



Sussex County Council Public/Media Packet

**MEETING:
June 21, 2022**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JUNE 21, 2022

10:00 A.M.

***AMENDED on 6/15/22 at 3:45 p.m.**

Call to Order

Approval of Agenda

Approval of Minutes – June 14, 2022

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Land Preservation Update and Presentation
2. Administrator's Report

10:15 a.m. Public Hearings

Fiscal Year 2023 Budget and Related Ordinances

ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS

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



“AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §§ 62-7 AND 62-8B AND CHAPTER 99 §§ 99-14 AND 99-39 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF FEES IN THE ANNUAL BUDGET”

“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023”

John Ashman, Director of Utility Planning and Design Review

1. Request to prepare and post notices for The Lands of Hete4, LLC Annexation of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)

Andrea Wall, Manager of Accounting

1. FY 2023 Insurance Recommendations
2. Federal Payment in Lieu of Taxes

Hans Medlarz, County Engineer

1. EMS Public Safety Building, Project C19-04
 - A. Change Order No. 14

Grant Requests

1. Nanticoke Indian Association, Inc. for Annual Indian Powwow
2. Slaughter Neck Community Action Organization, Inc. for playground equipment
3. Greenwood Police Department for Night Out
4. West Rehoboth Community Land Trust for housing maintenance
5. The Christian Storehouse Inc. for operating costs
6. Georgetown Historical Society for HVAC conditioning system
7. West Side New Beginnings, Inc. for Project Safety Street Lights
8. Town of Blades for Night Out

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Adjourn

¹ Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to correct an error to include the action item to approve assessment rolls for budget purposes.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 14, 2022 at 5:00 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 14, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 14, 2022, at 12:30 p.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 261 22
Approve
Agenda**

Mr. Lawson reported that the Second Quarter Employee Recognition Awards can be removed from the agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to approve the Agenda as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of the June 7, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

There were no public comments.

**Public
Comment**

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

**Adminis-
trator's
Report**

1. **Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Peninsula Lakes – Phase 1B (Construction Record) received Substantial Completion effective June 2nd.

2. **Delaware Animal Services Performance Report – First Quarter**

The Delaware Animal Services Performance Report for the first

Administrator's Report (continued)

quarter of 2022 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,351 calls for service in the first quarter for Sussex County.

3. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, June 20th, to observe the Juneteenth holiday.

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

Bulk Delivery/Project M19-31/FY23 Funding

Hans Medlarz, County Engineer presented FY 2023 funding approval for bulk delivery of seed and chemical, project M19-31 for Council's consideration. Mr. Medlarz shared that next year, this project will go to an annual bid.

Mrs. Green questioned what the income has been for the year or an income of this farming that the County has been doing. Mr. Medlarz stated that he would look into it further to provide a number.

M 262 22 Approval Bulk Delivery/Project M19-31

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved, based upon the recommendation of the Sussex County Engineering Department, that Contract M19-31, Delivery of Seed and Chemical Funding be reauthorized to Growmark FS, LLC, for FY23 in the amount of \$188,979.30.

Motion Adopted: 4 Yeas, 1 Nay

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

Ellendale Water District Agreement

Hans Medlarz, County Engineer presented Amendment No. 2 for the Ellendale Water District Agreement with Artesian Water Company, LLC for Council's consideration.

M 263 22 Approval of Ellendale Water District Agreement

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve Amendment No. 2 to the Ellendale Water District Agreement between Sussex County and Artesian Water Company, as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ1954**

Mr. Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC. Mr. Whitehouse reminded Council that a public hearing was held before them on May 10, 2022. At the conclusion of that hearing, action on the application was deferred for further consideration.

**M 264 22
Adopt
Ordinance
No. 2859/
CZ1954**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2859 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-7 as follows:

- 1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations. Although a number of uses are permitted, this Applicant intends to construct a mini-storage facility on this site.**
- 2. Route 24 is considered to be a Major Collector roadway according to DelDOT’s roadway classification. Major Collector roads are appropriate locations for C-3 Zoning.**
- 3. The parcel is in a section of Route 24 where there are commercial districts and business and commercial uses that have developed. This includes a shopping center with a large grocery store, a smaller strip mall, and other similar uses. This location along this part of Route 24 is appropriate for this type of zoning.**
- 4. This property is located in the Coastal Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.**
- 5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 6. No parties appeared in opposition to this rezoning application.**
- 7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ1955**

Mr. Moore presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC.

