



Sussex County Council Public/Media Packet

**MEETING:
June 11, 2019**

****DISCLAIMER****

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

**Sussex County Council
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

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

AGENDA

JUNE 11, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Proclamation – Home Ownership Month
2. Board of Adjustment Appointments
3. Advisory Committee for the Aging and Adults with Physical Disabilities Appointment
4. Administrator's Report

Gina Jennings, Finance Director

1. Second Quarter Employee Recognition Awards

Hans Medlarz, County Engineer

1. General Labor & Equipment Contract, Project No. 19-01
 - A. Award of first one-year Contract Extension Option



Patrick Brown, Project Engineer

1. The Owls Nest Proposed Chapter 96 Project

John Ashman, Director of Utility Planning

1. Presentation of public hearing results for Sherwood Forest North
2. Beebe Medical Center – South Coastal ED & Cancer Center
 - A. Infrastructure Use Agreement

Old Business

1. “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”

Grant Requests

1. TeenSHARP for Delaware Goes to College Sussex Boot Camp expenses
2. Town of Greenwood for Greenwood Police Department’s Night Out Event
3. Gumboro Community Association to revitalize the grounds and landscaping of the Gumboro Community Center

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.sussexcountycle.gov.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 4, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 4, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 4, 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

Call to Order

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

Mr. Vincent called the meeting to order.

**M 271 19
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to approve the Agenda, as posted.

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 May 14 and 21, 2019 were approved by consent.

**Corre-
spondence**

Correspondence

LAUREL ELEMENTARY SCHOOL, LAUREL, DELAWARE.

RE: Letter in appreciation of grant for LES Dog DayZ 5K Run/Wellness Walk.

H.O. BRITTINGHAM ELEMENTARY SCHOOL, MILTON, DELAWARE.

RE: Letter in appreciation of grant for expenses for the Robotics Team's attendance at the World Championships.

**Public
Comments**

Public Comments

Jim Martin commented on the report on affordable housing given at the May 21st Council meeting, the affordable housing crisis in the County, and a request for a County Resolution supporting a homeless bill of rights.

**Public
Comments
(continued)**

Stephen Wilz stated his concerns and complaints about Paradise Grill in Pot Nets Bayside.

Paul Reiger commented on commercial dog kennel applications.

Michele Williams commented on the positive impacts of walking and biking trails and thanked the Council for its support of the bike path in Sussex County. Ms. Williams also referenced her support of the LSA study (report given to Council on May 21st).

Dan Kramer raised a question regarding setbacks, and asked how a property can be considered to have two fronts.

**Source
Water
Protection
Technical
Advisory
Committee**

Todd Lawson reported that the County's Source Water Protection Technical Advisory Committee (SWP TAC) is currently not appointed. Sussex County Code, §89-10, states that the "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 of 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 meeting, as the need arises, for the purposes described in this chapter." Mr. Lawson stated that each Council person needs to appoint two members and he asked Council members to consider nominees and submit names to him for consideration at a future Council meeting.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Coastal Club – Land Bay 7 - Phase B (Construction Record) and Covered Bridge Trails – Phase 1 (Gravity and Force Main Only) received Substantial Completion effective May 24th and May 28th, respectively.

2. Rachel Pusey

It is with sadness that we note the passing of County pensioner Rachel Pusey on Wednesday, May 22nd. Ms. Pusey began her career with

**Administrator's
Report
(continued)**

Sussex County in January 1967 as a Clerk in the Recorder of Deeds office until February 1987. She transferred to the Prothonotary's Office in February 1987 and was a Clerk there until September 1987, and remained employed by the Prothonotary's Office when the State took over in October 1987. Ms. Pusey returned to the County in January 1995 as the Deputy in the Recorder of Deeds office until May 2001. We would like to extend our condolences to the Pusey family.

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

**Audit
Services
RFP**

Gina Jennings, Finance Director, reported that a Request for Proposals (RFP) was recently completed for audit services. The previous contract expired with BDO USA, LLP. Five (5) proposals were received and reviewed. Mrs. Jennings reported that, based on an evaluation of the bids received, it is recommended that the 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.

**M 272 19
Approve
Audit
Services
Contract
with
BDO USA,
LLP**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council, through the recommendation of the Finance Department, approve a contract with BDO USA, LLP for three (3) years with an option to renew for another three (3) years by mutual agreement, with the first year to cost \$108,300.00.

Motion Adopted: 5 Yeas.

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

**SizeUp
Presenta-
tion**

Bill Pfaff, Economic Development Director, reported that the County has partnered with SizeUp, an internet-based research company, to offer its Local Business Intelligence (LBI) service to existing and start-up small businesses in the County. Mr. Pfaff stated that SizeUp will give businesses in Sussex County the tools needed to grow and be successful, allowing them to create customized reports specifically for their business. Users of this program will be able to access data not only from Sussex County but also from the Eastern Shore of Maryland and Virginia. Mr. Pfaff reported that the software will provide business owners with four basic tools: performance benchmarking, competitive intelligence, advertising analysis, and demographic analysis. A link to this software will be offered to the municipalities and Chambers in Sussex County and information will filter back to the Sussex County Economic Development Department. Mr. Pfaff advised that the cost of this software is \$5,000.00 annually and he thanked the Council for its support to purchase the software.

**Maintenance
Garage
Project**

Hans Medlarz, County Engineer, presented the Final Balancing Change Order and request to grant Substantial Completion for the Sussex County Maintenance Garage, Project No. 17-09. Mr. Medlarz reported that the building was constructed for less than 4% change orders. 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 a Certificate of Occupancy on May 1, 2019. The Engineering Department now recommends approval of the balancing change order and substantial completion for the project. Mr. Medlarz reported that several additional electrical tasks were necessary and that Tudor Electric Company agreed to complete this work on a time and material basis without markup. The total cost 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.

**M 273 19
Approve
Change
Order and
Grant
Substantial
Completion/
Maintenance
Garage
Project**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 4 for Contract 17-09, Sussex County Maintenance Garage, be approved, decreasing the contract amount by \$651.96 for a new contract total of \$2,080,440.54, and that Substantial Completion be granted effective May 1, 2019, and any held retainage released in accordance with contract documents.

Motion Adopted: 5 Yeas.

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

**M 274 19
Reauthorize
Work/
Tudor
Electric
Company/
Maintenance
Garage
Project**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the administratively approved time and materials work performed by Tudor Electric Company, under Contract 17-09, be reauthorized in an amount of \$25,141.05.

Motion Adopted: 5 Yeas.

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

**Rehoboth
Beach WTF
Upgrade/
Phase 2**

Hans Medlarz, County Engineer, reported on the Rehoboth Beach Wastewater Treatment Facility capital upgrade program. Mr. Medlarz reported that Phase 2 is proceeding and the City is considering Phases 3 and 4. While the City is still determining how to complete the remaining phases

Rehoboth Beach WTF (continued) (3 and 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 has requested the integration of this work into Phase 2 triggering a modification to the Alternative Financing Agreement and an associated GHD design amendment.

M 275 19 Approve Supplemental Alternative Financing Agreement/ Rehoboth Beach WTF A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Supplemental Alternative Financing Agreement with the City of Rehoboth, as presented, be approved.

Motion Adopted: 5 Yeas.

