



# **Sussex County Council Public/Media Packet**

**MEETING:  
May 23, 2023**

**\*\*DISCLAIMER\*\***

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**Sussex County Council  
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Georgetown, DE 19947  
(302) 855-7743**

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**A G E N D A**

**MAY 23, 2023**

**10:00 A.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes – May 16, 2023**

**Reading of Correspondence**

**Public Comments**

**Presentation – Matt Robinson, Slam Dunk to the Beach**

**Todd Lawson, County Administrator**

1. **Fiscal Year 2024 – Budget Presentation**
2. **Discussion and Possible Introduction of Proposed Ordinances:**

**“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2024”**

**“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”**

3. **Administrator’s Report**



**Hans Medlarz, County Engineer**

1. **Pintail Pointe, Project S21-16**
  - A. **Recommendation to Reject Bids and Re-Bid**
2. **Sponsorship 25867 Berry Street**
  - A. **Deed Restriction**
3. **FY 2022 General Labor & Equipment Contract, Project 22-01**
  - A. **George & Lynch One Year Extension through 7/1/23-7/1/24**
  - B. **JJID, Inc. Close-out**

**Grant Requests**

1. **Millsboro Historical Society for the Jacob Godwin School for maintenance expenses**
2. **Seaford Tomorrow, Inc. for their Friday Night Live event**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 16, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**  
**Conference Code: 570176**

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

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

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 16, 2023**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 16, 2023, at 10:00 a.m., in Council Chambers, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 222 23  
Approve  
Agenda**

**Mr. Lawson reported that the following items could be removed from today's agenda under Hans Medlarz, Items 3 & 4, under Grant Requests Items 4 & 6 and under 1:30 p.m. Public Hearings Change of Zone No. 1976 and Change of Zone No. 1977. A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes from May 9, 2023, were approved by consensus.**

**Corre-  
spondence**

**Mr. Moore read correspondence received from the Greater Lewes Foundation and First State Community Action Agency thanking Council for their grants.**

**Public  
Comments**

**Public comments were heard.**

**Mr. Dale Smith, Board President of Family Promise of Southern Delaware and member of the Sussex Housing Group spoke about the need of affordable housing in Sussex County.**

**Presentation**

**Ms. Patti Grimes, Executive Director from the Joshua M. Freeman**

**Joshua M. Freeman** Foundation provided an update to the Council on the foundation. She shared the foundation's purpose, vision, and mission. Ms. Grimes discussed the history of the foundation.

Ms. Grimes reported that a large mobile stage has been purchased which has allowed for more tourism and programs. The foundation is a 501(c) 3 organization that has created an evolving arts destination. In addition, over 750,000 patrons have enjoyed live arts experiences with over 70 free and paid shows a season (June 1 though September 15). Also, they are partners with school districts in Sussex, Worcester, and Wicomico counties for free diverse, layered arts in education programs. The foundation is committed to presenting diverse arts and adapting to the community that they serve.

Ms. Grimes reported that the foundation offers year-round, high-quality, diverse arts experiences at no cost to participants/attendees. This includes four distinct programs designed to reach different audiences, including children and their families, and the underserved community.

Ms. Grimes stated that in 2022, more than 260 volunteers contributed their time, talent, and energy. She added that volunteers serve many roles in the venue and in the arts access initiatives. Their service allows the foundation to leverage their dollars for their mission. Since the inception of the volunteer program in 2008, volunteers have given 121,715 hours of service with a total of \$3.1 million in value.

In 2022, patrons visited the Freeman Arts Pavilion from 47 different states. This provides an economic impact to the County and with the continued growth, it allows for continued job creation.

The future of the Freeman Arts Pavilion expansion, a phase approach was discussed. A five-year plan for building a permanent state while presenting arts each season is in the works. In addition, they plan to continue to maintain and grow arts programming at the venue. A focus on growing audiences and the art, continue to build relationships with schools and community groups to bring art opportunities directly to communities and continue to work with artist to develop new and unique ways to offer art experiences to local communities.

**Discussion & Possible Action/Tributes, Resolutions & Proclamation** President Vincent led a discussion related to Tributes, Resolutions and Proclamations. Mr. Vincent stated that he had some concerns about the topic and how it was being done. He added that it needs to be consistent for everyone. A copy of the proposed policy was included in the packet that is being recommended.

Mr. Vincent reported that in the past, in the Rules and Procedures, Council approved all Tributes and Proclamations at the County level. About a year later, that process stopped. Mr. Vincent believes that it is at a point where the Council needs to go back to somewhat of what was done in the past. He added that he has done all of the research and has spoken with

**Discussion & Possible Action/Tributes, Resolutions & Proclamation (continued)**

representatives from Kent County, New Castle County and State Legislators as well as some towns to see what they do. He added that he believes that there needs to be a set of standards so that there is consistency and create guardrails of what these documents are for so that they have some meaning.

Mr. Vincent reviewed the policy that consists of three tiers. Tier 3 is a congratulatory letter; a handwritten note or letter from a Council member. Tier 2 consists of Tributes and Memoriams. A Memoriam will be to celebrate someone who has contributed many things to benefit Sussex County. A Tribute would be from an individual Council member; a sample was shown. Tier 1 is reserved for Proclamations which come from the entire County Council. If one is requested, it would be reviewed by the County Administrator and would be included on the agenda as a consent item for consideration. Mr. Vincent stated that anything that comes from the entire County Council would be voted on and then signed by the County Clerk, Council President and the member who requested the Proclamation.

Mr. Schaeffer stated that he agrees with Mr. Vincent that there should be some formality to the process. He believes that the Tribute and Proclamation designs are both within keeping of respect to the citizens of the County.

Mr. Vincent reported that changes would need to be made to the policies and procedures. Under Rule 4, under agenda, it would need to be edited to allow this item to be put on the agenda for a Proclamation. In addition, under Rule 11A and 11A. 1 would need to be created.

**M 223 23 Adopt Policy**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to Adopt the policy as presented.

**Motion Adopted: 4 Yeas, 1 Nay**

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

**M 224 23 Adopt Amended Rules of Procedures**

A Motion was made by Mr. Vincent, seconded by Mr. Rieley to Adopt the amended Rules of Procedure.

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Committee Appointments/Aging &**

Mr. Lawson reported that appointments are needed for the Advisory Committee on Aging and Adults with Physical Disabilities. The appointments include Cathy Parker – District 1, Helen Pase – District 1,

**Adults with Physical Disabilities** Fran Smith – District 2, Linda Rogers – District 2, Scott Phillips – District 3, Linda Forte – District 4 and Jamie Magee – District 5. Mr. Lawson reported that they serve a two-year term and all are willing to serve again.

**M 225 23 Appoint Committee Members** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved that Sussex County Council reappoints the respective members as presented to the Aging Committee effective immediately for a term of two year or until May 2025.

**Motion Adopted:** 5 Yeas

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

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

Sussex County conducted its third annual Keep DE Litter Free event on Friday, May 5<sup>th</sup>. I'm pleased to report that more than a dozen employees took part in this year's event picking up trash and other debris along roadways in the Georgetown and Millsboro areas. Staff that took part collected some 55 bags – an entire truckload – of trash during the three-hour cleanup event. I want to thank staff who participated in doing their part to keep our community clean, and we look forward to next year's event.