**M 265 22
Adopt
Ordinance
No. 2860/
CZ1955**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2860 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-8 as follows:

- 1. This application seeks a Change of Zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area that is expected to become urban in character and where central water and sewer is available.**
- 2. Both central water and central sewer are available at this site.**
- 3. This site is situated along Route 24 near the Route 24 and Bay Farm Road intersection. Route 24 is considered a Major Collector roadway by DeIDOT. Given its location along Route 24, MR zoning is appropriate for this property.**
- 4. The property is adjacent to a property that is zoned CR-1 and it is generally across from properties that are zoned C-1. These uses include a shopping center with a large grocery store. There are also other properties in the area being used for business or commercial uses. MR zoning is appropriate in this location where these other uses exist.**
- 5. There is extensive GR-zoned property and there is a townhome development across Route 24 from this site. MR zoning is consistent with these nearby residential zoning districts and uses.**
- 6. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
- 7. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.**
- 8. For all these reasons, MR zoning is appropriate for this site.**

**M 265 22
Adopt
Ordinance
No. 2860/
CZ1955
(continued)**

Motion Adopted: 5 Yeas
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU2315**

Mr. Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” filed on behalf of American Storage of Delaware, LLC. Mr. Whitehouse reminded Council that a public hearing was held before them on May 10, 2022. At the conclusion of that hearing, action on the application was deferred for further consideration.

**M 266 22
Adopt
Ordinance
No. 2861/
CU2315**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2861 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-6 with conditions 7 A-P as follows:

- 1. According to the Sussex County Zoning Code, the purpose of the MR District is to provide for medium-density residential uses with central water and sewer that are considered more urban in character than other parts of Sussex County. The permitted density within the MR District is 4 units per acre. This application complies with the purpose and density of the MR Zoning District.**
- 2. The property is in the vicinity of a mixture of commercially and residentially zoned properties, including GR properties, C-1 properties, and CR-1 properties. There is also a townhouse development that is across Route 24 from this site. The use as multi-family residential is consistent with these other zoning classifications and uses.**
- 3. The proposed Conditional Use is appropriate for this site because residential development of this type is appropriate where central sewer and water are available. Sewer will be provided by Sussex County and water will be provided by Tidewater Utilities.**
- 4. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing**

**M 266 22
Adopt
Ordinance
No. 2861/
CU2315
(continued)**

- types should be permitted in the Coastal Area, including single-family homes, townhouses, and multi-family units.
5. **DelDOT has reviewed the proposed project and has determined development's traffic impact will be Minor. When DelDOT determines that traffic impact will be Minor, a developer is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.**
 6. **With the conditions placed upon this recommendation, there will be no adverse impact upon traffic or the neighboring area.**
 7. **This recommendation is subject to the following conditions:**
 - A. **There shall be no more than 140 units within the development.**
 - B. **All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.**
 - C. **Recreational Amenities shall be completed on or before the issuance of the 84th Building Permit. These amenities shall include a community center/clubhouse and an outdoor pool.**
 - D. **Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.**
 - E. **The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
 - F. **Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
 - G. **Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi modal pathways on one side of all streets with street lighting.**
 - H. **Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.**
 - I. **The applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
 - J. **Construction, site work, excavation, grading, and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
 - K. **There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation where it exists in the**

**M 266 22
Adopt
Ordinance
No. 2861/
CU2315
(continued)**

buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.

- L. The developer shall preserve as many existing trees as possible on the site. These areas of non-disturbance shall be clearly shown on the Final Site Plan.**
- M. The Final Site Plan shall include a landscape plan for the development, including all buffer areas.**
- N. The Applicant shall form a condominium association to be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities, and open space.**
- O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- P. The Final Site Plan shall be subject to the review and approval of the Sussex Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

**M 267 22
Pop Warner
Little
Scholars,
Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to Pop Warner Little Scholars, Inc. for a concession trailer upgrade.

Motion Adopted: 5 Yeas

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

**M 268 22
DE
Women's
Multisport
Club**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant account) to Southern Delaware Women's Multisport Club for uniforms.

Motion Adopted: 5 Yeas

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

**M 269 22
True Blue
Jazz, Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$7,500 (\$5,000 from Countywide Youth Grant, \$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr. Vincent's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant account) to True Blue Jazz, Inc. for festival expenses.

Motion Adopted: 5 Yeas

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

**Introduction
of Proposed
Ordinances**

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, BY AMENDING SECTION 115-77.1 (LARGE SCALE USES) TO CLARIFY HOW FLOOR AREA IS CALCULATED"

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK CONTAINING MIXED-USE BUILDINGS FOR OFFICE AND RETAIL PURPOSES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.15 ACRES, MORE OR LESS"

Mr. Vincent introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.247 ACRES, MORE OR LESS"

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Member
Comments'**

Mr. Schaeffer discussed HB252, the reassessment bill which would mandate the County to do reassessments no more than five years out.

Mr. Rieley expressed support for those in the police service and offered his condolences to Sheriff Glenn Hilliard's family and the department. Sheriff Hilliard was recently killed in the line of duty.

