



Sussex County Council Public/Media Packet

**MEETING:
June 4, 2019**

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

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

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(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

AGENDA

JUNE 4, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Sussex County Source Water Protection Technical Advisory Committee
2. Administrator's Report

Gina Jennings, Finance Director

1. Auditor RFP Recommendation

Bill Pfaff, Economic Development Director

1. SizeUp Presentation

Hans Medlarz, County Engineer

1. Sussex County Maintenance Garage, Project No. 17-09
 - A. Final Balancing Change Order and Substantial Completion
2. Rehoboth Beach Wastewater Treatment Facility Upgrade, Phase 2
 - A. City of Rehoboth Beach Scope Amendment
 - B. GHD Amendment 18 – Additional Design



3. **Wolfe Neck Regional Wastewater Facility - Delivery of Seed and Chemical, Project No. 18-06**
 - A. **FY 19 Contract Reissuance**
 - B. **FY 20 Contract Award**
4. **Delaware Coastal Business Park, Phase I Construction, Project C19-15**
 - A. **Change Order 2**

John Ashman, Director of Utility Planning

1. **Request to prepare and post notices for the Smith Annexation into the Sussex County Unified Sanitary Sewer District (Chapel Branch Area)**

Old Business

1. **Change of Zone No. 1881 filed on behalf of Norman Stephen Price Revocable Trust (Lakelynnns)**
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS” (Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00) (911 Address: 34703 Cider Lane, Frankford)
2. **“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”**

Grant Requests

1. **West Rehoboth Community Land Trust for affordable low income housing**
2. **True Blue Jazz for festival expenses**
3. **Delaware Seaside Railroad Club for holiday model trains display**
4. **West Side New Beginnings for community safety and minor renovations**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 28, 2019 at 4:20 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.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 14, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 14, 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.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 235 19
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to amend the agenda by deleting "SBA (Small Business Administration) Awards" 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**

Minutes

The minutes of Regular Meeting on April 30, 2019 and the minutes of the Budget Workshop on May 7, 2019 were approved by consent.

**Public
Comments**

Correspondence

Letter of appreciation from Love INC of Mid-Delmarva in appreciation of the grant to Code Purple.

**Public
Comments**

Public Comments

Jim Martin talked about the affordable housing crisis in Sussex County. He announced the formation of the Affordable Housing Work Group, and commented on the scheduled May 21st public forum on housing issues that the County is hosting.

Mr. Moore read public comment submitted by Howard Gorrell, who was in attendance. In his written comments, Mr. Gorrell referenced Title II of

Public
Comments
(continued)

the American with Disabilities Act of 1992, 42 U.S.C. § 12132: 28 CFR § 35.107 and 28 CFR § 35.106 and he asked that the County comply with these two sections. In his written comments, Mr. Gorrell also commented on growth in the County.

Michelle Williams commented on the need for workforce housing / tiny house communities. Ms. Williams submitted an information sheet on tiny house communities.

Paul Reiger commented on the need for zoning regulations relating to animal counts on properties with less than 5 acres.

Adminis-
trator's
Report

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 20th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Brandy Nauman, Sussex County Fair Housing Compliance Officer, and Lisa Sturtevant, Lisa Sturtevant & Associates (LSA), will be discussing "*Affordable Housing Needs in Sussex County.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. A copy of the agenda for each meeting is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Saddle Ridge – Phase 2 received Substantial Completion effective April 29th.

3. Steve Hickman

It is with sadness that we note the passing of County pensioner Steve Hickman on Saturday, April 27th. Mr. Hickman began his career with Sussex County in March 1978 and retired from SCRWF as a Pump Station Tech III in October 2010 with 32 years of service. We would like to extend our condolences to the Hickman family.

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

Delaware
State
Police/
Lease
Extension

Jim Hickin, Airport Manager, reported that the Delaware State Police and the State of Delaware, acting through the Department of Homeland Security, currently lease Lot G at the 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-

(continued) aviation assets used by the State Police in Sussex County.

M 236 19 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the
Approve Sussex County Council approves the State of Delaware of Homeland
Lease Security's request to extend the ground lease for Lot G at Delaware Coastal
Extension/ Airport for an additional five-year period, ending June 23, 2024.
Delaware

State Motion Adopted: 5 Yeas.
Police

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

Western Hans Medlarz, County Engineer, presented the bid results for the Western
Sussex Sussex Transmission Facilities: Route 13 Force Main Project, Project 18-12,
Trans- Contracts 1 and 2.
mission

Facilities A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon
M 237 19 the recommendation of the Sussex County Engineering Department, that
Award Contract 18-12, Contract 2, Western Sussex Transmission Facilities –
Contract/ Market Street Gravity Sewer, be awarded to Pact One, LLC, for their base
Western bid of \$1,791,135.00 and Alternate Bid items D-1, D-2, D-3 and D-4 in the
Sussex amount of \$272,120.00, for a total bid of \$2,063,255.00, subject to the City of
Trans- Seaford and DNREC concurrence.
mission

Facilities Motion Adopted: 5 Yeas.
Contract 2

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

M 238 19 A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon
Award the recommendation of the Sussex County Engineering Department, that
Contract/ Contract 18-12, Contract 1, Western Sussex Transmission Facilities –
Western Route 13 Forcemain, be awarded to A-Del Construction Co., Inc. for their Base
Sussex Bid of \$2,990,111.00, and Alternate Bid Item D-2 in the amount of
Trans- \$234,709.00, for a total bid of \$3,224,820.00.
mission

Facilities/ Motion Adopted: 5 Yeas.
Contract 1

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

Engineer Hans Medlarz, County Engineer, presented the Engineering Department's
of Record recommendations for reaffirmation of GHD Inc. as Engineer of Record for
Reaffirma- South Coastal Regional Wastewater Facility (SCRWF) and the projects
tion directly associated with the City of Rehoboth Beach Wastewater WTF, and
reaffirmation of Whitman Requardt and Associates, Inc. (WRA) as

(continued) **Engineer of Record for NCPA wastewater treatment facilities.**

M 239 19
Reaffirm
WR&A/
Engineer
of Record/
North
Coastal
Area
Waste-
water
Facilities

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Council approve the reaffirmation of Whitman, Requardt & Associates, Inc. of Baltimore, Maryland, as Engineer of Record for the North Coastal Planning Area Wastewater Facilities and extend the existing Base Agreement for an additional five-year period through June 30, 2024.

Motion Adopted: 5 Yeas.

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

M 240 19
Reaffirm
GHD/
Engineer
of Record/
SCRWF
and
City of
Rehoboth
Beach WTF

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Council approves the reaffirmation of GHD, Inc., of Bowie, Maryland, as Engineer of Record for the South Coastal Wastewater Facility and County projects directly associated with the City of Rehoboth Beach Wastewater Treatment Facility, extending the existing Base Agreement for an additional five-year period through June 30, 2024.

Motion Adopted: 5 Yeas.

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

General
Labor &
Equipment
Contract/
Change
Order

Hans Medlarz, County Engineer, presented Change Order 2 for the FY 2019 General Labor & Equipment Contract, Project 19-01. In April 2018, the FY 2019 General Labor & Equipment Contract was awarded to George & Lynch, Inc. of Dover. Change Order 2, in the amount of \$140,000.00, is to fund two emergency repairs and two projects with expanded project scopes related to differing site conditions.

M 241 19
Approve
Change
Order
No. 2/
General
Labor &
Equipment
Contract

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract #19-01, FY 2019 General Labor & Equipment, in the amount of \$140,000.00, be approved, for emergency repairs and expanded project scopes due to differing site conditions.

Motion Adopted: 5 Yeas.

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

Department of Environmental Services Control Cabinet Upgrades/ Bid Results

Hans Medlarz, County Engineer, presented the bid results for the Department of Environmental Services Control Cabinet Upgrades, Project M19 – 11. The invitations to bid included two bid packages; Bid A included the PLSCs (programmable logic controllers) and other high-tech equipment and Bid B included the hardware and wiring to install the PLSC equipment. Mr. Medlarz reported that only one bid was received, from United Electric Supply, and that the Engineering Department recommends award of both bid packages in the total bid amount of \$369,239.38.

M 242 19 Award Bid/ Department of Environmental Services Control Cabinet Upgrades

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Contract M19-11, Division of Environmental Services Control Cabinet Upgrades, be awarded to United Electric Supply of Dover, Delaware, for Bid Package A and B, for a total bid of \$369,239.38.

Motion Adopted: 5 Yeas.

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

Miscellaneous Engineering Consultant Selection

Hans Medlarz, County Engineer, presented the bid results for Consultant Selections RFP 19-22, Miscellaneous Engineering Services (5-Year Professional Service Contracts). Proposals received for RFP 19-22 were evaluated based on approved consultant rating criteria. The Selection Committee met and discussed the proposals and rating criteria; thereafter, formal interviews were scheduled for four of the firms. Mr. Medlarz reported that it is the recommendation of the 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. It was noted that, 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.

M 243 19 Approve Miscellaneous Engineering Consultant Selections

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Consultant Selection Committee, that the Sussex County Council approves the selection of Davis, Bowen & Friedel (DBF), George Miles and Buhr (GMB) and KCI Technologies, Inc. (KCI) to provide Miscellaneous Professional Services to include but not limited to survey, planning, environmental assessment, engineering design, construction inspection, value engineering, and other services, as needed, and to negotiate Base Professional Service Agreements for a five (5) year period effective July 1, 2019 and ending on June 30, 2024.

Motion Adopted: 5 Yeas.

**M 243 19
(continued)** **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 public hearings.**

**Public
Hearing/
Proposed
Frankford
Business
Park
Expansion
of the
SCUSSD** **A Public Hearing was held to consider the Proposed Frankford Business Park Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area).**

John Ashman, Director of Utility Planning, reported that the annexation request was made by Plitko, LLC on behalf of their clients, Chesapeake Plumbing & Heating, for Parcels 433-11.00-21.00 and 21.02. The expansion would consist of 20.34 acres, more or less. The Engineering Department is recommending that several small parcels also be included in the annexation to maintain uniform boundary. No connection will be provided for them at this time, so they will not be billed. It is proposed that the project will connect to existing infrastructure installed by the County and an Infrastructure Use Agreement will be required. The property owners will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.

Mr. Ashman reported that, to date, no correspondence has been received in support of or in opposition to the inquiry. He noted, however, that there was one inquiry as to the annexation of their parcel at this time. The Engineering Department has offered to include this parcel (Wesley Hayes, Jr. parcel), which is contiguous, if the party desires; however, connection would be delayed until infrastructure becomes available at Delaware Avenue Extended.

Public comments were heard.

Wesley Hayes, Jr. expressed interest in the inclusion of his property (19.53 acres) in the annexation. He stated that he does have safety concerns with drainage along the roadway and traffic travelling on the wrong side of the road to avoid flooding on the road. Mr. Hayes also expressed other traffic concerns. Mr. Hayes stated that he is in support of his property being included in the annexation.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 244 19
Adopt
R 011 19** **A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Resolution R 011 19 entitled "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, 23.00 AND 19.00 ON THE EAST SIDE OF DUPONT BOULEVARD THE PARCELS ARE LOCATED IN THE DAGSBORO**

**M 244 19
Adopt
R 011 19
(continued)**

HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (FRANKFORD BUSINESS PARK EXPANSION).

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/
Proposed
Lighthipe
Expansion
of the
SCUSSD**

A Public Hearing was held to consider the Lighthipe Expansion of the Sussex County Unified Sanitary Sewer District (Bethany Beach Area).

John Ashman, Director of Utility Planning, reported that the expansion was requested by Davis Bowen & Friedel on behalf of their clients, Convergence Communities for Parcel 132-17.00-12.00. The front half of the project is near completion and the final step of annexation into the district was never confirmed by the consulting engineers; apparently their request and check were lost in the mail. The property owners will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.

Mr. Ashman reported that no correspondence has been received to date regarding the proposed expansion.

Public comments were heard.

Jack Kemmerzell raised questions about the cul-de-sac area, rainwater run-off, and setbacks.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 245 19
Adopt\
R 012 19**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Resolution No. R 012 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE LIGHTHIPE 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” (LIGHTHIPE EXPANSION).

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/
Proposed Ordinance
Regarding
Cluster Subdivisions**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on April 11, 2019 at which time the Commission recommended approval.

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

Mr. Burton read a prepared statement into the record, commenting on the background of and the need for the Proposed Ordinance.

Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented an overview of the Proposed Ordinance.

Ms. Cornwell reported that nineteen (19) letters have been received in support of the Proposed Ordinance and one (1) letter received in opposition.

Mr. Robertson presented information on the background of the current Cluster Subdivision Ordinance, i.e. how it was adopted and how it was implemented. He reported that there are two types of cluster subdivisions: the AR-1 cluster subdivision and the Environmentally Sensitive Developing Area (now known as Coastal Area) cluster subdivision. Mr. Robertson noted, however, that the Proposed Ordinance has no impact on development in the Coastal Area; within the Coastal Area, there is no requirement that the lot sizes or the design of the subdivision be superior to a subdivision with standard 3/4 acre lots (as in the case of an AR-1 Cluster).

Mr. Robertson discussed the current and recommended AR-1 Cluster Subdivision requirements. He reported 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 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 for a yield plan and a design with specific superiority requirements; that the Proposed Ordinance went before the County Council who, following

**Public Hearing/
Proposed Ordinance
Regarding Cluster Subdivisions
(continued)**

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 allows for an expedited application process, which was a valuable incentive at the time because there was a two-year waiting list for applications to reach the Planning and Zoning Commission; that ultimately there were no applications submitted under the optional route under superior design subdivision; that what the Proposed Ordinance does is take the Code back to what the Planning and Zoning Commission approved in November 2008; that all cluster subdivisions (with the exception of those in the Coastal Area) would have to meet the requirements; and that if it is a standard subdivision, it will take the normal course. Mr. Robertson noted that the Proposed Ordinance does not add any new criteria that is not stated in the Code now; it just makes all the criteria apply to everyone, i.e. one path for everyone to follow.

Public comments were heard.

The following spoke in support of the Proposed Ordinance: Judy Rolfe, Anna vonLindenberg, Valerie Faden, Christina Darby (Friends of the Nanticoke River), Chris Bason (Delaware Center for the Inland Bays), Rich Borrasso (SARG), Sue Claire Harper, Jeanette Akhter, Frances Hart (Inland Bays Foundation), David Jaeger, Chris Edginton, and Robert Viscount.

Comments in support of the Proposed Ordinance referenced the low mean elevation of the County, sea level rise, environmental protection, the need for mandatory superior design standards, quality of life, property values, buffers, air and water quality, conservation of farmland, open space and resource protection, and the vision and goals of the 2018 Comprehensive Plan. Several people in support of the Proposed Ordinance expressed disappointment that it does not apply to the Coastal Area.

Chrissy Steele (Sussex County Association of Realtors) stated that SCAOR was neither in support of or opposed to the Proposed Ordinance; however, SCAOR asks for more time to consider and form an opinion and therefore, asks the Council to consider an extension of the public comment period.

The following spoke in opposition to the Proposed Ordinance: Bobby Horsey, Robert Tunnell III, Jim Eriksen (Solutions IPeM), Joe Conaway (SEDAC), and Kenneth Usab (Morris & Ritchie).

**M 246 19
Recess**

At 1:15 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to recess until 1:30 p.m. (at which time the Public Hearing would continue).

Motion Adopted: 5 Yeas.

**M 246 19
(continued)** **Vote by Roll Call:** **Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Burton/
Absence/
P.M.** **Mr. Burton announced that he would not be in attendance during the afternoon session, but that he would be listening to the remainder of the public hearing.**

**M 247 19
Reconvene** **At 1:31 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to reconvene the Regular Meeting.**

Motion Adopted: **3 Yeas, 2 Absent.**

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

**Public
Hearing/
Proposed
Ordinance
Regarding
Cluster
Subdivisions
(continued)** **The Public Hearing continued.**
Mr. Wilson joined the meeting.
The following spoke in opposition to the Proposed Ordinance: Richard Wilkins (Delaware Farm Bureau), Ring Lardner (Davis Bowen & Friedel), James Baxter, R.C. Willin, and Nathan Hudson.

Comments in opposition to the Proposed Ordinance referenced the yield plan impacts, the reduction of density, sprawl, taking of property rights, superior design criteria, TDR Program, transportation, amenities, affordable housing, infrastructure costs, negative impact on borrowing power, increase in cost of homes, pressures on the agricultural community, exclusion of the Coastal Area, property equity, and yield computation. It was stated that design should not be a land use ordinance but should be under Chapter 99 of the Code. Several people in opposition to the Proposed Ordinance referenced waiting for the recommendation of the Buffers and Wetlands Working Group before acting on the Proposed Ordinance.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 248 19
Defer
Action on
Proposed
Ordinance
Regarding
Cluster
Subdivisions** **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”.**

Motion Adopted: **4 Yeas, 1 Absent.**

**M 248 19
(continued)**

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

**Public
Hearing/
CU 2168**

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 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” (Conditional Use No. 2168) filed on behalf of Michael Mears (Tax I.D. No. 133-10.00-10.16) (911 Address: 22159 Paradise Road, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on April 11, 2019 at which time the Commission recommended approval 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 to state that there shall be no more than 14 non-relative employees.

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

Janelle Cornwell, Planning and Zoning Director presented the application.

The Council found that Michael and Michelle Mears were present on behalf of their application. Mr. and Mrs. Mears stated that they have two trailers, an equipment trailer and a landscape trailer; that they need room to park additional vehicles and trailers if they wish to grow and add more employees; that they propose to have 10 vehicles and 4 trailers; that they store supplies in the enclosed trailer; that they are requesting permission to have up to 14 non-relative employees; that they increased the size of the driveway to accommodate additional vehicles; and that they added a privacy fence.

Public comments were heard.

Paul Reiger stated that he supports the application. He noted, however, that the County maps are not current.

There were no comments in opposition to the application.

The Public Hearing and public record were closed.

**M 249 19
Adopt
Ordinance/
CU 2168**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Ordinance No. 2653 entitled “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

**M 249 19
Adopt
Ordinance/
CU 2168
(continued)**

ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 2168) filed on behalf of Michael Mears, as follows: amending Condition 1 to state that there shall be no more than 14 business vehicles or trailers parked at any one time and amending Condition 7 to state that there shall be no more than 14 non-relative employees for the reasons and stipulations stated in the Motion.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2167**

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 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” (Conditional Use No. 2167) filed on behalf of Karen Ann Mueller (Tax I.D. No. 234-23.00-10.00) (911 Address: 31977 Eagle Lane, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on April 11, 2019 at which time action was deferred. On April 25, 2019, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated April 11 and 25, 2019.)

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

Ms. Cornwell reported that two letters were received in opposition to the application.

The Council found that John Roach with John B. Roach Engineering was present on behalf of the application with Karen Mueller, Steven O’Donelley, and Efrem Phillips. They stated that they were having yard sales on the property (adjacent to Route 24); that they were weekend yard sales; that there were issues with traffic; that County regulations only allows three yard sales per year; that they wish to have more than three and they filed the Conditional Use application; that they have a petition signed by people supporting the yard sales (submitted into the record); that the yard sales are for income for the family; that they have placed signs stating No Parking along Route 24; and that they have talked with DelDOT about an entrance. Mr. Phillips submitted photographs showing that “it is a well organized yard sale”.

**Public
Hearing/
CU 2167
(continued)**

Ms. Cornwell clarified that DelDOT did not require a Traffic Impact Study; however, she noted that a commercial entrance permit would be required.

There were no public comments in support of the application.

