | 1 | $ 20,000.00 | $ 20,000.00 | $ 30,000.00 | $ 30,000.00 | $ 33,000.00 | $ 33,000.00 | $ 36,826.00 | $ 36,826.00 |
| B-5 | Permanent Pavement Restoration – Elks Road Intersection, all inclusive | - | LS | 1 | $ 30,000.00 | $ 30,000.00 | $ 40,000.00 | $ 40,000.00 | $ 56,000.00 | $ 56,000.00 | $ 56,886.00 | $ 56,886.00 |
| B-6 | Permanent Pavement Restoration – Replacement of Concrete Curb at Entrances | - | LF | 240 | $ 50.00 | $ 12,000.00 | $ 88.00 | $ 21,120.00 | $ 120.50 | $ 28,920.00 | $ 58.40 | $ 14,016.00 |
| B-7 | Replacement of Edgeline Rumble Strip Within Repaved Shoulder | - | LF | 6750 | $ 4.00 | $ 27,000.00 | $ 1.75 | $ 11,812.50 | $ 6.00 | $ 40,500.00 | $ 2.00 | $ 13,500.00 |

**Subtotal Schedule B: Pavement Restoration** $675,250.00  
$642,682.50  
$814,750.00  
$858,907.00  
$1,087,346.00  
$1,254,958.00

| C-1 | Contingent Unclassified Excavation | - | CY | 400 | $ 40.00 | $ 16,000.00 | $ 55.00 | $ 22,000.00 | $ 63.25 | $ 25,500.00 | $ 20.19 | $ 8,076.00 |
| C-2 | Contingent Borrow Material, Borrow Type “C” (Backfill) | - | CY | 1400 | $ 60.00 | $ 84,000.00 | $ 61.00 | $ 85,400.00 | $ 54.25 | $ 75,950.00 | $ 26.12 | $ 36,568.00 |
| C-3 | Contingent Aggregate Material, Graded Aggregate Type “B” (Crusher Run) | - | TN | 200 | $ 75.00 | $ 15,000.00 | $ 76.00 | $ 15,200.00 | $ 32.50 | $ 6,500.00 | $ 47.42 | $ 9,484.00 |
| C-4 | Contingent Porous Fill Material, Graded Aggregate No. 57 Stone | - | TN | 200 | $ 61.00 | $ 12,200.00 | $ 84.00 | $ 16,800.00 | $ 55.75 | $ 11,150.00 | $ 51.65 | $ 10,330.00 |
| C-5 | Contractor Down Time (Main Line Crews) | - | HR | 50 | $ 400.00 | $ 20,000.00 | $ 1,000.00 | $ 50,000.00 | $ 755.22 | $ 37,615.00 | $ 755.22 | $ 37,615.00 |
| C-6 | Furnish and Place 4,000 psi Concrete | - | CY | 40 | $ 300.00 | $ 12,000.00 | $ 755.00 | $ 30,000.00 | $ 552.00 | $ 22,080.00 | $ 552.00 | $ 22,080.00 |
### Western Sussex Transmission Facilities: Contract 1: Route 13 Force Main

#### Engineer’s Estimate

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#### George & Lynch

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<tbody>
<tr>
<td>D-1</td>
<td>Furnish and Install Ductile Iron Force Main (in lieu of Bid Item A-2)</td>
<td>10&quot; LF</td>
<td>10,800</td>
<td>$160.00</td>
<td>$1,728,000.00</td>
<td>$155.85</td>
<td>$1,683,180.00</td>
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<td>$1,962,900.00</td>
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<td>D-2</td>
<td>Furnish and Install Directionally Drilled HDPE DR-11 DIPS Force Main (as shown on Sheets Alt-1 thru 3)</td>
<td>10&quot; LF</td>
<td>1580</td>
<td>$200.00</td>
<td>$316,000.00</td>
<td>$148.55</td>
<td>$234,709.00</td>
<td>$100.00</td>
<td>$158,000.00</td>
<td>$213.25</td>
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<tr>
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<td>Furnish and Install Ductile Iron Force Main (in lieu of Bid Item A-2)</td>
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<tr>
<td>D-2</td>
<td>Furnish and Install Directionally Drilled HDPE DR-11 DIPS Force Main (as shown on Sheets Alt-1 thru 3)</td>
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<td>$316,000.00</td>
<td>$148.55</td>
<td>$234,709.00</td>
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#### Schedule D: Alternate Bid Items

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<tr>
<td>D-1</td>
<td>Furnish and Install Ductile Iron Force Main (in lieu of Bid Item A-2)</td>
<td>10&quot; LF</td>
<td>10,800</td>
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<tr>
<td>D-2</td>
<td>Furnish and Install Directionally Drilled HDPE DR-11 DIPS Force Main (as shown on Sheets Alt-1 thru 3)</td>
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#### Subtotal Schedule C: Contingent Items

$198,200.00 $263,100.00 $190,000.00 $237,710.00 $145,276.00 $148,950.00

Total: (Schedules A + B + C) $3,074,850.00 $2,990,111.00 $3,219,850.00 $3,581,026.50 $3,773,128.00 $3,885,185.00

Subtotal Schedule D: Alternate Bid Items

$2,044,000.00 $1,917,889.00 $1,778,000.00 $2,299,835.00 $1,805,028.00 $2,273,700.00
May 8, 2019

Sussex County Engineering Dept.
2 The Circle
Georgetown, DE 19958

Attn: Hans Medlarz, P.E.
County Engineer

Re: Western Sussex Transmission Facilities: Market Street Gravity Sewer
Sussex County Project 18-12: Contract 2
Sussex County, Delaware
GMB File No. R170219

Dear Mr. Medlarz:

Bids for the referenced project were opened at the City of Seaford Council Chambers at 2:00 p.m. on Tuesday, May 7, 2019. A copy of the Bid Opening Summary, Detailed Bid Tabulation, and copies of the two (2) bids received are enclosed for your files.

The lowest total base bid was received from Pact One, LLC in the amount of $1,791,135.00. Alternate Bid Items D1, D2, D3, and D4 in the amount of $272,120.00 adds a full width mill and overlay, with associated ADA ramps and curb and sidewalk to the scope of work. Alternate Bid Item D5 in the amount of $605,250.00 adds cleaning and CCTV of the interceptor sewer main from High Street to the Seaford WWTP into the scope of work.

GMB has reviewed the low bid proposal and found it to contain incomplete forms regarding the Listing of Subcontractors, and EPA Form 6100-3 – Subcontractor Performance Form. The incomplete forms may be waived as informalities at the Owner’s discretion.

Accordingly, GMB recommends an award to Pact One, LLC in the amount of $2,063,255.00, which includes the Total Base Bid (Schedules A + B + C) and Alternate Bid Items D1, D2, D3, and D4, contingent upon the concurrence of the City of Seaford and DNREC. Further, we recommend that Bid Item D5 not be included in the bid award due to the high price offered.