**M 270 22
Go Into
Executive
Session**

At 1:06 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, land acquisition and collective bargaining.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive Session **At 1:10 p.m., an Executive session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential/pending litigation, land acquisition, and collective bargaining. The Executive Session concluded at 1:28 p.m.**

M 271 22 Reconvene **At 1:32 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session and into Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent

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

E/S Action **There was no action on Executive Session items.**

Rules **Mr. Moore read the procedure for public hearings on zoning matters.**

**Public Hearing/
CZ1946 &
CU2293** **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS” (property is lying on the west side of Roxana Road [Rt. 17], approximately 0.69 mile northeast of the intersection of Roxana Road and Daisey Road [S.C.R. 370]) (911 Address: N/A) (Tax Parcel: 134-15.00-20.12)**

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022, and on June 9, 2022, the Commission recommended approval of the application for the seven reasons stated.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 703 STORAGE UNITS AND OUTDOOR STORAGE FOR BOATS AND RV’S TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.424 ACRES, MORE OR LESS” (property lying on the west side of Roxana Road [Rt. 17] approximately 0.68 mile northeast of the intersection of Roxana Road and Daisey Road [S.C.R. 370]) (911 Address: N/A) (Tax Parcel: 134-15.00-20.06)

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the seven reasons stated and

**Public
Hearing/
CZ1946 &
CU2293
(continued)**

subject to the thirteen recommended conditions.

(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the applications.

The Council found that Ms. Shannon Carmean Burton, Esq. spoke on behalf of both Applications, CZ 1946 and CU 2293 for Ronald & Candice Gray; that she is an attorney with Sergovic, Carmean Weidman McCartney & Owens, P.A.; that also present were Mr. Tim Metzner with Davis, Bowen & Friedel, Mr. Ron Gray, the Applicant and Mr. Edward Launay, with Environmental Resources, Inc., that there are two applications being present to the Commission; that the first request to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential) Zoning District to B-2 (Business Community) Zoning District; that the other Application is for a Conditional Use of land within an AR-1 (Agricultural Residential) Zoning District for purposes of constructing 703 storage units, with outdoor storage for boats, boat trailers and RVs; that they have submitted exhibit booklets for review; that the exhibit booklet for the Conditional Use does contain proposed Findings of Fact and Conditions of Approval; that both properties are located in the AR-1 (Agricultural Residential); that the land has historically been used for farming or agricultural purposes; that the proposed Conditional Use and Change of Zone will allow the Applicant's to make better use of the property and provide essential services to meet the growing storage and office needs in this rapidly expanding area.

The Council found that Mr. Ronald Gray spoke on behalf of his Application; that he has owned the property with his wife; that he had previously been before the Council to request rezoning of a 10-acre parcel with the same proposed use of storage units; that he is now proposing the same use again, but on two properties, one being of one and a half acre property and one 8.5-acre property; that there were several complaints raised at the County Council public hearing; that due to the several complaints, he decided to pull the request for complete rezoning; that a Conditional Use approval would assure anyone concerned that the specific portion of the property would only be used for the proposed use of storage buildings, RVs and boat storage; that there has been an increased demand for storage units throughout the area, being from Fenwick Island to Millsboro in the last two years; that this project will serve that need; that it will not bring new people to the area but will allow those that are nearby to have a convenient place to store their things; that there was a lot of discussion about visibility of the storage area from neighboring properties at the last hearing; that the Parler Family's property is not very visible to the north; that he currently has the property under contract; that there is 30-ft. to 40-ft. of vegetation which he intends to leave in place; that the view to the west is a farmhouse building that is planned to buffer with

**Public
Hearing/
CZ1946 &
CU2293
(continued)**

landscaping; that there is a commercial area to the south that may be wished to have landscaped; that the area to the east is wooded and limits visibility from neighboring properties; that all lighting on the project would be down lighting and not spill over into adjacent parcels; that the facility will be gated and accessible with individual codes assigned to those that have storage units; that access has been given at his other facilities starting at 6:00 a.m. until 10:00 p.m. with exceptions allowed on a case by case basis; that it is planned to place cameras around the site and buildings to ensure security; that the facility will have fencing; that pictures were shown of his Millsboro facility; that it is being proposed to do a 8,000 sq. ft. and 5,000 sq. ft. building; that the building will be enclosed and secured; that it is anticipated that these two office buildings will be placed on this parcel only after central sewer and water are available; that landscaping will be placed in the storage area in the interim to buffer the view from Route 17 until two office buildings are built; that the two proposed office buildings will house business in a more rural setting than found along Route 26; that the type of businesses that would be interested in space here would be family and specialty doctor offices to support the nearby Beebe emergency facility, financial services like Edward Jones, a dental office, an eye office, a physical therapy office, a hair salon or other similar service businesses; that these businesses would be operated during the day; that the businesses would have limited noises associated with their operation; that the parking lot for the buildings would be lighted from dusk to dawn with professionally designed lighting to ensure no carry over of lighting to adjacent properties; that this is a compatible use for this property as there is commercial area to the south; that stormwater management facilities for this parcel and the proposed storage facility behind it will be designed to ensure that stormwater runoff with no greater post development than today will occur; that he is increasing storage capacity at his Route 54 facility; that existing storage facilities are full and have been since the middle of 2020; that he had spoken with Ms. Deborah Botchie, Town Manager for Town of Millville, about the existing planned housing; that Bishop Landing is an existing development with 800 homes; that Millville by the Sea has 540 existing homes within a mile and half of this site; that Millville by the Sea has an additional 391 approved residential homes and 508 that are in the approval process; that the town has recently approved Egret Shores with 135 units a mile away and Hudson's Reserve, which is 124 residential units that is 1/2 mile from the site; that there is a 216 unit apartment complex planned near the hospital; that this project is being proposed to serve the current needs and anticipated needs of the new residents coming to this area.