John Haldeman, an adjacent property owner, spoke in opposition to the application. He expressed concern regarding access to his property by emergency services; that they are unable to stop parking along the roadway; that there are wetlands on the site and the parking area is proposed in the wetlands; that EPA has visited the site after cement, etc. was being used to fill in the wetlands; that there is an overflowing cesspool on the property; that there are two 18-wheel trailers on the property being used for storage for the yard sales; that, at times, he could not receive deliveries to his own property because the lane was blocked; that the road/infrastructure cannot handle the number of cars; that the Applicant has not talked with area neighbors; and that area neighbors do not want it.

There were no additional public comments.

**M 250 19
Adopt
Proposed
Ordinance/
CU 2167

DENIED**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt the Proposed Ordinance entitled "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" (Conditional Use No. 2167) filed on behalf of Karen Ann Mueller.

Motion Denied: 4 Nays, 1 Absent.

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

Recusal

Mr. Rieley recused himself from the next public hearing and left the meeting.

**Public
Hearing/
CZ 1875**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A 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" (Change of Zone No. 1875) filed on behalf of L. W. & J. T. Mitchell Family, LP. (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).

**Public
Hearing/
CZ 1875
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on April 11, 2019 at which time the Commission deferred action. On April 25, 2019, the Commission recommended approval of the application.

(See the minutes of the Planning and Zoning Commission dated April 11 and 25, 2019.)

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

The Council found that David Hutt, Attorney, was present with Jeff Haymer, Principal of Jeff-Kat, LLC; Ring Lardner with Davis Bowen & Friedel; and Bob and Jerry Mitchell, Applicants and property owners. They stated that they seek to rezone 1.3 acres of land; that the Applicant is Jeff-Kat, LLC, the owner of an adjacent property and contract purchaser of the property; that the subject property is located in back of the Big Oyster restaurant and the First Baptist Church; that the Big Oyster property is zoned C-1; that other commercial zonings and uses exist in the area; that housing developments and a school are located in the area; that the proposed site is currently vacant; that the goal of this application is to provide the local restaurant and brewery (Big Oyster) with the opportunity to be able to adequately park and accommodate its customers; that in the 2018 Comprehensive Plan Update, the area for the proposed rezoning is identified as being part of the Coastal Area, a growth area; that the proposed project is consistent with the guidelines for projects within the Coastal Area; that the Delaware Strategies for State Policies and Spending identify the property as an Investment Level 1 Area; that water will be provided by the Lewes Board of Public Works and sewer service will be provided by Sussex County; that the property is located immediately adjacent to several residential communities and along the King's Highway (Route 9) corridor; that the proposed project is consistent with the character and trend of development in the area and will not adversely affect the neighboring properties; that the proposed use is compatible with the area; that a Traffic Impact Study was not required by DelDOT; that they will be good neighbors to the adjacent church and will provide appropriate screening/fencing; and that, if approved, the 1.3 acres would be included within the boundaries of the Big Oyster parcel.

Mr. Hutt referenced the letter from the City of Lewes and he addressed the City's concerns.

Public comments were heard.

Kenneth Meekum, a Trustee of the First Baptist Church, stated that the church property adjoins the rear of the subject property; that they wish to preserve the sanctity of the church; and that they ask that screening be considered.

There were no additional public comments.

(continued) **The Public Hearing and public record were closed.**

M 251 19
Adopt
Ordinance
No. 2654/
CZ 1875

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2654 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.317 ACRES, MORE OR LESS” (Change of Zone No. 1875) filed on behalf of L. W. & J. T. Mitchell Family, LP.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Rieley rejoined the meeting.

Grant
Requests

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

M 252 19
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to give \$1,200.00 (\$600.00 each from Mr. Hudson’s and Mr. Burton’s Councilmanic Grant Accounts) to the Greater Lewes Foundation for The History Book Festival.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 253 19
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to give \$600.00 from Mr. Burton’s Councilmanic Grant Account to Slaughter Neck Community Action Organization for playground equipment.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 254 19
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$2,000.00 from Mr. Vincent’s Councilmanic Grant Account to Steps for Hope for operating expenses.

Motion Adopted: 4 Yeas, 1 Absent.

**M 254 19
(continued)**

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

**Introduction
of Proposed
Ordinances**

Mr. Wilson introduced the Proposed Ordinance entitled “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” (Conditional Use No. 2180) filed on behalf of Robert J. Palmer and Laura M. Hudson (Tax I.D. No. 133-3.00-1.00 and 1.10) (911 Address: 23318 Cedar Lane, Georgetown).

Mr. Hudson introduced the Proposed Ordinance entitled “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” (Conditional Use No. 2181) filed on behalf of Mitchell Family, LLC (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).

Mr. Wilson introduced the Proposed Ordinance entitled “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” (Conditional Use No. 2182) filed on behalf of Samuel G. Thomas (Tax I.D. No. 135-20.00-159.01) (911 Address: 23371 Springfield Road, Georgetown).

Mr. Hudson introduced the Proposed Ordinance entitled “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” (Conditional Use No. 2183) filed on behalf of Brent & Lisa Hershey (Tax I.D. No. 235-15.00-26.07) (911 Address: 14374 Clyde’s Drive, Milton).

Mr. Hudson 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.58

**Introduction
of Proposed
Ordinances
(continued)**

ACRES, MORE OR LESS” (Change of Zone No. 1886) filed on behalf of Mitchell Family, LLC (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).

Mr. Hudson 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 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” (Change of Zone No. 1887) filed on behalf of Mitchell Family, LLC (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).

Mr. Hudson 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 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” (Change of Zone No. 1888) filed on behalf of Mitchell Family, LLC (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).

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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.771 ACRES, MORE OR LESS” (Change of Zone No. 1889) filed on behalf of Air Fish Automotive (Tax I.D. No. 332-1.00-72.00 (portion of) (911 Address: 11125 National Boulevard, Laurel).

The Proposed Ordinances will be advertised for Public Hearing.

**M 255 19
Go Into
Executive
Session**

At 3:22 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session

Motion Adopted: 4 Yeas, 1 Absent.

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

**Executive
Session**

At 3:22 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to Collective Bargaining and Land Acquisition. The Executive Session concluded at 3:27 p.m.

M 256 19 **At 3:27 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Wilson, to**
Reconvene **come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Action **There was no action on Executive Session matters.**

M 257 19 **A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to adjourn at**
Adjourn **3:28 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 21, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 21, 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.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 258 19
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the Agenda by deleting "Approval of Minutes", 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**

**Public
Comments**

Public Comments

Paul Reiger commented on footer inspections/setbacks and he questioned when a procedure will be implemented. Mr. Reiger also commented on commercial kennel applications as well as the need for simultaneous pool and fence application approvals.

Dan Kramer commented on the signs used for posting zoning applications.

Jim Martin commented on (1) the affordable housing crisis in Sussex County and the need for zoning changes, (2) the public forum on housing issues scheduled for May 21st, and (3) the need for a location for car dwellers to park.

DJ Hughes commented on DelDOT's CTP Projects.

**Proclamation/
Community
Action
Month**

A Proclamation entitled “Proclaiming the Month of May as *Community Action Month*” was presented to Bernice Edwards, Executive Director of the First State Community Action Agency, and Brad Whaley, Director of Community Development and Housing for Sussex County.

**Fiscal
Year 2020
Budget
Presenta-
tion**

Mr. Lawson and Mrs. Jennings presented the proposed \$185.8 million budget for Fiscal Year 2020.

FY 2020 Budget Highlights

- **General Fund Budget up \$6.8 million**
 - **\$5.0 million increase in transfers - \$10 million to Capital and \$5 million to Pension**
 - **\$781,000 in the Paramedic Department**
 - **\$400,000 in the Information Technology Department**
 - **\$287,000 in the Community Development Department**
 - **\$201,000 in the Emergency Preparedness Department**
- **\$19.0 million in reserves being used for one-time expenses**
- **Governmental capital plan without General Fund debt - \$21.4 million**
- **No change in the County property tax rate**
- **Fee Changes**
 - **Change in Register of Wills fees**
 - **Increase in private road plan review and inspection fees**
 - **New sewer assessment rates for the Dewey and Henlopen Acres sewer areas**
 - **Final phase-in increase for septage hauler rate**

FY 2020 Budget Focus

- **Public Safety – 29.2 million – 35.8% of the General Fund Budget**
- **Wastewater Infrastructure - \$34.6 million Sewer Capital Budget**
- **Economic Development**
 - **\$12.7 million for Airport and Business Park Infrastructure**
 - **\$2.0 million for Broadband Infrastructure**
 - **\$166,000 for economic development initiatives**

Budget Summary

- **General Fund - \$81,460,499**
- **Capital Projects – General Fund - \$21,366,500**
- **Water & Sewer Funds - \$40,803,693**
- **Capital Projects – Water & Sewer - \$34,580,000**
- **Pension - \$7,553,724**

General Fund Highlights

- **No increase in taxes; reserves being used for one-time expenses**
- **Taxable assessments increased 2.6 percent, producing \$400,000 in revenue**
- **Revenue, excluding transfers, has increased 4.4 percent, or \$2.6 million**
- **Building-related revenue increased \$1.3 million**

**Fiscal
Year 2020
Budget
Presenta-
tion
(continued)**

Use of Appropriated Reserves

- **Capital Project Interfund Transfer - \$10,000,000**
- **Additional Pension Contribution - \$5,000,000**
- **Open Space - \$1,000,000**
- **Sports Complex Loan - \$1,500,000**
- **Economic Development Loan - \$500,000**
- **Economic Development Carryover - \$25,000**
- **Contingency - \$1,000,000**

Personnel Summary: 2 percent COLA; merits based on performance; 11 paid holidays with 2 floating holidays; health insurance costs are consistent with last year; pension – 28% of gross salaries, additional \$5 million contribution, continue 3% contribution for new hires.

Also reviewed was General Fund 5-Year Capital Projects – Expenditures: Engineering – 3 percent; Public Safety – 11 percent; Administration – 27 percent; Airport and Industrial Park – 59 percent.

Water and Sewer Highlights

- **No increase in sewer and water service charges**
- **No increase in connection fees**
- **Last phase-in increase for the septage disposal fee – 7.6 cents.**
- **New assessment rate of \$296.04 per EDU in Henlopen Acres and Dewey Beach sewer areas; this is an annual debt payment of almost \$1,200,000 to City of Rehoboth for 42 percent of their debt payment**
- **Sewer operational budget increased \$2.2 million**
 - **\$1.3 million increase in debt payments due to areas coming online**
 - **\$510,000 increase in employment costs**
 - **\$411,000 increase in transportation equipment**
- **Capital budget of \$34.6 million; \$218.2 million 5-year plan**
- **Will continue the 100-foot cap for residential customers that are current on their sewer bills**

Mr. Lawson advised that the budget and the accompanying budget presentation will be available on the County’s website. Public Hearings on the budget will be held on June 18, 2019. The public can comment in person on that date, or submit comments through the County’s website at budget@sussexcountyde.gov.

**Introduction
of Proposed
Budget
Ordinances**

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020”.

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION

**Intro-
ductions
(continued)**

CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

The Proposed Ordinances will be advertised for Public Hearing.

**DelDOT
CTP
Project
Update**

Jennifer Cinelli, Josh Thomas and Mark Lutz of DelDOT were in attendance to present Capital Transportation Plan (CTP) Project Updates, including the status of existing projects, new projects being introduced for FY 2021, and House Bill 66 and its impact on the CTP.

**Georgetown
Air
Services/
MOU**

Jim Hickin, Airport Manager, reported that Georgetown Air Services, LLC (GAS) provides aviation support services for Delaware Coastal Airport under a long-term lease arrangement. The lease, which expires in July 2036, includes Lot A3-2 on which the Old Terminal Building sits. In addition to 3,900 square feet of hangar space, the building has several offices. It was built in 1954 and sustained water damage to the roof and interior walls and windows, creating structural safety concerns. As per the lease, the County is responsible for maintenance and repair of the damage, which is estimated at \$450,000. The Engineering Department has analyzed several options and believes better aeronautical services could be provided at a lower cost than repairing the 65-year old building. There is documented demand for hangar space for large corporate jets along the Eastern Seaboard, including from locally-based aircraft operators. Lot A3-2 provides an ideal location for redevelopment due to existing apron access, minimal stormwater management issues, and few permitting requirements. The Engineering Department has determined that the most cost-effective solution for Lot A3-2 is private redevelopment; this solution would replace 3,900 square feet of hangar space with 20,000 square feet capable of accommodating large corporate jet aircraft – a 400% increase; however, this property is current leased by GAS. To implement the plan, the County will have to amicably terminate GAS’s lease of Lot A3-2. GAS is interested if the County offers certain concessions resulting in a cost neutral overall solution. These concessions include reducing the basic rent from nine (9) cents per gallon of fuel sold to two (2) cents per gallon. The reduced rate will cover the rent for Lot A3-4 mentioned in the lease, currently used for GAS’s fuel farm. In addition, the term of the lease will be extended to coincide with the GAS lease for Lot C-1. The Engineering Department and GAS have drafted a Memorandum of Understanding outlining the steps necessary to accomplish the redevelopment (Ground Lease and Hangar Development) of Lot A3-2. If Council concurs, a Request for Proposals will be advertised soliciting competitive redevelopment proposals.

**M 259 19
Approve
MOU/
Georgetown
Air Services**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Memorandum of Understanding between Sussex County and Georgetown Air Services be approved, as presented, releasing Lot A3-2 from the lease in exchange for a reduction in basic rent and extension of terms and authorizing a Request for Proposals for the redevelopment of Lot A3-2.

**M 259 19
(continued)**

Motion Adopted: 4 Yeas, 1 Nay.

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for April 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 197 troopers assigned to Sussex County for the month of April.

2. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, May 27th, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 28th. The next regularly scheduled Council meeting will be held on Tuesday, June 4th, at 10:00 a.m.

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

**LSA
Presenta-
tion/
Sussex
County
Housing
Oppor-
tunities
and
Market
Evaluation
(HOME)**

Brandy Nauman, introduced Lisa Sturdevant of LSA, the County's Housing Consultant. LSA was selected following a RFP issued by the County to seek assistance from an outside consultant for the purpose of creating affordable housing opportunities in the County. Ms. Nauman reported that the study has been named the Housing Opportunities and Market Evaluation (HOME). LSA has been talking with stakeholders and has hosted focus group meetings. Ms. Sturdevant and other representatives of LSA reported on the project schedule and key findings on their assessment of housing needs in the County: there is a significant need for rental housing affordable to working households in Sussex County with incomes below \$35,000; the affordability level translates to homes (including apartments, that have rents of \$875 or less). In addition, there is a substantial gap in for-sale homes affordable to moderate-income households who can afford to pay up to \$200,000 for a home. Ms. Sturdevant reported on the next steps in the process: continue affordable housing analysis and stakeholder analysis, and determine affordable housing recommendations and a plan. A final presentation to Council will be made in September 2019. It was noted that the County and the Consultant, LSA, will host a public forum on housing issues on this date, May 9, 2019, beginning at 6:00 p.m.

**Grant
Requests**

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

**M 260 19
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$500.00 from Mr. Hudson's Councilmanic Grant Account to Rehoboth Summer Children's Theatre for summer program 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 261 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$2,250.00 (\$1,250.00 from Mr. Burton's Councilmanic Grant Account and \$1,000.00 from Mr. Wilson's Councilmanic Grant Account) to Downtown Milford for The Ladybug Festival.

Motion Adopted: 5 Yeas.

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

**M 262 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$900.00 (\$500.00 from Mr. Rieley's Councilmanic Grant Account and \$100.00 each from Mr. Burton's, Mr. Hudson's, Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to the American Legion Auxiliary, Unit 28, for the Poppy Fund.

Motion Adopted: 5 Yeas.

**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 A GENERAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS" (Conditional Use No. 2184) filed on behalf of Linda Ann Yupco-Connors (Tax I.D. No. 334-11.00-15.00) (911 Address: 32260 Jimtown Road, Lewes).

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 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.4516 ACRES, MORE OR LESS" (Conditional Use No. 2185) filed on behalf of Vincent Kinack (Tax I.D. No. 234-4.00-

Introduction of Proposed Ordinances (continued)

42.00) (911 Address: 21167 Short Road, Harbeson).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MOTOR VEHICLE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.1657 ACRE, MORE OR LESS” (Conditional Use No. 2187) filed on behalf of Daniel Ostinvil (Tax I.D. No. 232-12.18-51.00) (911 Address: 31016 North Poplar Street, Laurel).

Mr. Wilson 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-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS” (Change of Zone No. 1884) filed on behalf of ABC Storage, LLC (Tax I.D. No. 231-5.00-24.00 and 231-6.00-6.00 (portion of) (911 Address: 13049 and 13039 Seashore Highway, Georgetown).

The Proposed Ordinances will be advertised for Public Hearing.

**M 263 19
Go Into
Executive
Session**

At 12:43 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Collective Bargaining and Personnel.

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 12:45 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Collective Bargaining and Personnel. The Executive Session concluded at 1:30 p.m.

**M 264 19
Reconvene
Regular
Session**

At 1:33 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action

There was no action on Executive Session matters.

Rules

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

Mr. Burton and Mr. Wilson joined the meeting

**Public
Hearing/
CZ 1881**

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 GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS” (Change of Zone No. 1881) filed on behalf of Stephen Price Norman Revocable Trust (Lakelynn) (Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00) (911 Address: 34703 Cider Lane, Frankford).

The Planning and Zoning Commission held a Public Hearing on this application on April 25, 2019 at which time action was deferred. On May 9, 2019, the Commission recommended approval with the following conditions:

- A. The maximum number of dwelling units shall not exceed 179, of which 41 shall be single-family lots and 138 shall be townhomes. Townhomes numbers 1 through 6 shall be relocated away from Lizzard Hill Road.**
- B. A homeowner’s association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements or in accordance with any further modifications required by DelDOT based on its review of the Traffic Impact Study.**
- D. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water for drinking water and fire protection, as required by applicable regulations.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be street lighting and sidewalks on at least one side of the streets within the RPC.**
- H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan. Non-tidal wetlands shall be maintained as non-disturbance areas with a minimum 25-foot buffer.**
- I. All amenities shall be completed and open to use by the residents of the development prior to the issuance of the 75th building permit.**

**Public
Hearing/
CZ 1881
(continued)**

- J. A 20-foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees.**
- K. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.**
- L. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas; in addition, the Developer shall preserve as many trees as possible with all preserved tree areas shown on the Final Site Plan.**
- O. The Preliminary Site Plan and Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**
- P. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill to and from the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- Q. Deep Pond Lane shall be constructed to the eastern property line of the project to promote interconnectivity with other lands.**
- R. Deed restrictions and / or covenants and condominium documents shall reference that agricultural activities exist nearby, and the Agricultural Protection Notice shall be included in the restrictions, covenants, and other documents.**

(See the minutes of the Planning and Zoning Commission dated April 25 and May 9, 2019.)