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

M 276 19 Approve Base Engineering Contract Amendment/ Rehoboth Beach WTF CIP Upgrade Phase II A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 18 to the Base Engineering Contract with GHD, Inc. be approved in the amount not to exceed \$172,153.17, for the design of the headworks improvement as part of the Rehoboth Beach Wastewater Treatment Plant CIP (Capital Improvement Project) Upgrade, Phase II.

Motion Adopted: 5 Yeas.

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

Wolfe Neck RWF/ Delivery of Seed and Chemical Project Hans Medlarz, County Engineer, reported on the bid results for the Wolfe Neck RWF, Delivery of Seed & Chemicals, Project No. 18-06 and M19-31. Mr. Medlarz reported that only one bid was received and that the bid was competitive with one exception. The new unit prices were similar to the 2017 bid with the exception of the bulk seed mix price (winter crop). 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 FY 20 and FY 21. Further, the Department will re-evaluate the composition of the cover crop bulk seed mix (winter crop) and separately letter bid that particular item as needed for each fiscal year.

M 277 19 FY 19 Contract Reissuance/ Wolfe Neck RWF/ A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Contract 18-06, Delivery of Seed & Chemicals, be reauthorized to Growmark FS, LLC for FY 2019 in the amount of \$81,766.46 as part of the contract close-out; and Be It Further Moved to award Contract M19-31, Delivery of Seed & Chemicals, Bid Items 1, 2, and 4 through 6 to Growmark FS, LLC in the low bid amount of \$77,150.50 per year for FY

**Old
Business
CZ 1881**

Under Old Business, the Council considered 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 (Lakelynns) (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 the Commission deferred action. On May 9, 2019, the Commission recommended approval with conditions.

The Sussex County Council held a Public Hearing on this application on May 21, 2019 at which time action was deferred.

**M 280 19
Adopt
Ordinance
No. 2657
CZ 1881**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2657 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 (Lakelynns), 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. Townhome 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**

**M 280 19
Adopt
Ordinance
No. 2657
CZ 1881
(continued)**

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 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 exists nearby, and the Agricultural Protection Notice shall be included in the restrictions, covenants, and other documents..**

Motion Adopted: 5 Yeas.

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

**Old
Business/
Proposed
C-4
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “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”.

**Old
Business/
Proposed
C-4
Ordinance
(continued)**

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 25, 2018 at which time action was deferred. On November 15, 2018, the Commission recommended approval with the following conditions:

- 1. The maximum amount of residential development increases from 20% to 65%.**
- 2. Mixed-use buildings shall not count towards the residential density calculation.**

The Council held a Public Hearing on the Proposed Ordinance on November 27, 2018 at which time action was deferred. At their December 4, 2018 meeting, the Council deferred action again.

It was noted that only three members of the Council can vote on this matter as it has been deferred since 2018 and two new members have joined the Council since that time. (Mr. Hudson and Mr. Rieley not voting.)

**M 281 19
Adopt
Proposed
C-4
Ordinance**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “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”.

DENIED

Motion Denied: 3 Nays, 2 Abstentions.

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

**Grant
Requests**

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

**M 282 19
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$3,500.00 (\$2,500.00 from Mr. Hudson’s Councilmanic Grant Account and \$1,000.00 from Mr. Burton’s Councilmanic Grant Account) to the West Rehoboth Community Land Trust for affordable low income housing.

Motion Adopted: 5 Yeas.

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

**Grant
Request
Presented**

Eddie Sherman and Peggy Raley were in attendance to present their request for True Blue Jazz.

M 283 19 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$4,000.00 (\$1,500.00 from Mr. Hudson's Councilmanic Grant Account, \$1,500.00 from Mr. Burton's Councilmanic Grant Account, and \$1,000.00 from Mr. Vincent's Councilmanic Grant Account) to True Blue Jazz for expenses.

Motion Adopted: 4 Yeas, 1 Abstention.

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

M 284 19 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$200.00 (\$100.00 each from Mr. Hudson's and Mr. Rieley's Councilmanic Grant Accounts) to the Delaware Seaside Railroad Club for holiday model trains display.

Motion Adopted: 5 Yeas.

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

M 285 19 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$4,000.00 (\$2,500.00 from Mr. Hudson's Councilmanic Grant Account, \$500.00 from Mr. Rieley's Councilmanic Grant Account, and \$1,000.00 from Mr. Burton's Councilmanic Grant Account) to West Side New Beginnings for community safety and renovations.

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 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" (Conditional Use No. 2186) filed on behalf of Mountaire Farms of Delaware, Inc. (Tax I.D. No. 234-28.00-1.00, 2.00, and 3.00) (911 Address: None Available).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A

Introduction of Proposed Ordinances (continued)

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" (Conditional Use No. 2188) filed on behalf of Donovan's Painting and Drywall, LLC, c/o Jose Sandoval (Tax I.D. No. 334-5.00-205.01 and 208.00) (911 Address: 32454 Lewes Georgetown Highway, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

**M 286 19
Go Into
Executive
Session**

At 11:44 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:53 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session concluded at 12:42 p.m.

**M 287 19
Reconvene
Regular
Session**

At 12:43 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**

Action

There was no action on Executive Session matters.

**M 288 19
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to adjourn at 12:44 p.m.

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**

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



PROCLAMATION

PROCLAIMING THE MONTH OF JUNE AS "HOME OWNERSHIP MONTH" IN SUSSEX COUNTY

WHEREAS, owning a home is an important part of the American Dream; and

WHEREAS, the Sussex County Council realizes that home ownership benefits individuals and families, strengthens our communities, and is integral to our economy; and

WHEREAS, the Sussex County Council realizes that home is where we make memories, build our futures, and feel comfortable and safe; and

WHEREAS, the Sussex County Council, in partnership with the Delaware State Housing Authority, USDA Rural Development, non-profit housing agencies, and the Sussex County Association of Realtors®, will continue to provide assistance for home ownership for Sussex County citizens;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council does hereby proclaim the month of June 2019 as "Home Ownership Month" for the American Dream in Sussex County; and

BE IT FURTHER RESOLVED that the Sussex County Council urges all citizens to wholeheartedly recognize this effort throughout the year.



Michael H. Vincent, President

Dated: June 11, 2019

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 Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable John L. Rieley
The Honorable Douglas B. Hudson

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

RE: ***General Labor & Equipment Contract, Project No. 19-01
Award of First One-Year Contract Extension Option***

DATE: June 11, 2019

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

During the Fiscal Year 2017 Budget Process, the Engineering Department introduced the concept of a time and material contract. On June 21, 2016, Council awarded the first General Labor & Equipment Contract - Project #17-01 to George & Lynch, Inc. The contract was renewed by Council on June 13, 2017 for an additional one-year period based on performance. Throughout this two (2) year timeframe, a significant scope of work was completed with considerable cost and time savings proving the validity of the approach.

Therefore, the Engineering Department re-advertised the contract in the spring of 2018 using the "best value" approach and on April 24, 2018, County Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc., of Dover, Delaware, at the bid amount of \$4,827,190.00. This contract award was valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

The General Labor & Equipment Contract is again due to expire on July 1, 2019. As presented at the initial award, the contract allows for two (2) one-year extensions at the County's discretion. The contractor's performance is satisfactory, and a one-year extension is in the County's best interest. Therefore, the Engineering Department suggests to Council to



exercise the first one-year extension option under the unit prices previously bid, in the amount of **up to** \$7,395,000.00, allowing for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport. This amount does not include emergency repair services to existing facilities through July 1, 2020. This type of work, in addition to scope changes, will be presented to Council on a case by case basis.