The Council found that Mr. Tim Metzner spoke on behalf of the Application; that the site is located on Roxana Road which is classified by DelDOT as an arterial road; that coming south from Route 26, there are multiple residential developments, commercial, religious, self-storage and office buildings which continue to head south closer to the property; that Beebe campus and the 200+ apartment units are less than an acre to the north; that the uses proposed are needed in this area; that directly to the

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south is bordered by a private road that serves the commercial piece; that to the west is residential which the private drive also serves; that on the west side of the property there is a tax ditch which borders the property; that along the north side there is an agricultural ditch which borders the property; that when they presented the project a few years ago, the site was classified within Investment Level 4 according to the State Strategies Map; that the State has since revised the site to Investment Level 2 and Level 3; that Level 2 and Level 3 do support future growth; that within the PLUS comments no objection was given to the proposed use and development of the property; that they do understand they are requesting a Change of Zone and not site plan approval; that the B-2 zoning has many uses; that this is similar to what they own in another location; that the Conditional Use application is also the same as presented to this body back in 2020; that under Tab A in both booklets are the conceptual site plans for this parcel; that in the front parcel, there are two office buildings shown; that one building is 8,000 sq. ft. and the other is 5,000 sq. ft.; that in the rear parcel, there are 40 total storage buildings proposed; that the spacing for those buildings are set for Fire Marshal requirements; that both parcels will share access off of Route 17 on the northern portion; that stormwater management is proposed along the southern property line that will be shared by both parcels; that existing vegetation along the property line will not be removed and will provide an immediate visual buffer for the adjacent property to the north; that within Tabs C&D, it shows the closest central sewer and water tie-ins are approximately 4,250 feet away to the north; that the owners intent is to wait to construct the office buildings until the sewer and water are closer to the site; that per the design, the storage buildings do not require any water or sewer service; that they are proposing a layout that will not require sprinklers; that the layout will meet the Fire Code; that in Tab K of the Exhibit Booklet, is the DelDOT Service Level Evaluation Response; that the DelDOT response stated the projects will generate less than 50 vehicle trips in any hour, or fewer than 50 vehicle trips per day; that due to this a TIS is not required by DelDOT; that the site is classified as AB and AD soils per the Natural Resources Conservation District (NRCS) Soils Map; that AB is the better, well-draining soils; that AD soils are known to be poorly-draining soils; that the project will be designed to meet the current DNREC sediment and stormwater regulations which would provide positive drainage; that there would be less discharge off the site in the post development than the predevelopment site; that the development would not create a negative impact on surroundings properties.

The Council found that Mr. Edward Laundry spoke on behalf of the application; that he has reviewed the combined 10 acres piece of property and provided an assessment of environmental condition; that the site as it stands now is primarily agricultural land; that there is a small strip of forest on the north boundary of the site; that along that forest edge, there is a drainage channel that provides drainage to the site that goes to a tax ditch; that the tax ditch is located at the west end of the site; that it is the Beaver Dam tax ditch main; that it is a very effective and deeply dug tax

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ditch; that there would be a County 50-foot buffer that is incorporated into the site plan where no development would occur; that he consulted with the DNREC drainage section in terms of the tax ditch right-of-way; that it set by DNREC currently at a distance 50 feet from the top of the bank; that the buffer from the waters of the tax ditch would be within the tax ditch right-of-way; that there are no record of rare or endangered species according to the US Fish and Wildlife Service and DNREC; that the topography of the site is up near the road it runs about elevation 22 and then in the back towards the tax ditch, it runs about elevation 17; that most of the site lies between 18-19 feet in elevation; that the texture of the soils on the property are extremely sandy; that they can be very effectively drained; that this land is like a lot of other agricultural land where ditching and agricultural practices have drained the land; that when he conducted some soil borings; that in his reports, there are photographs that show that only towards the tax ditch the soils are darker; that this represents a hydric soil; that because these soils are so sandy, the drainage features that are there are effective; that Beebe hospital, the apartment complexes and the Catholic Church south of this site are all built on a similar circumstances; that these are developed and can be drained effectively.