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

**Second Quarter Employee Recognition** Karen Brewington reported that there were 21 submissions for the second quarter shining star program. The Shining Star Committee selected Rachel Fiersetin-Noguera, Library Assistant II at the South Coastal Library and Bernadette Hemingway, Library Assistant III at the South Coastal Library. They were congratulated for their accomplishments.

**Amendment to Tyler Contract/ Reassessment Project** Chris Keeler, Director of Assessment presented an amendment to the Tyler Contract for the Reassessment Project for Council's consideration. Mr. Keeler reported that challenges in the labor market have caused delays in project activities including data collection and data entry. The original date for completion of the project was February 15, 2024. The amendment to the contract would extend that by one year to February 15, 2025.

Mrs. Green asked if any preliminary numbers have been reviewed for the project. Ms. Mary Nolby from Tyler Technologies reported that there is no numbers for evaluation yet. She added that they need to get the data mailers sent out to property owners first. She further explained the process



- Amendment to Tyler Contract/ Reassessment Project**      **and how it will take place.**
- M 226 23**      **It was pointed out that when the field workers go out to the locations, they are not assigning a value and that will not be completed until everything is completed. Ms. Nolby explained that during the process, it is understood that the market does change; sales will continue to be reviewed. Therefore, nobody will be at a disadvantage and all properties will be treated equally.**
- Approval to Extend Tyler Technologies**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that Sussex County Council extend the original contract with Tyler Technologies by one year to complete the real property reassessment project for Sussex County.**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- Land Survey & Mapping Contract**      **Hans Medlarz, County Engineer presented an increase approval of FY2023 not-to-exceed costs for the land survey and mapping services contract for Council's consideration. Mr. Medlarz reported that multiple County survey projects are now moving forward simultaneously, and the cap may be exceeded prior to the availability of budgeted FY24 funds.**
- M 227 23**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department that the not-to-exceed cost associated with land survey mapping services contract be increased for FY23 by \$40,000 for a total annual not-to-exceed cap of \$160,000.**
- Approve Land Survey & Mapping Contract Increase**      **Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- Lochwood Extension of SCUSSD Recommendation**      **Hans Medlarz, County Engineer presented a recommendation to reject bids and to re-bid for the Lochwood Community Area Expansion of the Unified Sanitary Sewer District for Council's consideration. Mr. Medlarz reported that invitations to bids were advertised in the local newspaper and were available on the County's website. Four bids were received of which all were significantly higher than the available funding. The department is recommending for Council to reject all the bids and the contract be value engineered and rebid.**
- M 228 23**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that all bids for contract S22-07 Lochwood Sewer Expansion**
- Approve Rejection of**

**Bids & Re-bid**

be rejected and that the contract be value engineered and rebid as soon as possible.

**Motion Adopted: 5 Yeas**

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

**Old Business/  
Ord. 22-05**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile southwest of Mulberry Knoll Road (S.C.R. 284) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04)**

**The County Council held a Public Hearing on the Proposed Ordinance on July 26, 2022. On August 30, 2022, the application was discussed by the County Council and action was deferred for further consideration.**

**M 229 23  
Adopt Ord.  
No. 2922/  
Ord. 22-05**

**A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to Adopt Ordinance No. 2922 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04” for the reasons given by the Planning and Zoning Commission for the reasons given by the Planning and Zoning Commission as follows:**

- 1. The parcel is 21.62 acres of land. A portion of it is designated as the “Commercial Area” according to the Future Land Use Map. The rest of it is designated as “Coastal Area”. This results in the property having two different designations according to the Map. Given the differing rules for the Commercial Area and the Coastal Area, it is appropriate for this property to have one classification on the Future Land Use Map.**
- 2. With the exception of the Saddle Ridge development to the west of this site (which is developed as an MR Medium-Density residential subdivision that is itself inconsistent with its own “Commercial Area” designation), all of the properties that are in the area and that have developed residentially have the “Coastal Area” designation. It is appropriate to bring this entire site under the single “Coastal Area” designation.**
- 3. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.**
- 4. This revision of the Future Land Use Map is appropriate given the particular circumstances involved, including the fact that the property has two different Area designations according to the current Future Land Use Map and the fact that the property is in the**

**M 229 23  
Adopt Ord.  
No. 2922/  
Ord. 22-05  
(continued)**

**vicinity of other Coastal Areas that have developed residentially according to the Future Land Use Map. When several factors like this exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.**

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Old  
Business/  
CZ1949**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “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 21.62 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04) filed on behalf of J.G. Townsend Jr. & Co.**

**M 230 23  
Approve  
CZ1949/  
DENIED**

**A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt an Ordinance entitled “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 21.62 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission numbered 1-7.**

**Motion DENIED: 2 Yeas, 3 Nays**

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

**Old  
Business/  
CU2304**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: N/A) (Tax Parcel: 334-12.00-16.04) filed on behalf of J.G. Townsend Jr. & Co.**

**M 231 23  
Approve  
CU2304/  
DENIED**

**A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt an Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission numbered 1-10 with conditions 11 A-P.**

**Motion DENIED: 5 Nays**

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

**Grant  
Requests**

**Mrs. Jennings presented grant requests for Council’s consideration.**

**M 232 23  
Town of  
Millsboro**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$5,000 (\$5,000 from Mr. Rieley’s Councilmanic Grant Account) to the Town of Millsboro for Police Department Computer Outfit Assistance.**

**Motion Adopted: 5 Yeas**

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

**M 233 23  
Sussex  
County 4-H  
Exchange  
Group**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000 (\$1,000 from Mr. Rieley’s Councilmanic Grant Account and \$1,000 from the Countywide Youth Councilmanic Grant Account) to Sussex County 4-H Exchange Group for their 4-H Exchange with Minnesota 4-H.**

**Motion Adopted: 5 Yeas**

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

**M 234 23  
Town of  
Greenwood**

**A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,400 (\$1,400 from Mrs. Green’s Councilmanic Grant Account) to the Town of Greenwood for their Downtown Revitalization project.**

**Motion Adopted: 5 Yeas**

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

**M 235 23  
Dry Dock  
Recovery**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$3,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account, \$1,000 Mr. Rieley’s Councilmanic Grant Account, and \$1,000 Mr. Hudson’s Councilmanic Grant Account) to Dry Dock Recovery, Inc. for their HVAC system.**

**Motion Adopted: 5 Yeas**

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

**Introduction  
of Proposed  
Ordinances**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.17 ACRES, MORE OR LESS filed on behalf of Jonathan & Laura Brittingham**

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

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS filed on behalf of AWH Properties, LLC**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS field on behalf of Lori & Jose Solis Marin**

**The Proposed Ordinances will be advertised for Public Hearings.**

**Council  
Member  
Comments**

**There were no Council member comments.**

**M 236 23**

**At 11:00 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess the Regular Session, and go into Executive Session to**

- Go Into Executive Session** discuss matters relating to land acquisition and pending/potential litigation.  
**Motion Adopted:** 5 Yeas  
  
**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
- Executive Session** At 11:11 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and pending/potential litigation. The Executive Session concluded at 11:37 a.m.
- M 237 23 Reconvene** At 11:40 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green to come out of Executive Session and reconvene the Regular Session.  
  
**Motion Adopted:** 3 Yeas, 2 Absent  
  
**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea
- E/S Action** There was no action relating to Executive Session matters.
- M 238 23 Recess** At 11:41 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green to recess until 1:30 p.m. Public Hearings.  
  