This one-year extension for FY 20, includes the following capital and operational project categories and budgets:

- 1. Wastewater collection systems \$ 590,000
- 2. Wetwells & valve vaults \$2,400,000
- 3. Redirection of pump station #203 & 204 \$1,700,000
- 4. Concord Road/Route 13 Commercial \$ 700,000
- 5. South Coastal forcemain consolidation \$1,000,000
- 6. Airport pavement & stormwater projects \$1,000,000
- 7. Pavement repairs for legacy sewer projects \$ 50,000

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 Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable John L. Rieley
The Honorable Douglas B. Hudson

FROM: Patrick Brown, P.E.

RE: ***CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS PROGRAM
THE OWL'S NEST – PROJECT ELECTION RESULTS***

DATE: June 11, 2019

The Owl's Nest is a small, fully built-out subdivision of 17 parcels located along Barn Owl Drive and Tree Top Lane, which are private streets owned and maintained by the community Homeowners Association (HOA). The Selbyville area subdivision's two roads comprise approximately 1,500 LF of pavement in various conditions. The community requested technical assistance and project financing through Chapter 96 of Sussex County Code.

Resolution R 010 19 was presented and approved at the April 30, 2019 Council meeting. The resolution accepted the subdivision into the Chapter 96 program and established an Election to determine if the project and estimated cost was favorable or not favorable to The Owl's Nest property owners. The Election was held in accordance with Chapter 96 Code on Wednesday, June 5, 2019 at the Selbyville Public Library. Please find attached certified Election results.

In summary, a total of eight (8) votes were cast in-person and by absentee ballot. All eight votes were "YES" votes, with zero (0) "NO" votes cast, indicating the property owners are in favor of the project. Although vote totals indicate 47% property owner participation, the outcome of the Election is determined by actual votes cast in the Election.

Based on the affirmative results of the Election, the Engineering Department recommends favorable action on a resolution authorizing the County Engineer to proceed with the improvements and authorizing the County Finance Director and County Engineer to determine a uniform billing rate based on actual costs after substantial completion.

Enclosures: Certified Election Results
Ballot Box Certification
Affidavit for Posting Notices





Certified Election Results
The Owl's Nest Chapter 96 Proposed Sussex Community Improvement Project

The voting results for The Owl's Nest Chapter 96 Proposed Sussex Community Improvement Project Election, held on Wednesday, June 5, 2019, in accordance with Sussex County Council Resolution # R 010 19, were as follows:


	<u>Yes Votes</u>	<u>No Votes</u>		
Votes cast in-person	<u>7</u>	<u>0</u>	=	<u>7</u> total votes in-person
Votes by absentee ballot	<u>1</u>	<u>0</u>	=	<u>1</u> total votes by absentee ballot
TOTAL	<u>8</u>	<u>0</u>	=	<u>8</u> total votes cast

The Owl's Nest proposed Chapter 96 project was voted (in favor of) / (~~against~~) proceeding 8 - 0.

Results Certified by:


Patrick J. Brown, P.E.

Sussex County Judge of Election
June 5, 2019


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

THE OWL'S NEST
PROPOSED CHAPTER 96 SUSSEX COUNTY IMPROVEMENTS
PROJECT

BALLOT BOX CERTIFICATION

I hereby certify that the ballot box for The Owl's Nest proposed Chapter 96
Sussex County Improvements project Election is empty at 1:18 PM,
on Wednesday, June 5, 2019.



Witness



**THE OWL'S NEST
PROPOSED CHAPTER 96
SUSSEX COMMUNITY IMPROVEMENT PROJECT
AFFIDAVIT FOR POSTING OF NOTICES**

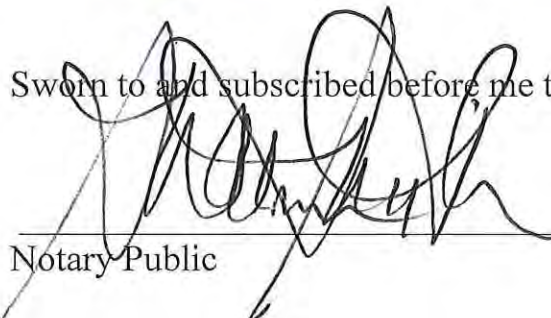
I, Patrick J. Brown, hereby certify that copies of the Notice of Election for **The Owl's Nest Proposed Chapter 96 Project** were posted at the following locations in Sussex Shores on May 9, 2019:

LOCATION

1. On Barn Owl Drive, in community right-of-way, on south side at the subdivision entrance / exit onto Smithfield Acres Road, on posting stakes.
2. On Tree Top Lane at Barn Owl Drive intersection, in community right-of-way, on east side of intersection between Houses # 37385 and # 37375 Tree Top Lane, on a community light pole.
3. On Smithfield Acres Road right-of-way, on east side, at community entrance, on DP&L Pole # 58508/97001.




Patrick J. Brown

Sworn to and subscribed before me this 10th day of May, AD, 2019.


Notary Public

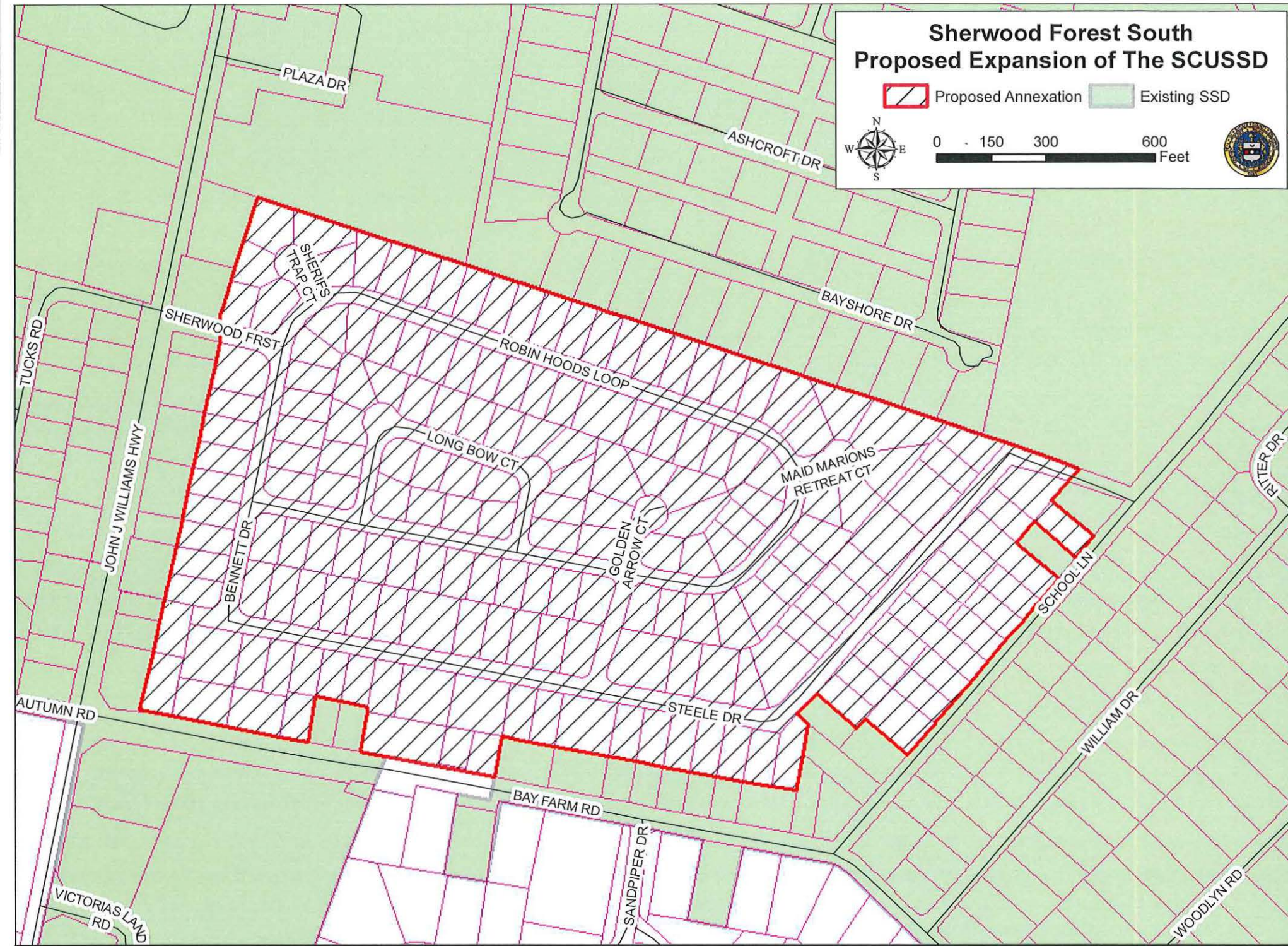
SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