The Council found that Ms. Shannon Carmean Burton spoke on behalf of the application; that the proposed conditional use and Change of Zone are appropriate and compatible with the goals and direction of the 2018 Sussex County Comprehensive Plan Update; that the Future Land Use Map indicates that the properties have a land use designation of Coastal Area; that Coastal Area is a growth area; that the proposed storage and office uses are permitted uses in the Coastal Area; that B2 District is an applicable zoning district in the Coastal Area according to the Comprehensive Plan; that the proposed Conditional Use and permitted uses in the B2 Zoning District will serve the needs of the expanding population in this area; that it will reduce the need for property owners and business owners to travel to Routes 26 and 54 for such services; that the proposed use and Change of Zone will not have an adverse impact on neighboring properties or the community; that the surrounding properties are zoned AR-1; that the proposed Conditional Use is a permitted Conditional Use in the AR-1 district; that there are other Conditional Uses that have been approved within a one mile radius of the properties; that the neighboring property has a Conditional Use for a cabinet shop and storage; that there is a natural buffer of mature trees along the boundary line of the neighboring property; that the trees will serve as a natural buffer and screening from the proposed uses on the property; that the applicants are committed to maintaining that existing natural buffer to minimize any impact for the neighboring properties; that the proposed Conditional Use and Change of Zone will have no significant impact upon traffic in the area; that DeIDOT did not require a traffic impact study; that the properties are now located in Investment Levels 2 and 3 according to the Strategies for State Polices and Spending; that the proposed storage use is of a public or semi-public character; that any lighting for the storage facility shall be directed towards the interior of the property and shall be face downwards; that there shall

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(continued)**

not be any storage of any hazardous materials; that the property shall be fenced and gated; that the Office of State Planning has no objection to the development of either of these properties provided that it meets the codes and criteria of Sussex County.

Public Comments were heard.

Ms. Sandra Curcy of 34269 Roxana Road, spoke in opposition of the application. Ms. Curcy expressed concerns about the property; she believes that she will be affected as a neighboring property owner. She added that she is concerned about the drainage, water and traffic. Ms. Curcy questioned how the rezoning would affect her property.

Mr. Dick Curcy of 34269 Roxana Road, spoke in opposition of the application. Mr. Curcy expressed concerns about the volume of traffic for the road.

The Public Hearing and Public Record were closed on both applications.

**M 272 22
Adopt
Ordinance
No. 2862/
CZ1946**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2862 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.564 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning numbered 1-7 as follows:

1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.
2. This location is along Roxana Road. B-2 zoning is appropriate in this area because it will provide a convenient location for office, retail, and personal uses in a location that will eliminate the need for nearby residents to travel to Route 54 and Route 26.
3. The rezoning will not adversely affect area roadways or traffic.
4. The rezoning will also not adversely affect nearby properties or property values.
5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
6. No parties appeared in objection to the application.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Mr. Vincent, Yea

M 273 22 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to delete**
Amend **Condition 8A and the number of units in the short title.**
Conditions/
CU2293 **Motion Adopted: 5 Yeas.**

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

M 274 22 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt**
Adopt **Ordinance No. 2863 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
No. 2863 **RESIDENTIAL DISTRICT FOR STORAGE UNITS AND OUTDOOR**
/CU2293 **STORAGE FOR BOATS AND RV’S TO BE LOCATED ON A CERTAIN**
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 8.424 ACRES, MORE OR LESS” for
the reasons given by Planning and Zoning numbered 1-7 with conditions 8
A-L as amended by this Council:

- 1. The use as indoor storage with outdoor storage for boats and RVs is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.**
- 2. The use is to be located along Roxana Road, which is an arterial road. This is an appropriate location.**
- 3. There are many houses and businesses in this area that will utilize this facility. It will also help reduce traffic on other roadways by eliminating the need to travel to Route 26 or Route 54 for this type of facility.**
- 4. There are nearby deed restricted residential developments that have limitations on storage or keeping boats and RVs on a lot. This use provides a convenient location for those needs.**
- 5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways.**
- 6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. No parties appeared in objection to this application.**
- 8. This recommendation for approval is subject to the following conditions and stipulations:**
 - A. All sites for storing boats and RVs shall be shown on the Final Site Plan and clearly marked on the site itself.**
 - B. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.**

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Adopt
Ordinance
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(continued)**

- C. The perimeter of the Storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.**
- D. There shall be only one lighted sign allowed on the site. It shall be no larger than 32 square feet per side.**
- E. Stormwater management shall be maintained on site using Best Management Practices.**
- F. There shall be a landscaping buffer between the outside of the fence and the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- G. No sales or maintenance of boats or RVs shall occur on the site.**
- H. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.**
- I. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.**
- J. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.**
- K. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- L. The Final Site Plan shall be subject to the approval of the Planning and Zoning Commission.**

**Public
Hearing/
CU2294**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF C/U 1741 (ORDINANCE 2021) FOR THE EXPANSION OF A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 62.204 ACRES, MORE OR LESS. (property lying on the east side of Asbury Road [S.C.R. 446], approximately 0.35 mile south of County Seat Highway [Rt. 9] (911 Address: N/A) (Tax Parcel: 231-21.00-21.00)

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the eight reasons stated and subject to the seventeen recommended conditions.