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

The Council found that David Hutt, Attorney was present with the Applicant, Stephen Norman. Also present were Zac Crouch of Davis, Bowen & Friedel and Ed Launey of Environmental Resource, Inc. Mr. Hutt provided a historical background of the property/project and he referenced a previously approved Change of Zone application for the site (2007) – an AR-1 to a GR with a RPC Overlay (265 units – density of 3.75 units per acre). Mr. Hutt stated that the project was never built and the RPC Overlay lapsed leaving the underlying GR zoning classification in place; that the ownership of the property and the project's engineer changed hands; that they are asking for a new RPC Overlay for the project; that the current proposal is for 179 units (138 townhouses and 41 single family lots); that the net density is 2.5 units per acre, which is 33 percent less density compared to the project approved in 2007; that the application site is comprised of two tax parcels; that in 2007, no Traffic Impact Study was required; however, Mr. Norman did commission a Traffic Impact

**Public
Hearing/
CZ 1881
(continued)**

Study which has been reviewed and approved by DelDOT; that a wetlands delineation has now been done and it has been reviewed and accepted by the Army Corps of Engineers; that there is an existing pond on the site; that buffers are proposed to protect the pond; that the existing house on the site will be reconstructed as a clubhouse; that a pool, tot lot and park are proposed; and that there will be adequate setbacks from the road for the townhouse. Mr. Hutt reviewed other residential developments in the area. Mr. Crouch reported on road improvements that are required as a result of the Traffic Impact Study, buffers around the wetlands, the existing pond on the site, water and sewer service, sidewalks, and compliance of the application with County ordinances (Chapter 99 Subdivision Code and the Environmentally Sensitive Development District).

Mr. Crouch referenced Condition A recommended by the Planning and Zoning Commission (“The maximum number of dwelling units shall not exceed 179, of which 41 shall be single-family lots and 138 shall be townhomes. Townhome numbers 1 through 6 shall be relocated away from Lizzard Hill Road.”). He stated that the Planning and Zoning Commission gave no defined reason for that condition and that they ask for flexibility to address that issue and work those six (6) townhouses within the development.

Mr. Hutt asked that the last sentence of Condition A be stricken; that they hope Council considers leaving those six units in the project and that when the project goes to Preliminary and Final Site Plan approval, to allow for the flexibility of Davis, Bowen & Friedel to maintain the tree and work within the existing conditions on the site, i.e. wetlands, and to align the intersection. Mr. Hutt noted that the name of the project has been changed from Lakelynn to Milo’s Haven.

Public comments were heard.

There were no public comments in support of the application.

Lisa Massey and Tyler Hickman spoke in opposition to the application. They expressed concern about traffic, the road conditions of Lizzard Hill Road, and flooding and run-off. They stated that townhouses are out of character with the area and that GR zones should be preserved for its original purpose which is affordable housing.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 265 19
Defer
Action/
CZ 1881**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to defer action for further consideration on Change of Zone No. 1881 filed on behalf of Stephen Price Norman Revocable Trust (Lakelynn).

Motion Adopted: 5 Yeas.

**M 265 19
(continued)**

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

**Public
Hearing/
CU 2171**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS” (Conditional Use No. 2171) filed on behalf of Lisa St. Clair (Tax I.D. No. 234-21.00-213.00) (911 Address: 24500 Hollyville Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on April 25, 2019 at which time action was deferred. On May 9, 2019, the Commission recommended approval with the following conditions:

- A. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- B. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- C. No more than seven (7) employees shall be permitted at the dog bakery.**
- D. All baking must be conducted indoors.**
- E. The site shall be subject to all DelDOT entrance and roadway requirements.**
- F. Handling and disposal of all waste from the dog bakery shall comply with all local, State and Federal laws, rules and regulations.**
- G. The dog bakery hours shall only be from 6:00 a.m. through 6:00 p.m. Monday through Friday. There shall not be any weekend hours.**
- H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

(See the minutes of the Planning and Zoning Commission dated April 25 and May 9, 2019.)

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

The Council found that David Weidman, Attorney, was present with the Applicant, Lisa St. Clair. They stated that the Applicant operates Tail Bangers, a commercial dog bakery; that the business continues to grow and that the construction of a new building is planned; that due to growth, the Applicant needs to utilize a building in her back yard for storage and for baking; that there are ovens in the building; that it is a stop-gap solution until the new building is constructed; that other businesses are located in the area including heating and air, and two landscaping companies; that the Applicant employs approximately 50 people; that there is a shared driveway with the neighbor; that the neighbor operates a landscaping company; that

**Public
Hearing/
CU 2171
(continued)**

proposed hours are 7:00 a.m. to 5:00 p.m. Monday through Saturday; and that there would be no retail sales.

Public comments were heard.

There were no public comments in support of the application.

Leslie Stiles stated that she is not in opposition or in support of the application. She stated that she just wants reassurances since her residence is next door; that there is more activity going on at the site than stated by the Applicant; that there is noise coming from the site; that there are a lot of vehicles in and out of the site, including a DART bus and delivery trucks; that there are activities on the site for times beyond the proposed 7:00 a.m. to 5:00 p.m.; and that some barrier is needed between the commercial business and her residence. Frank Stiles expressed concern for the safety of his children and discussed the shared driveway.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 266 19
Add New
Condition**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to add a new condition to the conditions recommended by the Planning and Zoning Commission to read as follows: One directional sign shall be permitted not to exceed six (6) square feet in size.

Motion Adopted: 5 Yeas.

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

**M 267 19
Add New
Condition**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to add a new condition to the conditions recommended by the Planning and Zoning Commission to read as follows: No retail sales to occur on the site.

Motion Adopted: 5 Yeas.

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

**M 268 19
Adopt
Ordinance
No. 2655/
CU 2171**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2655 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS" (Conditional Use No.

**M 268 19
Adopt
Ordinance
No. 2655/
CU 2171
(continued)**

2171) filed on behalf of Lisa St. Clair, with the following conditions:

- A. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- B. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- C. No more than seven (7) employees shall be permitted at the dog bakery.**
- D. All baking must be conducted indoors.**
- E. The site shall be subject to all DelDOT entrance and roadway requirements.**
- F. Handling and disposal of all waste from the dog bakery shall comply with all local, State and Federal laws, rules and regulations.**
- G. The dog bakery hours shall only be from 6:00 a.m. through 6:00 p.m. Monday through Friday. There shall not be any weekend hours.**
- H. One directional sign shall be permitted not to exceed six (6) square feet in size.**
- I. No retail sales to occur on the site.**
- J. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

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/
Proposed
Ordinance
Relating
to the
Coastal
Area**

A Public Hearing was held on the Proposed Ordinance entitled “ AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I, SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTIONS 115-22, 115-25, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT”, “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE”, “ESDDOZ” AND “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA”.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on April 25, 2019 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated April 25, 2019.)

Janelle Cornwell, Planning of Zoning Director, explained the background of the Proposed Ordinance and stated that, due to the 2018 Update of the Comprehensive Plan, anything that references the Environmentally Sensitive Development District (ESDD) technically no longer exists because

**Public
Hearing
(continued)**

the Comprehensive Plan no longer recognizes the ESDD; that the ESDD land use designation has been replaced with the new reference of the Coastal Area; that this is only a name change and there is no impact to the text; and that with this change, the Comprehensive Plan and the Zoning Code now match as to new land use classifications.

There were no public comments.

The Public Hearing and public record were closed.

**M 269 19
Adopt
Ordinance
No. 2656/
Coastal
Area
Ordinance**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2656 entitled “ AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I, SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTIONS 115-22, 115-25, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT”, “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE”, “ESDDOZ” AND “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA”.

Motion Adopted: 5 Yeas.

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

**M 270 19
Adjourn**

At 2:45 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

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.}

TODD F. LAWSON
COUNTY ADMINISTRATOR


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



Sussex County
DELAWARE
sussexcountydela.gov

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 Douglas B. Hudson
The Honorable John L. Rieley

FROM: Todd F. Lawson 
County Administrator

RE: ***SUSSEX COUNTY SOURCE WATER PROTECTION
TECHNICAL ADVISORY COMMITTEE***

DATE: May 31, 2019

During Tuesday's meeting, we are scheduled to review the County's Source Water Protection Technical Advisory Committee (SWP TAC).

Currently, there is a land use application that requires the TAC's review. This is a matter of first impression for most of us. The SWP TAC is currently not appointed. To familiarize yourself with the SWP TAC, please see a copy of the relevant Sussex County Code section attached to this memo.

In summary, each Council person needs to appoint two members. Of the 10-person committee, 5 need to be lay persons with basic knowledge of groundwater hydrology and five need to be licensed Delaware professional engineers, geologists, or hydrologists.

Please begin to consider your nominees. I will compile a list of persons who are qualified and willing to serve so they can be appointed at a future Council meeting.

Please let me know if you have any questions.

Attachment

§ 89-10 Source Water Protection Technical Advisory Committee.

County Council shall be authorized to appoint a Source Water Protection Technical Advisory Committee to be appointed by Council with two Committee members to be appointed by each member of Council, to serve for terms of two years each, with 1/2 of the Committee members being lay persons and possessing a basic knowledge of groundwater hydrology and the other 1/2 being licensed Delaware professional engineers, geologists or hydrologists. The purpose of such Committee shall be to provide technical assistance to Council and/or any of its departments that may be involved in the implementation and oversight of this chapter. If Council is unable, after diligent inquiry, to locate a sufficient number of licensed engineers, geologists or hydrologists to serve as Committee members, more than 1/2 the Committee may consist of lay persons possessing a basic knowledge of groundwater hydrology; provided however, that at least 1/3 of the Committee members shall be licensed professional engineers, geologists or hydrologists. The Committee shall act as a standing committee that will meet, as the need arises, for the purposes described in this chapter.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **AUDIT RFP AWARD**

DATE: May 31, 2019

A Request for Proposal (RFP) was recently completed for audit services. Our previous contract expired with BDO and to ensure we are getting the best value for our audit services, we issued an RFP. We received five proposals: Barbacane, Thornton, and Company LLP; BDO USA, LLP; CliftonLarsonAllen LLP; SB & Company; and Zelenkofske Axelrod, LLC. A summary of the bid evaluations and a pricing analysis of each bidder is attached. The bids were graded on experience and reputation, quality of audit firm, capacity to perform, credentials and experience, and price.

Based upon an evaluation completed by me, Kathy Roth, and Andrea Wall, it is recommended that Sussex County select BDO USA, LLP to perform audit services for the next three fiscal years, with the option to extend the contract for another three years by mutual agreement.

Please let me know if you have any questions.

Attachments

pc: Mr. Todd F. Lawson



Sussex County

PROFESSIONAL SERVICES BID TABULATION SHEET

Project: Audit Services

Proposed Award Date: June 4, 2019

Proposed Awarded Entity: BDO USA, LLP

Auditor	Score out of 5
BDO USA, LLP	4.72
CliftonLarsonAllen LLP	4.21
Barbacane, Thornton & Company LLP	4.06
Zelenkofske Axelrod LLC	3.87
SB & Company	3.01

A Vital Research Tool for Entrepreneurs



Benefiting Sussex County in 2019 is a new economic development tool called SizeUp, a digital research software program providing geographically specific market information to empower entrepreneurs in their decision-making processes. The new program will be incorporated into the ExciteSussex website and will be free of charge to use, thanks to the county's investment.

Free Research Tool

"SizeUp is a vital research tool for local and incoming businesses," said Bill Pfaff, Director of the Sussex County Office of Economic Development. "It will enable business owners to evaluate their competitiveness and make decisions that will help them increase revenue and save money."

SizeUp provides many of the same demographic, industry, geographic, business and cost data that big businesses use to make smarter decisions, but provides it to our users at no cost. Sussex municipalities will be offered a free link to make it available from their websites.

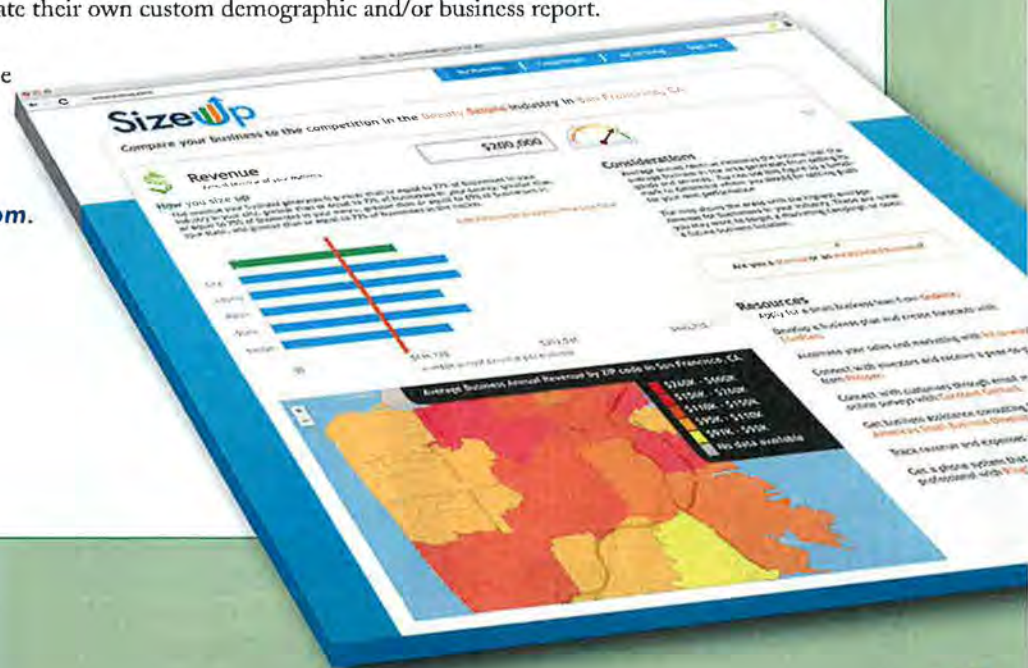
Here's How SizeUp Can Help

BENCHMARK THE BUSINESS – Business owners can evaluate how their business sizes up by comparing performance to all other competitors in their industry. They will be able to isolate areas where they can improve and find ways they can save money.

MAP THE COMPETITION – Business owners can map where competitors, customers and suppliers are located, and determine how they can best serve existing customers, find new customers and pick suppliers by using the map to isolate areas with many potential customers but little competition.

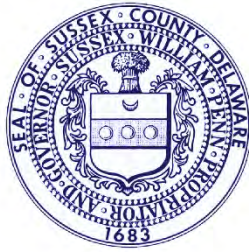
DETERMINE THE BEST PLACES TO ADVERTISE – Business owners will be able to identify the best areas to target an advertising campaign. They can choose from pre-set reports to find areas with the highest industry revenue, most underserved markets and where average business revenue is highest, or create their own custom demographic and/or business report.

SizeUp is available for use free of charge on the County's economic development website, www.ExciteSussex.com.



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *SUSSEX COUNTY MAINTENANCE GARAGE, Project 17-09*
Final Balancing Change Order and Substantial Completion

DATE: June 4, 2019

County Council included funding in two consecutive fiscal years for a multi-function Sussex County Maintenance Garage. The proposed 10,000 square foot facility is currently being constructed on the site of the former, smaller single bay shop used to service EMS vehicles.

The project was publicly advertised and on March 27, 2018, five (5) bids were received. On April 10, 2018, Council awarded the Sussex County Maintenance Garage Project to Delmarva Veteran Builders, LLC, in the amount of \$1,993,110.00 for their low bid in the amount of \$1,993,110.00 for base bid items A1, A2, A3, A5 and bid alternate B3.

On July 31, 2018, County Council awarded Change Order No. 1 in the amount of \$8,970.00 addressing foundation increases necessary to maintain structural stability under the Code prescribed load scenarios based on the metal building manufacturer actual reaction forces.

On November 13, 2018, Council approved Change Order no. 2 for HVAC control modifications, fire alarm conduits & wiring and other minor credits/additions in the amount of \$73,197.49. Change Order No. 3 was approved on January 8, 2019, for an additional interior wall, underground drainage improvements and minor credits/additions in the amount of \$5,815.01.

The proposed balancing change order covers automotive fluid tanks, expansion of concrete pads, additional painting and other minor additions and several credits resulting in a net credit of \$651.96 for a final contract cost of \$ 2,080,440.54.



Construction began on July 10, 2018 and was declared substantially complete with issuance of Certificate of Occupancy on May 1, 2019. The Engineering Department now recommends approval of the balancing change order and substantial completion for Project 17-09.

Several additional electrical tasks including raceways for the IT Department, a step-down transformer and additional power outlet for the Mobile Command Unit and additional conduit and wiring for the HVAC controls were required. Tudor Electric Company agreed to complete this work on a time and materials basis without markup which proved more cost effective and prevented additional delays in project completion. The total costs of the work completed separately by Tudor Electric Company was \$25,141.05 of which \$9,250.00 was reimbursed by the general contractor through a credit change order. The approach was administratively approved but the Engineering Department requests Council's final concurrence.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY MAINTENANCE GARAGE**
2. Sussex County Contract No. 17-09
3. Change Order No. 4
4. Date Change Order Initiated - 5/30/19
5.
 - a. Original Contract Sum \$1,993,110.00
 - b. Net Change by Previous Change Orders \$87,982.50
 - c. Contract Sum Prior to Change Order \$2,081,092.50
 - d. Requested Change (\$651.96)
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$2,080,440.54
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion

7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Please refer to attached spreadsheet.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Delmarva Veteran Builders, LLC, Project General Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

Sussex County Maintenance Garage, Project 17-09, Delmarva Veteran Builders (General Contractor)
 Changer Order Tracking

SCED CO #	DVB CO #	Description	Status	Contract Time Change (days)	Current Contract Price	Change in Price	Resulting Price
1	1	1.) Enlarge Concrete Pier Sizes 2.) Enlarge Pier Reinforcement Detail 3.) Revised Hairpin Detail	Approved	0	\$ 1,993,110.00	\$ 8,970.00	\$ 2,002,080.00
	2	1.) Delete Stonhard in room #111 and add sealed concrete 2.) Delete VCT in room #103 and add Stonhard	Approved CO#2	0	\$ 2,002,080.00	\$ 2,415.00	\$ 2,004,495.00
2	3	Provide, install, wire and program the following: 1.) DDC control panel w related controllers 2.) Supply and exhaust fan control via VFDs 3.) Energy wheel control 4.) DX control 5.) Gas heat control 6.) Outside and exhaust dampers and actuators 7.) Bypass actuators (dampers are factory installed) 8.) Filter status x2 9.) OA, heat wheel, DX, supply, RA, EA temp sensors 10.) Zone thermostat w/ Wifi abilities	Approved CO#2	0	\$ 2,004,495.00	\$ 43,298.00	\$ 2,047,793.00
	4	DELETED	N/A	0	\$ 2,047,793.00	\$ -	\$ 2,047,793.00
	5	1.) Add concrete pad for radio Tower	Approved CO#2	0	\$ 2,047,793.00	\$ 5,623.00	\$ 2,053,416.00
	6	1.) Install all backboxes for Advantech equipment 2.) Install complete raceway system inc. conduit, fittings, etc. 3.) Provide pull strings in the conduit 4.) Additions + Deletions on DWG EP-01, Rev C	Approved CO#2	0	\$ 2,053,416.00	\$ 33,439.64	\$ 2,086,855.64
	7	1.) Credit for deleting Generator Installation + wiring at existing shop (DWG SD-01, Rev C)	Approved CO#2	0	\$ 2,086,855.64	\$ (5,698.15)	\$ 2,081,157.49
	8	1.) Credit for reducing 12" CMU to 8" CMU	Approved CO#2	0	\$ 2,081,157.49	\$ (1,280.00)	\$ 2,079,877.49
	12	1.) Extend 2' concrete apron (Dwg A-01, Rev C.)	Approved CO#2	0	\$ 2,079,877.49	\$ 1,100.00	\$ 2,080,977.49
	13	1.) Credit to reduce thickness of propane tank pad and condensing unit pad from 16" to 8" and revise turn down of condensing unit pad (Dwg S-06, Rev C)	Approved CO#2	0	\$ 2,080,977.49	\$ (3,900.00)	\$ 2,077,077.49
	14	1.) Credit to delete electric door strikes from scope of Salisbury Door subcontractor. (Electric strikes are being provided by Owner's alarm system subcontractor, Advantech)	Approved CO#2	0	\$ 2,077,077.49	\$ (1,800.00)	\$ 2,075,277.49
	10	1.) Add U.G drain pipes for downspouts (SCED DWG "Drainage Plan", Dated 10-26-18)	Approved CO#3	0	\$ 2,075,277.49	\$ 6,104.00	\$ 2,081,381.49
11	1.) Credit for not relocating above ground L.P tank; delete concrete pad (DWG SD-01, Rev C)	Approved CO#3	0	\$ 2,081,381.49	\$ (4,200.00)	\$ 2,077,181.49	