Sherwood Forest South Proposed Expansion of The SCUSSD

 Proposed Annexation  Existing SSD



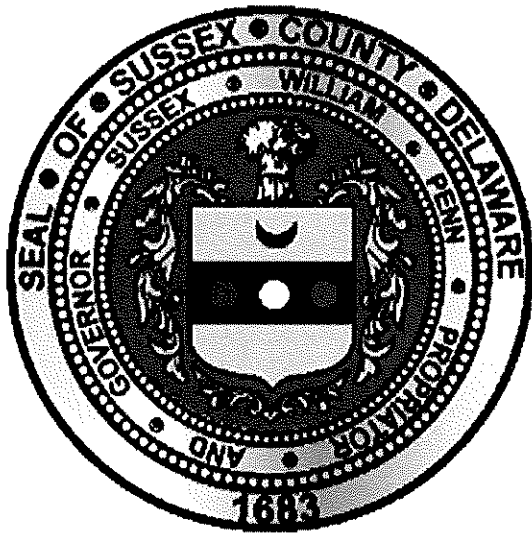
0 150 300 600 Feet



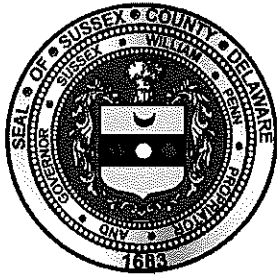
The proposed annexation is scheduled to be discussed April 25, 2019 at Conley's United Methodist Church, 33106 Jolyns Way, Lewes DE
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

Sussex County Engineering Department

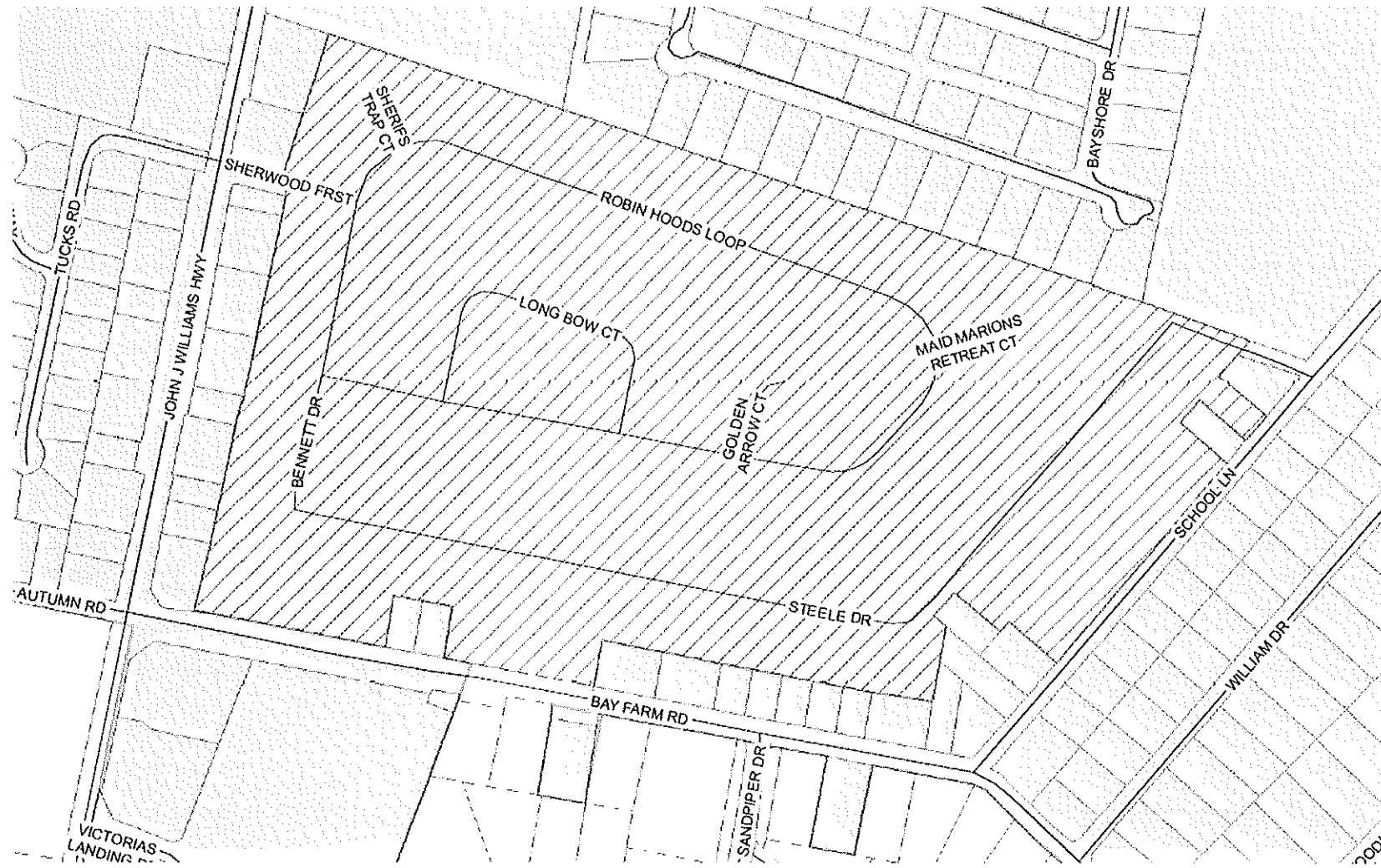
Sussex County Unified Sanitary Sewer District Proposed Expansion