(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that David Hutt, Esq. was present on behalf of the of the Application, that also present was Bobby Horsey representing the Horsey Family, LLC, and Clifford Mumford, Professional Engineer with Davis, Bowen and Friedel; that this Application deals with a 62 acre tract of land

**Public
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CU2294
(continued)**

off of Route 9 on Asbury Road; that there about 37 wooded acres on the property; that the additional approximately 25 acres is used for agricultural purposes; that this is located in an Agricultural and Woodland area of Sussex County with single-family homes dispersed throughout; that the property is zoned AR-1; that the 2020 State Strategies Map designate this as a Level IV area; that Ordinance 2021 Approval in 2008 of CU 1741 for a 199.5 acre borrow pit that is currently under operation; that Vulcan is mining at this site and have asked the owner to extend to the north; that DelDOT responded that the traffic impact is a diminutive impact; that no new entrance is being proposed and the expansion area would use the existing entrance located on Hardscrabble Road; that a Borrow Pit has special requirements per Sussex County Code found in Section 115-172B; that the first being that no materials are brought to the site for processing or mixing; that the second is that excavation be controlled to offer reasonable protection to surrounding properties with respect to odor and dust; that the proposed hours of operation are Monday through Friday from 6:00 a.m. – 6:00 p.m. and Saturday from 6:00 a.m.–2:00 p.m. with no Sunday hours for trucking activities; that the third special requirement is that the location of the excavation is done in a way that is in respect to the water table with appropriate slopes; that the dredge is set at 96 ft. and side slopes of 4:1 which will be shown on the site plan; that there are wetlands on the property that will be formally delineated on the final site plan and shall have a 100 ft. buffer; that the fourth special requirement is that the borrow pit be surrounded by a landscaped unexcavated buffer strip of open space with a minimum of 100 ft from any street lines and a minimum of 50 ft from all property lines; that the Applicant proposes to double those requirements; that the fifth special requirement is that the borrow pit be at least 200 ft. from any dwelling on property of other ownership and no excavation shall occur within 200 feet; that this application exceeds those requirements; that the sixth requirement is that the site plan be submitted with various requirements for existing conditions, excavation area; reclamation area; that approvals from other agencies and typical site plan considerations which is essentially the Planning and Zoning Commission’s typical site plan process; that the ultimate reclamation plan is for it to be a wildlife pond for fish and fowl when it is no longer being used as a borrow pit; that the general Conditional Use requirements are that the use would promote the orderly growth and prosperity of the County; that the aggregates removed from the borrow pit will be used by the residents of Sussex County as records show that most aggregates are used within a 30–50 mile radius from where they were extracted from the earth; that pictures were shown explaining the number of minerals, metals and fuels consumed by American’s in their lifetime.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 275 22
Defer**

A Motion was made by Mr. Vincent, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A

**Action/
CU2294**

CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF C/U 1741 (ORDINANCE 2021) FOR THE EXPANSION OF A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 62.204 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU2298**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, A GR GENERAL RESIDENTIAL DISTRICT, AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 75 MEGAWATT SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 350.96 ACRES, MORE OR LESS” (property lying on the east and west side of Calhoun Road [S.C.R. 621] and South Shawnee Road [Route 36], approximately 1,267 feet south of Shawnee Road [Route 36]) (911 Address: N/A) (Tax Parcels: 130-3.00-246.00-247.00 & 247.02, 130-6.00-75.00, 76.00, 92.00, 94.00, 95.00, 96.00 & 97.00)

The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2022 and on May 26, 2022, the Commission recommended approval of the application for the eight reasons stated and subject to the eleven recommended conditions.

(See the minutes of the Planning and Zoning Commission dated May 12 and May 26, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. David Hutt, Esq., with Morris James, spoke on behalf of the Application; that also present were Mr. Mark Davidson with Pennoni and Mr. John Soininen with Brookfield Renewable US; that Freeman Solar, LLC is a subsidiary of Brookfield Renewable US; that a safe, reliable and renewal production of electricity is a primary focus of local, state and national government; that in 2021, Governor Carney signed Senate Bill 33 to raise Delaware’s Renewable Portfolio Standard to 40% by 2035; that the Bill states by 2035 at least 40% of Delaware’s electricity must come from renewable sources; that in addition to the governmental programs and mandates, commercial business are also making similar significant pledges to shareholders and customers, in the desire to modify their environmental footprint; that in 2021 Google committed to run all