If you have any questions, please do not hesitate to contact me at 302.628.1421. Thank you.
Sincerely,

Judy A. Schwartz, P.E.
Sr. Vice President/Project Director

Enclosures
cc:
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<th>NO.</th>
<th>ITEM</th>
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<td>A-1</td>
<td>Mobilization</td>
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<td>$58,000.00</td>
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<td>$15,000.00</td>
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<td>A-3</td>
<td>CCTV Existing Sewer</td>
<td>10”</td>
<td>LS</td>
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<td>$8,000.00</td>
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<tr>
<td>A-4</td>
<td>Installation &amp; Abandonment of Temporary Bypass Connection</td>
<td>6”</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>A-5</td>
<td>Furnish and Install SDR-35 PVC Sanitary Sewer</td>
<td>8”</td>
<td>LF</td>
<td>40</td>
<td>$185.00</td>
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<td>$8,000.00</td>
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<td>Furnish and Install SDR-35 PVC Sanitary Sewer</td>
<td>15”</td>
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<td>Furnish and Install SDR-35 PVC Sanitary Sewer in DelDOT ROW</td>
<td>15”</td>
<td>LF</td>
<td>71</td>
<td>$210.00</td>
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<td>$600.00</td>
<td>$42,600.00</td>
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<td>A-8</td>
<td>Furnish and Install SDR-35 PVC Sanitary Sewer</td>
<td>18”</td>
<td>LF</td>
<td>25</td>
<td>$225.00</td>
<td>$5,625.00</td>
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<tr>
<td>A-9</td>
<td>Furnish and Install Precast Concrete Manhole complete in place</td>
<td>4’</td>
<td>VF</td>
<td>87</td>
<td>$800.00</td>
<td>$69,600.00</td>
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<td>Furnish and Install Precast Concrete Manhole complete in place</td>
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<td>VF</td>
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<td>Furnish and Install C900 PVC Force Main Reconfiguration</td>
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<td>A-12</td>
<td>Furnish and Install Manhole Frame and Cover</td>
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<td>EA</td>
<td>10</td>
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<td>A-13</td>
<td>Furnish and Install House Laterals and Cleanout (Main to Property Line)</td>
<td>6’</td>
<td>EA</td>
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<td>$13,000.00</td>
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<td>A-14</td>
<td>Post-Installation CCTV of Laterals and Sewer Main</td>
<td>6”/15”</td>
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<td>$9,000.00</td>
<td>$9,000.00</td>
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<td>A-15</td>
<td>Removal of Existing Manholes</td>
<td>-</td>
<td>EA</td>
<td>11</td>
<td>$4,500.00</td>
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<td>A-16</td>
<td>Abandonment and Removal of Existing Sanitary Sewer Main</td>
<td>10”</td>
<td>LF</td>
<td>2577</td>
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<td>$51,540.00</td>
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<td>A-17</td>
<td>Mill and Overlay Type C Superpave Surface Course (DelDOT Limits)</td>
<td>1.5”</td>
<td>SY</td>
<td>427</td>
<td>$18.00</td>
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<td>A-18</td>
<td>Furnish and Install Concrete Sidewalk</td>
<td>4”</td>
<td>LF</td>
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<td>$6,040.00</td>
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<td>$3,020.00</td>
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<td>A-19</td>
<td>Furnish and Install Concrete Curb</td>
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<td>LF</td>
<td>35</td>
<td>$55.00</td>
<td>$1,925.00</td>
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<td>$2,100.00</td>
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<td>Private Property Restoration</td>
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Subtotal Schedule A: Gravity Sewer Installation | $862,126.00 | $1,630,260.00 | $2,019,600.00 |

Schedule B: Gravity Sewer Rehabilitation

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<tr>
<td>B-1</td>
<td>Locate and Raise Manhole to Grade</td>
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<td>EA</td>
<td>3</td>
<td>$3,000.00</td>
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<td>B-2</td>
<td>Furnish and Install Watertight Manhole Frame and Cover</td>
<td>-</td>
<td>EA</td>
<td>15</td>
<td>$900.00</td>
<td>$13,500.00</td>
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<td>$7,500.00</td>
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<td>B-3</td>
<td>Furnish and Install 10’x10’ Concrete Collar around Manhole</td>
<td>-</td>
<td>EA</td>
<td>15</td>
<td>$2,000.00</td>
<td>$30,000.00</td>
<td>$1,500.00</td>
<td>$22,500.00</td>
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## Engineer's Estimate

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<td>B-4</td>
<td>Abandonment of SW pipe</td>
<td>10&quot;</td>
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Subtotal Schedule B: Sewer Rehabilitation

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## Schedule C: Contingent Items

| C-1 | Secure Modified Proctor Tests, AASHTO T-180, Method A | EA | 6 | $200.00 | $1,200.00 | $6,000.00 | $1,500.00 |
| C-2 | Secure Field Density Tests, AASHTO T-191 | EA | 11 | $250.00 | $2,750.00 | $11,000.00 | $1,650.00 |
| C-3 | Contingent Unclassified Excavation | CY | 75 | $45.00 | $3,375.00 | $3,750.00 | $3,750.00 |
| C-4 | Contingent Borrow Material, Borrow Type “C” (Backfill) | CY | 1000 | $50.00 | $50,000.00 | $30,000.00 | $50,000.00 |
| C-5 | Contingent Aggregate Material, Graded Aggregate Type “B” (Crusher Run) | TON | 75 | $40.00 | $3,000.00 | $1,875.00 | $7,500.00 |
| C-6 | Contingent Porous Fill Material, Coarse Aggregate No. 57 Stone | TON | 75 | $55.00 | $4,125.00 | $3,000.00 | $7,500.00 |
| C-7 | Furnish and Place 4000 PSI concrete | CY | 10 | $400.00 | $4,000.00 | $600.00 | $3,000.00 |
| C-8 | Contractor Down Time | HR | 30 | $750.00 | $22,500.00 | $1,500.00 | $24,000.00 |
| C-9 | Replacement of Existing Storm Drain Pipes | LF | 75 | $120.00 | $9,000.00 | $150.00 | $15,000.00 |

Subtotal Schedule C: Contingent Items

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Total: (Schedules A + B + C)

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## Schedule D: Alternate Bid Items

| D-1 | Mill and Overlay Type C Superpave Surface Course (Full Width) | SY | 10,148 | $17.00 | $172,516.00 | $202,960.00 | $192,812.00 |
| D-2 | Furnish and Install ADA Curb Ramps | EA | 12 | $3,000.00 | $36,000.00 | $60,000.00 | $96,000.00 |
| D-3 | Furnish and Install Concrete Sidewalk | SF | 275 | $16.00 | $4,400.00 | $5,500.00 | $20,625.00 |
| D-4 | Furnish and Install Concrete Curb | LF | 61 | $55.00 | $3,355.00 | $3,660.00 | $12,200.00 |
| D-5 | Clean and CCTV Interceptor Sewer Main (WWTP to High Street) | LF | 4035 | $20.00 | $80,700.00 | $605,250.00 | $104,910.00 |

Subtotal Schedule D: Alternate Bid Items

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Total: (Schedules A + B + C)

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### Schedules

- **Schedule A:** Base Bid Items
- **Schedule B:** Sewer Rehabilitation
- **Schedule C:** Contingent Items
- **Schedule D:** Alternate Bid Items
Memorandum

TO: Sussex County Council
   The Honorable Michael H. Vincent, President
   The Honorable Irwin G. Burton III, Vice President
   The Honorable Samuel R. Wilson, Jr.
   The Honorable John L. Rieley
   The Honorable Douglas B. Hudson

FROM: Hans Medlarz, P.E.