**Motion Adopted:** 3 Yeas, 2 Absent  
  
**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea
- M 239 23 Reconvene** At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to reconvene.  
  
**Motion Adopted:** 5 Yeas  
  
**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
- Rules** Mr. Moore read the rules and procedures for public hearings.
- Public Hearing/  
CU2362** A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND

Public  
Hearing/  
CU2362  
(continued)

**TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (property is lying on the east side of Omar Road [Route 54], approximately 726 ft. southwest of Jones Road [S.C.R. 369]) (911 Address: 32414 Omar Road, Frankford) (Tax Map Parcel: 134-10.00-62.10) filed on behalf of Delaware Sitescapes, LLC**

The Planning & Zoning Commission held a Public Hearing on the application on April 20, 2023. At the meeting of May 11, 2023, the Planning & Zoning Commission recommended approval of the application subject to 6 reasons stated and subject to 7 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated April 20, and May 11, 2023.)

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

The Council found that Mr. Alex Burns, Esq. from Baird Mandalas Brockstedt Federico & Cardea was present on behalf of the Applicant, Delaware SiteScapes, LLC. Mr. Burns stated that Mr. Brad Absher is a representative of Delaware SiteScapes but is also associated with TrueNorth who provided the survey for this Application; that the application for a Conditional Use in an Agricultural Residential District (AR-1) was submitted in March, 2022; that the company is an HVAC company who want to store HVAC supplies and company vehicles at the subject property; that the Planning and Zoning Commission unanimously approved the Application; that in the draft minutes of the May 11, 2023 of the Planning Commission, they stated that their first reason for approval of the application was “The site is zoned AR-1. It is in a location where other small business conditional uses exist. In addition, a portion of the property is covered by a utility easement for above-ground electric transmission lines. These circumstances make this property an appropriate location for a small HVAC business and not residential use”; that the parcel is burden by 150-foot-wide utility easement; that a photo was shown of the property; that commercial use on this property would not be the best use; that the memo from Mr. Young, Planner from Sussex County dated March 20, 2023 he concluded that his use is consistent with all uses in the area; that the parcel is located in the Coastal Area; that this would be a small business with approximately 8 employees; that DelDOT has stated that this is diminutive in its impact on traffic; that Section 115-22 of the Code permits Conditional Use for businesses and commercial uses when the purpose of the agricultural and residential district is more fully met by issuing a Conditional Use; that the use is desirable for the general convenience and welfare of the County; that the Planning and Zoning Commission recommended seven reasonable conditions and there are no objections.

There were no public comments.

**M 240 23**  
**Add**  
**Condition H**

**The Public Hearing and public record were closed.**  
**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to add Condition H to read “No old or inoperable HVAC equipment be stored outside of the building”.**

**Motion Adopted: 5 Yeas**

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

**M 241 23**  
**Adopt**  
**Ordinance**  
**No. 2923/**  
**CU2362**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2923 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF HVAC SUPPLY INVENTORY AND COMPANY VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended by this Council:**

- 1. The site is zoned AR-1. It is in a location where other small business conditional uses exist. In addition, a portion of the property is covered by a utility easement for above-ground electric transmission lines. These circumstances make this property an appropriate location for a small HVAC business and not residential use.**
- 2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses, like this one, are appropriate within this Area according to the Plan.**
- 3. DelDOT has stated that the traffic generated by this use will be “diminutive”.**
- 4. The proposed use will not have a negative impact on the neighboring properties or roadways.**
- 5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.**
- 6. No parties appeared in opposition to the application.**
- 7. This recommendation is subject to the following conditions:**
  - a. The project shall be used for an HVAC business.**
  - b. There shall be no retail sales occurring on the property.**
  - c. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
  - d. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
  - e. The applicant shall comply with all DelDOT requirements for entrances and roadway improvements.**



**M 241 23  
Adopt  
Ordinance  
No. 2923/  
CU2362  
(continued)**

- f. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**
- h. No old or inoperable HVAC equipment be stored outside of the building.**

**Motion Adopted: 5 Yeas**

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

**M 242 23  
Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 1:45 p.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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

## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

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**Sussex County**  
DELAWARE  
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## Memorandum

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

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

**DATE:** May 23, 2023

**RE:** *Pintail Pointe, Project 21-16*  
*A. Recommendation to Reject Bids and Re-Bid*

In January 2021, the Engineering Department and elected officials started receiving calls pertaining to the large on-site system failure serving the Pintail Pointe Community. On March 29, 2021 the Engineering Department presented to the Pintail Pointe Owners Association (PPOA) a short-term and a long-term remediation approach.

The short-term required an interim sewer operations and transition agreement which was executed on March 30, 2021 allowing temporary repairs and County operational assistance under a reimbursement arrangement. Subsequently, Sussex County applied to DNREC for an on-site system permit modification which was received and implemented.

The long-term sewer district creation required a Public Hearing and a referendum. The Public Hearing was held on April 27, 2021 and the referendum on June 4, 2021, the referendum passed (34) in support and (0) opposed to the creation of a sanitary sewer area. The results from the referendum were presented to County Council on June 15, 2021 and Council voted to extend the Sussex County Unified Sanitary Sewer District to include the Pintail Pointe Community.

In April of 2022 the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). On November 8, 2021 these Documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC for \$959,888.00. On December 30, 2021 the County received the Binding Commitment Letter from DNREC Environmental Finance. January 3, 2022, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$959,888.00 and \$579,000.00 of principal forgiveness.



On January 25, 2023, Council approved the introduction and approval of the associated debt ordinance authorizing the issuance of up to \$959,888.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Pintail Pointe Expansion of the Unified Sanitary Sewer District.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to George Miles & Buhr, Inc. and on May 24, 2022 Council approved a standalone contract for design & permitting in the not to exceed amount of \$81,450.00.

The design was completed and permitted in the spring of 2023 and subsequently Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Five (5) contractors attended the pre-bid meeting on April 19, 2023, and on May 10, 2023, five (5) bids were received. The two (2) lowest bid submissions were missing all three required State certifications and contained other minor irregularities. DNREC must concur in any award which would not be possible without the required State certification. An award to the third lowest bidder would significantly exceed the budget. Therefore, the Department recommends Council to reject all bids and authorize an immediate rebid.