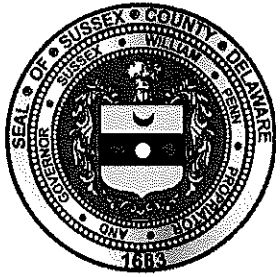


**Sherwood Forest North Area
Public Hearing
April 25, 2019**

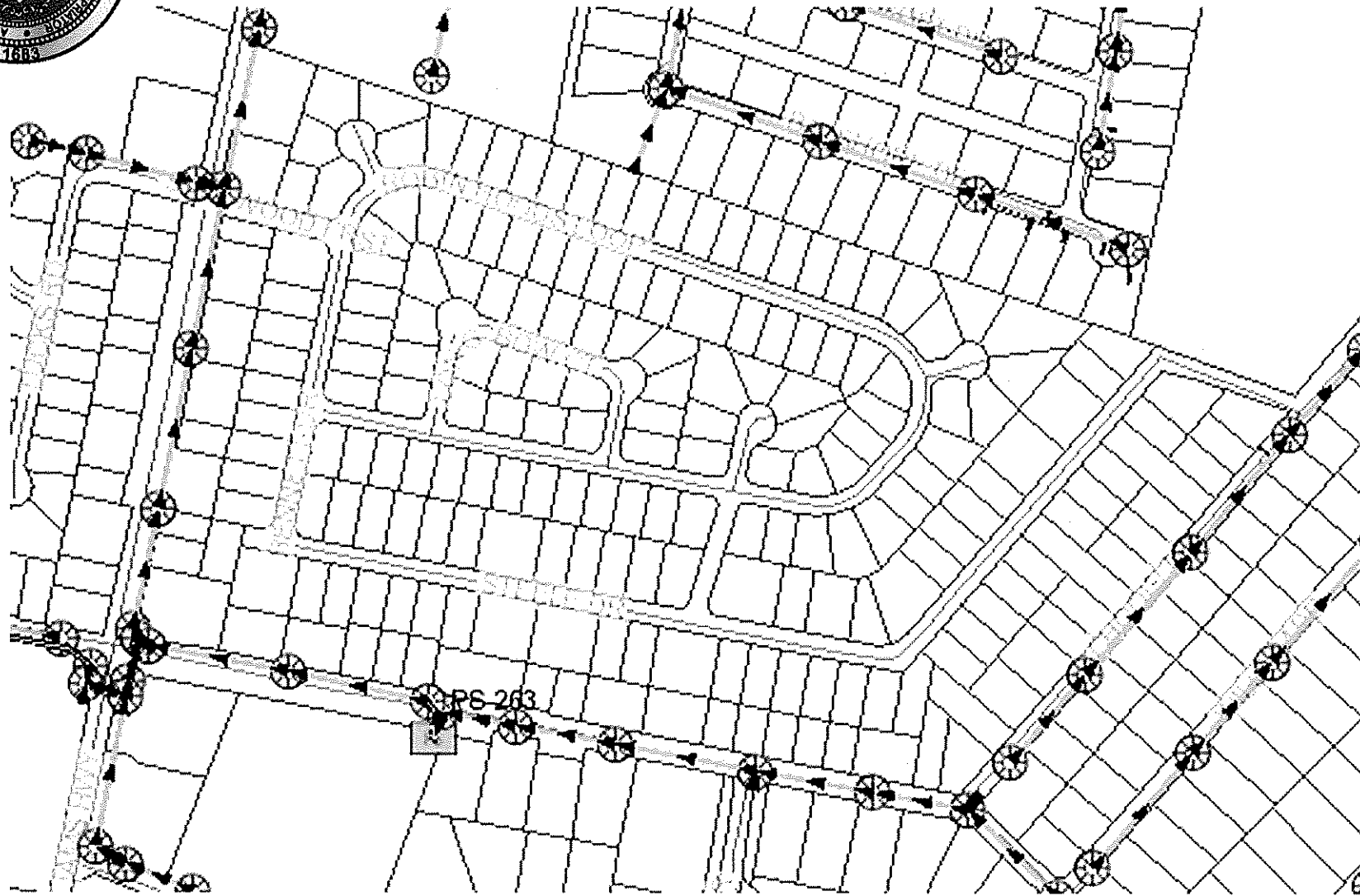


Proposed Expansion Area

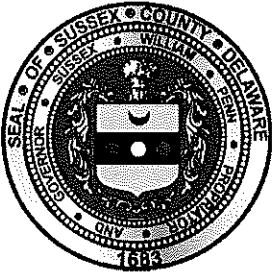




Existing County Infrastructure*

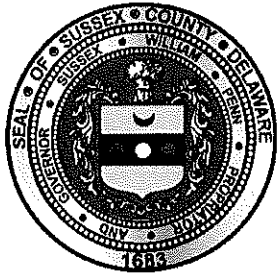


* No Pumpstation required



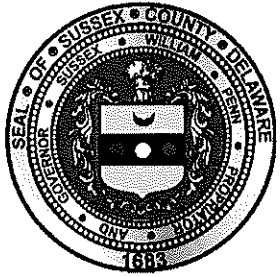
HOW WE GOT HERE TODAY

- 1. The Engineering Department received multiple contacts from the community interested in central sewer, stating failing on-site septic systems.**
- 2. In response, the Engineering Department mailed an initial Polling Letter on March 15, 2018 to all 167 parcels followed by a second targeted mailing to non responders on May 9, 2018. In total 120 responses were received.**
- 3. The results from the polling were compiled and presented to County Council on March 12, 2019 reflecting 67 parcels in favor (40%) and 53 parcels opposed (32%).**
- 4. Subsequently County Council authorized to hold the Public Hearing for the expansion of the Sussex County Unified Sanitary Sewer District as per Del. Code, Title 9 Chapter 6502.**



NEXT STEPS

1. A summary of the testimony given during tonight's Public Hearing will be presented to County Council at one of their regularly scheduled Council Meetings. The record will be closed after tonight's Public Hearing.
2. County Council will weigh the testimony and vote on a resolution whether or not to extend the boundaries of the sewer district.
3. If Council votes in favor of the expansion the Engineering Department will file a Notice-of-Intent to provide service with the State in 2020.
4. If approved in the State's Intended Use Plan, the County will be invited to apply for project funding.
5. Once an acceptable funding package is received and accepted by Council, the Department will proceed with design, bidding and construction of the infrastructure.
6. Service availability expected within 4-5 years.



Estimated Rates

Current Annual Service Charge:

\$292.00/year per EDU (Equivalent Dwelling Unit); billed quarterly to connected customers (subject to change during the annual budget process).

Annual Estimated Sewer Assessment Charge:

\$633.00 (fixed for the term of the financing)

System Connection Charge (SCC):

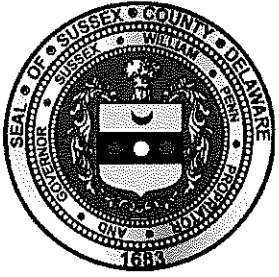
\$0.00 for existing homes the one-time SCC fee will be included in the financing. Any future connection will be charged the SCC fee in effect at that time, currently \$6,360.00.

Estimated Annual Charge:

\$292.00 (service charge) + \$633.00 (EDU) = **\$925.00** (based on estimated 2020 County-wide MHI)

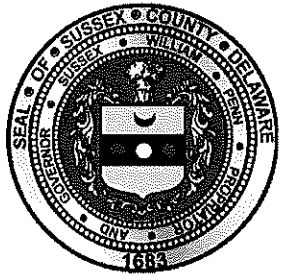
Estimated Connection Expense:

Plumbing costs ±\$2,000 based on complexity and \$100 Permit Fee to Sussex County.