RE: Sussex County Wastewater Facilities Engineer of Record Reaffirmations

DATE: May 14, 2019

Sussex County owns and operates four wastewater facilities including South Coastal Regional (SCRWF), Inland Bays Regional (IBRWF), Wolfe Neck Regional (WNRWF) and Piney Neck Regional (PNRWF). The procurement of professional engineering services coincided with planning, design and construction projects that occurred at the facilities. These agreements have provided for continued professional services associated with facility upgrades and/or expansions as they arise.

At the September 20, 2016 Council meeting the Engineering Department summarized improvements at SCRWF, acknowledging the acquisition of the primary design engineering firm by GHD, Inc. As a result of project team and material transitions, and the transfer of firm obligations and duties, the Department requested, and Council approved the reaffirmation of GHD, Inc. as the Engineer of Record. GHD, Inc. has since continued to serve the County in this capacity for projects at SCRWF as well as projects directly associated with the City of Rehoboth Beach Wastewater Treatment Facility (WTF).

Similarly, the firm of Whitman, Requardt and Associates, LLP (WRA) has provided professional services as Engineer of Record for the wastewater facilities in the North Coastal Planning Area (NCPA). The designation has pertained to projects designed by WRA under the existing Engineering Services Agreement executed on January 14, 2014. Recent
amendments to this Agreement include ongoing tasks at IBRWF for the Phase 2 Expansion and the 24” Effluent Diversion.

Given the amendments for facility improvement projects including work in design and under construction, and the likelihood for modifications and additional upgrade requirements, needs exist for continued support by the design engineers of each facility.

The Engineering Department recommends Council provide a reaffirmation of GHD Inc. as Engineer of Record for SCRWF and the projects directly associated with the City of Rehoboth Beach WTF; and reaffirmation of WRA as Engineer of Record for NCPA wastewater treatment facilities; and that Council authorize the Department to extend the existing base agreements for professional services with each firm an additional five (5) years.

cc: Todd Lawson
Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Samuel R. Wilson, Jr.  
The Honorable John L. Rieley  
The Honorable Douglas B. Hudson

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

Change Order No. 2

DATE: May 14, 2019

In the past, Sussex County followed a traditional design, bid and build approach. However, the increased minor and major capital project load associated with aging infrastructure required a more efficient project delivery system. In response, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment Contract for FY 17 was awarded by Council to George & Lynch, Inc., on June 21, 2016, and Council renewed the contract on June 13, 2017 for an additional one-year period based on performance. Throughout this two (2) year timeframe, a significant scope of work was completed with considerable cost and time savings proving the validity of the approach.

Therefore, the Engineering Department re-advertised the contract in the spring of 2018 using the “best value” approach and on April 24, 2018, County Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc., of Dover, Delaware, at the bid amount of $4,827,190.00. This contract award is valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices. With contract progressing satisfactorily, the Engineering Department intends to request a one-year extension prior to June 30, 2019, in the approximate unofficial budget amount of $5,750,000 for various capital and operational projects.
To complete the 2019 fiscal year, the Engineering Department is requesting scope Change Order No. 2 in the amount of $140,000.00 to fund two emergency repairs and two projects with expanded project scopes related to differing site conditions.
# FY 19 GENERAL LABOR & EQUIPMENT CONTRACT
## CHANGE ORDER #2

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pump Station No. 1 Rebuild</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Rt. 1A Jack &amp; Bore</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>Canal Street in Dagsboro - Emergency Repair Sinkhole</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Williamsville Road - Emergency Repair</td>
<td>$10,000.00</td>
</tr>
<tr>
<td><strong>Total Change Order #2</strong></td>
<td><strong>$140,000.00</strong></td>
</tr>
</tbody>
</table>
Memorandum

TO: Sussex County Council
   The Honorable Michael H. Vincent, President
   The Honorable Irwin G. Burton III, Vice President
   The Honorable Samuel R. Wilson, Jr.
   The Honorable John L. Rieley
   The Honorable Douglas B. Hudson

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

RE: Division of Environmental Services
    Control Cabinet Upgrades, Project M19-11
    A. Recommendation to Award

DATE: May 14, 2019

In 1999 the Environmental Services Department started implementing a Supervisory Control and Data Acquisition (SCADA) system. As the means to communicate, the County had to standardize. At the time, Modicon programable logic controllers (PLCs) were selected using the ProWorx NXT protocol. This software served the County well until the manufacturer no longer supported software upgrades and therefore will not work on Windows 10 machines. In addition, the manufacturer discontinued manufacturing the PLCs that used ProWorx Nxt.

The combination of these steps forced the Environmental Services Division to rely on machines running on older Windows versions which could lead to County network security issues. At the urging of the County’s IT department, the Division budgeted in FY 2019, funds to begin the PLC upgrade process.

Invitations to bid, consisting of two bid packages were sent to four regional electric supply companies. Bid A included the PLCs and other high-tech equipment and Bid B included the hardware and wiring to install the PLC equipment. Despite the outreach only one, United Electric Supply, submitted as follows: Bid A $225,330.52 and Bid B $143,908.86. The Engineering Department recommends award of both bid packages in the total bid amount of $369,239.38.
Memorandum

TO: Sussex County Council
    The Honorable Michael H. Vincent, President
    The Honorable Irwin G. Burton III, Vice President
    The Honorable Samuel R. Wilson, Jr.
    The Honorable John L. Rieley
    The Honorable Douglas B. Hudson

FROM: Patrick Brown, P.E., Project Engineer III
      Brad Hawkes, Superintendent of Construction

RE: CONSULTANT SELECTIONS
    RFP 19-22 MISCELLANEOUS ENGINEERING SERVICES
    RECOMMENDATION TO AWARD 5-YR PROFESSIONAL SERVICE CONTRACTS

DATE: May 14, 2019

The Engineering Department undertakes a variety of improvement projects each year concurrent with the annual operation and maintenance of County assets. Several efforts including multi-year planning, design and construction of public infrastructure requires the support of professional engineering firms to supplement the Department. As such, we maintain Miscellaneous Engineering Services contracts with multiple professional firms over five-year periods. Our existing contracts will expire in June.

The Engineering Department began a procurement process this past January, receiving County Administrator approval of a Request for Proposals (RFP) scope and a selection committee comprised of John Ashman, Edwin Tennefoss, Brad Hawkes, and Patrick Brown.

RFP 19-22 was publicly advertised on February 4, 2019. Fifteen (15) firms responded by the deadline of March 1, 2019. Each selection committee member was provided a copy of the proposals received along with a scoring sheet for their use in evaluating and ranking firms.

As per the County Consultant Selection Policy and Delaware Code, proposals were evaluated based on approved Consultant Rating Criteria. The Criteria was weighted by distributing percentage points as published in the RFP: 10% Experience and Reputation; 20% Expertise;
CONSULTANT SELECTION – RFP 19-22
RECOMMENDATION TO AWARD PROFESSIONAL SERVICES CONTRACTS
May 14, 2019

20% Capacity to meet Requirements; 10% Location; 20% Demonstrated Ability; and 20%
Familiarity with Public Work and its Requirements.

The selection committee met on Thursday, March 21, 2019 to discuss the proposals and rating
criteria. The committee held a follow-up meeting on Tuesday, April 2, 2019 and a decision
was made to supplement the evaluation process with formal interviews. Based on the average
scoring of written proposals, the four (4) highest ranking firms were requested to present their
qualifications in person. All fifteen firms were notified by letter of the initial rankings and the
committee’s determination to include interviews in the selection process.