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CU2298
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operations on carbon-free energy by 2030; that in order for Governmental agencies, commercial businesses and private individuals to accomplish those renewable source goals, applications much like the subject Application, are necessary under the Zoning Code to allow for those goals to be achieved; that over the past several years the Council has seen several similar Applications for local utility level solar fields; that these past solar applications have ranged in size from 40-acres to 142-acres; that the current Application is for a transmission level facility on approximately 350-acres; that the Application does consist of 10 individual tax parcels, which are located on both sides of Calhoun Rd.; that Ms. Donna Calhoun is one of the property owners of the 10-acres; that Ms. Calhoun is present today; that she lives along Rt. 113; that other members of the family reside within the proposed solar field itself; that Mr. Donnie Calhoun lives on the northern end of the proposed solar field; that the property has been farmed by the Calhoun Family for multiple generations; that the property is presently being farmed, as the total acreage is being used for agricultural use; that according to the Sussex County Zoning Map, there are six different zoning classifications within the area, being MR (Medium-Density Residential), C-1 (General Commercial), B-1 (Neighborhood Business), GR (General Residential), AR-1 (Agricultural Residential) and HI-1 (Heavy Industrial); that according to the Future Land Use Map, the majority of the property is shown in the Developing Area, which is listed as a growth area for Sussex County; that the Future Land Use Map also shows Low Density Area and Industrial Area, as well as the municipal boundaries of the City of Milford; that according to the City of Milford's Zoning map the property is in the vicinity to their C-3 (Highway Commercial District) and R-3 (Garden, Apartment and Townhouse District); that shown on the City of Milford's Future Land Use Map in the dark green color were areas that are proposed to be annexed into the municipal limits of the City of Milford; that the subject property does back up to the Fitzgerald's Salvage Yard; that when traveling north from that site, there are residential homes, some of which belong to members of the Calhoun Family; that there is an electrical substation located on an adjacent property, being within the municipal boundaries of the City of Milford; that there is also a Delaware Solid Waste Authority Transfer Station in that area; that further north on Rt. 113 is the location and current construction of the Cypress Hall townhomes and apartments; that the Milford Grain Company is also adjacent to the property; that the northern part of the property is located along Shawnee Rd.; that according to the State Strategies Map, the 10 properties are located within Investment Level 2 and Level 3; that all the properties are located within Flood Zone X according to the FEMA Map, reflecting the properties to not be within a flood plain; that there are wetlands located on the property; that wetlands are located on the property; that all of the wetland areas have been delineated; that submitted within the project materials, is reference to the proposed 25-ft. setback from the panels from the wetland areas; that the project does not require water, sewer or gas services; that other than when construction occurs, the site is rarely visited, other than for routine maintenance; that solar farms do not tax the traffic systems or road networks; that DelDOT described the traffic impact as

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diminutive, which stands for less than 50 vehicle trips per day; that on most days, the number of vehicle trips to and from the site will be zero; that the site will require very little grading; that the gravel roadways, to access the each inverter station, may require some slight grading; that the project is proposed to be a 75-megawatt facility; that the facility will produce 150,000 megawatt hours of energy per year; that the project will be comprised of 166,500 solar panels; that the solar panels are installed to withstand hurricane force winds; that the arrays would be aligned in a way to track the sunlight throughout the day; that proposed are 25 inverters located on the site; that the inverters collect the solar energy; that there is a proposed substation located on the site, which will be adjacent to the substation located within the City of Milford; that the life of the solar project is a little greater than 20 years; that the Freeman Solar, LLC has a long term lease in place with the Calhoun Family; that Freeman Solar, LLC is a LLC is a subsidiary of Brookfield Renewable US; that Brookfield Renewable of the United States is the oldest and larger owner/operators of renewable energy producers within the United States; that Brookfield Renewables has projects which include hydroelectric projects, wind farms and solar farms; that as the operator of the site, they are responsible for all operations, insurance and similar issues; that they would also be responsible to decommission the site when the solar panels reach the end of their usefulness; that the decommission process consists of them coming to the property to remove the panels, infrastructure and wiring; that the farmland would then be handed back to the Calhoun Family to continue to use for agricultural purposes; that with respect to solar farms, the three general concerns are the impact on adjacent property values, sound issues generated by equipment and the visual appearance of the solar panels; that Freeman Solar, LLC did a commission study from a nationwide firm, which performed a study regarding the impact of solar farms within various locations; that there is also a site specific supplemental report which references the potential impact of the solar farm located along Calhoun Rd.; that the conclusion of the report is that there is no consistent negative impact that has occurred to adjacent property, which could be attributed to the adjacent solar farm; that sunlight, nor the solar panel collecting the sunlight generate any sound; that there are invertors and transformers located on the site as part of the process which do generate noise; that there was an active sound study performed on the site by an engineering group; that the noise level, located directly next to the invertors themselves is 60 decibels; that 60 decibels can be compared to a normal conversational tone; that slightly further away from the invertors, the decibels drop to 45 decibels; that 45 decibels can be compared to a normal home appliance; that the project has been designed to ensure no residential uses located where there is more than 45.8 decibels; that the equipment operates during the daytime; that the noise from the inverters will only exist during the daylight hours; that there is no local sound ordinance within Sussex County; that DeIDOT and DNREC do have noise regulations as it is generated by industries and business; that when looking at their noise ordinance, it separates the day into two time periods; that daytime is referenced as 7:00 a.m. to 10:00 p.m.; that nighttime is referenced as 10:00