Pintail Pointe PS & Forcemain  
Project S21-16

Zack Excavating

MGK

Richard E. Pierson

Chesapeake Turf

Pact One

Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>SCHEDULE A</b>													
A1	Mobilization	1	LS	\$42,358.66	\$42,358.66	\$27,000.00	\$27,000.00	\$110,000.00	\$110,000.00	\$59,500.00	\$59,500.00	\$60,000.00	\$60,000.00
A2	Furnish & Install Erosion Sediment Control Measures	1	LS	\$6,300.00	\$6,300.00	\$5,000.00	\$5,000.00	\$17,000.00	\$17,000.00	\$62,000.00	\$62,000.00	\$10,000.00	\$10,000.00
A3	Furnish & Install Bypass Pumping	1	LS	\$85,408.67	\$85,408.67	\$15,000.00	\$15,000.00	\$52,000.00	\$52,000.00	\$93,250.00	\$93,250.00	\$20,000.00	\$20,000.00
A4	Demolition & Removal of Existing WWTP Structures & Equipment	1	LS	\$148,902.43	\$148,902.43		\$278,810.00	\$160,000.00	\$160,000.00	\$88,000.00	\$88,000.00	\$100,000.00	\$100,000.00
A5	Abandonment of Existing Ground Water Monitoring Wells by a Licensed Well Driller	5	EA	\$1,000.00	\$5,000.00	\$400.00	\$2,000.00	\$525.00	\$2,625.00	\$810.00	\$4,050.00	\$2,500.00	\$12,500.00
<b>SUBTOTAL FOR SCHEDULE A</b>					<b>\$287,969.96</b>		<b>\$327,810.00</b>		<b>\$341,625.00</b>		<b>\$306,800.00</b>		<b>\$202,500.00</b>
<b>SCHEDULE B - PUMP STATION</b>													
B1	Furnish & Install Sewer Pump Station No. PS 359	1	LS	\$430,109.84	\$430,109.84	\$385,000.00	\$385,000.00	\$555,700.00	\$555,700.00	\$615,600.00	\$615,600.00	\$875,000.00	\$875,000.00
B2	Electric Utility Service Extension Allowance	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
B3	Wet Well Wall Coating	1	LS	\$23,400.00	\$23,400.00	\$25,000.00	\$25,000.00	\$21,000.00	\$21,000.00	\$59,600.00	\$59,600.00	\$52,000.00	\$52,000.00
<b>SUBTOTAL FOR SCHEDULE B</b>					<b>\$458,509.84</b>		<b>\$415,000.00</b>		<b>\$581,700.00</b>		<b>\$680,200.00</b>		<b>\$932,000.00</b>
<b>SCHEDULE C - FORCE MAIN TRANSMISSION SYSTEMS</b>													
C1	Furnish & Install HDPE Force Main (Via Open Cut)	500	LF	\$52.24	\$26,120.00	\$36.00	\$18,000.00	\$160.00	\$80,000.00	\$82.00	\$41,000.00	\$130.00	\$65,000.00
C2	Furnish & Install Sch. 80 PVC Force Main (Via Open Cut)	40	LF	\$375.63	\$15,025.20	\$36.00	\$1,440.00	\$350.00	\$14,000.00	\$302.00	\$12,080.00	\$130.00	\$5,200.00
C3	Furnish & Install Force Main (Via Directional Drill)	1,700	LF	\$38.00	\$64,600.00	\$53.00	\$90,100.00	\$54.00	\$91,800.00	\$55.00	\$93,500.00	\$120.00	\$204,000.00
C4	Furnish & Install Toning Wire Box	3	EA	\$1,000.00	\$3,000.00	\$500.00	\$1,500.00	\$450.00	\$1,350.00	\$1,800.00	\$5,400.00	\$600.00	\$1,800.00
C5	Furnish & Install Air Release Valve ARV-1	1	EA	\$11,506.96	\$11,506.96	\$5,000.00	\$5,000.00	\$13,000.00	\$13,000.00	\$29,700.00	\$29,700.00	\$15,000.00	\$15,000.00
<b>SUBTOTAL FOR SCHEDULE C</b>					<b>\$120,252.16</b>		<b>\$116,040.00</b>		<b>\$200,150.00</b>		<b>\$181,680.00</b>		<b>\$291,000.00</b>
<b>SCHEDULE D - CONTINGENT BID ITEMS</b>													
D1	Excavation Below Subgrade	50	CY	\$42.00	\$2,100.00	\$40.00	\$2,000.00	\$90.00	\$4,500.00	\$10.00	\$500.00	\$60.00	\$3,000.00
D2	Furnish & Place No. 57 Stone Gravel Bedding	50	CY	\$90.00	\$4,500.00	\$60.00	\$3,000.00	\$69.00	\$3,450.00	\$75.00	\$3,750.00	\$80.00	\$4,000.00
D3	Furnish & Place Borrow Material (Backfill)	300	CY	\$9.00	\$2,700.00	\$45.00	\$13,500.00	\$54.00	\$16,200.00	\$10.00	\$3,000.00	\$40.00	\$12,000.00
D4	Miscellaneous Excavation & Backfill	10	CY	\$35.00	\$350.00	\$60.00	\$600.00	\$90.00	\$900.00	\$50.00	\$500.00	\$90.00	\$900.00
D5	Furnish & Place Miscellaneous 4,000 PSI Concrete	10	CY	\$180.00	\$1,800.00	\$600.00	\$6,000.00	\$1,100.00	\$11,000.00	\$250.00	\$2,500.00	\$800.00	\$8,000.00
D6	Secure Modified Proctor Tests on Trench Backfill	1	EA	\$600.00	\$600.00	\$1,000.00	\$1,000.00	\$360.00	\$360.00	\$500.00	\$500.00	\$500.00	\$500.00
D7	Secure Field Density Tests on Trench Backfill	10	EA	\$250.00	\$2,500.00	\$500.00	\$5,000.00	\$160.00	\$1,600.00	\$350.00	\$3,500.00	\$500.00	\$5,000.00
D8	Solids/Sludge Removal, Handling, Hauling & Disposal	50	CY	\$165.00	\$8,250.00	\$400.00	\$20,000.00	\$210.00	\$10,500.00	\$300.00	\$15,000.00	\$200.00	\$10,000.00
<b>SUBTOTAL FOR SCHEDULE D</b>					<b>\$22,800.00</b>		<b>\$51,100.00</b>		<b>\$48,510.00</b>		<b>\$29,250.00</b>		<b>\$43,400.00</b>
<b>Total Bid Price</b>					<b>\$889,531.96</b>		<b>\$909,950.00</b>		<b>\$1,171,985.00</b>		<b>\$1,197,930.00</b>		<b>\$1,468,900.00</b>

**PINTAIL POINTE BID EVALUATION FORM**  
**10-May-23**

Required Bid Items	Zack Excavating	MGK	Richard E Pierson	Chesapeake Turf	Pact One
<b>Total Bid Amount</b>	\$889,531.76	\$909,950.00	\$1,171,985.00	\$1,197,930.00	\$1,468,900.00
Bid Amount Discrepancy	Bid Item A3 off \$0.20 between unit and total price	No Unit Price filled in for Bid Item A4	Total of Contingency Bid Items off by \$10,500.00 however above Total Bid Amount noted is correct.	None	None
Schedule E: List of Subcontractors Filled out in it's Entirety	No, Missing Contractor License No.'s for Subcontractors	No, Form is not filled out in it's entirety as required.	Yes	Yes	Yes
Schedule F: List of Products And Equipment Filled Out in it's Entirety	Yes	Yes	Yes	Yes	Yes
Acknowledge Addendums	Yes	Yes	Yes	Yes	Yes
Bid Bond Provided	Yes	Yes	Yes	Yes	Yes
Qualifications Statement	Yes	Yes	Yes	Yes	Yes
Surety information	Yes	Yes	Yes	Yes	Yes
Copy of Delaware Business License	Yes	Yes	Yes	Yes	Yes
Insurance Certificate (Not Required to be submitted with Bid Documents)	Yes, But does not meet Umbrella Liability limit of \$5M.	No	Yes	No	No
Construction Experience Form	Yes	Yes	Yes	Yes	Yes
Schedule A: Current Projects Form	Completed, but it does not include a current County project they are presently under contracted for and have not completed on time.	Form not completed but information provided as an attachment.	Form not completed but information provided as an attachment.	Yes	Form not completed and information not provided except by interpretation of less than 100% completion on past construction project list.
Schedule B: Previous Experience Form	Incomplete. Only included two (2) projects on the form while the bid requires a minimum of three (3) projects be submitted.	Form not completed but information provided as an attachment.	Form not completed but information provided as an attachment.	Yes	Form not completed but information provided as an attachment.
Schedule C: Key Individuals Form	Completed, however the required resumes of each individual listed were not provided.	Not completed but information provided as an attachment. No resumes provided, just a brief writeup about each individual.	Form not completed but information provided as an attachment.	Incomplete. Only listed the Project Manager and Quality Control Manager with no required resumes provided.	Form not completed but information provided as an attachment. No resumes provided, just a brief writeup about each individual.
Drug Testing Certification	No	No	No	Yes	No
American Iron & Steel Certification	Not Provided	Not Provided	Yes	Yes	No
Compliance Statement Certification	No	No	Yes	Yes	No
Bids Submitted In Duplicate (Considered Minor)	No	No	Yes	No	Yes