SCED CO #	DVB CO #	Description	Status	Contract Time Change (days)	Current Contract Price	Change in Price	Resulting Price
3	15	1.) Credit to eliminate concrete duct bank for HV UG Elec. Service	Approved CO#3	0	\$ 2,077,181.49	\$ (3,188.99)	\$ 2,073,992.50
	16	1.) Credit to reduce steel gauge of 6 interior doors and frames	Approved CO#3	0	\$ 2,073,992.50	\$ (850.00)	\$ 2,073,142.50
	17	1.) Additional steel stud framing for North wall in Rooms 109 & 110 2.) 5/8" FR gypsum on new wall in Room 109, 5/8" FR plywood on new wall in Room 110	Approved CO#3	0	\$ 2,073,142.50	\$ 3,990.00	\$ 2,077,132.50
	18	Seal/prime interior CMU walls (2 coats)	Approved CO#3	0	\$ 2,077,132.50	\$ 3,960.00	\$ 2,081,092.50
	9	1.) Credit for reducing 4" water service to 2" service (DWG PL-01 + PL-02, Rev C)	Pending Council Approval	0	\$ 2,081,092.50	\$ (2,046.92)	\$ 2,079,045.58
	19	Add mop sink in EMS bay	Pending Council Approval	0	\$ 2,079,045.58	\$ 289.00	\$ 2,079,334.58
	20	Tankless water heater; pipe bollards around propane tanks	Pending Council Approval	0	\$ 2,079,334.58	\$ 2,234.93	\$ 2,081,569.51
	21	Paint drywall & plywood	Pending Council Approval	0	\$ 2,081,569.51	\$ 4,134.32	\$ 2,085,703.83
	22	Additional steel stud framing, drywall & insulation to close wall ends in Radio Maint. Bay and in Vehicle Maint. Bay at Mechanical Rm.	Pending Council Approval	0	\$ 2,085,703.83	\$ 9,364.63	\$ 2,095,068.46
	23	Credit for substituting flexible fiberglass duct insulation for Armourflex.	Pending Council Approval	0	\$ 2,095,068.46	\$ (15,000.00)	\$ 2,080,068.46
	24	Credit for Modern Controls conduit & raceways	Pending Council Approval	0	\$ 2,080,068.46	\$ (9,250.00)	\$ 2,070,818.46
	25	Lube oil piping revisions; delete lube bars; add 5 Roth tanks and 5 lube reels; 3 wks DVB additional CO supervision	Pending Council Approval	0	\$ 2,070,818.46	\$ 7,917.00	\$ 2,078,735.46
4	26	Credit for removing 2000 gal. fuel tank relocation and bollards and associated electrical work from scope per Dwgs. SD-01, SP-01, SP-02, Rev. D, dated 4/2/19	Pending Council Approval	0	\$ 2,078,735.46	\$ (450.00)	\$ 2,078,285.46
	27	Credit for G&L work to repair downspout drain piping	Pending Council Approval	0	\$ 2,078,285.46	\$ (1,936.92)	\$ 2,076,348.54

SCED CO #	DVB CO #	Description	Status	Contract Time Change (days)	Current Contract Price	Change in Price	Resulting Price
	28	Add (3) 2-button remotes for Comm. Bay and (2) 4-button remotes for Mech. Bays.	Pending Council Approval	0	\$ 2,076,348.54	\$ 315.00	\$ 2,076,663.54
	29	Expand concrete pad for condensers (\$1,750.00); Expand concrete pad for propane tanks (2,050.00)	Pending Council Approval	0	\$ 2,076,663.54	\$ 3,990.00	\$ 2,080,653.54
	30	Credit for Hillis Carnes invoice (mis-coordinated concrete testing site visit)	Pending Council Approval	0	\$ 2,080,653.54	\$ (213.00)	\$ 2,080,440.54
					Original Contract Price	\$ 1,993,110.00	
					Total CO Cost	\$ 87,330.54	
					Final Contract Price	\$ 2,080,440.54	

SCED CO #1 Subtotal	\$ 8,970.00
SCED CO #2 Subtotal	\$ 73,197.49
SCED CO #3 Subtotal	\$ 5,815.01
SCED CO #4 Subtotal	\$ (651.96)



DELMARVA VETERAN BUILDERS, LLC

PO Box 621 • Salisbury, Maryland 21803 • 413.523.4398

Change Order #10

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date:	4-Dec-18
Invoice #:	
Job Name:	Sussex Mx Garage
Location:	Georgetown, De
Contract #:	

Customer: Sussex Mx Garage Address: ATTN: Rick Ph. No.

--

Quantity	Description	Unit Price	Total
	Piping and Fittings		\$ 2,652.00
	Downspout adapters		\$ 300.00
	Tools		\$ 400.00
	Equipment		\$ 1,000.00
	Labor		\$ 1,200.00
		<i>Sub Total</i>	\$ 5,552.00
		10%	\$ 552.00
		TOTAL	\$ 6,104.00

From: Doug Larger - 2393 NORTHEAST [mailto:doug.larger@ferguson.com]
 Sent: Tuesday, November 20, 2018 4:34 PM
 To: Larger, Douglas [Ferguson] - 1722 Salisbury <Doug.Larger@Ferguson.com>
 Subject: Email Bid# B138787

Price Quotation # B138787

FEI SALISBURY - #1722

28600 NAYLOR MILL RD
 SALISBURY, MD 21801-8056

Phone : 443-523-1860
 Fax : 410-219-3457

Bid No.....: B138787
 Bid Date...: 11/20/18
 Quoted By: DAL
 Customer.: DELMARVA VETERAN BUILDERS LLC
 212 WEST MAIN ST STE 302
 SALISBURY, MD 21801

Cust Phone: 443-736-1584
 Terms.....: NET 10TH PROX
 Ship To.....: DELMARVA VETERAN BUILDERS LLC
 212 WEST MAIN ST STE 302
 SALISBURY, MD 21801

Cust PO#..:

Job Name.:

Item	Description	Quantity	Net Price	UM	Total
P40PU20	6X20 FT PVC DWV S40 PE PIPE	200	347.960	C	695.92
P40PX20	8X20 FT PVC DWV S40 PE PIPE	100	541.150	C	541.15
	DOWN SPT ADAPT				
	DOWN SPT ADAPT				
PDWVYU	6 PVC DWV WYE	5	40.970	EA	204.85
PDWVFCOAU	6 PVC DWV FTG CO ADPT	5	17.630	EA	88.15
PDWVCOPU	6 PVC DWV RAISED CO PLUG	5	7.330	EA	36.65
PDWV9U	6 PVC DWV 90 ELL	5	29.640	EA	148.20
PDWV9X	8 PVC DWV HXH 90 ELL	2	38.300	EA	76.60
PDWVSTU	6 PVC DWV SAN TEE	5	45.810	EA	229.05
PDWVSTX	8 PVC DWV HXH HX SAN TEE	2	101.490	EA	202.98
PDWVCU	6 PVC DWV COUP	10	11.560	EA	115.60

PDWVCX	8 PVC DWV HXH COUP	5	19.210	EA	96.05
O31008	32 OZ PVC HD CLR CMNT	3	15.030	EA	45.09
O30753	32 OZ CLR PRMR - NSF LISTED	3	13.750	EA	41.25

Subtotal: \$2521.54
Inbound Freight: \$0.00
Tax: \$151.31
Order Total: \$2672.85

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

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

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

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



DELMARVA VETERAN BUILDERS, LLC

PO Box 621 • Salisbury, Maryland 21803 • 413.523.4398

Change Order #11

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date: 4-Dec-18
 Invoice #:
 Job Name: Sussex Mx Garage
 Location: Georgetown, De
 Contract #:

Customer: Sussex Mx Garage
 Address:
 ATTN: Rick
 Ph. No.

Quantity	Description	Unit Price	Total
	Credit for LP Pad		\$ (4,200.00)
		<i>Sub Total</i>	\$ (4,200.00)
		10%	
		TOTAL	\$ (4,200.00)

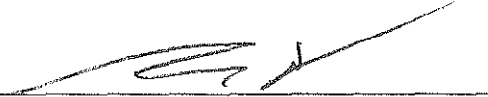


Project: Sussex County Maintenance Building

Date: 12/7/18

General Contractor: Delmarva Veteran Builders

Gullwing Contracting agrees on crediting Delmarva Veteran Builders with a \$4,200.00 credit towards deleting the propane concrete pad that was on the original contract documents.

Signature 

Title: Vice President Shaw Bayum

Date: 12/7/18



DEL MARVA VETERAN BUILDERS, LLC
 PO Box 621 • Salisbury, Maryland 21803 • 443.523.4398

Change Order #15

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date:	4-Dec-18
Invoice #:	
Job Name:	Sussex Mx Garage
Location:	Georgetown, De
Contract #:	

Customer: Sussex Mx Garage Address: ATTN: Rick Ph. No.

--

Quantity	Description	Unit Price	Total
	Credit for PTB Electrical		\$ (3,188.99)
		<i>Sub Total</i>	\$ (3,188.99)
		10%	
		TOTAL	\$ (3,188.99)

EQUAL OPPORTUNITY EMPLOYER



Residential
Commercial
Industrial
November 8, 2018

TUDOR ELECTRIC, Inc.
Electrical Contractor

801 OTIS DRIVE
DOVER, DELAWARE 19901
(302) 736-1444
FAX (302) 736-1483

Daniel Mills
Delmarva Veteran Builders
P.O. Box 621
Salisbury, MD 21803

RE: Sussex County Maintenance Garage

Dear Daniel:

Please find below our credit for deletion of the concrete and labor for installation, for the electrical service from the utility pole to PTB and between PTB and PTA, as directed by Sussex County Engineering.

Material	2,250.00
Labor	<u>649.08</u>
Subtotal	2,899.08
+ 10%	<u>289.91</u>
TOTAL CREDIT	\$3,188.99

Please issue a change order if we are to proceed.

Sincerely,

Adam Smith / plb
Adam Smith
AS/plb



DELMARVA VETERAN BUILDERS, LLC

PO Box 621 • Salisbury, Maryland 21803 • 443.523.4398

Change Order #16

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date:	4-Dec-18
Invoice #:	
Job Name:	Sussex Mx Garage
Location:	Georgetown, De
Contract #:	

Customer: Sussex Mx Garage Address: ATTN: Rick Ph. No.

--

Quantity	Description	Unit Price	Total
	Reduce gauge of steel frames		\$ (850.00)
		<i>Sub Total</i>	\$ (850.00)
		15%	
		TOTAL	\$ (850.00)

Rick Garner

From: Daniel Mills <daniel@delmarvaveteranbuilders.com>
Sent: Tuesday, December 4, 2018 4:46 PM
To: Rick Garner; Brian Sanders
Subject: FW: Sussex County Maintenance Garage Change Order #16 Door Frame Credit
Attachments: Sussex County Change Order #16 Door Frames.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Rick,

Below is the email change for the frame credit on the doors. Attached is our doc. The sub added in there percentage on the 850.

Thanks
Daniel

From: Bob Cook <bob@salisburydoor.com>
Sent: Friday, November 16, 2018 4:50 PM
To: Daniel Mills <daniel@delmarvaveteranbuilders.com>
Subject: Re: Sussex County Maintenance Garage

total

From: Daniel Mills
Sent: Friday, November 16, 2018 4:31 PM
To: Bob Cook
Subject: Re: Sussex County Maintenance Garage

850 a door or total?

Sent from my iPhone

On Nov 16, 2018, at 4:31 PM, Bob Cook <bob@salisburydoor.com> wrote:

Daniel

If frames and doors were changed to our stock.

6 exterior frames to our stock 16 gauge
6 exterior doors to our stock 18 ga.

Savings of \$ 850.00

Thanks
Bob

Robert Cook
Salisbury Door and Hardware, Inc.
PH 410-896-2000
FX 410-896-4442

COMMUNICATION CONFIDENTIALITY: All information in this communication, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above, and may contain privileged, confidential, proprietary and/or secret information entitled to protection and/or exempt from disclosure under applicable law. If you are not the intended recipient, please destroy or delete this communication and any/all attached documents as the possession, distribution and/or copying of this communication is unauthorized and may be unlawful. If you have received this communication in error, please remove it in its entirety from your computer and notify the sender.

<20180830134850.pdf>



DELMARVA VETERAN BUILDERS, LLC

PO Box 621 - Salisbury, Maryland 21803 - 443.523.4398

Change Order #~~16~~ 17

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date: 18-Nov-18
 Invoice #:
 Job Name: Sussex Mx Garage
 Location: Georgetown, De
 Contract #:

Customer: Sussex Mx Garage
 Address:
 ATTN: Rick
 Ph. No.

Quantity	Description	Unit Price	Total
	Installing of 3 5/8 20 GA metal studs and drywall at Comm Office		\$ 3,800.00
		Sub Total	\$ 3,800.00
		5% 4.5%	\$ 570.00 #190.00
		TOTAL	\$ 4,370.00 #3,990.00

CHANGES APPROVED BY DVB PER
 EMAIL OF 1-2-19 (ATTACHED)

T & D Drywall
PO Box 149
Pittsville, MD 21849

Ph. (410) 251-1742

Date: 11/08/2018

PROPOSAL
SUSSEX MAINTENCE BUILDING
GEORGETOWN AIRPORT
CHANGE ORDER

To: DELMARVA VETERAN BUILDERS

Attention: DANIEL / BRIAN

Ph.

Fax.

Email:

- 1) PURCHASING & INSTALLING OF 3-5/8"X20 GA METAL STUDS TO FRAME COMMUNICATION OFFICE EXTERIOR WALLS TO HIDE STEEL COLUMNS SO IT LOOKS LIKE AN OFFICE.
- 2) PURCHASING & INSTALLING OF 5/8" DRYWALL ON NEW FRAMED METAL WALLS IN COMMUNICATION OFFICES.

TOTAL FOR SCOPE OF WORK ABOVE ----- \$ 3,800.00

Rick Garner

From: Daniel Mills <daniel@delmarvaveteranbuilders.com>
Sent: Thursday, January 3, 2019 12:30 PM
To: Rick Garner
Subject: RE: Sussex County Mx Change Order 15

Rick,

I agree to this markup on this change order.

Thanks
Daniel

From: Rick Garner <rick.garner@sussexcountyde.gov>
Sent: Wednesday, January 2, 2019 4:23 PM
To: Daniel Mills <daniel@delmarvaveteranbuilders.com>
Subject: FW: Sussex County Mx Change Order 15

Daniel,

Per my email below (highlighted), I have revised CO #15 to reflect the proper markup of 5%. I have also changed the number to CO# 17 to match my spreadsheet per my email of 12-13-18. A copy of the revised CO is attached. Please initial and date the markup and send it back to me or you can generate a new document, whichever is easier for you. Let me know if you have any questions.

Thanks,

Rick Garner, P.E. | Facilities Director | Sussex County Engineering Dept.
Sussex County Government
2 The Circle
Georgetown, DE 19947
302-855-7718 | 302-855-7799 *fax*



From: Rick Garner
Sent: Tuesday, November 27, 2018 2:16 PM
To: 'Daniel Mills' <daniel@delmarvaveteranbuilders.com>
Cc: Hans Medlarz <hans.medlarz@sussexcountyde.gov>; Joel Tylecki <joel.tylecki@sussexcountyde.gov>; Brian Sanders <BSanders@delmarvaveteranbuilders.com>; Anthony Digiuseppe Jr. (<aadigiuseppe@sussexcountyde.gov> <aadigiuseppe@sussexcountyde.gov>)
Subject: RE: Sussex County Mx Change Order 15

Daniel,

I don't know if Brian mentioned it to you but when Brian and I met with T&D last week, we agreed on plywood as the surface for the Comm Work Area (Rm 110, approx. 20' x 8') and drywall for the Comm Office (Rm 109, approx. 14' x 8'). T&D was supposed to revise their proposal accordingly.

Also, please ask all subs to list their 10% O&P as separate line items on their CO's (refer to my previous email). If we don't see it listed as a separate line item we will assume it is built in. In either case, DVB is only entitled to 5% O&P as the GC. Sorry to put you through all this but we need to keep this straight going forward.

Please let me know if you have any questions,

Rick Garner, P.E. | Facilities Engineer | Sussex County Engineering Dept.

Sussex County Government

2 The Circle

Georgetown, DE 19947

302-855-7718 | 302-855-7799 fax



From: Daniel Mills <daniel@delmarvaveteranbuilders.com>

Sent: Tuesday, November 27, 2018 1:38 PM

To: Hans Medlarz <hans.medlarz@sussexcountyde.gov>; Rick Garner <rick.garner@sussexcountyde.gov>; Joel Tylecki <joel.tylecki@sussexcountyde.gov>; Brian Sanders <BSanders@delmarvaveteranbuilders.com>

Subject: Sussex County Mx Change Order 15

Rick,

Per our conversation, here is the revised Change Order 15 with the sub attachment.

Daniel



DELMARVA VETERAN BUILDERS, LLC
 PO Box 621 • Salisbury, Maryland 21803 • 443.523.4398

Change Order #18

Delmarva Veteran Builders, LLC
 P.O. Box 621
 Salisbury, MD 21803
 PH: (443) 523-4398

Date: 4-Dec-18
 Invoice #: _____
 Job Name: Sussex Mx Garage
 Location: Georgetown, De
 Contract #: _____

Customer: Sussex Mx Garage
 Address:
 ATTN: Rick
 Ph. No.

Quantity	Description	Unit Price	Total
	Change Order for Paining Block 2 Coats		\$ 3,600.00
		<i>Sub Total</i>	\$ 3,600.00
		10%	\$ 360.00
		TOTAL	\$ 3,960.00

M & S PAINTING, INC.

Custom Painting & Wall Covering

P.O. BOX 6137
WILMINGTON, DE 19804
www.mspainters.com

Phone: 302.995.2623
Fax 302.998.2420
mspainters@aol.com

ADDITIONAL PRICING

TO:	Daniel Mills	FROM:	James C. McElroy, Jr.
COMPANY:	Delmarva Veteran Builders	DATE:	03/26/18
PROJECT:	Sussex County Maint. Garage	TOTAL PAGES INCLUDING COVER:	One

BID AS NON RATED PROJECT

READ – All ADDENDUM(S)

Additional Pricing: Painting Interior Block (CMU) Wall

1 Ct of Loxon Base Bid: \$ 1,950.00

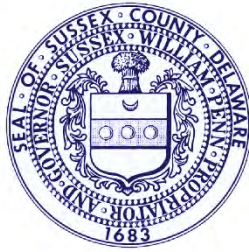
2 CT's of Loxon Base Bid : \$ 3,600.00 ←

PRICE INCLUDES: **Painting Interior Block (CMU) Walls**
Bid According to Plans & Specs
Bid Using: Loxon Concrete & Masonry Primer /Sealer
All Prep Work, Labor & Material

PRICE EXCLUDES: **N/A**

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *Rehoboth Beach Wastewater Treatment Plant
Capital Improvement Program, Phase 2*
A. City of Rehoboth Beach Scope Amendment Request
B. GHD Amendment No. 18

DATE: June 4, 2019

On August 8, 2017, the County Council approved an agreement with the City of Rehoboth Beach for wastewater treatment as well as biosolids services. Treatment capacity allocation and associated debt service was based on a percentage of the facility's year-round permitted design capacity. The Agreement set the initial debt service allocation for the County at the historical 42% mark, however, it allows an increase up to 50% after the first year of full operation of the upgraded wastewater treatment plant. Operational, maintenance and administrative costs are to be split based on actual flow contributions.