By letter dated April 11, 2019, the short-listed firms were notified of the interview schedule.
Said letter explained that selection committee members will again rank firms based on the
RFP defined categories and percentages, and that an average ranking of qualifications based
solely on interviews will be used for final Council recommendations.

Presentations occurred on Friday, April 26, 2019 in Council Chambers, followed by selection
committee deliberations. Committee evaluation score sheets were tallied and checked the
following week. The Selection Committee results are summarized as follows:

<table>
<thead>
<tr>
<th>Firm</th>
<th>Average Committee Rank</th>
<th>Overall Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis, Bowen &amp; Friedel, Inc. (DBF)</td>
<td>1.0 / 4</td>
<td>1</td>
</tr>
<tr>
<td>George, Miles and Buhr, LLC (GMB)</td>
<td>2.25 / 4</td>
<td>2 (tie)</td>
</tr>
<tr>
<td>KCI Technologies, Inc. (KCI)</td>
<td>2.25 / 4</td>
<td>2 (tie)</td>
</tr>
<tr>
<td>Johnson, Mirmiran &amp; Thompson, Inc. (JMT)</td>
<td>4 / 4</td>
<td>4</td>
</tr>
</tbody>
</table>

The initial intention of the Engineering Department was to recommend awarding contracts to
two (2) firms as stated in the RFP advertisement. Based on the resulting tie in selection
committee scoring and average rankings, the committee recommends negotiating contracts
with the top three (3) firms because the variety of qualification strengths apparent during
interviews is believed by the committee to best serve the interests of the County.

It is the recommendation of the referenced Selection Committee that Council authorize the
Engineering Department to negotiate and execute five-year professional service agreements
for Miscellaneous Engineering Services with the three highest ranking firms: DBF, GMB and
KCI. As needed, the future award of project-based contracts performed under these base
service agreements will be brought to Council for authorization in accordance with County
policy.

cc: Hans Medlarz
    Todd Lawson
ORGANIZATION NAME: The History Book Festival

PROJECT NAME: The History Book Festival

FEDERAL TAX ID: 51-0400365

NON-PROFIT: □ YES  □ NO

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

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

ORGANIZATION'S MISSION: To celebrate history with an annual festival of notable fiction and non-fiction authors and collaborate with community partners to share a love of learning, ideas, and the art of the written word with a broad audience.

ADDRESS: The History Book Festival c/o Greater Lewes Foundation

PO Box 110

Lewes  DE  19958

CITY  STATE ZIP

CONTACT PERSON: James C. Curtis

TITLE: Volunteer board member

PHONE: 302-897-6002  EMAIL: professorjim76@gmail.com

TOTAL FUNDING REQUEST: $1,800

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

If YES, how much was received in the last 12 months? $1,200

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 2%
## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- [ ] Fair Housing
- [ ] Health and Human Services
- [ ] Cultural
- [ ] Infrastructure
- [ ] Other
- [ ] Educational
- [ ] Disability & Special Needs
- [ ] Victims of Domestic Violence
- [ ] Homeless
- [ ] Elderly Persons
- [ ] Low to Moderate Income
- [ ] Youth
- [ ] Minority
- [ ] Other

### BENEFICIARY CATEGORY

- Sussex County Public Libraries

### BENEFICIARY NUMBER

- Approximately the total number of Sussex County Beneficiaries served annually by this program: 21,500

## SECTION 3: PROGRAM SCOPE

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

Sussex County and Lewes have made significant economic and cultural contributions to the First State. The goal of The History Book Festival, a non-profit organization, is to further enhance this success by continuing to host the nation’s first book festival devoted exclusively to history. Ultimately, we would like to see Lewes and Sussex County become recognized nationally as a place where great authors and readers come together each fall to celebrate the written word.

Our mission statement is: To celebrate history with an annual festival featuring notable authors of fiction and non-fiction historical works and to collaborate with community partners to share a love of learning, ideas and the art of the written word with a broad audience.

Due in part to the generosity of Sussex County Council that supported both the inaugural festival in October, 2017 and the 2018 festival last September, best-selling authors of works of history made presentations, participated in interviews, and interacted with residents and visitors. The target audience for the History Book Festival is made up of the general public from all over Delaware, students as well as out of state visitors. Last year we had two school presentations during the festival, one at Sussex Central High school and one at Cape Henlopen High School. We have more school events planned this year and will continue to publicize those by working in collaboration with high school librarians.

Last year’s festival events began with a keynote address on Friday evening that attracted an audience of 300 people. The festival continued with author presentations throughout the day on Saturday. In addition we inaugurated a monthly book discussion group last year that was held at the Lewes Public Library. The combined attendance at these events in 2018 was slightly over 2,000 people. We expect an increase in attendance for the 2019 festival, which will take place in multiple venues in Lewes on September 27 and 28. The core activities of the main festival on Saturday are free and open to the public, meeting our goal of making history and literature accessible and appealing for everyone. We are selecting a diverse group of authors, interviewers, and subject areas to create a broad appeal and to have the greatest chance for everyone to see themselves in the context of history.

Community partnerships are at the heart of our work. Collaborating with other non-profit, civic, and business organizations roots The History Book Festival in the community, providing ready and eager audiences for our events and extending our marketing reach. Partners to date include: Lewes Chamber of Commerce, the Greater Lewes Foundation, Lewes Public Library, Sussex County Libraries, Delaware Division of Libraries, Lewes Historical Society, Rehoboth Beach Film Society, Cape Henlopen Schools, Southern Delaware Tourism, Coastal Concents, Seaside Jewish Community, St. Peter’s Episcopal Church, Historic Lewes Farmers Market, University of Delaware’s Osler Center, Fort Miles, David Hall Chapter of the Daughters of the American Revolution and Brownabou Book.

Because the festival is volunteer-run and has no need for a building, overhead costs are limited. However, funding is needed to promote our events and underwrite festival costs. The History Book Festival would greatly appreciate the support of Sussex County Council once again in 2019. Thank you for your consideration.
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)

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)

<table>
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<tr>
<th></th>
<th>TOTAL REVENUES 42,500.00</th>
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<tbody>
<tr>
<td>Venue operations</td>
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<td>Marketing/Promotion</td>
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<td>Authors/Program</td>
<td>$17,800.00</td>
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<td>Fundraising Expenses</td>
<td>$1,200.00</td>
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<td>Office/Administrative</td>
<td>$6,610.00</td>
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<td>Supplies/software/bank charges</td>
<td>$1,770.00</td>
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<td></td>
<td>TOTAL EXPENDITURES $51,405.00</td>
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<td>TOTAL DEFICIT FOR PROJECT ORGANIZATION $8,905.00</td>
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</table>

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the History Book Festival (Name of Organization) agrees that:

1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.

3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
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.