## ENGINEERING DEPARTMENT

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# Sussex County

DELAWARE  
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## Memorandum

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

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

RE: ***FEMA Mitigation Grant Application: FMA-PJ-03-DE-2018-002***  
***A. Deed Restriction***

DATE: May 23, 2023

The Delaware Emergency Management Agency (DEMA) solicits eligible projects submitted through sub-applicants i.e., local governments for the Hazard Mitigation Grant Program. April of 2010 County Council approved this Program. DEMA reviews all pre-applications for eligibility and determines which projects will move forward in the application process.

The Wien application for tax parcel 234-25.00-2.00 with an address of 25867 Berry Street was originally submitted to FEMA in April of 2017 with a 25% applicant cost share. The application was amended in January 2020 and accepted by FEMA with a Federal Cost Share of 100% not to exceed \$165,000.00. This house is situated on one of three privately owned waterfront parcels surrounded by the Bay City Mobile Home Park. The home was significantly flooded February 5, 1998 and since then it has been flooded multiple times. In August of 2017 FEMA designated the property in the Severe Repetitive Loss category.

The structure to be raised, above base flood elevation (BFE), is the one-story portion of the improvements. It is connected in a non-structural fashion to the two-story portion. The property has been owned by Mr. Wien since 1972 and he currently uses it as his primary residence.

The property is designated by FEMA as flood zone AE with a BFE of 6 feet which was confirmed by FEMA. Furthermore, FEMA agreed to extend the project completion deadline for a final year to April 2023. On June 14, 2021, County Council approved to sponsor the FEMA



Mitigation Grant Application: FMA-PJ-03-DE-2018-002 under the 100% Federal cost share arrangement.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. and on July 13, 2022, Council approved scope of Amendment No. 4 for design, bidding, construction documents and construction administration services associated with the FEMA project on an hourly basis in the not to exceed amount of \$37,500.00.

Invitations to bid were publicly advertised in various forms and on March 17, 2022, one (1) bid was received from East Coast Structural Movers in the base bid amount of \$186,750.00. The bid contained a foundation alternate no. 2 for a deduct of \$28,600.00. On April 26, 2022, Council awarded the project to East Coast Structural Movers, Inc. in the amount of \$158,150.00. Despite the reduced award, the project was still above the maximum allowed FEMA limit. To close the gap, Mr. Wien contributed \$25,000.00 and the Engineering Department assumed the construction administration.

The notice to proceed for the 120-day project was issued for August 17<sup>th</sup>. The completion date was extended due to weather delays to December 31<sup>st</sup> and the project was substantially complete by January 10<sup>th</sup>. During construction, Mr. Wien requested several modifications some of which could be accommodated within the scope and without triggering a change order. Others were clearly outside of the scope as bid. The contractors were not interested in any change order for additional work but agreed to a credit change order for the deletion of the back deck. The contractors completed the Engineering Department's punch list, but not the out-of-scope items requested by Mr. Wien.

On January 31, 2023, Council issued the balancing Change Order No. 1 in the credit amount of \$8,200.00, granted final project acceptance and authorized the release of any unused funds to Mr. Wien after receipt of all federal funds. The following documents are required for close out:

- 1) Final Inspection Report
- 2) Elevation Certificate (FEMA Form 81-31)
- 3) Certificate of Occupancy
- 4) Engineering Department statement certifying the structure is compliant with local ordinance and NFIP regulations.
- 5) Recorded copy of the property deed restriction that includes the notice of Flood Insurance requirements.

Mr. Wien had signed the attached "Acknowledgement of Conditions" for Mitigation Property in an SFHA with FEMA Grant Funds" requiring flood insurance coverage. However, he is now refusing to record the actual deed restriction over the scope dispute. FEMA agreed to an alternative approach where County Council authorizes the County Administrator to record a deed restriction on behalf of the FEMA Grant Subrecipient Sussex County.

Therefore, the Engineering Department is requesting Council's authorization for the County Administrator to execute and record the attached deed restriction.

**From:** [Cane, Phillip \(DEMA\)](#)  
**Sent:** Thursday, May 4, 2023 8:31 AM  
**To:** [Hans Medlarz](#)  
**Cc:** [Gina Jennings](#)  
**Subject:** RE: Emailing: Wien Deed Restriction

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Okie dokie, this would work for FEMA and DEMA as well.



**Phillip Cane**  
State Hazard Mitigation Officer (SHMO)  
Recovery Planner IV  
Delaware Emergency Management Agency

O: 302-659-2325 | C: 302-505-0904  
[Phillip.cane@delaware.gov](mailto:Phillip.cane@delaware.gov)

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[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) |  
[YouTube](#)

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**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Wednesday, May 3, 2023 9:29 AM  
**To:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>  
**Cc:** Gina Jennings <[gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

Greetings Phillip:

Following up on our conversation this morning I am proposing the following alternative to the deed restriction.

We can present the case to County Council and request a motion authorizing the County Administrator to record a deed restriction on behalf of the FEMA Grant Subrecipient Sussex County, DE,

Please advise if that approach meets with FEMA's concurrence.

Thanks, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineer  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)  
(302) 855-7728



---

**From:** Hans Medlarz  
**Sent:** Tuesday, April 25, 2023 4:57 AM  
**To:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>  
**Cc:** Gina Jennings <[gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

Greetings Phillip:

Thanks for staying on this issue. FEMA is not the first person or entity since Wien has stumped. As stated the County can record the declaration and it will "run with the land". As per Wien he already renewed his flood insurance.

Standing by.

Thanks, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineer  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)  
(302) 855-7728

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**From:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>  
**Sent:** Monday, April 24, 2023 8:01 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Cc:** Gina Jennings <[gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

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So far, based on the conversations I've had with FEMA on the phone, it's not looking likely. Though the question and problem has many a persons, even those well seasoned at FEMA, to be stumped... Will advise what I find out.



**Phillip Cane**  
State Hazard Mitigation Officer (SHMO)  
Recovery Planner IV  
Delaware Emergency Management Agency

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**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Wednesday, April 19, 2023 3:16 PM  
**To:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>  
**Cc:** Gina Jennings <[gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

Phillip:

Attached is the proposed deed restriction with Wien as the declarant. Would FEMA accept a recordation by either DEMA or the County as the declarant?

Please advise.

Thanks, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineer  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)  
(302) 855-7728

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**From:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>  
**Sent:** Wednesday, April 19, 2023 2:29 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

Did he attend the kickoff meeting in August of 2021? Because it was listed there.