The City funded the outfall related projects and phase 1 of the treatment plant's capital upgrade project valued in total at \$42.5 million through Delaware's State Revolving Loan Fund which required the application of wage rates. Payment for the debt service associated with the outfall project will be allocated in accordance with the aforementioned capacity percentages.

The Agreement is set up as a partnership allowing the City and the County to jointly develop alternatives for the next phases of the treatment plant upgrade project and on July 20, 2018, the City Commissioners agreed to accept the County's offer to assume the design and construction responsibilities of Phase 2, consisting of electrical and structural reliability issues. A corresponding alternative financing agreement for Phase 2 developed by the Finance Director and the County Engineer, in cooperation with City officials was approved by County Council on July 31, 2018. Under the agreement, Phase 2 of the upgrade program



would be undertaken with County financing without wage rates, whereas the City would reimburse the County for the prorated costs incurred over a 10-year period at 0% interest. While the City is still determining on how to complete the remaining phases 3 & 4 of the City's upgrade project, including the headworks improvements, a recent failure of the influent screen forced the acceleration of this component estimated at \$3.0 million. The City requested, as per the attached letter dated May 6, 2019, the integration of this work into Phase 2 triggering a modification to the alternative financing agreement and an associated GHD design amendment.

The Engineering Department now envisions separate prime contractor bids for the electrical work and the general/structural work items at both the South Coastal and City treatment facilities. This approach will provide cost saving opportunities for construction contract implementation without wage rates as well as savings in contract administration and inspection services. After careful analysis of the options, the Finance Director and the County Engineer recommend approval of the request under a modified alternative financing agreement using the initial 42%/58% split and charging the same 2% interest as would be charged under a SRF financing arrangement.

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001, and Council reaffirmed GHD as the "Engineer of Record" in 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City's Wastewater Treatment Plant. Since contract inception, Sussex County awarded seventeen (17) amendments for additional services under said base contract.

On July 24, 2018, Council approved Amendment 14 for design services of the City's Phase 2 capital upgrade project in the amount not to exceed \$398,413.20. The parties finalized a scope for Phase 2 allowing project schedule synchronization of schedules. The design is now complete and will be submitted for permitting as soon as the headworks component is integrated.

On October 2, 2018, Council approved Amendment No. 15 for design services associated with the wastewater transmission line crossing of the Lewes-Rehoboth Canal allowing Pump Station No. 203 to be diverted to the City's treatment plant.

On February 5, 2019, Council approved Amendment No. 16, incorporating computer modeling work at the South Coastal RWF ocean outfall, wetland delineation associated with the expansion project and scope changes to the electrical motor control center design scope, as part of the Rehoboth WTP Phase 2 Capital Upgrade Project.

On March 26, 2019, Council approved Amendment No. 17 for a flow diversion of Pump Station No. 204 to the existing gravity sewer on the opposite side of SR-1, allowing said station to flow to the City's treatment plant.

The Engineering Department now recommends approval of GHD's Amendment No. 18 in an amount not to exceed \$172,153.17 for the design of the headworks improvements under Phase 2 of the City's WTP Project.

City of Rehoboth Beach

Paul Kuhns
Mayor

pkuhns@cityofrehoboth.com



City Hall
P.O. Box 1163
229 Rehoboth Avenue
Rehoboth Beach, Delaware 19971
302.227.4641
www.cityofrehoboth.com

May 6, 2019

Sussex County Administrative Office
Todd F. Lawson, Sussex County Administrator
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Dear Mr. Lawson

Thank you very much for your continued support of our program to improve the capabilities of our wastewater treatment plant. The County has truly been a valued partner with us in this important effort.

As you are aware, there are some very serious operational and safety issues at our plant which are currently scheduled to be addressed during the Phase 3 upgrade of the plant which is scheduled to be constructed in 2022. I believe that these issues are too critical in nature to delay addressing until 2022 and **the Board of Commissioners and I** would like to request your consideration to include these items into the design for Phase 2 upgrade which is currently being designed by the County.

The items we would like to have included in the Phase 2 contract include: structural repairs to the flooring system, replacement of the influent pipes, and replacement of the mechanical screening systems in the headworks building, along with desperately needed structural repairs to the existing oxidation ditches and associated effluent piping.

Thank you for your time while considering this request. Please contact me if you have any questions.

Sincerely,

Paul Kuhns
Mayor

c: Mayor and Commissioners
Ms. Sharon Lynn
Mr. Kevin Williams
Mr. William Woods
Glenn Mandalas, Esq.

SUPPLEMENTAL ALTERNATIVE FINANCING AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ 20198, by and between the CITY OF REHOBOTH BEACH, a municipal corporation of the State of Delaware, party of the first part, hereinafter referred to as “CITY,”

-AND-

SUSSEX COUNTY, a political subdivision of the State of Delaware, party of the second part, hereinafter referred to as “COUNTY.”

WITNESSETH:

WHEREAS, The CITY and COUNTY desire to engage in ~~an~~ supplemental alternative financing agreement for the design and implementation of an expanded Phase 2 of the Wastewater Treatment Plant Capital Improvement Plant including the headworks repairs hereinafter referred to as the “Headworks Improvements”.

WHEREAS, the COUNTY has offered, and the CITY has agreed, to allow this cooperation to proceed where the CITY would reimburse the COUNTY for the prorated costs incurred by the COUNTY over a 10-year period at 20% interest.

WHEREAS, the CITY provides wastewater treatment and disposal services for the COUNTY in accordance with the Agreement for Wastewater & Biosolids Services dated August 8, 2017. Said services are billed on a quarterly basis and are hereinafter referred to as the “Services”.

NOW, THEREFORE, the parties hereto agree that the COUNTY shall engage the engineering firm GHD, Inc. initially for the design of the Headworks Improvements in conjunction with the COUNTY’s ongoing design by the same firm for its South Coastal Wastewater Treatment Facility and subsequently for the contract administration and inspection of a joint project once

approved and permitted.

BE IT FURTHER AGREED that the CITY shall reimburse the COUNTY for engineering and construction related expenses associated with the Headworks Improvements based on an initial cost split of 42% County to 58% City ~~prorated basis~~ in accordance with the Agreement for Wastewater & Biosolids Services dated August 8, 2017, beginning after the City's beneficial occupancy of the Improvements. The CITY shall deduct from its quarterly invoice for Services an amount equal to 1/40 of the total incurred cost plus interest associated with the Improvements.

BE IT FURTHER AGREED that the CITY grants full authority to the County for the implementation of the Improvements on the grounds of tax parcel 334-19.00-171.01 owned by the CITY while the COUNTY and/or GHD, Inc. shall maintain as built information up to the time of completion of the Improvements, as well as, assist in the timely transfer of said as built information to the CITY's GIS data base.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper corporate officers and their respective corporate seals to be hereto affixed, the day and year first above written.

CITY OF REHOBOTH BEACH

By: _____
Paul Kuhns, Mayor

Attest: _____
CITY Secretary

SUSSEX COUNTY

By: _____
Michael H. Vincent, President

Attest: _____
Clerk, Sussex County Council

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 18

This contract amendment, **Contract Amendment No. 18** dated _____, **2019** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD, Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 17** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Additional Design Services for Rehoboth Beach Wastewater Treatment Plant CIP Upgrade Phase 2** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **One Hundred Seventy-Two Thousand, One Hundred Fifty-Three dollars and Seventeen cents (\$172,153.17)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant's Scope of Services, Additional Design Services for Rehoboth Beach Wastewater Treatment Plant CIP Upgrade Phase 2** with Man-hour Spreadsheets. (**Contract Amendment No. 18**).

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **18** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD, Inc.



Thor Young, P.E.

WITNESS:



ATTACHMENT A

May 30, 2019

Mr. Hans M. Medlarz, PE
Sussex County
PO Box 589
2 The Circle
Georgetown, DE 19947

Dear Mr. Medlarz:

**Re: Design Engineering Services Proposal
Additional Design Services for the RBWWTP CIP Upgrade Phase 2**

GHD is pleased to submit this proposal for Design Engineering Services for Additional Design Services for the joint SCRWF Treatment Upgrade No. 3 and Rehoboth Beach WWTP CIP Upgrade Phase 2 project.

Overview

Under Amendment No. 12 (signed September 19, 2017) GHD is preparing bid documents for the expansion of the South Coastal Regional Wastewater Facilities (SCRWF). Under Amendment Nos. 14 (signed July 31, 2018) and 16 (signed February 5, 2019) this project was expanded to be a multi-prime, joint contract with the Rehoboth Beach Wastewater Treatment Plant (RBWWTP) CIP Upgrade Phase 2. The scope and fee presented herein additional detailed design engineering to provide Bid Documents and Bid Phase engineering services for changed and additional scope to be included in the project. It is anticipated that construction engineering and inspection will be covered under a future amendment to be negotiated once the project is bid and awarded for construction.

PER Scope of Services

GHD will provide the following additional design services for the joint project, noting that the Scope of Services for Amendment Nos. 12, 14 and 16 remain valid, except as amended by the changes or additions described herein:

1. RBWWTP T-1 Preliminary Treatment Facility Detailed Design:
 - a. Revision to civil drawings and resubmission of permit documents.
 - b. Temporary influent bypass piping to allow work in the headworks
 - c. Upper level concrete repairs and protective coating
 - d. Replacement of the upper level grating
 - e. Replacement of the influent pipes and installation of mag flow meters on three of the influent force mains



- f. Assessment of passive overflow options and manual bypass options, and design of channel modifications for a passive overflow system and/or wall pipes for a future exterior headworks bypass pipe.
 - g. Upper and lower level paint and finishes
 - h. Replacement of guardrail and handrail for the exterior stairs
 - i. Replacement of brick veneer shelf angles
 - j. Mechanical Screen Nos. 1 and 2, including two wash presses, two discharge chutes, two wall penetrations, level instrumentation, and OEM control systems. Mechanical screens will be bar screens or perforated plate screens.
 - k. Design for relocation of existing gates if necessary to support screen maintenance activities (i.e. to allow a screen to pivot out of the channel).
 - l. Assessment of screen lifting arrangements, such as direct removal by crane and/or pivoting from the channel for maintenance activities, and design of lifting points if necessary (i.e. to allow a screen to pivot out of the channel).
 - m. Replacement in-kind of upper level grit system piping.
 - n. Gas Detection System, lower level HVAC equipment and operational adjustments for the upper level HVAC equipment
 - o. Replacement of the lower level doors
 - p. Additional Bid Phase Services relating to the RBWWTP T-1 Preliminary Treatment Facility.
2. RBWWTP Change from On-Call Contractor Work to General Contractor Work:
- a. The documents have been prepared on the basis of an On-Call Contractor completing some of the work at RBWWTP on a time and materials basis. In the Pre-100% Design Review Workshop it was decided to change this basis. Instead, the General Contractor will take responsibility for scheduling and for all work that was to be done by the On-Call Contractor. The specifications and drawings will be revised to reflect this basis for contracting the work. This will include additional detailing as necessary for Contractor's to bid on a lump sum basis, revisions to drawings to show this work as being part of the Contracts, as well as revisions to the front end documents and Division 01 specifications to accurately reflect the changed scope and responsibilities.
3. RBWWTP Controls Wiring Investigations:
- a. In the Pre-100% Design Review Workshop it was decided that the County would assist the City with investigations to identify and document existing control wiring in underground duct banks. GHD will assist with 2 days of field work and office support as requested.



Schedule

The following schedule is proposed for the joint project:

1. Final Bid Documents: August 23, 2019
2. Advertise to Bidders: August 30, 2019

Exclusions

The following items are not included in GHD's Scope of Services:

1. Design of items not noted here or in Amendments 12, 14, or 16.
2. Construction Phase services including inspection.
3. Materials testing services.
4. Additional meetings or tasks beyond those identified in Amendments 12, 14, or 16.
5. Additional budgeted effort beyond that included in the attached Hour and Cost Summary Table.

Engineering Fee

GHD proposes to provide engineering services for the Design Engineering Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's annually adjusted audited overhead rate, plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval:

Description	Cost
Direct Wage Costs	\$56,296.00
Overhead and Fringe Benefits	\$100,206.88
Expenses	\$0.00
Fixed Fee	\$15,650.29
TOTAL	\$172,153.17

Please let us know if you have any questions or comments regarding this proposal.



Sincerely,

GHD

A handwritten signature in black ink, appearing to read "Thor Young", written in a cursive style.

Thor Young, PE

Principal

TAY/SPC/

Attachments: GHD 2017 Hourly Rates
Hour and Cost Summary Table

GHD, Inc.
Hourly Direct Rate Ranges By Classification
Effective July 1, 2017

Personnel Category	Hourly Rate (\$/Hr)	
	Minimum	Maximum
Principal	72.00	78.00
Associate	58.00	70.00
Senior Engineer	50.00	70.00
Project Manager	45.00	56.00
Project Engineer	38.00	48.00
Engineer	25.00	36.00
Managing Designer	45.00	50.00
Senior Designer	30.00	35.00
Designer	24.00	30.00
Drafter	20.00	25.00
Senior Rep	30.00	42.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	25.00

Rates are subject to annual adjustment
Rates do not include overhead and profit

CLIENT : <u>Sussex County</u> PREPARED BY: <u>SPC</u> PROJECT: <u>AMD 18 - RBWWTP Add'l Design</u> CHECKED BY : _____ DATE: <u>5/30/2019</u>																				CLIENT : <u>Sussex County</u> PREPARED BY: <u>SPC</u> PROJECT: <u>AMD 18 - RBWWTP Add'l Design</u> CHECKED BY : _____ DATE: <u>5/30/2019</u>																																							
TASK DESCRIPTION	HOURS BY CATEGORY																				HOURS	TASK DESCRIPTION	EXPENSES											SUMMARY																									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			Car	Truck	Over-	Airfare	Eqpmt	Copy	Tele-	Profit= 0.10 HOURLY W/ SELECTED PROFIT																													
	Principal	Sr Assoc	Assoc	Sr E II	Sr E I	PM II	PM I	PE II	PE I	Eng III	Eng II	Eng I	M Des	Sr Des	Des	Drafter	Sr Rep	Pr Rep	Intern	Sec/WP			Miles	Miles	nights	Car rent	CAD	& Misc	Out/Tech	Drawings	Copiers	Center	comm.	Direct Labor	Indirect	Expenses	Cost	Profit	Total Price																				
1. T-1 Upgrade Design																																																											
Coordination of Front End Documents	8						24													8	40																			2,168.00	3,859.04		6,027.04	602.70	6,629.74														
Civil Design and Permitting	4						20		20			48							24	116																			4,960.00	8,828.80		13,788.80	1,378.88	15,167.68															
Process-Mechanical Design	4										40							80		156																			6,552.00	11,662.56		18,214.56	1,821.46	20,036.02															
Structural Design						12	16											80		132																			5,920.00	10,537.60		16,457.60	1,645.76	18,103.36															
Architectural Design						40	4													76																			3,824.00	6,806.72		10,630.72	1,063.07	11,693.79															
HVAC and Plumbing Design								8									40			72																			3,208.00	5,710.24		8,918.24	891.82	9,810.06															
Electrical Design					8	32	16					120						20		236																			11,320.00	20,149.60		31,469.60	3,146.96	34,616.56															
Internal QA/QC and Technical Reviews	8			24	12							24								76																			4,400.00	7,832.00		12,232.00	1,223.20	13,455.20															
Bid Phase Services	12				16	32						24						32		124																			6,224.00	11,078.72		17,302.72	1,730.27	19,032.99															
2. RBWWTP: GC in lieu of On-Call Contractor	4				12	20						24	16	24						108																			5,080.00	9,042.40		14,122.40	1,412.24	15,534.64															
3. RBWWTP: Controls wiring verification					8	4								40						52																			2,640.00	4,699.20		7,339.20	733.92	8,073.12															
TOTALS	40			32	132	184		292	96	204			176					32	1188	TOTALS																				56,296.00	100,206.88		156,502.88	15,650.29	172,153.17														
	78.00	68.00	62.00	70.00	62.00	56.00	49.00	48.00	43.00	36.00	31.00	27.00	48.00	35.00	27.00	23.00	35.00	25.00	18.00	25.00																				0.500	0.500	150.00		16.00					0.75	0.15	0.050	1.00							

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: *Wolfe Neck RWF, Delivery of Seed & Chemicals
Project No. 18-06 And M19-31
A. FY 19 Re-Issuance
B. FY 20 Contract Award*

DATE: June 4, 2019

The County continues to successfully perform agricultural activities at the Wolfe Neck Regional Wastewater Facility's irrigated lands with inhouse staff. This approach has significantly reduced the loss of irrigation days due to scheduling conflicts with agricultural activities.

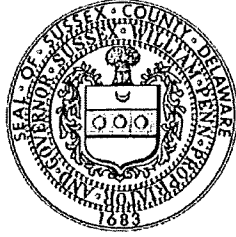
Associated costs for the purchase and delivery of seed and chemicals associated with farming rises to the procurement threshold for material purchases. Therefore, a two (2) year contract was first publicly advertised soliciting bids in 2017. On September 19, 2017, Council awarded the contract to the low bidder, Growmark FS, LLC, in the first-year FY18 amount of \$81,766.46.00. We are now requesting re-issuance of the funding to cover FY 19 farming activities, closing out the initial contract.

To re-establish a base contract for FY20 & 21, invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on the Department's supplier list. On May 29, 2019, bids for the Delivery of Seed and Chemical, Project M19-31 were due and one (1) bid was received. The new unit prices were similar to the 2017 bid with the exception of the bulk seed mix price for cover crops. Therefore, the Engineering Department recommends award of the project to Growmark FS, LLC for bid items 1,2 & 4-6 in the aggregate amount of **\$77,150.50 per year** for FY20 & 21. The Department will re-evaluate the composition of the cover crop bulk seed mix and separately letter bid that particular item as needed for each fiscal year.



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

May 17, 2019

TO ALL CONTRACT BIDDERS:

**RE: ADDENDUM NO. 1
DELIVERY OF SEED AND CHEMICAL
SUSSEX COUNTY PROJECT M19-31**

Enclosed please find Addendum No. 1 for the above-referenced project. The inclusion of an executed Addendum in the bid package is mandatory for a bid to be considered. Please review the item(s) listed on the addendum and bid accordingly.

Sincerely,

Edwin Tennefoss, P.E.
Director of Environmental Services

Enclosure



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ADDENDUM NO.1
DELIVERY OF SEED AND CHEMICAL
SUSSEX COUNTY PROJECT M19-31
May 17, 2019

The Bidder acknowledges receipt of the following Addendum:

1. Replace the Bid Form with the attached Revised Bid Form dated 5/17/19. Please note that bid quantities have been corrected and the cover crop composition has also been revised.
2. The estimated potash application rate should be 200 pounds per acre (120 lbs. of potassium).
3. The herbicide application rate shall be at the recommendation of the supplier.

RESPECTFULLY ACKNOWLEDGED:

FIRM: GROWMARK FS, LLC

SIGNATURE: Renis Shaffer

TITLE: Seed & Crop Protection Manager

DATE: 5/28/2019

Note: This form must be executed and included in the bid package.