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Signature]
Applicant/Authorized Official

[Signature]
Witness

Title

Date

4/26/2019
**SECTION 1 APPLICANT INFORMATION**

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<thead>
<tr>
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<tbody>
<tr>
<td>PROJECT NAME:</td>
<td>Slaughter Neck Playground</td>
</tr>
<tr>
<td>FEDERAL TAX ID:</td>
<td>51-0109444</td>
</tr>
<tr>
<td>NON-PROFIT:</td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td>DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?</td>
<td>☑ YES ☐ NO</td>
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<tr>
<td>ORGANIZATION'S MISSION:</td>
<td></td>
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<table>
<thead>
<tr>
<th>ADDRESS:</th>
<th>22942 Slaughter Rd</th>
</tr>
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<tbody>
<tr>
<td>Lincoln, De.</td>
<td>19960</td>
</tr>
<tr>
<td>(CITY)</td>
<td>(STATE)</td>
</tr>
<tr>
<td>(ZIP)</td>
<td></td>
</tr>
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</table>

| CONTACT PERSON:    | Vance H. Daniel Sr.                    |
| TITLE:             | President                              |
| PHONE:             | 302-                                  |
| EMAIL:             | YorZ1948@aol.com                       |

**TOTAL FUNDING REQUEST:**

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent?
SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
- Infrastructure
- Health and Human Services
- Cultural
- Other
- Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
- Victims of Domestic Violence
- Low to Moderate Income
- Elderly Persons
- Homeless
- Youth
- Other

BENEFICIARY NUMBER

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

1,650

SECTION 3: PROGRAM SCOPE

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

The program which funds are requested for is the Slaughter Neck Community Action Organization. Under this program are children and youth in the community that attend the center for tutoring, Summer Camp, and other activities offered at the center. We are requesting funds for our Recreational Program and Playground. The playground equipment is in dire need to be upgraded. The equipment has been a part of the center for over 50 years. Any help you can give us will be greatly appreciated. We serve low to moderately low income families who bring their children to the various programs offered at the Center. I am thanking you in advance.
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 | $240,000.00 |

**EXPENDITURES**
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)

<table>
<thead>
<tr>
<th>Total Operating Expenses</th>
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<tr>
<td>Personnel</td>
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<td>Utilities</td>
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<td>Payroll Taxes</td>
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<td>Insurance</td>
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<tr>
<td>Food &amp; Supplies</td>
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<tr>
<td>Repairs &amp; Maintenance</td>
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<tr>
<td>TOTAL EXPENDITURES</td>
<td>$52,000.00</td>
</tr>
</tbody>
</table>

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION**

| - $12,000.00 |

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the [Name of Organization] agrees that:

1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.

3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
| 4) | All information and statements in this application are accurate and complete to the best of my information and belief. |
| 5) | All funding will benefit only Sussex County residents. |
| 6) | All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware. |
| 7) | All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes. |
| 8) | In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice. |

Applicant/Authorized Official Signature: [Signature]
Date: April 15, 2019

Witness Signature: [Signature]
Date: [Signature]

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

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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.

[Signature]
Applicant/Authorized Official Signature

[Signature]
Witness Signature

[Signature]
Title

[Date]
Date

Rev. 02/2019
SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Steps For Hope, Inc.
PROJECT NAME: 12 & 12 Community Center
FEDERAL TAX ID: 83-3433366

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

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

ORGANIZATION'S MISSION: Steps for Hope, Inc. mission is to provide recovery and developmental opportunities for men and women suffering from addiction to further their ability to become whole, productive members of their communities.

ADDRESS: PO Box 769 Seaford DE 19973

CONTACT PERSON: Joan Neal
TITLE: Secretary/Treasurer
PHONE: 302-628-8660 EMAIL: joan.stepsforhope@gmail.com

TOTAL FUNDING REQUEST:

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

☐ YES ☐ NO

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?

☐ YES ☐ NO

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

☐ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent?
SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- [ ] Fair Housing
- [x] Infrastructure
- [ ] Health and Human Services
- [ ] Cultural
- [ ] Other
- [ ] Educational
- [ ] Disability & Special Needs
- [ ] Elderly Persons
- [ ] Minority
- [x] Victims of Domestic Violence
- [ ] Low to Moderate Income
- [ ] Homeless
- [ ] Youth
- [ ] Other Substance abuse disorders

BENEFICIARY CATEGORY

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

400+

BENEFICIARY NUMBER

SECTION 3: PROGRAM SCOPE

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

Steps for Hope mission is to make meeting space readily available, and easily accessible for people to share experiences, strength and hope with one another through 12 step programs such as AA, Al-Anon/Alateen, NA, Nar-Anon, Gamblers Anonymous, and OA. 12 Step Programs are support groups for people battling a variety of destructive behaviors, including substance abuse. Through the 12 Step process, people learn to cope with their addiction, and manage the triggers of that addiction.

Western Sussex County has been severely impacted by substance use disorders and underserved for supporting Twelve step self-help groups for addictions of all types. Typically, Twelve Step Organizations in Western Sussex cannot secure and maintain a constant physical location from which to provide their much needed services. Presently there are only 6 AA, 1 Al-Anon and 2 NA meetings each week in WSC/Seaford Area, not nearly enough to address the number of people living and working in the community that need support. Given the most important part of a life-long recovery is the introduction to a 12 step group for support, a consistent meeting place allows participants to develop contacts that can provide ongoing mentoring, which greatly increases their chance of success. Getting bounced from one location to another impedes a Twelve step organization's ability to offer the consistent service that participants rely on for a successful and lifelong recovery.

In early 2019, four successful businessmen committed to the future of WSC contributed $50,000 each for a total of $200,000 to purchase and renovate the SNEC Building located at 1380 Middleford Road In Seaford. The building was then donated to Steps for Hope, Inc and was renamed the "12&12 Community Center"

Expansion of 12 Step group meetings at the 12&12 Center will allow greater coverage for people in need of help to overcome their addiction similar to "Dry Dock" in Angola. Steps for Hope is seeking general operating support.
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)  

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<td>TOTAL REVENUES</td>
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### EXPENDITURES

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL—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)

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<tr>
<th>Item</th>
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<tr>
<td>Estimated Annual Operating Cost</td>
<td>-$9,320.00</td>
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<td>Insurance</td>
<td>-$1,641.00</td>
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<td>County Taxes</td>
<td>-$1,362.00</td>
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<td>Repair Contingency</td>
<td>-$3,000.00</td>
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<td>TOTAL EXPENDITURES</td>
<td>-$15,323.00</td>
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**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION**  

- $15,323.00

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**SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the **Steps for Hope, Inc.** (Name of Organization) agrees that:

1. For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2. For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.

3. No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
SECTION 5: STATEMENT OF ASSURANCES (continued)

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

![Signature and 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.