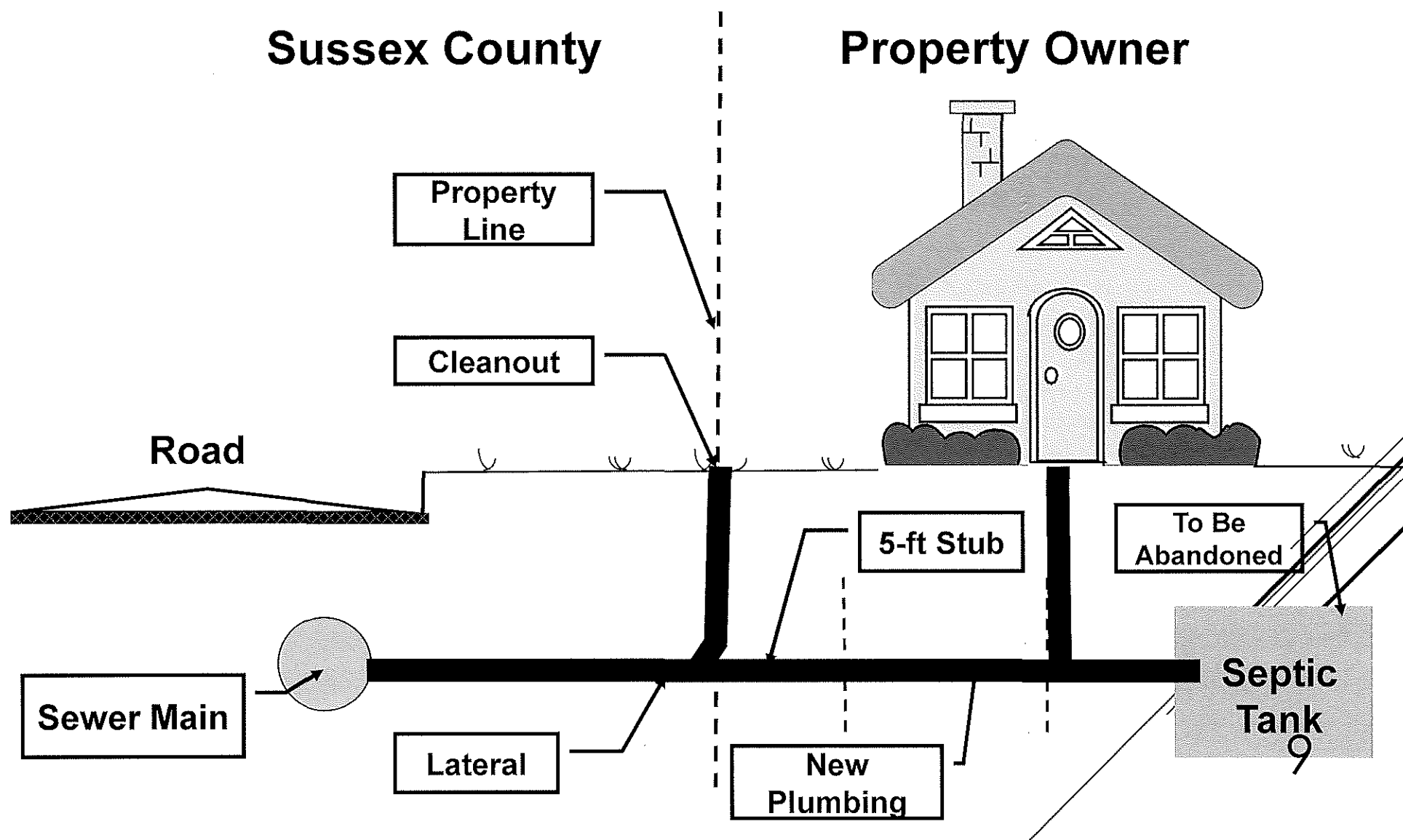
ON-SITE SEPTIC SYSTEMS COST COMPARISON

1. The Performance Standard Nitrogen (PSN-3) technology is in effect since November 2008 as per the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems.
2. The Regulations make a Class H Inspection mandatory prior to sale of an existing home.
3. All systems requiring any type of component replacement must be upgraded to PSN-3 technology.
4. On average PSN-3 technology increases the price of a replacement system by ~\$7,000 above normal replacement cost.
5. Systems with PSN-3 technology require mandatory operation and maintenance by a Certified Service Provider, with a cost in the range of \$300-\$400 per year.



Questions / Comments

Hook Up Procedure: Typical Gravity Connection



Sherwood Forest North Expansion
PUBLIC HEARING RESULTS

- Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area)
- Includes all remaining parcels within the Sherwood Forest Subdivision and miscellaneous parcels along Bay Farm Road.
- The Engineering Department had received requests from many property owners interested in having the County extend the Sewer District Boundary over the past several years.
- In response we sent out a polling letter on March 15, 2018, based on a slow response we sent a second letter on May 9, 2018.
- Permission to prepare and post notices for a Public Hearing was granted on March 12, 2019.
- Public Hearing was held at the Conley's United Methodist Church on Jolyns Way, Lewes DE on April 25, 2019 at 6:00 PM.
- The record was held open for 30 days for additional or changes to the polling letters based on the presentation.
- To date we have received one additional letter in support. For a total of 68 in favor, 53 opposed.
- The Engineering Department would recommend expanding the boundary at this time.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS IN STEELE'S DEVELOPMENT AND SHERWOOD FOREST SOUTH ON THE SOUTH SIDE OF JOHN J. WILLIAMS HIGHWAY, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of John J. Williams Highway, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the south side of John J. Williams Highway, as follows:

Beginning at a point, said point being a boundary corner of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being the northwesternmost property corner of lands now or formerly the Sherwood Forest South Property Owners Association, Inc.; thence proceeding by and with said SCUSSD boundary in a southeasterly direction 2363.46 feet +/- to a point, said point being a boundary corner of the SCUSSD, said point also being on the boundary line of lands now or formerly (N/F) of the Indian River School District, said point further being on the northerly right-of-way (ROW) of Steel Drive; thence proceeding by and with said SCUSSD, in a generally southwesterly direction 1366.3 feet +/- to a point, said point being a boundary corner of the said SCUSSD, said point being on the westerly ROW of School Lane, said point further being common property corner of lands N/F of Jimmy L. Peterson and Darleen M. Strayer; thence continuing by and with SCUSSD boundary in a northwesterly and southwesterly direction 644.20 feet +/- to a point, said point being a boundary corner of the SCUSSD, said point also being located on the westerly boundary line of lands N/F of Jeanette H. Rolen, said point further being a common property corner of lands N/F of Mary Zettlemoyer and lands N/F of Margie D. Zettlemoyer; thence proceeding by and with said SCUSSD boundary in a westerly direction 824.7 feet +/- to a point, said point being a boundary corner of the SCUSSD, said point further being the northwesternmost property corner of lands N/F of Robert Davis; thence proceeding in a southwesterly direction 115.0 +/- feet by and with said SCUSSD boundary to a point, said point being on the boundary of the SCUSSD, said point also being the southwesternmost property corner of lands N/F of Robert Davis, said point further being on the northerly ROW of Bay Farm Road; thence leaving the boundary of the said SCUSSD, and proceeding 392.6 +/- feet in a westerly direction with the northerly ROW of Bay Farm Road to a point, said point being on the northerly ROW of Bay Farm Road, said point also being a boundary corner in the SCUSSD, said point further being the southeasternmost property corner of lands N/F of Burr D, Ralph G, Kevin O, and Brett R. Monroe; thence rejoining the boundary of the SCUSSD and proceeding by and with said SCUSSD boundary in a northeasterly, westerly and southwesterly direction respectively a distance of 400 feet +/- to a point, said point being the southeasternmost property corner of land N/F of Richard A. and Susanna M. Leister Trust thence proceeding by and with said SCUSSD boundary in a northwesterly direction 375 feet +/- to a point, said point being a boundary corner in the

SCUSSD, said point also being on the northerly ROW of Bay Farm Road, said point further being in the southerly boundary line of lands N/F of Doreen Aleece Jackson, Trustee; thence proceeding by and with said SCUSSD boundary 1645.54 feet +/- in a northeasterly direction to a point, said point being a boundary corner of the SCUSSD, said point also being the northwesternmost property corner of lands now or formerly the Sherwood Forest South Property Owners Association, Inc., said point further being the **Point of Beginning**.