**DELIVERY OF SEED AND CHEMICAL
SUSSEX COUNTY PROJECT M19-31**

BID FORM

To: Sussex County Engineering Department
For the Delivery of Seed and Chemical
Sussex County Project M19-31

The undersigned Bidder has carefully examined the Instructions to Bidders, the site of Work, the General Conditions and Requirements, the Technical Specifications, the Agreement, and all other portions of the Contract Documents for the above-named project, and in compliance with all aforesaid documents shall provide the necessary materials, in accordance with the requirements of the Sussex County Engineer and the true intent of the Contract Documents.

The undersigned Bidder further understands that all supplies and materials covered by this Bid shall be new and of the best quality and the highest-grade workmanship.

The Bidder certifies by the submission of this Bid that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the product or services shipped or ordered as a result of this Bid. The successful Bidder shall, at his own expense, defend any and all actions or suits charging such infringements, and will indemnify and hold harmless Sussex County, and its appointed and elected officials, officers, partners, directors, employees, and agents harmless from any and all liability, loss, or expense occasioned by any such violation.

The Bidder acknowledges receipt of the following Addenda, numbered / , and the Bid value(s) submitted include any cost/schedule impact they may have.

This Bid includes sales tax and all other applicable taxes and fees.

Accompanying this Bid is a Bid Bond/certified check in the amount of , payable to Sussex County Council, if the undersigned shall fail to execute the Agreement under the conditions and within the time specified; otherwise said Bid guarantee shall be returned to the undersigned.

The Bidder proposes and agrees, if this Proposal is accepted, to supply the specified product to Sussex County, as specifically described within the Contract Documents for the following price and within the specified delivery time:

DELIVERY OF SEED AND CHEMICAL
 SUSSEX COUNTY PROJECT NO. M19-31
 REVISED BID FORM 5/17/19

Schedule A – Furnish and Deliver Seed and Apply Chemical Application

Item	Description	Estimated Quantity	\$/unit	Total Price
1	105- day Seed Corn good under water 29,000 seed population ROUND UP READY SEED	91 Bags	\$210.50	19,155.50
2	Soybeans 190,000 population Mid group cat /3 good under water ROUND UP READY SEED	360 Units (9 boxes)	\$52.00	18,720
3	COVER CROP bulk seed mix with (80% Rye & 20% Rye Grass)	28 tons	\$952/ton	26,656
4	Supplier to Supply corn pot ash Supplier to spray Premerge after planting. Supplier to spray weed control No fertilizers	250 acres	104.50	26,125
5	Soybeans - spray weed control	200 Acres	34.50	6900.00
6	Burndown cover crop	250 Acres	25.00	6250.00

Total Bid A \$ 103,806.50

Schedule B – Furnish and Deliver Seed

Item	Description	Estimated Quantity	\$/unit	Total Price
1	105- day Seed Corn good under water 29,000 seed population ROUND UP READY SEED	91 bags	\$210.50	19,155.50

DELIVERY OF SEED AND CHEMICAL
 SUSSEX COUNTY PROJECT NO. M19-31
 REVISED BID FORM 5/17/19

2	Soybeans 190,000 population Mid group cat /3 good under water ROUND UP READY SEED	360 Units (9 boxes)	52.00	18,720
3	COVER CROP bulk seed mix with (80% Rye & 20% Rye Grass)	28 tons	952/Ton	\$ 26,656

Total Bid B \$ 64,531.50

Schedule C – Furnish and Apply Chemical Application

Item	Description	Estimated Quantity	\$/unit	Total Price
1	Supplier to Supply corn pot ash Supplier to spray Premerge after planting. Supplier to Spray weed control No fertilizers	250 Acres	104.50	26,125
2	Soybeans - spray weed control	200 Acres	34.50	6900.00
3	Burndown cover crop	250 Acres	25.00	6250.00

Total Bid C \$ 39,275

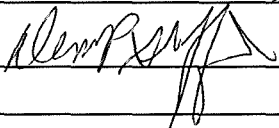
Vendor shall provide seed and chemical guarantee prior to delivery.

*The price shall remain firm for the duration of the contract including any extensions, and shall be all inclusive, including but not limited to the cost of the seed and chemical, delivery charges, and any other taxes and fees.

DELIVERY OF SEED AND CHEMICAL
SUSSEX COUNTY PROJECT NO. M19-31
REVISED BID FORM 5/17/19

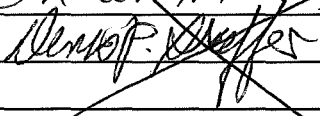
Dated: _____

(If an Individual, Partnership, or Non-Incorporated Organization)

Name of Business: GROWMARK FS, LLC
Signature of Bidder: 
By: _____
Business Address: 308 N.E. Front St.
Milford, DE 19963

Names and
Address of
Members

(If a corporation)

Name of Business: ~~GROWMARK FS, LLC~~ ^{ORS}
Signature of Bidder: ~~~~
By: _____
Business Address: _____

Incorporated under the laws of the State of: _____

Name President _____
(Address) _____

Name Secretary _____
(Address) _____

Name Treasurer _____
(Address) _____

Affix Corporate Seal
and Acknowledge
All Addenda

CERTIFICATION OF BIDDER

This is to certify that the undersigned Bidder, GROWMARK FS, LLC on the 28th day of May, 2019, for Sussex County Project M19-31 entitled "Delivery of Seed and Chemical" the following:

1. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization or corporation;
2. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid;
3. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
4. Bidder has not engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract. For the purposes of this Paragraph:
 - a. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - b. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - c. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - d. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

CORPORATE SEAL

Signature of Bidder

Alexander P. Shaffer

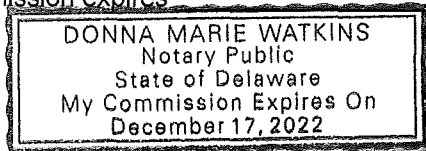
BY: _____

Attest: _____

Secretary

Sworn and subscribed before me this 28 day of May, 2019.

My commission expires



Donna M. Watkins
Notary Public

**CERTIFICATION REGARDING COMPLIANCE
WITH EQUAL OPPORTUNITY REQUIREMENTS**

During the performance of this contract, the Supplier agrees as follows:

1. The Supplier will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, gender identity or national origin. The contractor will take positive steps to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, sex, sexual orientation, gender identity or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Supplier agrees to post in conspicuous places available to employees and applicants for employment notices to be provided by the contracting agency setting forth this nondiscrimination clause.
2. The Supplier will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, gender identity or national origin.

Dated: 5/29/2019

GROWMARK FS, LLC Name of Company

Denis P. Snapper Signature of Bidder/Prospective Supplier

DENIS P. SNAPPER, SEED & CROP PROTECTION MANAGER Name & Title of Signing Official

308 N.E. Front St. Business Address
Milford, DE 19963

Seal

AGREEMENT

THIS AGREEMENT, made this 28th day of May, 2019, by and between **Sussex County, a political subdivision of the State of Delaware**, hereinafter called "Owner", and GROWMARK FS, LLC, doing business as (an Individual) or (a Partnership) or (a Corporation), hereinafter called "Supplier".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Supplier shall commence and complete the Delivery of Seed and Chemical, Sussex County Project No. M19-31.
2. The Supplier shall furnish and deliver all of the material as described herein ("Work").
3. The Supplier shall perform all of the Work described in the Contract Documents and shall comply with the terms therein as shown in the Bid schedule.
4. The term "Contract Documents" means and includes the following, which shall be incorporated by reference herein:
 - A. Invitation to Bid;
 - B. Instructions to Bidders;
 - C. Bid Forms and the subparts thereof;
 - D. This Agreement and the subparts thereof;
 - E. General Conditions and the subparts thereof;
 - F. Technical Specifications and the subparts thereof;
 - G. Addenda (if any) Nos. / .
5. The Owner shall pay the Supplier in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.
6. INDEMNIFICATION

A. To the fullest extent permitted by law, the Supplier shall indemnify, hold harmless and defend Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants, from and against all claims, damages, losses, injuries and expenses including court costs and attorneys' fees arising out of or resulting from the performance of the Work, provided such claims, damages, losses, injuries or expenses are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused in whole or in part by any act or omission of the Supplier, or any Subcontractor performing Work. Supplier or any Subcontractor shall be liable, regardless or

whether or not such claims, damages, losses, injuries and expenses are caused in part by a party indemnified hereunder.

B. The Supplier's indemnification obligation hereunder with respect to any and all claims against Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants, shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Supplier or any Subcontractor under Worker's Compensations Acts, Disability Benefit Acts or other Employee Benefit Acts.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
8. The Contract Documents constitute the entire Agreement between the parties, including any prior oral or written representations and may not be amended or modified without the signed written consent of both parties.
9. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, without respect to its conflict of laws provisions.
10. The failure of either party to enforce an obligation or exercise a right hereunder shall not be construed as a waiver of said right or obligation or any subsequent rights or obligations, unless a waiver is in writing and executed by the parties.
11. This Agreement, or any rights hereunder, may not be assigned or transferred to another party without the prior written consent of the Owner.

DELIVERY OF SEED AND CHEMICAL
SUSSEX COUNTY PROJECT NO. M19-31

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate, each of which shall be deemed an original, on the date first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

WITNESS:

Bonnie DiToro

(SEAL)

ATTEST:

Clerk of Sussex County Council

PREVIOUSLY APPROVED FORM

SUPPLIER

Don P. Proffes
Signature

SEED & CROP PROTECTION MANAGER
Title

5/28/2019
Date

OWNER

President, Sussex County Council

Date

GENERAL CONDITIONS

2.0 DEFINED TERMS:

Whenever the following terms are used, their intent and meaning shall be interpreted as follows:

ADDENDA: Written or graphic instruments issued prior to the opening of Bids, which clarify, correct, or change the Bidding Documents.

AGREEMENT: The written Contract between Owner and Supplier covering Work to be performed; other Contract Documents are attached to the Agreement and made a part thereof.

BID: The offer by Bidder submitted on the prescribed form setting forth the prices for Work to be performed.

BIDDER: A contractor, supplier, or vendor who responds to an Invitation To Bid (ITB).

BIDDING DOCUMENTS: The Invitation to Bid, Instructions to Bidders, Bidding Requirements and Conditions, the Bid Form, and proposed Contract Documents (including all Addenda issued prior to receipt of Bids).

BID BOND: The security designated in the proposed Contract Documents to be furnished by the Bidder as guaranty of good faith to enter into a Contract with Sussex County, if Work to be performed or materials to be furnished, is awarded to him/her.

CONTRACT: The entire and integrated written Agreement between the Owner and Supplier concerning the Work. The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.

CONTRACT DOCUMENTS: The written Agreement covering Work to be performed. The awarded contract shall include, but is not limited to: the Invitation to Bid, Instructions to Bidders, Bid forms and subparts thereof, Contract Forms and the subparts thereof, Contract Conditions and the subparts thereof, Specifications and the subparts thereof, Unit Detail Drawing, and any Addenda.

DEFECTIVE: An adjective which, when modifying the word Work, refers to Work that is unsatisfactory, faulty or deficient, in that it does not conform to the Contract Documents, or does not meet the requirements of any inspection, reference standard, test or approval referred to in the Contract Documents, or has been damaged prior to Engineer's recommendation of final payment.

INVITATION TO BID: The public announcement, as required by law, that Sussex County is soliciting Bids for Work to be performed or materials or equipment to be furnished.

NOTICE OF AWARD: The written notice by Owner to a Bidder of Owner's acceptance of the Bid.

OWNER: Sussex County, a political subdivision of the State of Delaware.

PROPOSAL: The written offer of the bidder (when submitted on the approved bid form) to furnish the necessary materials in accordance with the provisions of the specifications.

SUPPLIER: The person or entity that is awarded the Contract and undertakes performance thereof.

SURETY: The corporation, partnership, or individual, other than Vendor, executing Payment or Performance Bonds which are furnished to Sussex County by Vendor.

SUSSEX COUNTY: The political subdivision of the State of Delaware, which is the Owner for purposes of this Contract.

WORK: The bulk delivery of seed and chemical, as specified in the Contract Documents.

2.1 GENERAL:

Prices quoted shall not include Federal or State taxes and shall be for SEED AND CHEMICAL, Free on Board, destination with freight prepaid and allowed. The attached specifications are intended as guidelines for the submission of Bid Proposals.

2.2 DELIVERY POINTS:

The Seed and Chemical shall be delivered to the following Wastewater Facility:

Wolfe Neck Wastewater Facility
36160 Wolf Neck Road
Rehoboth Beach, Delaware 19971
Contact Person: Edwin Tennefoss @ 302-855-7730

2.3 CONTRACT REQUIREMENTS:

This Contract will be issued to cover the delivery of Seed and Chemical for the County Wastewater Facility as listed in section 2.2.

2.4 CONTRACT PERIOD:

The Contract shall be valid from the agreed upon date of the Notice to Proceed until June 30, 2021. By mutual consent, the contract may be renewed for one (1) additional year under the same terms and conditions. Said extension must be requested in writing by either the Supplier or Owner and shall be sent to the other party at least ninety (90) days prior to the termination of the current Contract.

2.5 NONPERFORMANCE:

In the event the Supplier does not fulfill its obligations under the terms and conditions of this Contract, Sussex County may purchase an equivalent product on the open market. Any difference in cost between the Contract prices herein and the price of open market product shall be the responsibility of the Supplier as well as any incidental and consequential damages. Under no circumstances shall monies be due the Supplier in the event open market products can be obtained below Contract price. Any monies charged to the Supplier may be deducted from an open invoice.

2.6 PRICING:

Prices quoted shall be on a unit price basis for the product, and shall be all inclusive. **The price shall remain firm for the duration of the contract including any extensions, and shall be all inclusive, including but not limited to the cost of the seed and chemical, delivery charges, and any other taxes and fees.**

2.7 CONTRACTOR PAYMENT:

The successful Bidder shall invoice the Owner after each delivery with the location, amount delivered, and cost shown on the invoice. Separate invoices for each location is required for accounting purposes. The Owner shall submit payment within thirty (30) days of the receipt of an approved invoice.

2.8 INSURANCE

2.8.1 GENERAL INSURANCE REQUIREMENTS.

- A. Supplier shall not commence Work until Supplier has obtained, at Supplier's own expense, all of the insurance required hereunder and such insurance has been approved by Owner. Approval of insurance required of Supplier will be granted only after submission of original certificates of insurance and required endorsements signed by authorized representatives of the insurers.
- B. Liability insurance as required hereunder shall be in force throughout the Contract period and for three (3) years after the Contract expiration date or the applicable statute of limitations for any claim, whichever occurs later. Supplier shall maintain original certificates of insurance policies, evidencing that the required liability insurance is in effect, with Owner throughout the Contract period and for three (3) years after the Contract expiration date.
- C. All insurers underwriting Supplier's or subcontractor's insurance must be allowed to do business in the State of Delaware, have and maintain a Best's Financial Strength Rating of "A -" or better, and a Financial Size Category of "Class VII" or better, unless Owner grants specific approval for an exception.
- D. All insurance policies hereunder shall be endorsed to provide that the policy is not subject to cancellation until sixty (60) days prior written notice has been given to Owner (Ten (10) days prior written notice required in the event of non-payment of premium). Therefore, a copy of the endorsements to the required policies that confirm the insurer is obligated to send notice to Owner as required herein, must accompany all certificates of insurance. All insurance policies required hereunder shall include a waiver of subrogation in favor of the Owner.
- E. Failure of Owner to obtain such certificates or other evidence of full compliance with these insurance requirements or failure of Owner to identify a deficiency from evidence provided shall not be construed as a waiver of Supplier's insurance requirements.
- F. By requiring such insurance and insurance limits herein, Owner does not represent that coverage and limits will necessarily be adequate to protect Supplier, and such coverage and limits shall not be deemed as a limitation on Supplier's liability under the indemnities granted to Owner.

- G. If the Owner is damaged by the failure or neglect of Supplier to purchase and maintain insurance as required herein, then the Supplier shall bear all reasonable costs properly attributable thereto.
- H. No acceptance and/or approval of any insurance by Owner shall be construed as relieving or excusing Supplier, or the Surety, or its bonds, from any liability or obligation imposed upon either or both of them by the provisions of the Contract Documents.
- I. If Supplier does not meet the insurance requirements of the Contract Documents, Supplier shall forward a written request to Owner for a waiver in writing of the insurance requirement(s) not met or approval in writing of alternate insurance coverage or self-insurance arrangements. If Owner denies the request, Supplier must comply with the insurance requirements as specified in the Contract Documents. Nothing in this subsection shall be construed to allow insurance coverage as required by the Contract Documents to lapse during the Contract unless and until specific written authorization for alternative coverage is issued by the Owner.
- J. Any deductibles or retentions of \$5,000.00 or greater shall be disclosed by Supplier, and are subject to Owner's written approval. Any deductible or retention amounts elected by Supplier or imposed by Supplier's insurer(s) shall be the sole responsibility of Supplier.

2.8.2 SUPPLIER'S LIABILITY INSURANCE.

- A. Supplier shall purchase the following liability coverages for not less than the limits specified below or required by law, whichever is greater.

- 1. Commercial general liability insurance which insures against claims for bodily injury, property damage, personal injury and advertising injury arising out of or in connection with, any operations or Work under the Contract Documents. The minimum limits of liability for this insurance is as follows:

\$1,000,000 combined single limit – each occurrence
\$2,000,000 combined single limit – general aggregate
\$2,000,000 combined single limit – products/completed operations aggregate

This insurance shall include coverage for the following:

- a. Liability arising from premises and operations;
- b. ISO Endorsement CG 22 64 "Pesticide or Herbicide Applicator – Limited Pollution Coverage" or its equivalent;
- c. Liability arising from the actions of independent contractors;

- d. Liability arising from products and completed operations with such coverage to be maintained for three (3) years after the Contract expiration date;
- e. Bodily injury and property damage claims assumed by Supplier under the Contract Documents;
- f. Additional insured endorsements that name County and its elected and appointed officials, officers, directors, employees, agents and consultants, that include both ongoing operations and products and completed operations coverage through ISO Endorsements CG 20 10 and CG 20 37 (together) or their equivalent;

The endorsements that comply with 1.b. and 1.f. shall be provided with any certificate of insurance provided to Owner.

- 2. Business auto liability insurance with a minimum combined single limit of \$1,000,000 per accident and including coverage for bodily injury and property damage claims arising out of the ownership, maintenance or use of any auto. This insurance shall include coverage for the following:
 - a. Bodily injury and property damage claims assumed by Supplier under the Contract Documents;
 - b. ISO Endorsement CA 23 05 "Wrong Delivery of Liquid Products" (or its equivalent);
 - c. ISO Endorsement CA 99 48 "Pollution Liability – Broadened Coverage for Covered Autos" (or its equivalent); and
 - d. Any other endorsement required for policies of insurance for public liability under the Motor Carrier Act of 1980.

The endorsements that comply with 2.b. and 2.c shall be provided with any certificate of insurance provided to Owner.in letters a, b and c above or their equivalent apply.