[Signature]
Applicant/Authorized Official Signature

[Signature]
Witness Signature

[Signature]
Title

[Date]
Date

Rev. 02/2019
ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.11 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a conditional use application, denominated Conditional Use No. 2180, was filed on behalf of Robert J. Palmer and Laura M. Hudson; and

WHEREAS, on the ___ day of _____________ 2019, 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. 2180 be ____________; and

WHEREAS, on the ___ day of ______________ 2019, 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. 2180 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 west side of Cedar Lane, approximately 0.53 mile north of Governor Stockley Road, and being more particularly described in the attached legal description prepared by Berl & Feinberg, LLP, said parcel containing 18.11 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (209 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.15 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a conditional use application, denominated Conditional Use No. 2181, was filed on behalf of Mitchell Family, LLC; and

WHEREAS, on the ___ day of _____________ 2019, 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. 2181 be _____________; and

WHEREAS, on the ___ day of _____________ 2019, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2181 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway approximately 390 feet northeast of Gills Neck Road, and on the north side of Gills Neck Road approximately 329 feet southeast of Kings Highway, and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 30.15 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
To Be Introduced 05/14/19

Council District No. 2 – Wilson
Tax I.D. No. 135-20.00-159.01
911 Address: 23371 Springfield Road, Georgetown

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTOMOTIVE REPAIR AND DEALER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.87 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a conditional use application, denominat
Conditional Use No. 2182, was filed on behalf of Samuel G. Thomas; and

WHEREAS, on the ___ day of ___________ 2019, 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. 2182 be ____________; and

WHEREAS, on the ___ day of ___________ 2019, 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. 2182 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 north side of Springfield Road, approximately 336 feet east of Park Avenue and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 2.87 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.167 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of April 2019, a conditional use application, denominated Conditional Use No. 2183, was filed on behalf of Brent & Lisa Hershey; and

WHEREAS, on the ___ day of _____________ 2019, 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. 2183 be ____________; and

WHEREAS, on the ___ day of ______________ 2019, 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. 2183 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Broadkill Road (Route 16), approximately 0.33 mile west of Reynolds Road and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 9.167 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
ORDINANCE NO. ___

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.58 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a zoning application, denominated Change of Zone No. 1886, was filed on behalf of Mitchell Family, LLC; and

WHEREAS, on the _____ day of ____________ 2019, 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. 1886 be __________; and

WHEREAS, on the _____ day of ____________ 2019, 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 of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway, approximately 390 feet northeast of Gills Neck Road, and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 11.58 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.15 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a zoning application, denominated Change of Zone No. 1887, was filed on behalf of Mitchell Family, LLC; and

WHEREAS, on the _____ day of _____________ 2019, 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. 1887 be ___________; and

WHEREAS, on the _____ day of _____________ 2019, 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 of MR Medium Density 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway approximately 390 feet northeast of Gills Neck Road, and on the north side of Gills Neck Road approximately 329 feet southeast of Kings Highway, and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 30.15 acres, more or less.
AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a zoning application, denominated Change of Zone No. 1888, was filed on behalf of Mitchell Family, LLC; and

WHEREAS, on the _____ day of _____________ 2019, 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. 1888 be ___________; and

WHEREAS, on the _____ day of _____________ 2019, 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 of B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Gills Neck Road, approximately 329 feet southeast of Kings Highway, and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 5.43 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.
AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.771 ACRES, MORE OR LESS

WHEREAS, on the 24th day of April 2019, a zoning application, denominated Change of Zone No. 1889, was filed on behalf of Air Fish Automotive; and

WHEREAS, on the _____ day of ______________ 2019, 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. 1889 be __________; and

WHEREAS, on the _____ day of ______________ 2019, 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 of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the southwest corner of Trussum Pond Road and Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by Alan O Kent Land Surveying, said parcel containing 5.771 acres, more or less.

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

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 9, 2019

RE: County Council Report for CU 2168 Michael S. Mears

The Planning and Zoning Department received an application (CU 2168 Michael S. Mears) for a Conditional Use to allow for amendments to conditions of approval of CU 1645 (Ordinance No. 1843) for parcel 133-10.00-10.16 located at 22159 Paradise Rd. The Planning and Zoning Commission held a public hearing on April 11, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, Site Plan, comments from the Sussex Conservation District, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required. Ms. Cornwell stated this is to amend the number of employees and the number of vehicles to be permitted on the property as part of the Conditional Use.

The Commission found that Mr. Michael Mears was present on behalf of his application; that Mr. Mears submitted letters in support from neighbors and photographs; that Mr. Mears stated he would like to add more employees and more vehicles; that the business has grown since 2004; that he currently has seven employees; that the original condition of approval was to have two employees and a limited number of vehicles; that the applicant is looking for up to seven employees and increase the number of vehicles on the site; that the applicant has made the driveway larger and has added a fence where the trees used to be; that the applicant operates a plumbing business with two to seven non-relative employees and seven vehicles; that two of the employees do take their work vehicles home; that there would be three vehicles at night time; that there would be seven employee cars during the day; that the applicant would like more employees; that the property could accommodate at least 10 vehicles; that the applicant has a mini excavator and a skid loader; that both are transported on trailers; that the applicant would need 10 vehicles and four trailers; and that there would be no customers on the site.

The Commission found that Mr. Carl Smith spoke in favor of the application; that Mr. Smith stated he has never had an issue with Mr. Mears; that he has no objection to the business and that Mr. Mears runs a good clean operation.

The Commission found that no one spoke in opposition to the application.
At the conclusion of the public hearing, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved to amend Condition 1 to state that there shall be no more than 14 business vehicles or trailers parked at any one time and to amend Condition 7 state that there shall be no more than 14 non-relative employees for the reasons and stipulations stated in the motion. Motion carried 4-1.
Memorandum
To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 5, 2019
RE: Staff Analysis for CU 2168 Michael S. Mears

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2168 Michael S. Mears to be reviewed during the April 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 133-10.00-10.16 to allow for amendments to conditions of approval of CU 1645 (Ordinance No. 1843) located at 22159 Paradise Rd. The size of the property to be used as the Conditional Use is 1.0 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Low Density Area.

The surrounding land use to the north, south, east and west is Low Density. The Low Density Areas land use designation recognizes “the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.”

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known additional Conditional Uses in the area.

The Planning and Zoning Commission held a public hearing regarding the Conditional Use (CU 1645) on March 23, 2006 and County Council held a public hearing on April 11, 2006.

The request is to amend conditions 1 and 7. Condition 1 states “All trucks and trailers associated with the business shall only be parked in the designated parking area as shown on the site plan. There shall be no more than two (2) business vehicles or trailers parked in this area at any one time.” The request is to have condition 1 state “All trucks and trailers associated with the business shall only be parked in the designated parking area as shown on the site plan. There shall be no more than seven (7) business vehicles or trailers parked in this area at any one time”. Condition 7 currently states “There shall be no more than two (2) non-relative employees.” The request is to have condition 7 state “There shall be no more than seven (7) non-relative employees.”
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMENDMENTS TO CONDITIONS OF APPROVAL OF CU 1645 (ORDINANCE NO. 1843) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 18th day of December 2018, a conditional use application, denominated Conditional Use No. 2168, was filed on behalf of Michael Mears; and

WHEREAS, on the ___ day of _____________ 2019, 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. 2168 be ____________; and

WHEREAS, on the ___ day of _____________ 2019, 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. 2168 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Paradise Road, approximately 0.26 miles west of Governor Stockley Road and being more particularly described in the attached legal description prepared by Schab & Barnett, said parcel containing 1.0 acres, more or less.

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

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 9, 2019

RE: County Council Report for CU 2167 Karen Ann Mueller

The Planning and Zoning Department received an application (CU 2167 Karen Ann Mueller) for a Conditional Use to allow or an open outdoor sales (yard sales) for parcel 234-23.00-10.00 located at 31977 Eagle Ln. The Planning and Zoning Commission held a public hearing on April 11, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, comments from the Sussex Conservation District, the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required. One letter was received in opposition to the application was read by Ms. Cornwell into the record.

Chairman Wheatly asked for clarification for the proposed use, as whether the use was for the sale of personal items or non-personal items.