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

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

ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Beebe Medical Center, Inc.
File: OM 9.01

DATE: June 11, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Beebe Medical Center Inc.** for the **South Coastal ED & Cancer Center** project in the Millville Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **South Coastal ED & Cancer Center** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Beebe Medical Center Inc.** will contribute **\$54,923.00** for the financial catch-up contribution of the existing infrastructure to serve **30.67** Equivalent Dwelling Units. Payment will be required prior to receiving substantial completion of the on-site infrastructure. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Beebe Medical Center – South Coastal ED & Cancer Center – IUA1111

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2019, by and between:

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

BEEBE MEDICAL CENTER, INC. d/b/a Beebe Healthcare, a Delaware Corporation and developer of a project known as **Beebe Medical Center - South Coastal ED & Cancer Center**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-15.00-93.00 to be known as **Beebe Medical Center - South Coastal ED & Cancer Center** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **30.67** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$54,923.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving substantial completion of the on-site infrastructure.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **424 Savannah Road, Lewes DE 19958**.

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

FOR THE COUNTY:

{Seal}

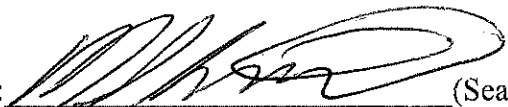
By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR BEEBE MEDICAL CENTER, INC.

By:  (Seal)
Mark Loukides, Vice President
Facilities, Infrastructure & Plant Operations

5/17/19 (DATE)

WITNESS: Rebecca Roberts

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: June 7, 2019

RE: County Council Old Business Report Ord 19-6 Cluster Subdivision

The County Council held a public hearing on May 14, 2019. County Council deferred action for further consideration.

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

Ord 19-6

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

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

Mr. Robertson stated that the current Cluster Subdivision Ordinance was adopted in the early 2000's and it was required by the Comprehensive Plan in force at the time; that it effectively shrunk the size of the lots in exchange for a subdivision having a certain amount of continuous open space, with the result being a better design than would ordinarily result from a standard three-quarter-acre per lot subdivision or 20,000 square foot lot subdivision; that the Code stated a superior design is needed but did not give any criteria as to what superior design meant; that there were not any standards on what it meant to be superior; that Ordinance No. 2024 tried to introduce a design process where a developer starts with a usable open space, whether it be trees, next to a park, or next to water; and then design around the open space with a good design and not start with how many lots you could get; that the proposed Ordinance went through the Planning and Zoning Commission with it being a requirement that you had to submit the yield plan, it had to design with specific superiority requirements; that the proposed Ordinance went before the County Council who, following discussion, voted to make it



optional which made two paths and kept it essentially the way the Ordinance was; that County Council also kept the requirement of the yield plan with the superior design requirements as an option; that the option would allow for expedited application processing, which was a valuable incentive at the time because there was a two-year waiting list for applications to reach the Planning & Zoning Commission; that ultimately there were no applications submitted under the optional route under superior design subdivision; that what the Ordinance does, is take the Code back to what exactly what Planning and Zoning Commission approved in November 2008; that all cluster subdivisions would have to meet the requirements; and that if it is a standard subdivision, it will take the normal course.

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

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

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

The Commission found that Ms. Michelle Schmidt, with Delaware Center for Inland Bays, Ms. Jeanette Akhter spoke in favor to the proposed Ordinance; that Ms. Schmidt stated that since 1994 the Inland Bays have worked in partnership with the County, State of Delaware, municipalities, businesses, and Universities; with the aim of implementing a Comprehensive Conservation and Management Plan to protect and restore the water bodies that are so important to Sussex County's \$7 Billion Coastal Economy; that the plan to which to the County is signatory lays out the actions necessary to improve water quality in the bays and to project the important natural habitats; that the proposed Ordinance would make implementing the superior design criteria currently contained in Ordinance No. 2024 mandatory for new cluster subdivisions; that this change would provide for important Environmental protection and is consistent with the coordinated land and water use decisions focus area of the Inland Bays Comprehensive Conservation Management Plan; that therefore the Ordinance encourages adoption of this objective; that this proposed Ordinance would help protect the ecology sensitive wetlands and waterways such of those of the Inland Bays by clustering homes on the Environmentally suitable portions of the tract in areas that have the least impact on natural features such as wetlands, mature woodlands, and waterways; that additionally this proposed Ordinance encourages the creation of open space which is critical for providing both outdoor recreation opportunities and sanctuaries for wildlife in otherwise developed areas; that development in the Inland Bays watershed and Sussex County as a whole has been occurring at a rapid pace because of the disturbances caused by a rapid development of wetlands and, as a result, their beneficial functions within the Inland Bays watershed have declined greatly over time and many are now in overall poor condition; that the rapid increase in development effects not only salt marshes, but also replaces farmland and open natural areas jeopardizing the health of wetlands and waterways; that also with the flooding issues that have been seen recently; that by requiring new cluster

subdivisions to implement the superior design criteria such as open space, requiring a setback around wetlands, implementing better stormwater management techniques and maintaining scenic views, can help alleviate some of the growing pains the County is experiencing from such rapid growth whilst simultaneously providing many benefits to those who call this County home; that a copy of the letter was also submitted into the record; that Ms. Akhter stated she does agree with all the comments there were previously heard in favor of the Ordinance; that the proposed Ordinance would give Planning and Zoning a good tool to apply reasoned guidance in land use decisions for the benefit of all; and that this Ordinance would provide muscle to guide development towards superior design and preserve open space.

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

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

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

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

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

ORDINANCE NO. ____

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

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

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

§115-25 Height, Area and Bulk Requirements.

F. Review procedures for cluster developments.

...

32 (3) [In respect to any preliminary cluster subdivision application
33 that is submitted after the effective date of this amendment, if the
34 applicant voluntarily elects to comply with the superior design
35 criteria contained in this amendment,] T[t]he Planning and Zoning
36 Commission shall determine that the following requirements are met
37 before approving any preliminary plan and such application shall be
38 [approved] *reviewed* on an expedited [review] basis. [The superior
39 design criteria contained this amendment shall not apply to
40 applications submitted under the terms of the cluster development
41 ordinance, as it existed prior to the date of this amendment, or to any
42 application hereafter submitted where the applicant does not
43 voluntarily elect to comply with the requirements contained in this
44 amendment.]

45 ...

46 **Section 2. Effective Date.**

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



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: TeenSHARP

PROJECT NAME: Delaware Goes to College Sussex Boot Camp

FEDERAL TAX ID: 27-2246880 NON-PROFIT: YES NO

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

ORGANIZATION'S MISSION: To prepare talented low-income, African American, and Latinx students to attend and thrive at our nation's top colleges.