3. Workers' compensation insurance with statutory benefits as required by any state or Federal law, including standard "other states" coverage and **employers' liability insurance** with minimum limits of \$500,000 each accident for bodily injury by accident; \$500,000 each employee for bodily injury by disease; and \$500,000 policy limit for bodily injury by disease. The minimum limits may be satisfied with a combination of employers' liability and umbrella excess liability insurance. This insurance shall include DCRB form WC 00 03 13 "Waiver of Our Right of Recovery from Others Endorsement" or its equivalent, naming Owner and its elected or appointed officials, officers, directors, employees, agents, and consultants on the schedule therein. A copy of this endorsement must accompany any certificate of insurance provided to Owner.
- B. Insurance provided to Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants under Supplier's liability insurance required herein, shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of insurance policies required herein. Any cross suits or cross liability exclusion shall be deleted from Supplier's liability insurance policies required herein.
- C. Insurance provided to Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants as specified herein shall be primary, and any other insurance, coverage or indemnity available to Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants, shall be excess of and non-contributory with insurance provided to Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants, as specified herein.
- D. If any liability insurance purchased by Supplier has been issued on a "claims made" basis, Supplier must comply with the additional conditions. The limits of liability and the extensions to be included remain the same.

Supplier must either:

1. Agree to provide certificates of insurance to the Owner evidencing the above coverages for a period of three (3) years after the Contract expiration date. Such certificates shall evidence a retroactive date no later than the beginning of the Work under the Contract Documents, or
2. Purchase and extend (minimum three years reporting period endorsement for each such "claims made" policy in force as of the Contract expiration date and evidence the purchase of this extended reporting period endorsement by means of a certificate of insurance and a copy of the endorsement itself. Such certificate or copy of the endorsement shall evidence a retroactive date no later than the beginning of the Work under the Contract Documents.

E. Supplier shall retain all risk of physical loss or damage to (including any consequential extra expense or loss of income) to the Supplier's equipment and materials during the Contract Period. To the extent permitted by law, Supplier shall waive any right of recovery against Owner for any such physical loss of or damage to (including any consequential extra expense or loss of income) Supplier's equipment and materials.

F. Indemnification:

1. To the fullest extent permitted by law, the Supplier shall indemnify, hold harmless and defend Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants from and against all claims, damages, losses, injuries and expenses including court costs and attorneys' fees arising out of or resulting from the performance of the Work, provided such claims, damages, losses, injuries or expenses are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused in whole or in part by any act or omission of the Supplier, or any Subcontractor performing Work. Supplier or any Subcontractor shall be liable, regardless of whether or not such claims, damages, losses, injuries and expenses are caused in part by a party indemnified hereunder.

2. The Supplier's indemnification obligation hereunder with respect to any and all claims against Owner and its elected and appointed officials, officers, directors, employees, agents, and consultants, shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Supplier or any Subcontractor under Worker's Compensations Acts, Disability Benefit Acts or other Employee Benefit Acts.

G. Supplier shall perform all Work and furnish all materials and supplies in accordance with all applicable local, State and Federal laws, regulations, policies and other requirements.

END OF SECTION

TECHNICAL SPECIFICATIONS

3.1 ORDERING PROCEDURE

The Supplier is required to have either a local telephone number within the (302) area code, or a toll free (800) number. The facility shall be permitted to place their own orders by phone, which shall be confirmed by a written order sent by email. For purposes of resolving any dispute over the amount of the order, the written confirmation shall take precedence over any verbal information about the order. Delivery to the wastewater facility shall be on a "will call" basis.

3.2 DELIVERY TERMS AND CONDITIONS

3.2.1 DELIVERY TIMELINE

All deliveries of seed and chemical shall be made within one (1) week of the date of the phone order.

3.2.2 DELIVERY TIMES

Delivery shall be made to the Wolfe Neck Wastewater Facility between the hours of 8:00 AM and 4:00 PM, Monday through Friday unless otherwise requested. Each delivery must be accompanied by a Bill of Lading (BOL) identifying the origin of shipment, the volume being delivered and the cost amount.

3.2.3 METHOD OF DELIVERY

Product must be delivered on truck mounted tanks. Truck mounted tanks must be properly labeled and provided a lot number to identify batch allotments and date of manufacture. All shipping containers must be clean, and used solely for delivery of food grade chemicals, and must meet all local, state and federal requirements. All deliveries are to be made on Supplier's own truck. Delivery via common carrier is prohibited. It shall be the Supplier's responsibility to provide all needed hoses, fittings, and pumps to off load to the facilities tanks.

3.2.4 FACILITY FAMILIARIZATION

Suppliers shall familiarize themselves with all aspects of delivery to the Wolfe Neck Wastewater Facility listed in this contract. Any deviation from the criteria set forth must be addressed by the Supplier in writing.

3.2.5 EMERGENCY SPILL CONTAINMENT

All delivery trucks must carry an emergency spill containment kit and Supplier will be responsible for all leaks or spills caused while deliveries being made. All spillage must be corrected on an immediate basis to the satisfaction of the ordering facility. All costs associated with a spill clean-up shall be the responsibility of the Supplier.

3.2.6 INSPECTION

Sussex County reserves the right to require submittals, samples, for review and comment prior to the delivery of any materials. Upon delivery, an authorized representative of Sussex County shall inspect the materials, and if any of the materials are found to be defective or if the materials fail to meet in any way, the requirements of

this Contract, the entire delivery will be rejected, and Sussex County shall not be responsible for payment of any kind for that delivery. The Supplier shall, at his/her own expense, replace or satisfactorily adjust or repair all material rejected for failure to comply with the Contract Documents.

3.3 PRODUCT STANDARDS

- 3.3.1 If an area greater than 25% fails to eliminate the weeds, than additional applications shall be necessary at no additional cost to the Owner.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

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, County Engineer

RE: *Delaware Coastal Business Park Phase I Construction, Project C19-15
Change Order No. 2*

DATE: June 4, 2019

On November 29, 2016, Council authorized the purchase of the King Farm Industrial Park and the assumption of existing contractual arrangements held by Georgetown Airport Center, LLC. Under this arrangement, the County assumed Melvin L. Joseph Construction Co., Inc.'s contracts for the DeIDOT entrance and +/-500 feet of the Baltimore Avenue.

On October 10, 2017, Council approved a Memorandum of Understanding with AIC Building, LLC to achieve a better roadway alignment by incorporating the drive aisle behind the AIC building in the northern park access road via a modification of lease lines.

On March 14, 2017, Council approved the assumption of Georgetown Airport Center, LLC's Professional Engineering Contract and retained the Engineer of Record, Becker Morgan Group, Inc., as the consultant for Delaware Coastal Business Park. On January 16, 2018, Council approved Becker Morgan Group, Inc.'s scope modification no. 1 for the realignment of Baltimore Avenue, creating a four-way intersection serving lease areas 2 & 3. On December 11, 2018, Council approved scope amendment no. 2 for Becker Morgan Group, Inc. for the Coastal Business Park design phase I, connecting Baltimore Avenue across the railroad with the existing business park and the associated stormwater management.

The resulting phase I project was designed as a unit price contract and publicly advertised. On December 11, 2018, Council approved award of the Delaware Coastal Business Park, Phase I to the low bidder, Melvin Joseph Construction at the total bid amount of \$1,446,633.75.



On April 9, 2019, Council approved Change Order No. 1 in the amount of \$194,508.00 for additional stump removal and import of fill material due to differing site conditions, allowing for better marketing of the lease areas associated with this phase of the Coastal Business Park.

The Engineering Department is now requesting approval of Change Order No. 2, which includes lump sum amounts for extending the water line between lots 2 & 3 along Little Creek Avenue and a credit for railroad insurance originally included in the bid. It also includes a unit cost with estimated quantities for screening stockpiled material at Wolfe Neck RWF to be used as fill on site for a total net increase of \$11,636.00.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Delaware Coastal Business Park, Phase I**
2. Sussex County Project No. C19-15
3. Change Order No. 2
4. Date Change Order Initiated - 5/30/19
5.
 - a. Original Contract Sum \$1,446,633.75
 - b. Net Change by Previous Change Orders \$194,508.00
 - c. Contract Sum Prior to Change Order \$1,641,141.75
 - d. Requested Change \$ 11,636.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$1,652,777.75
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Extending water line along Little Creek Avenue, screening stockpiled material at Wolfe Neck and credit for railroad insurance.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Melvin L. Joseph, Contractor

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date

Smith Annexation of SCUSSD
Chapel Branch Area Fact Sheet

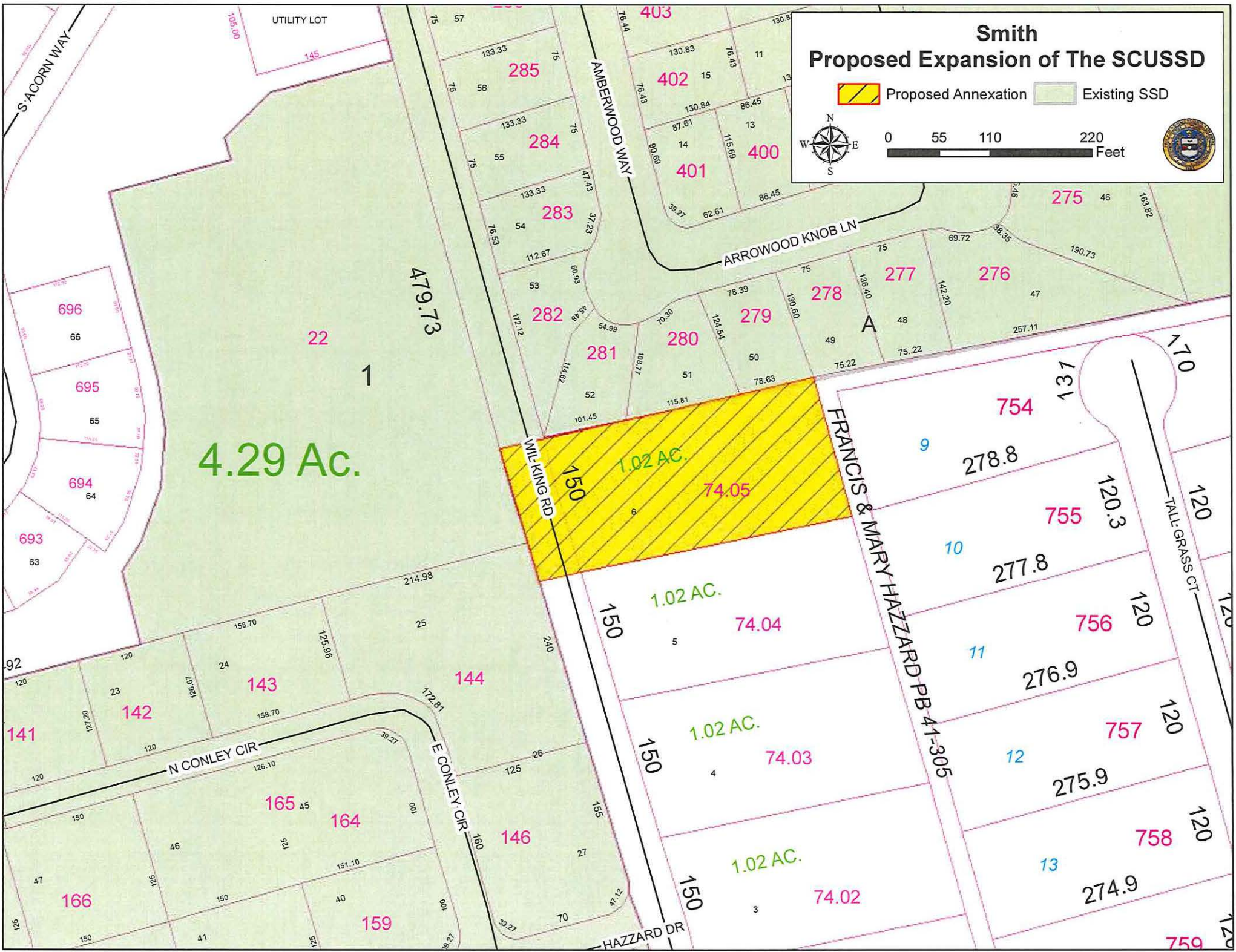
- Expansion of the Sussex County Unified Sanitary Sewer District (Chapel Branch Area)
- The Engineering Department has received a request from the property owners of parcel 234-6.00-74.05 Charles & Gladys Smith. They are interested in having the County extend the current sewer district boundary to include their parcel.
- The parcel is contiguous to the existing boundary.
- As the Engineering Department is in process of designing the connections for the Chapel Branch Area at this time and a connection can be included as part of this design.
- The current design of the Chapel Branch infrastructure proposes a forcemain along the northern property line of the Smith parcel.

Smith Proposed Expansion of The SCUSSD

 Proposed Annexation  Existing SSD



0 55 110 220 Feet



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 30, 2019

RE: County Council Old Business Report CZ 1881 Stephen P. Norman (Lakelynn)

The County Council held a public hearing on May 21, 2019. County Council deferred action for further consideration.

The Planning and Zoning Department received an application (CZ 1881 Stephen P. Norman (Lakelynn)) for a Change of Zone to allow for a change from GR General Residential District to GR-RPC General Residential District-Residential Planned Community for parcels 134-18.00-38.00 & 134-19.00-13.03 located on Peppers Corner Rd. and Lizard Hill Rd. The Planning and Zoning Commission held a public hearing on April 25, 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 comments from the State of Delaware Preliminary Land Use Service (PLUS), staff analysis, comments from the Technical Advisory Committee (TAC), comments from a number of reviewing Agencies, Sussex Conservation District, the results from DelDOT Service Level Evaluation request, Site Plan, and an exhibit booklet.

The Commission found that Mr. Gene Bayard, Attorney with Morris, James, Wilson, Halbrog, and Bayard, LLP, Mr. Zac Crouch, with Davis, Bowen, and Friedel, Mr. Ed Launey, with Environmental Resources, and Mr. Steve Norman, the applicant were present on behalf of the application; that Mr. Bayard stated the property was subject to a Change in Zone application in 2007; that the application was to change the property from AR-1 to GR-RPC; that the Change of Zone (Application No. 1602) was approved by County Council in December 2007; that the base line density with the RPC of 111 single-family lots and 154 duplex/townhome units with a density of 3.75 units per acre; that the project was not built due to the economic decline at the time; that the RPC had expired; that the application is not just for a Change in Zone but also for a new RPC overlay with a new Site Plan; that the GR Zoning Classification does permit 4 units per acre with public water and sewer exist or where it would be provided to the site; that the proposed project is for 41 single-family lots and 138 townhouses with a density of 2.5 units per acre; that this is 33% less than the previous 2007 approval; that Mr. Crouch stated the previous application went from 265 units to the 179 units now proposed; that it would be named Milos Haven; that the parcel is located in State Spending Strategies Level 3 and Level 4 areas; that there would be 41-acres of open space which does include



the wetlands, open space, stormwater management, 25-foot buffer from non-tidal wetlands and a 50-foot buffer from perennial wetlands; that this is 51% open space of the total project; that there is 20-foot buffer that is around the perimeter of the project; that there is a proposed clubhouse which is an existing house and add a pool and tot lot; that a wetland delineation has been undertaken and it was approved as part of a jurisdictional determination from the Army Corp of Engineers; that there is none known historical on the site; that roads would be built to Sussex County standards; that drinking water and fire protection would be provided by Artesian Water; that Sussex County would provide public sewer; that the project would have to be annexed into the sewer district and there is adequate capacity to serve the parcel; that stormwater management would consist of five stormwater management ponds and that the one in the middle is an existing pond; that a TIS was performed and the results are included in the exhibit booklet; that electric would be provided by Delaware Electric Coop; that there are none known rare or endangered species on the site; that the response to Chapter 99-9C is included in the exhibit booklet; that Mr. Bayard stated there is an Preliminary Site Plan that is improved from what County Council approved in 2007; that there is significant tree preservation and the wetlands on the site would be preserved; that the Level of Service on Lizard Hill Road and Pepper Corner Road would stay the same or be improved with better road quality; that with 41-acres of open space including 16-acres of undisturbed non-tidal wetlands; that is consistent with the character in the area; that this project is consistent with the Land Use Plan; that it is consistent with the RPC Ordinance; that this would project would have no adverse impact on property values; Mr. Crouch stated that the closet structure is 40-feet from the Right-of-Way to the structure in one area and 45-feet from the other end; that Geo Tech would take soil bores to ensure the construction could move forward; that they did incorporate a stub road to the adjacent property; that Mr. Launey stated he did a soil investigation for the proposed development; and that all of the proposed development is located in uplands and none of the project is located in poorly drained areas.

Ms. Cornwell, Director of Planning and Zoning stated that there were two letters of opposition submitted into the record; that there were concerns with over development and change of zone.

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

The Commission found that Mr. Ron Massey spoke in opposition to the application; that Mr. Massey stated he had concerns with flooding and impacts on wetlands; that he had concerns with impacts on roads and pointed out some of the existing issues with nearby roads; that there have been many accidents at the intersection; and that this would have an impact to the intersection.

The Commission found that Mr. Zac Crouch stated that, as part of the TIS that was performed, and a review letter was provided by DelDOT; that there would be improvements on Lizard Hill Road; that this would be to expand the existing pavement to 11-foot lanes and 5-foot shoulders; and that there would be restriping up to the intersection.

The Commission found that Ms. Lisa Massey spoke in opposition to the application; that Ms. Massey stated she had concerns with the speed limit and traffic; and that concerns with the over development.

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

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 May 9, 2019, the Planning Commission discussed the application which has been deferred since April 25, 2019.

Ms. Wingate moved that Commission recommend approval of Change in Zone 1881 for Stephen Norman for a change in zoning from GR (General Residential Zoning District) to a GR-RPC based upon the record made at the public hearing and for the following reasons:

1. The property is currently zoned GR (General Residential).
2. This land use application involves the same lands that were the subject of C/Z 1602, which was an application for a Change of Zone from AR-1 to GR-RPC approved by Sussex County Council on December 5, 2007. The prior approval allowed for 111 single-family lots and 154 residential duplex units, but the project was never built, and the approval expired.
3. The proposed development will have 41 single-family lots and 138 townhomes. This proposed density is 2.50 units per acre, which is significantly less dense than the prior application and is less than the maximum density permitted by GR zoning.
4. The proposed design and density of this RPC is consistent with nearby zoning and land uses.
5. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
6. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 21.6 acres of open space exclusive of wetlands and 15.94 acres of non-tidal wetlands, which will remain undisturbed.
7. There are non-tidal wetlands on-site, which have been delineated and the delineation has been approved by the U.S. Army Corps of Engineers. There will be no wetlands in lots or townhouse pad sites. Additionally, there will be a voluntary minimum 25-foot buffer from non-tidal wetlands and a minimum 40-foot buffer from the waters of the Beaver Dam tax ditch.
8. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics.
9. According to the County's current Comprehensive Plan, the project is in an Environmentally Sensitive Developing Area.
10. While there were concerns expressed during the public hearing about drainage, the Sussex Conservation District will perform a thorough review of the project with the project's engineers to address stormwater and drainage on the site and how it leaves the site. This should result in a drainage improvement for the area from what currently occurs on the undeveloped land that does not have any stormwater system in place.
11. Opposition also expressed concerns about traffic in the area, but the developer has consulted with DelDOT and DelDOT will require the developer to construct improvements to Lizzard Hill Road. The applicant will be required to meet all DelDOT improvement requirements.
12. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
13. This recommendation is subject to the following conditions:
 - A. The maximum number of dwelling units shall not exceed 179, of which 41 shall be single-family lots and 138 shall be townhomes. Townhomes numbers 1 through 6 shall be relocated away from Lizzard Hill Road.