The Commission found that Mr. John Roach, with John B. Roach Engineering, Mr. Stephen Mueller, the Applicant and Ms. Karen Mueller, the property owner, were present on behalf of the application; that Mr. Mueller stated the neighbor has become disgruntled with the use; that there are no nails on the road; that most of the complaints are about the patrons parking on Route 24; that the outdoor sales consist of retail-store liquidation items; that the driveway is always open and never is blocked; that Mr. Mueller is the only one selling the items; that the 18 parking spaces are available and is this is enough parking for the site; that Ms. Mueller stated the outdoor sales start Friday and end on Sunday; that Mr. Mueller stated the sales would occur depending on the weather; that there are two tractor trailers on the site to store the items; that the only reason a bobcat is on the site now, is to create a parking lot; that he would like to have an outdoor sales once a month, every other week; that the driveway to the adjoining property is never blocked; that Mr. Mueller stated that outdoor sales could be held twice a month; that no bathrooms are provided; that Ms. Mueller stated that no one maintains the driveway; that DelDOT had put down millings; that the maintenance of the driveway is intended to be split between the two residents; that there is no written agreement; that Mr. Roach stated the display area is 3,600 square feet with parking between the display and the road; that the parking was based on 200 square feet; that Mr. Mueller stated there are approximately 15 cars at a time, and that this is typically the maximum; that Mrs. Mueller stated there is extra land for overflow parking; that
Mr. Roach stated that the Applicant would have to get DelDOT and other agency approvals such as the Office of the State Fire Marshall; that Mr. Mueller stated he does have a business license; that there would be no employees; that the hours of operation would occur from sun up to sun down; that he would like to have a sign; that he does not live on the property; that he stores all the items in two tractor trailers on the property; that there is lighting only around the house; and that Mr. Roach stated that Eagle Lane is a shared access for the two parcels.

The Commission found that no one spoke in favor of the application.

The Commission found that Mr. Jeffrey Ott, spoke in opposition to the application; that Mr. Ott stated he is the President of the HOA for The Pines at Long Neck; that he is speaking on behalf of himself and the entire HOA; that there have been numerous accidents; that he has concerns with the safety of the yard sale patrons, motor vehicles, pedestrians, and bike path users; that the vehicles parked on both sides of Route 24 and sometimes for quite an extensive distance down the road; that the speed limit is 50 mph; that this parking results in congestion and reduced property values, that items are sold out of tractor trailers which is unsightly; that items are left out on the lawn overnight and sometimes for days; that it may be possible there are wetlands in the area where the applicant is clearing out for the vehicles to park; that it always flood outs in that area; that there is normal concern with traffic without having the yard sales; that it is difficult for the residents to get out of the development; and that he has concerns with property values; that there are better locations for this use.

Mr. Robertson asked about whether the dwelling on the site is occupied. Mr. Stephen Mueller stated that no one permanently lives on the site; that he only lives there when he has yard sales; that it takes three days to set the items up and one day to take the items down; that the trailers are located behind the residence; that proposed structure for the yard sale items would be an unenclosed structure; and that the items would sit on top of eight foldable tables and on top of the grass; that the applicant has attempted to put cones on the highway to prevent on-street parking, but this is not lawful, that he has even requested a State Police presence to prevent customers parking on Route 24.

The Commission found that Ms. Susan Ash stated she is not favor of or in opposition to the application; that Ms. Ash stated are the cars just parking on Route 24 or coming into the lane to park on the property, and that issue is that vehicles are parking on Route 24.

The Commission found that Mr. Marc Cote, Assistant Director (Planning) with DelDOT was present to answer questions from the Commission; that Mr. Cote stated that DelDOT would like the Applicant to continue with the proposed plan and that the proposed plan also should include ‘no parking’ signs on Route 24 to make sure that customers are not parking on Route 24.

At the conclusion of the public hearing, the Commission discussed this application.

The Commission held a discussion regarding Conditional Use 2167 Karen Ann Mueller; that there was a discussion on the use and parking; and that Mr. Robertson would look into who owns the road.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 5-0.
At their meeting of April 25, 2019, the Planning Commission discussed the application which has been deferred since April 11, 2019.

Mr. Mears moved that the Commission recommend denial of Conditional Use 2167 for Karen Ann Mueller for open outdoor sales based upon the record made during the public hearing and for the following reasons:

1. This application seeks approval for open-air retail sales on a 1.073-acre property located along Route 24 between the Baywoods Golf course community and the Long Neck Road intersection.
2. The applicant has been operating this use without any permits and it has grown to the point where it has become a regular retail/flea market use that was violated because there was no permit for it.
3. There are no other retail or commercial sales along this particular section of Route 24.
4. This request to operate a weekend flea market-type use on this site on the weekends during the summer at a time when Route 24 is most heavily traveled. This is not an appropriate location or time for this type of use.
5. There was a testimony in opposition to the application that currently people park on the shoulders on both sides of Route 24 when the sales are occurring. This creates an unsafe condition for the high level of vehicle traffic on Route 24, bicyclists on Route 24, and pedestrians who park and try to cross Route 24 to get to the sales area. This dangerous condition would only increase if the use is permitted and allowed to expand on this site.
6. The use does not promote the health, safety or welfare of residents or visitors to Sussex County by creating traffic hazards in this area of Route 24.
7. The Applicant has stated that the business has grown, including the bulk purchase of overstock or similar items from large commercial/retail vendors that will be stored on site in trailers for resale at the site. While the applicant’s business success should be commended, it also means that the use should be located on a site that is an appropriate location that has the correct commercial zoning.
8. For these reasons, my recommendation is for denial of this special event conditional use.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated in the motion. Motion carried 5-0
Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: April 5, 2019  
RE: Staff Analysis for CU 2167 Karen Ann Mueller

This memo is to provide background and analysis for the Planning Commission to consider as part of application CU 2167 Karen Ann Mueller to be reviewed during the April 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-23.00-10.00 to allow for an open outdoor sales (yard sales) to be located at 31977 Eagle Ln. The size of the property to be used as the Conditional Use is 0.97 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designations of Coastal Area.

The surrounding land use to the north and west is Coastal Area. The land use to the south and east is Commercial and Coastal Area. The Coastal Area land use designation recognizes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.”

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and west are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District), B-1 (Neighborhood Business District) and C-1 (General Commercial District). The properties to the east are zoned GR (General Residential District) and C-1 (General Commercial District). There are two (2) Conditional Uses in the area (CU 1786 boat storage and CU 1230 Manufactured Home Sales).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow an open outdoor sales (yard sales) could be considered consistent with the Coastal Area land use some of the area zoning and uses.
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<td>25 RITTER DR</td>
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**polygonLayer**

Override 1

**polygonLayer**

Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

March 21, 2019
Owner Name: MULLER KAREN ANN

Book: 4058
Mailing Address: 25 RITTER DR
City: MILLSBORO
State: DE
Description: NW/RT 24
Description 2: CT
Description 3: N/A
Land Code: 234-23.00-10.00

March 21, 2019

[Map of Sussex County showing various properties and addresses]
ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OPEN OUTDOOR SALES (YARD SALE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.073 ACRES, MORE OR LESS

WHEREAS, on the 14th day of December 2018, a conditional use application, denominated Conditional Use No. 2167, was filed on behalf of Karen Ann Muller; and

WHEREAS, on the ___ day of ___________ 2019, 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. 2167 be ___________: and

WHEREAS, on the ___ day of ___________ 2019, 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. 2167 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest corner of Eagle Lane and John J. Williams Highway (Route 24) approximately 914 feet northeast of Indian Mission Road (Route 5) and being more particularly described in the attached legal description prepared by Brennan Title Company, said parcel containing 1.073 acres, more or less.