**Phillip Cane**  
State Hazard Mitigation Officer (SHMO)  
Recovery Planner IV  
Delaware Emergency Management Agency

O: 302-659-2325 | C: 302-505-0904  
[Phillip.cane@delaware.gov](mailto:Phillip.cane@delaware.gov)

165 Brick Store Landing Road  
Smyrna, Delaware 19977

[DEMA.DELAWARE.GOV](http://DEMA.DELAWARE.GOV)  
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) |  
[YouTube](#)

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**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Tuesday, April 18, 2023 1:12 PM  
**To:** Dan Wien <[danwien@aol.com](mailto:danwien@aol.com)>  
**Cc:** Cane, Phillip (DEMA) <[phillip.cane@delaware.gov](mailto:phillip.cane@delaware.gov)>; Gina Jennings <[gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)>  
**Subject:** RE: Emailing: Wien Deed Restriction

Dan:

You signed the attached Conditions requiring the notice to be recorded.

We are proceeding to close out and are prepared to lien the property if we are unable to secure the FEMA funding due to your refusal to sign.

Regards, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineer  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)  
(302) 855-7728

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**From:** Dan Wien <[danwien@aol.com](mailto:danwien@aol.com)>  
**Sent:** Tuesday, April 18, 2023 10:42 AM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Subject:** Re: Emailing: Wien Deed Restriction

Hans,

I'm not prepared to sign this deed restriction.

I've never seen this before - why didn't you or Phillip Cane review this with me before the project started

I am not encumbering my property with such an onerous restriction

I have no idea what the cost will be in the future

I intend to take to an attorney to review my options

Dan

Go to Help for AOL Mail  
Call premium customer support  
800-730-2563  
[danwien@aol.com](mailto:danwien@aol.com)

-----Original Message-----

From: Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
To: Dan Wien <[danwien@aol.com](mailto:danwien@aol.com)>  
Sent: Tue, Apr 18, 2023 6:18 am  
Subject: RE: Emailing: Wien Deed Restriction

Dan, when can this document be signed? Please advise. Thanks, Hans

-----Original Message-----

From: Hans Medlarz  
Sent: Tuesday, April 11, 2023 4:40 PM

To: Dan Wien <[danwien@aol.com](mailto:danwien@aol.com)>  
Subject: Emailing: Wien Deed Restriction

Dan,

please take a look at the required restriction. I would like to bring this to a timely conclusion and would stop by to get it signed.

Thanks, Hans

Tax Parcel No. 234-25.00-2.00  
Prepared by and Return to:  
SUSSEX COUNTY ENGINEERING

**DEED RESTRICTION**

**THIS DECLARATION** is hereby made this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023, by **TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR**, hereinafter referred to as “the Declarant”.

**WHEREAS**, the owner of a certain tract of lands and premises with the address of 25867 Berry Street, Millsboro located in Indian River Hundred, Sussex County and State of Delaware, and said parcel of land, (hereinafter referred to as “the Property”) being described as Tax Parcel No. 234-25.00-2.00 and further described in Plot Book 3766, Page 232 has benefitted from the receipt of federal funding.

**WHEREAS**, the Property has received Federally-funded hazard mitigation assistance under the Hazard Mitigation Assistance Program, as authorized by 42 U.S.C. §5170c / Pre-Disaster Mitigation Program, as authorized by 42 U.S.C. §5133 / Flood Mitigation Assistance Program, as authorized by 42 U.S.C. §4104c / Severe Repetitive Loss, as authorized by 42 U.S.C. §4102a / Repetitive Flood Claims, as authorized by 42 U.S.C. §4030, through the Maryland Emergency Management Agency.

**NOW, THEREFORE**, in consideration of the Federal benefits received the Declarant places the following restriction on the Property:

This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations Part 60.3.

This restriction shall be binding upon the respective parties’ heirs, successors, personal representatives, and assignees.

THE REMAINDER OF THIS PAGE IS BLANK

IN WITNESS, WHEREOF, intending to be legally bound hereby, the Declarant has hereunto set his respective hand and seal on the day and year first above written.

Signed in the Presence of:

\_\_\_\_\_  
Attest

By: \_\_\_\_\_ (SEAL  
Todd F. Lawson

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on the 23<sup>rd</sup> day of May, 2023, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Todd F. Lawson, known to be personally to be such, and he acknowledged said Indenture to be his act and deed.

\_\_\_\_\_  
Notary Public

SUSSEX COUNTY, DELAWARE

**Acknowledgement of Conditions  
For Mitigation of Property in a Special Flood Hazard Area  
With FEMA Grant Funds**

Property Owner Daniel Wien  
Street Address 25867 Berry Street  
City Millsboro Bay City, State DE Zip Code 19966  
Deed dated 2/21/2013, Recorded 2/21/2013  
Tax map 234, block map 25.0, parcel 02.00  
Base Flood Elevation at the site is 7.0 feet (NGVD).  
Map Panel Number 10005C0363K, effective date 3/16/2015

As a recipient of Federally-funded hazard mitigation assistance under the Flood Mitigation Assistance Program, as authorized by 42 U.S.C. §4104c the Property Owner accepts the following conditions:

1. That the Property Owner has insured all structures that will **not** be demolished or relocated out of the SFHA for the above-mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4001 *et seq.*, as long as the Property Owner holds title to the property as required by 42 U.S.C. §4012a.
2. That the Property Owner will maintain all structures on the above-mentioned property in accordance with the flood plain management criteria set forth in Title 44 of the Code of Federal Regulations (CFR) Part 60.3 and County Ordinance as long as the Property Owner holds title to the property. These criteria include, but are not limited to, the following measures:
  - i. Enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building;
  - ii. All interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials;
  - iii. No mechanical, electrical, or plumbing devices will be installed below the Base Flood Elevation; and
  - iv. All enclosed areas below Base Flood Elevation must be equipped with vents permitting the automatic entry and exit of flood water.

For a complete, detailed list of these criteria, see County Ordinance attached to this document.

3. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner agrees that the County will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner (including book/page reference

to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements:

“This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations Part 60.3 and County Ordinance.”

4. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the grant award with respect to the subject property, and the Property Owner may be liable to repay such amounts.

This Agreement shall be binding upon the respective parties' heirs, successors, personal representatives, and assignees.


THE COUNTY OF   SUSSEX  

A        County Government        municipal corporation

By:   
Brad D. Whaley, Director Sussex County Community Development

of the County of   Sussex  ,    State of Delaware       

&

  
Homeowner; M Daniel Wien

WITNESSED BY:

  
[Name of Witness]

[SEAL]

Notary Public



## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

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

[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)



# Sussex County

DELAWARE  
[sussexcountyde.gov](http://sussexcountyde.gov)

## Memorandum

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

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

RE: ***FY 2022 General Labor & Equipment Contract, Project 22-01***  
***A. George & Lynch, Inc. 3<sup>rd</sup> One Year Extension through 7/1/24***  
***B. JJID, Inc. 2<sup>nd</sup> One Year Close-out***

DATE: May 23, 2023

In FY17 The Engineering Department developed a competitively selected time and material, best value bid process. The first General Labor & Equipment Contract was awarded to George & Lynch, Inc., on June 21, 2016, and was renewed on June 13, 2017, for an additional one-year period based on performance. It was re-advertised in the spring of 2018 again using the “best value” approach and an option for two (2) additional one-year periods at the same unit prices. On April 24, 2018, Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc.; on June 11, 2019, Council approved the first one-year contract extension through June 30, 2020, and on May 19, 2020, Council exercised the final one-year extension option.