- B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements or in accordance with any further modifications required by DelDOT based on its review of the Traffic Impact Study.
- D. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water for drinking water and fire protection, as required by applicable regulations.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be street lighting and sidewalks on at least one side of the streets within the RPC.
- H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan. Non-tidal wetlands shall be maintained as non-disturbance areas with a minimum 25-foot buffer.
- I. All amenities shall be completed and open to use by the residents of the development prior to the issuance of the 75th building permit.
- J. A 20-foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees.
- K. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.
- L. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas in addition the developer shall preserve as many trees as possible with all preserved tree area shown on the Final Site Plan.
- O. The Preliminary Site Plan and Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
- P. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill to and from the property shall only occur from Monday through Saturday and only between the hours of 7:00 am and 6:00 pm.
- Q. Deep Pond Lane shall be constructed to the eastern property line of the project to promote interconnectivity with other lands.
- R. Deed restrictions and / or covenants and condominium documents shall reference that agricultural activities exists nearby, and the Agricultural Protection Notice shall be included in the restrictions, covenants, and other documents.

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

Introduced 03/12/19

**Council District No. 5 - Rieley
Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00
911 Address: 34703 Cider Lane, Frankford**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS

WHEREAS, on the 4th day of December 2018, a zoning application, denominated Change of Zone No. 1881, was filed on behalf of Norman Stephen Price Revocable Trust (Lakelynns); 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. 1881 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 [GR General Residential District] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of Peppers Corner Road and Lizard Hill Road, and also being on the north side of Lizard Hill Road approximately 823 feet southeast of Peppers Corner Road, and being more particularly described in the attached legal descriptions prepared by The Smith Firm,

LLC, and Phillips, Goldman & Spence, P.A., said parcel containing 71.754 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.

PROPOSED

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”

WHEREAS, on _____, 2018, Sussex County Council adopted an ordinance establishing multiple new business and commercial districts; and

WHEREAS, one of the new districts is the “C-4 ‘Planned Commercial’” District that allows for planned, large scale commercial development including certain limited residential uses with site plan review integrated into the rezoning process; and

WHEREAS, subsequent to adoption, Sussex County has become aware of minor revisions to the “C-4 ‘Planned Commercial’” District to allow its use and implementation to occur, including minimum lot sizes and types and percentages of residential use permitted in the district.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XID, §115-83.26 “Minimum District Dimensions” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

...

C. The land areas may contain a single parcel or multiple parcels. *The minimum district area is 3 acres.*

...

E. The [parcel] *district* may have a maximum of [20] *40%* of its developable area consist of duplexes, townhomes or multifamily dwellings.

....

Section 2. The Code of Sussex County, Chapter 115, Article XIX, §115-83.27 “Permitted Uses” is hereby amended by deleting the language in brackets:

§115-83.27 Permitted Uses.

A. A building or land shall only be used for the following purposes:

...

RESIDENTIAL USES

Dwelling, duplex

Dwelling, multi-family

[Dwelling, single family]

Dwelling, townhouses

Home Occupation

Hotel, motel or motor lodge

.....

Section 3. The Code of Sussex County, Chapter 115, Article XIX, §115-83.31 “Height, Area and Bulk Requirements” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

§115-83.31 Height, Area and Bulk Requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum Area** (square feet)	Maximum Area** (square feet)	Width* (feet)	Depth (feet)
Permitted Uses:	[3 acres] <u>7,500</u>	--	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of ¾ acre.

.....

Section 4. The Code of Sussex County, Chapter 115, “115 Attachment 4, Sussex County Table IV” is hereby amended by deleting “P⁴” from the line identified as “Dwelling, Single Family Detached, including Modular” within the column identified as “Zone C-4”.

Section 5. Effective Date.

This ordinance shall take effect upon the date of adoption by Sussex County Council.

PROPOSED

ZONING

115 Attachment 4

Sussex County

TABLE IV

Permitted Uses Commercial
Sussex County

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Agriculture-Related Uses							
Agriculture-Related Business						P ²	
Agricultural Uses (less than 5 acres) Farm, Truck Garden, Orchard or Nursery Uses						P ²	
Aquaculture						P ²	
Greenhouse, commercial	D	P		P,	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P	P ¹	P	P	P ²	
Residential Uses							
Residential within structure commercial or office uses	A		A	A ³	A ⁴		
Bed & Breakfast (Tourist Homes)	D	P	P				
Dwelling, Duplex	D				P ⁴		
Dwelling, Manufactured Home	D						
Dwelling, Multi-family	D				P ⁴		
Dwelling, Single Family Detached, including Modular	D				[P ⁴]		
Dwelling, Townhouse	D				P ⁴		
Home Occupation	D	A			P		
Hotel, motel or motor lodge	D	P	P	P	P		
Sales & Rental of Goods, Merchandise, and Equipment							
Convenience store	D	P	A	P ¹	P	P	
Convenience store, Fuel Station (1 to 6 fuel dispensers)(no restriction on number of nozzles)		P		P ¹	P	P	
Convenience store, Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)					P	P	
Retail sales establishments 3,500 SF or less	D	P	A	P ¹	P	P	P
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P ¹	P	P	
Retail sales establishments 35,001 SF to 75,000 SF	D			P ¹	P	P	

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Retail sales establishments 75,001 SF or more	D			P	P		
Pharmacy or related uses, 12,000 SF or less	D	P	A	P ¹	P ¹	P	
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P ¹	P ¹	P	
Restaurant 3,500 SF or less		P	A	P ¹	P	P	P ²
Restaurant 3501 SF to 7,500 SF	D	P	A	P ¹	P	P	P ² P
Restaurant 7,501 SF or more	D			P ¹	P	P	
Brew Pub 7,500 SF or less		P	A	P ¹	P	P	
Brew Pub 7,501 SF or more				P ¹	P	P	
Wholesale trade establishment	D			P ¹	P	P	P ²
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods							
Business service establishments	D	P	P	P ¹	P	P	P ²
Banks		P	P	P ¹	P	P	
Professional Offices	D	P	P	P ¹	P	P	P ²
Personal service establishments	D	P	P	P ¹	P	P	P ²
Entertainment establishments 7,500 SF or less	D	P	A	P ¹	P	P	
Entertainment establishments more than 7,501 SF	D		A	P ¹	P	P	
Social service establishments	D	P	P	P ¹	P	P	P
Manufacturing, Assembling, Processing							
Winery, Brewery or Distillery under 7500 SF	D	P		P ¹	P ¹	P ¹	P ²
Winery, Brewery or Distillery over 7501 SF							P ²
Manufacturing	D		P ¹				P ²
Material Storage Yard w/ on-site mulching, pulping or manufacturing of material	D						P ²
Educational, Cultural, Religious, Philanthropic, Social, Fraternal							
Bio Tech Campus	D		P				P
Biotech Industry	D		P ¹				P ¹
Recreational Facility, Private	D					P	
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P	
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P	
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P	
Aquariums, commercial						P	
Educational institutions, public and private	D						P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Places of worship	D	P	P	P	P	P	P
Institutional, Residence, Care, Confinement & Medical Facilities							
Family Child Day care center (1-6 children)	D	P		P	P	P	
Large Family Child Care Homes (7-12 children)	D	P		P	P	P	
Early Care and Education and school-Age Centers (13 or more children)	D	P	P	P	P	P	P
Residential Child Care Facilities and Day Treatment Programs	D	P		P	P	P	P
Child Placing Agencies	D	P	P	P	P	P	P
Hospital	D						P
Medical clinic	D	P	P	P	P	P	P
Independent Care Facility	D			P	P	P	P
Assisted Living Facility	D	P		P	P	P	P
Extended Care Facility	D	P		P	P	P	P
Intermediate Care Facility	D	P		P	P	P	P
Long-term Care Facility	D	P		P	P	P	P
Graduate Care Facility						P	P
Surgical center	D	P			P	P	P
Fitness / wellness center		P	P	P ¹	P	P	P
Museums, Non-profit art galleries	D	P		P ¹	P	P	P
Community Centers	D	P		P ¹	P	P	P
Transportation-Related Sales & Service							
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P ²
Motor-vehicle washes		P			P	P	
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration							
Storage & Parking							
Distribution center	D		P		P		P ²
Garage, public or commercial parking		A	A	A	A	P	A
Self-storage facility	D	P		P ¹	P	P	P ²
Warehouse	D			P ¹	P	P	P ²
Public, Semi-Public, Utilities, Emergency							
Government facilities and services, local	D	P	P	P ¹	P	P	P
Government facilities and services, non-local	D	P	P	P ¹	P	P	P

Blank	=Not permitted							
P	=Permitted use							
SUE	=Special use Exception, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
A	=Permitted Accessory Use, see Sec. **							
D	= Definition, see Sec. **							
Parks		P	P	P ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P	P ¹	P	P	P	P
Utility service facilities	D	P	P	P ¹	P	P	P	P
Communication Towers		P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	P	P	P ¹	P	P		P
Not Grouped Elsewhere								
Off-Premise Signs					SUE	SUE	SUE	
Cemeteries		P						P
Funeral home		P		P ¹				P
Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line)					P ²		P ¹	
Animal Hospital and Veterinary clinics		P		P ¹	P			P ¹
Technology Center			P			P	P	P
Temporary Removable Vendor Stands		P	P		P	P	P	P

Note: Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission. In the event of any discrepancy between the information in this Table and the text of Chapter 115, the text of Chapter 115 shall be controlling.

P Permitted Use

¹ No outdoor sales and or storage permitted

² Uses permitted only with an on-site retail component

³ Mixed use building must consist of at least 25% commercial space

⁴ Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums

A Use permitted as the accessory use of the parcel

SUE – Special Use Exception - Only permitted by Board of Adjustment



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **West Rehoboth Community Land Trust**
PROJECT NAME: **Affordable Low Income Housing**
FEDERAL TAX ID: **20-2477568** NON-PROFIT: YES NO

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

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

Making it possible and Affordable Housing.

ORGANIZATION'S MISSION:

ADDRESS:

P.O. Box 633

Rehoboth Beach,

Rehoboth Beach

(CITY)

Delaware

(STATE)

19971

(ZIP)

CONTACT PERSON:

Eleanor Marchtmon

TITLE:

President

PHONE:

302-752-0484

EMAIL:

bkchurchgirl@aol.com

TOTAL FUNDING REQUEST: \$5,000.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
- Infrastructure¹

Health and Human Services
 Other _____

Cultural
 Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
- Elderly Persons
- Minority

Victims of Domestic Violence
 Low to Moderate Income²
 Other

Homeless
 Youth

BENEFICIARY NUMBER

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

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.

To Continue working to provide affordable housing in addition to the 2 habitat houses we have builds, and 6 rentals all affordable rental. Recent we purchase a piece of land to start a 3rd partnership with habitat to build a homeowner for the first time byer.

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	Grants Individual
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
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)	
Lot Expenditure 100,000.00	
Programs 47,500.00	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

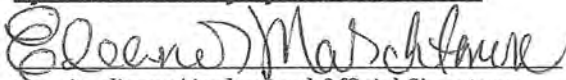
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **WRCLT** agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

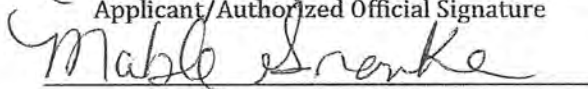
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official Signature

05/10/19

Date



Witness Signature

05/10/19

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.

Eleanor Marchman
Applicant/Authorized Official Signature
Mable Drake
Witness Signature

President
Title
05/10/19
Date

Rev. 02/2019
Hudson
5-20-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: True Blue Jazz Inc.

PROJECT NAME: 2019 7th Annual True Blue Jazz Festival

FEDERAL TAX ID: 47-1429059 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: TRUE BLUE JAZZ is focused on "Straight Ahead" or "Mainstream" Jazz, largely featuring songs of the Great American Standards Songbook from 1900 to present day. From the birth of the Blues and Dixieland Jazz to the popular tunes that became the soundtrack of America. TRUE BLUE JAZZ features innovative interpretation and musical

ADDRESS: 31408 Heron Circle

<u>Lewes</u>	<u>DE</u>	<u>19958</u>
(CITY)	(STATE)	(ZIP)

CONTACT PERSON: Peggy Raley

TITLE: Co-Founder / Vice President / Artistic Director

PHONE: 302-448-1766 EMAIL: info@truebluejazz.org

TOTAL FUNDING REQUEST: \$7500.00

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

If YES, how much was received in the last 12 months? \$2000.00

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? 1.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
5000

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.

There are no musicians of the future if they are not nurtured, encouraged and educated today. Serving on the board of The Lawrence "Scotty" Scott Foundation proved to be an awe-inspiring experience in making a concerted difference in the lives of young people across the Delmarva Peninsula. From providing instruments to young people who couldn't afford them, to providing sheet music, music stands and special instruction to school districts whose budgets had been stripped by school boards, I have been privileged to provide and witness the difference one small organization can make in the lives of many children. Since The "Scotty" Foundation ceased operation, we at True Blue Jazz Inc. have seen an incredible need to reach back into the lives of children and their teachers in the music world. TRUE BLUE JAZZ is honored to pick up the mantle where The "Scotty" Foundation left off. If you can change the life of one child, you have made a difference. If you can change the life of one child, and you can seek to enrich the lives of all children in a community by the power and beauty of music, then you have started a beautiful revolution. Music is math, it is freedom, it is expression, it is culture, it is life. We are proud to persevere in this effort to sustain a gloriously fulfilled life of not just one, but what we hope will be the lives of many children. Young lives enriched and enhanced by Jazz...in all its amazing and musically expressive forms.

Your goodwill and support for True Blue Jazz as Council Members can see tangible results in a number of ways, most importantly, as a change mechanism affecting the lives of Sussex County Music Program Students. We have witnessed this ourselves ...and we have the letters of appreciation to provide as verification, at your discretion and request.

Peggy Raley
Jazz Vocalist, Co-Founder/VP/Artistic Director of True Blue Jazz Inc.

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	\$63,450.00
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)	
Revenue:	\$63,450.00
Less the Expenditures:	\$71,252.00
Deficit:	-\$7802.00
Personnel (Entertainers, Concert/Production Staff)	-\$28,600.00
Operating Costs (Hotel,F&B,Phone,Net, Ofc Supply)	-\$8555.00
Artist / Event Production Insurance	-\$1172.00
Advertising / Promotion	-\$8500.00
Venue / Equipment Expense (Rent or Purchase)	-\$18225.00
Online Ticketing & PayPal Svc Fees	-\$1200.00
Gifts & Scholarships	-\$5000.00
(Section Total Lines were not accessible for entries)	
TOTAL EXPENDITURES	0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0

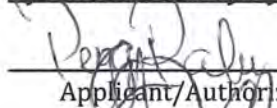
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the True Blue Jazz Inc. agrees that:
(Name of Organization)


- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
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SECTION 5: STATEMENT OF ASSURANCES (continued)

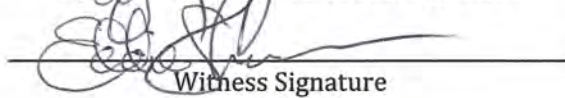
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



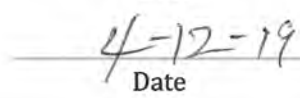
Applicant/Authorized Official Signature



Date



Witness Signature



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

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

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

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

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

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

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

Applicant/Authorized Official Signature

Title

Witness Signature

Date

Hudson
Rev. 02/2019
5-22-19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:
PROJECT NAME:
FEDERAL TAX ID: NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

ADDRESS:

(CITY) (STATE) (ZIP)

CONTACT PERSON:
TITLE:
PHONE: EMAIL:

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)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

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.

We display model trains at our club house in Dagsboro (32442 Royal Blvd.) for approximately 8 hours each week when we are open to the public. The displays are varied and include five different scales (sizes) of model railroading equipment, and are expensive to construct, operate and maintain. We are fortunate that many of our operating budget requirements are met through the generous donations of over 45 sponsors, being local businesses here in Sussex County. However, we must periodically replace some of our smaller traveling layouts that we take to local fairs, festivals and church fundraisers for single day demonstrations. It is this build project that we are requesting aid from the Council, as we need to construct a new small Thomas-The-Train outfit which the younger children can operate with hand-held remote controllers. This display

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	\$200.00
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)	
	Base table with legs -\$150
	Train sets incl. track -\$350
	Accessories -\$125
	Scenery items -\$75
	Total Expenditures -\$700
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Seaside RR Club, agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

John C. Hodges

Applicant/Authorized Official Signature

5/17/2019

Date

Robert F. Casey

Witness Signature

5/17/2019

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

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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.

John C. Hodge, President
Applicant/Authorized Official Signature

President
Title

Robert J. Menisher
Witness Signature (member)

5/15/2019
Date

Hudson
5/18/19
Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **WestSide New Beginnings**

PROJECT NAME: **Community safety**

FEDERAL TAX ID: **51-0350410**

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: The purpose for which this organization has been organized is to establish a cohesive network to address the needs and concerns of the community as the relate to alcohol, tobacco and other drugs, self esteem, housing, education and recreation.

ADDRESS: **19801 Norwood Street**

Rehoboth Beach de 19971

(CITY)

(STATE)

(ZIP)

CONTACT PERSON: **James Blakesleee**

TITLE: **Treasurer**

PHONE: **3026827907** EMAIL: **jimblak@comcast.net**

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? **\$5,000**

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? **70**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

250

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.

We are requesting \$5,000 to cover the expenses associated with community safety as well as minor renovations to the West Rehoboth Community Center. The street lighting continues to assist us in crime prevention and is an on-going expense that is critical to the safety and well-being of the community. If there is any funding remaining after the street light expense, we will put it to good use by covering minor repairs to our community center, which houses the youth program and is a hub for all of the community.

We received this amount of funding from Sussex County Council in July, 2018 and are requesting similar funding for the year July 2019-June 2020.

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	\$5000
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)	
Street light expense and community center security	-4100
minor repairs	-900
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

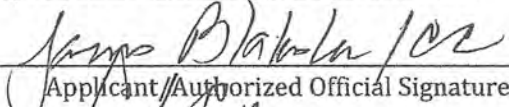
SECTION 5: STATEMENT OF ASSURANCES

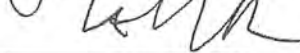
If this grant application is awarded funding, the Westside New Beginnings agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
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SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature



Witness Signature

May 24 2019

Date

5/24/2019

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.

James Blalock / MC
Applicant/Authorized Official Signature

[Signature]
Witness Signature

Treasurer
Title

5/28/2019
Date

Hudson
5-28-19

To Be Introduced 06/04/19

**Council District Nos. 3 and 4 – Burton and Hudson
Tax I.D. No. 234-28.00-1.00, 2.00, and 3.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR SLUDGE AND WASTEWATER SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.86 ACRES, MORE OR LESS

WHEREAS, on the 13th day of May 2019, a conditional use application, denominated Conditional Use No. 2186, was filed on behalf of Mountaire Farms of Delaware, Inc.; 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. 2186 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, Articles IV and VI, Subsections 115-22 and 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2186 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 both sides of Mount Joy Road approximately 52 feet west of Townsend Road, and being on both sides of Townsend Road approximately 157 feet south of Mount Joy Road, and being on the southeast corner of Mount Joy Road and Townsend Road, the northeast corner of Maryland Camp Road and Townsend Road, and the southwest corner of Maryland Camp Road and William Street Road, and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 351.86 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

To Be Introduced 06/04/19

Council District No. 3 – Burton

Tax I.D. No. 334-5.00-205.01 and 208.00

911 Address: 32454 Lewes Georgetown Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR'S OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS

WHEREAS, on the 22nd day of May 2019, a conditional use application, denominated Conditional Use No. 2188, was filed on behalf of Donovan's Painting and Drywall, LLC, c/o Jose Sandoval; 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. 2188 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. 2188 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 south side of Lewes Georgetown Highway (Route 9), approximately 187 feet west of Church Street, and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 0.69 acre, more or less.

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