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

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 9, 2019

RE: County Council Report for CZ 1875 L.W. & J.T. Mitchell Family L.P. (Big Oyster)

The Planning and Zoning Department received an application (CZ 1875 L.W. & J.T. Mitchell Family L.P. (Big Oyster)) to allow for a Change of Zone from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) for a portion of parcel 335-8.00-37.00 located off of Kings Hwy. The Planning and Zoning Commission held a public hearing on April 11, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, survey, comments from Sussex Conservation District, and the results from DelDOT Service Level Evaluation request confirming that a Traffic Impact Study (“TIS”) was not required. Three letters were received in opposition of the application were submitted into the record.

The Commission found Mr. David Hutt, Attorney with Morris, James, Wilson, Halbrook and Bayard, LLP; Jeff Hamer - Principal; Bob Mitchell and Jerry Mitchell, owners, and Ring Lardner with Davis, Bowen, & Friedel were present on behalf of the application; that Mr. Hutt stated the property is located in the area behind Big Oyster Brewery, Lane Builders, and First Baptist Church; that project is not the entire Mitchell farm property; that the property was farmed up until 2019; that the farming operation has stopped and there has been a for sale sign on the property for many years; that 5.0 acres went to the Moorings for an Assisted Living Facility; that Big Oyster Brewery was looking to expand its site to add more parking and storage; that Big Oyster Brewery has arrangements with people across to be able to have off-site parking and they have to cross Kings Highway; that the site is not in a floodplain; that there are no wetlands in the site; that there are no known historic or cultural features on the site; that the property is located in the State Spending Strategies Level 1; that the applicant is looking to expand their existing business; that the property is located within the Lewes Fire District; that the property is located within the Cape Henlopen School District; that the Land Use Classification per the 2008 Comprehensive Plan is located in the Environmentally Sensitive Developing Area and according to the 2018 Comprehensive Plan is located in the Coastal Area; that the property is located behind property that is zoned C-1; that across the street is C-1 zoned land; that there is B-1 zoning nearby, Conditional Uses, and many businesses uses in the City of Lewes; that the C-3 zoning classification because it is most closely resembles the front portion of the property that is zoned C-1; that the setbacks are the same; that the parcel would meet the minimum 1-acre lot size for C-3 zoning; that if the rezoning were to be approved, a lot line adjustment would occur between the farm the Big
Oyster Brewery; that there is access to public utilities for the site; that the current property is served by the Lewes Board of Public Works for sewer and water; that the C-3 zoning has fewer permitted uses than C-1 (General Commercial) zoning would allow for; that Kings Highway is a busy well-traveled road and that Route 9 is a major arterial road; that Mr. Lardner stated that U.S Route 9 is a major arterial road per County Code; that Mr. Hutt stated the City of Lewes would like to see a master plan for this site; that it would be an ideal if the Master plan could occur for this site; that the need for the Change of Zone is for the expansion for this business; that the area already has numerous business use along the road; that there is an opportunity for future interconnectivity behind Lane Builders; that the site is located in a designated growth area; that the Cape Henlopen Medical Office is beginning its construction of the offices and the Mitchell family is putting in its entrance; that Mr. Lardner stated the Conditional Use for Lot 1 is for the Cape Henlopen Office Building and the supporting infrastructure is located on the Mitchell property which is providing the access from Gills Neck Road further away from Kings Highway; that the internal road which will serve the Cape Henlopen Building and the road could potentially serve the residual land; and that a road would be put in and built to Sussex County standards.

The Commission found that Ms. Jennifer Cinelli-Miller spoke in favor of the application; and that Ms. Cinelli-Miller suggested the Applicant meet with DelDOT in regard to the Lewes Scenic By-Ways implications of the project.

The Commission found that Ms. Patti Stewart and Mr. Jay Tomlinson spoke in opposition to the application; that Ms. Stewart stated she would like clarification; that she wasn’t sure what the Applicant is proposing to do with the site; that is a parking lot being put in; that Mr. Jay Tomlinson stated there were two PLUS documents submitted; that one was for 20-acres for three additional, two-story office buildings, and additional two office buildings on Gills Neck Road for a Change of Zone from AR-1 to C-4; that the second PLUS document was from a Change in Zone from AR-1 to MR for homes; that the third PLUS document was for all 49-acres and reflected the six office buildings and was increased to 208 plus residential units for the remaining parcel; that he has a concern that there is a plan for this area; and that he has concerns with traffic and density.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of April 25, 2019, the Planning Commission discussed the application which has been deferred since April 11, 2019.

Ms. Stevenson moved that the Commission recommend approval of Change in Zone 1875 for L.W. & J.T. Mitchell Family, L.P., for a change in zone from AR-1 to C-3 (Heavy Commercial) based upon the record made during the public hearing and for the following reasons:

1. C-3 (Heavy Commercial Zoning) is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted uses include retail uses, restaurants, offices, and vehicle service stations.
2. The site is at the rear of a property fronting Kings Highway that is currently used for a restaurant and a church. This location is appropriate for this type of zoning.
3. This location is currently vacant. The Applicant has stated that this will be used for centralization and expansion of its restaurant and brewery.
4. As stated by the Applicant, there will be interconnectivity between this site and the existing brewpub restaurant that is next to it.
5. The site will be served by central water and sewer.
6. The site is in the Environmentally Sensitive Developing Area (now identified as the Coastal Area) according to the prior and current Sussex County Land Use Plans. This type of commercial use is appropriate in these areas according to the Plan.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. Any future use of the property will be subject to the Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with conditions stated in the motion. Motion carried 5-0.
Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 3, 2019
RE: Staff Analysis for CZ 1875 L.W. & J.T. Mitchell Family L.P.

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1875 L.W. & J.T. Mitchell Family L.P. to be reviewed during the April 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of parcel 335-8.00-37.00 to allow for a change from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located off Kings Hwy. The size of portion of the property is 1.317 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the property has the land use designation of Coastal Areas.

The surrounding land uses to the north, south and east are Coastal Areas with areas within the City of Lewes. The land uses to the east are Commercial Areas and located within the City of Lewes. The Coastal Areas land use designation recognizes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.”

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are AR-1 (Agricultural Residential District) and C-1 (General Commercial District) and there are parcels located within the City of Lewes. The properties to the south are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). The properties to the east are zoned MR (Medium-Density Residential District-Residential Planned Community). The properties to the west are zoned AR-1 (Agricultural Residential District) and parcels within the City of Lewes. There are several Conditional Uses in the area (school, offices, etc.).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) would be considered consistent with the land use, area zoning and uses.
ORDINANCE NO. __

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.317 ACRES, MORE OR LESS

WHEREAS, on the 28th day of December 2018, a zoning application, denominated Change of Zone No. 1875, was filed on behalf of L. W. & J. T. Mitchell Family, L.P.; and

WHEREAS, on the _____ day of ______________ 2019, 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. 1875 be ___________; and

WHEREAS, on the _____ day of ______________ 2019, 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 of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 1.317 acres, more or less.

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