The bid schedule for the FY 2022 General Labor & Equipment Contract was structured on the actual hours spent on labor and equipment over the immediately preceding 12-months. The contract was publicly advertised using the “best value” approach and on May 13, 2021, three (3) bids were received.

During evaluation of the weighted factors, it was determined that some submission of the schedule and response times appeared to be not justifiable, and verification could pose liability exposure to the County. Hence, on May 25, 2021, County Council rejected all bids for the FY 2022 General Labor & Equipment Contract and authorized a rebid.

The Engineering Department broke the anticipated task list into two bid packages. Bid Package A contained the standard work items while Bid Package B contained the specialized



drilling and boring items. The project was readvertised and on July 2, 2021, bids were received from JJID, Inc. and George & Lynch, Inc.

On July 13, 2021, County Council awarded Bid Package B to George & Lynch, Inc. in the amount of \$1,140,617.00. The point spread is much closer for either an individual award of Bid Package A or a joint award of both packages with JJID, Inc. slightly ahead in the individual award and George & Lynch, Inc. slightly ahead in a possible joint award. Therefore, County Council awarded 50% of the average Bid Package A, in the amount of \$2,250,000, to both companies.

In addition to a number of emergencies, Pump Station No.4 in Dewey Beach experienced significant equipment failures forcing an accelerated schedule. This is a major rebuilding effort of the oldest pump station in the system was expected to exceed \$2.0 million in total. Council approved increasing George & Lynch, Inc.'s award amount by \$1.75 million via Change Order No. 1 on March 29, 2022 and by another \$600,000.00 via Change Order No. 2 on May 24, 2022.

JJID, Inc. was mainly active in the 100+ acres agricultural "south" field regrading effort at the Inland Bays RWF with suitable material import exceeding \$700,000. Council approved increasing JJID, Inc.'s award amount by \$0.5 million via Change Order No. 1 on March 29, 2022 and by another \$650,000.00 via Change Order No. 2 on May 24, 2022.

Also on May 24, 2022, Council approved a one-year extension of Bid Package B to George & Lynch, Inc. in the amount of \$1,500,000.00 and a joint one-year extension of Bid Package A to JJID, Inc. and George & Lynch, Inc. in the amount of \$2,000,000.00 and 2,500,000.00 respectively for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport through July 1, 2023. On February 21, 2023, Council approved FY23 Change Order No.1 for George & Lynch, Inc.'s Bid Package A in the not to exceed amount of \$2,400,000.00.

The first, one year extension for George & Lynch's contract expires June 30, 2023. Therefore, the Engineering Department recommends Council approve the second one-year extension in the budgeted amount of \$5,000,000 based on continued satisfactory performance.

The Engineering Department envisions the FY24 effort to initially be concentrated on completion of the Oak Crest Farms & Chapel Green community system conversions followed by a series of pump station upgrades. Eventual scope changes will be presented to Council on a case-by-case basis.

On several occasions, JJID, Inc has not been able to satisfactorily respond to emergency work in a timely manner. In addition, JJID, Inc. has failed to retain a fully functional mechanical pump station crew. Therefore, the Engineering Department recommends closing out JJID's FY23 open work orders but not issue a second one-year extension. This will allow the company to reorganize for an eventual rebid in 2024.

Construction on both contracts will cross over the FY23/24 line and the Finance Department will internally perform the final balancing of projects costs to ensure they stay under the FY23 extension awards and change orders issued by Council.

Rieley  
Yes. 5/15

## Casey Hall

---

**From:** notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Sunday, May 14, 2023 4:31 PM  
**To:** Casey Hall  
**Subject:** Sussex County DE - Council Grant Form: Form has been submitted

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

### ***Council Grant Form***

<b>Legal Name of Agency/Organization</b>	Millsboro Historical Society ✓
<b>Project Name</b>	Jacob Godwin School
<b>Federal Tax ID</b>	51-0313038 ✓
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	To provide an educational and historical setting for community individuals to visit for multiple purposes. This requires maintaining the grounds and building for needed maintenance and repairs.
<b>Address</b>	23235 Godwin School Road
<b>City</b>	Millsboro
<b>State</b>	DE
<b>Zip Code</b>	19966

**Contact Person** Margaret Mitchell  
**Contact Title** Vice President  
**Contact Phone Number** 302-934-6820  
**Contact Email Address** [54maggie@mchsi.com](mailto:54maggie@mchsi.com)

**Total Funding Request** \$5,000.00

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

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

3000.00

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

No

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

N/A

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

Cultural  
Educational  
Other

**Program Category Other**

Historical

**Primary Beneficiary Category** Other

**Beneficiary Category Other** All

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 250

**Scope** Godwin School is a historical landmark and serves as an icon for the way students learned through 1936 and with the continued support of the Sussex County Council will be able to maintain and make improvements as necessary. Over the past two years the Council has awarded Godwin School \$3,000, respectively. The Society members have worked to reduce expenses of security, building insurance, pressure washing and termite inspections in 2021 and 2022. Termite inspection is a must expense for 2023 as well as pressure washing, painting, and groundskeeping. Therefore, we are requesting \$5,000 so that we can fully maintain Godwin School.  
Mr. Arthur E. Cathell, Secretary/Treasurer  
23344 Godwin School Road  
Millsboro, DE 19966

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

**Description** Absolute Security

<b>Amount</b>	0.00
<b>Description</b>	Delaware Electric Coop.
<b>Amount</b>	0.00
<b>Description</b>	State Farm Insurance
<b>Amount</b>	0.00
<b>Description</b>	Lawn Care
<b>Amount</b>	0.00
<b>Description</b>	Pressure Washing
<b>Amount</b>	0.00
<b>Description</b>	Franchise Fee
<b>Amount</b>	0.00
<b>Description</b>	Bank Service Charges
<b>Amount</b>	0.00
<b>TOTAL EXPENDITURES</b>	0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	0.00
<b>Name of Organization</b>	Millsboro Historical Society
<b>Applicant/Authorized Official</b>	Margaret Mitchell, Vice President
<b>Date</b>	05/14/2023

**Affidavit**

Yes

**Acknowledgement**

VINCENT.  
yes. 5/14.

## Casey Hall

---

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Monday, May 15, 2023 4:29 PM  
**To:** Casey Hall  
**Subject:** Sussex County DE - Council Grant Form: Form has been submitted

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

### **Council Grant Form**

**Legal Name of Agency/Organization**

Seaford Tomorrow, inc. ✓

**Project Name**

Friday Night Live

**Federal Tax ID**

47-5519548 ✓

**Non-Profit**

Yes

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

No

**Organization's Mission**

Seaford Tomorrow works to promote our downtown and it's businesses through a facade grant program and a set of promotional events. The primary series of events is our Friday Night Live events, held on the 3rd Friday evenings 5-8pm in downtown. These FNL events feature live music, food trucks, and kid's games. They have become increasingly popular and have attracted progressively larger crowds.