ADDRESS: 1200 N. French St

Wilmington DE 19801
(CITY) (STATE) (ZIP)

CONTACT PERSON: Damien Burke

TITLE: Executive Director

PHONE: 302-650-5205 EMAIL: damien.burke@teensharp.org

TOTAL FUNDING REQUEST: \$1,000

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

Victims of Domestic Violence
 Low to Moderate Income²
 Other _____

Homeless
 Youth

Minority

BENEFICIARY NUMBER

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

50

SECTION 3: PROGRAM SCOPE

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

The Delaware Goes to College Academy (DGCA) is a yearlong program to help scholars from traditionally underrepresented groups get into top-tier colleges. We help students and families enroll at colleges that have high graduation rates and offer the best financial aid packages. We support scholars academically, social-emotionally, and financially as they prepare for college life. Many first-generation college-goers do not see college as a viable option; we increase post-secondary options while increasing expectations!

To kick off each year of the program, scholars attend a four-day Summer Boot camp. This year, the Boot camp will take place at Sussex Academy. Scholars and parents learn all about the college application process during the four day camp.

To drive participation rates, the Boot Camp incurs transportation and food costs. TeenSHARP kindly requests financial support to help us offer bus routes to address all transportation barriers. More Sussex scholars will benefit from DGCA with your support. We are also seeking financial support to cover costs associated with a light breakfast, full lunch, and afternoon snack each day for every participant. This will increase attendance throughout the boot camp while increasing participants' ability to focus on the materials.

In lieu of funding, TeenSHARP would gladly accept in-kind contributions (e.g., complimentary buses or food). TeenSHARP appreciates your kind support and consideration!

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	8,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
PERSONNEL	-\$ 2,000.00
TRANSPORTATION	-\$ 5,000.00
FOOD	-\$ 3,000.00
TOTAL EXPENDITURES	-\$ 10,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,000.00

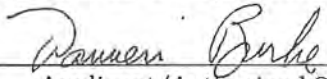
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the TeenSHARP 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

5/23/2019

Date



Witness Signature

5/23/2019

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.

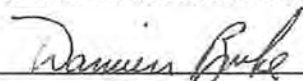
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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.



Applicant/Authorized Official Signature



Witness Signature

Executive Director

Title

5/22/2019

Date

Vingent
5-28-19



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

PAY to: Town of Greenwood.

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Greenwood Police Department

PROJECT NAME: 2019 Night Out

FEDERAL TAX ID: 510107189 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: It is the mission of the Greenwood Police Department, by performing its law enforcement function in a professional, high quality and effective manner, to protect the rights of all citizens to be free of criminal attack, to be secure in their possessions and to live in peace.

ADDRESS: 100 West Market Street
P.O. Box 208
Greenwood Delaware 19950
(CITY) (STATE) (ZIP)

CONTACT PERSON: Shelley Lambden
TITLE: Accreditation Manager

PHONE: 302-349-4822 EMAIL: shelley.lambden@cj.state.de.us

TOTAL FUNDING REQUEST: \$1,000.00

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? 25%

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 checked="" type="checkbox"/> Other <u>Community Awareness</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
+/- 400 people

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.

Night Out is an event that promotes a night out against crime in the community. The Greenwood Police Department provides a free night of entertainment, activities, educational demonstrations, and food for the community to allow the officers and residents to interact in an environment that is more comfortable for the attendees, specifically the youth of the community.

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	500.00
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)	
Operating Costs	\$ 4,000.00
*Total deficit: \$3,500.00	
TOTAL EXPENDITURES	\$ 4,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 4,500.00

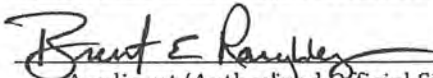
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Greenwood Police Department 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

05/30/2019

Date


Witness Signature

05/30/2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

SH

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.

Burt C. Rappley
Applicant/Authorized Official Signature

Shelley Rappley
Witness Signature

Chief of Police

Title

05/30/2019

Date

Wilson
6-04-19
Rev. 02/2019



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: The Gumboro Community Association

PROJECT NAME: Exterior Revitalization

FEDERAL TAX ID: 51-0381956 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 Gumboro Community Association is organized for the purpose of providing community support and services to various non-profit youth, senior, and community organizations, as well as the community at large. The Gumboro Community Center is the only facility in the area to support these organizations free of charge. It is the goal of The Gumboro Community Association to support and improve the economic, cultural, historic, social, and recreational needs of the citizens within and surrounding the Gumboro area.

ADDRESS: 36849 Millsboro Hwy

Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Crystal Wheatley

TITLE: President

PHONE: 302-381-6958 EMAIL: cmwheatley928@yahoo.com

TOTAL FUNDING REQUEST: 4100.00

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)

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input checked="" type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Community Support</u> | <input 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 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:

3000

SECTION 3: PROGRAM SCOPE

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

The Gumboro Community Association is seeking funds to help revitalize the grounds and landscaping of The Gumboro Community Center. Recently, members of the Gumboro community came together to weed, mulch, paint, and generally cleanup the field and grounds surrounding The Gumboro Community Center. During our annual cleanup day it was found that our main wooden sign out front, purchased in 1998, has begun to deteriorate. Additionally, we discovered that our playground surfacing needs to be completely replaced. The playground is open to the the public from dawn till dusk, 365 days per year. Unfortunately, after a phone call to our playground sales representative we have learned that the mulch we have been placing in the playground area on a yearly basis, in order to keep the minimum required safety depth of 8", has been in vain. Over time the old mulch has composted on top of the barrier under the playground equipment, which has created a warm and fertile environment perfect for weeds and increased decomposition of additional mulch. We now need to dig out all of the old mulch and composted material as well as the weed barrier and replace it with a new barrier and certified playground mulch.

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	0
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
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)	
New sign made of pvc from AdArt Signs	-\$ 2,100.00
100 yards of certified playground mulch	-\$ 1,600.00
weed barrier and stakes	-\$ 400.00
TOTAL EXPENDITURES	-\$ 4,100.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 4,100.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the The Gumboro Community Association 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.**

Captal Whedby
Applicant/Authorized Official Signature

6/4/19
Date

Karen M. Jensen
Witness Signature

6/4/19
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Handwritten initials

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.

Crystal Whetley
Applicant/Authorized Official Signature

~~###~~ President
Title

Raven M. Jensen
Witness Signature

6/4/19
Date

Rieley
6-04-19

To Be Introduced 06/11/19

**Council District No. 5 – Rieley
Tax I.D. No. 332-2.00-75.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2019, a conditional use application, denominated Conditional Use No. 2189, was filed on behalf of Grace Malone; 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. 2189 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. 2189 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and being a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 mile east of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by The Smith Firm, said parcel containing 4.59 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 06/11/19

Council District No. 3 – Burton

Tax I.D. No. 334-5.00-212.00 and 213.00

911 Address: 17662 Beaver Dam Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS

WHEREAS, on the 4th day of June 2019, a conditional use application, denominated Conditional Use No. 2190, was filed on behalf of Steven and Helene Falcone; 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. 2190 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. 2190 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 northwest corner of Beaver Dam Road and Church Street, and being more particularly described in the attached legal description prepared by Wolfe & Associates, LLC, said parcel containing 0.26 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.