**Address**

414 High St

**City**

Seaford, DE 19973



**State** DE  
**Zip Code** 19973  
**Contact Person** Ian (Toby) French  
**Contact Title** Chair  
**Contact Phone Number** 3022570966  
**Contact Email Address** [tobyfrench32@yahoo.com](mailto:tobyfrench32@yahoo.com)

**Total Funding Request**

\$2,000

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

No

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

N/A

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

Yes

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

50

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

Cultural

**Primary Beneficiary Category**

Elderly Persons (62 +)

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

600

**Scope**

The Friday Night Live (FNL) events includes live music: local bands like Charlie and The Cool Tones. We have always tried to negotiate reduced rates because of our non-profit status. In addition, our modest budget cannot afford some of the better acts who would no doubt draw larger crowds and entertain additional Sussex County citizens. Last year we added our first Hispanic FNL event, which was a big success and drew our largest crowd ever. Additional funding would support bringing in better bands and support programs connecting FNL with downtown businesses.

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

4,000.00

**Description**

Live music acts

**Amount**

6,000.00

**Description**

Permits

<b>Amount</b>	30.00
<b>TOTAL EXPENDITURES</b>	6,030.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-2,030.00
<b>Name of Organization</b>	Seaford Tomorrow
<b>Applicant/Authorized Official</b>	Ian G French, Chair
<b>Date</b>	05/15/2023
<b>Affidavit Acknowledgement</b>	Yes

To Be Introduced: 5/23/23

Council District 5: Mr. Rieley  
Tax I.D. No.: 135-11.00-82.00

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00**

WHEREAS, on May 17<sup>th</sup>, 2023, the Sussex County Planning and Zoning Office received an Application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel No. 135-11.00-82.00 from the Low Density Area to the Industrial Area; and

WHEREAS, the Parcel approximating 14.426 acres of land, lying and being within Georgetown Hundred, and located on the northeast side of Gravel Hill Road (Route 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Route 9);

WHEREAS, The Property is currently designated as being within the Low Density Area as set forth in the “Sussex County 2045 Future Land Use Map” identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, A pending Change of Zone Application (C/Z 1976) has been filed with the Department of Planning and Zoning for the subject property to facilitate a change of zone from Agricultural Residential (AR-1) District to Limited Industrial (LI-1) District;

WHEREAS, the Limited Industrial (LI-1) District is not listed as an Applicable Zoning District within the Low Density Area within Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, the Limited Industrial (LI-1) District is listed as an Applicable Zoning District within the Industrial Area within Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Comprehensive Plan for Sussex County;

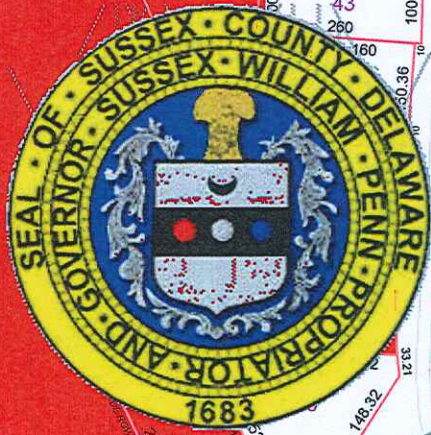
WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

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

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 135-11.00-82.00 from the Low Density Area to the Industrial Area. The entirety of Sussex County Parcel No. 135-11.00-82.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

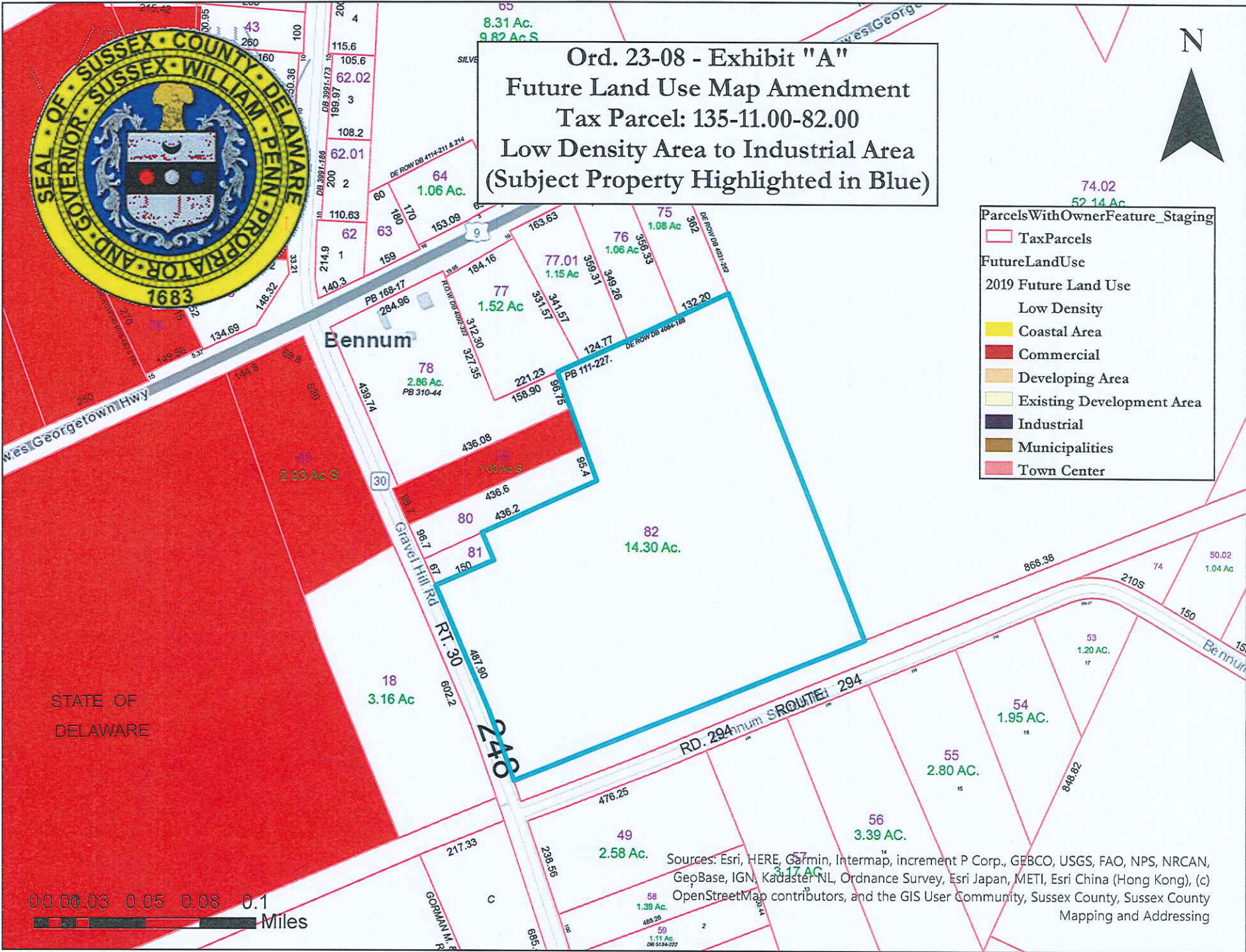


Ord. 23-08 - Exhibit "A"  
Future Land Use Map Amendment  
Tax Parcel: 135-11.00-82.00  
Low Density Area to Industrial Area  
(Subject Property Highlighted in Blue)



ParcelsWithOwnerFeature\_Staging

- TaxParcels
- FutureLandUse
- 2019 Future Land Use
  - Low Density
  - Coastal Area
  - Commercial
  - Developing Area
  - Existing Development Area
  - Industrial
  - Municipalities
  - Town Center



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Mapping and Addressing