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p.m. to 7:00 a.m.; that the Ordinance states 65 decibels cannot be exceeded at the residential use; that the nighttime standard for the Ordinance states noise must be lower than 55 decibels; that generally a major concern for adjacent neighbors is the visual impact of the solar field; that the entire proposed area, pursuant to the National Electric Code, would be surrounded by a seven foot tall fence; that Freeman Solar, LLC proposes to screen in all locations adjacent to residential properties; that the vegetative plantings are approved by DelDOT to be located close to roadways; that the plantings are not tall-growing plants, as it would interfere with the access to sunlight; that he did show photo examples of what the plants would look like upon installation along Calhoun Rd., as well as, what the planting would look like after five years of growth; that the Applicant did send out an invitation to nearby properties, to help inform them about the proposed project; that the meeting was held the week before the public hearing; that the Applicant did invite a greater number of residents along the Calhoun Rd. corridor; that the Applicant has added landscape buffering to adjacent neighbors to the north of the site and neighbors located along Rt. 113; that the Applicant is adding 2,600 linear feet of buffer to the project.

Mr. John Soininen with Brookfield Renewable U.S., spoke on behalf of the Application; that solar technology has been around since the 1950s; that solar technology is becoming more popular as it has become more cost effective; that in the 1950s the only people who could afford solar technology was NASA; that now solar technology is a very economically viable form of electrical generation; that the technology is simple; that sunlight is an energy wave; that the direct current is placed through an inverter, which converts the current to an alternating current; that the alternating current can then be used for the typical household uses; that the proposed use is essentially the same idea, just at a much higher level; that the project proposed is approximately 350 acres; that the facility will be broken down into about 25 circuits; that each solar array will generate electricity in direct current; that the direct current would go through an inverter; that the inverter is about five feet wide, nine feet long and eight feet high; that the inverter will convert the direct current into alternating current; that the alternating current will go into a step-up transformer; that the step-up transformer will take the alternating current of approximately 680 volts to about 34,000 volts; that the step-up transformer will then go through the collector system and then into the project substation; that the project substation is a larger transformer; that the project substation will convert the 34,000 volts up to the transmission voltage to interconnect to the existing system; that all of the equipment is wired together by the Supervisory Control and Data Acquisition System (SCADA System); that the SCADA System is the brains behind the solar panel system; that the SCADA System is wired into a remote operation system; that all of the electricity production and generation can be monitored remotely to ensure the system is operating properly; that they have submitted an application in 2020 to the Reginal Transmission Operator, PJM, which provided them a position in the PJM que; that they have proceeded through the interconnection process; that the interconnection processes is a multistep

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(continued)**

and multiyear process; that the project typically goes through three levels of studies being the Feasibility Study, a System Impact Study and a Facilities Study; that the Facilities Study is where the upgrades are designed to allow for interconnection; that if everything goes well, an Interconnection Agreement is received, which allows permission to place electricity into the wholesale system under very controlled circumstances; that they have been working through that process for a couple years; that PJM currently has a backlog, of 2,000 projects, across the network; that PJM is currently working through a que reform process; that decommissioning is always a concern; that 80% of a solar panel by weight is glass and aluminum; that they are readily recyclable materials; that all of the structural elements are steel; that there is an obligation in the lease agreement with the property owner to deliver the property back to them in the condition that it was received in; that a letter of credit or bond must be posted; that the term limit in the lease is 35 years; that solar panels degrade about a half percent per year.

Mr. Hutt stated that this is a Conditional Use application; that Section 115-171 describes the purpose of a Conditional Use in Sussex County; that it is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties; that a utility type use such as a solar farm is of a public character; that this encourages the use of renewable energy options like solar farms; that the Office of State Planning has no objection to the project; that in addition, the OSP stated that this project will bring more renewable energy to Sussex County and will have minimal land use and environmental impacts; that a proposed revision to Condition I was given to Mr. Moore; that it is being proposed to insert the words “existing, non-family residences uses” to the first sentence of Condition I; that the Calhoun family is not looking for the same screening as all of the other individuals that live along Calhoun Road; that it is being proposed to add the following phrase be inserted in the second sentence “these areas were shown on the Preliminary Site Plan presented during the Public Hearings and”.

Public comments were heard.

Ms. Donna Calhoun spoke in favor of the application. Ms. Calhoun explained that her family was approached about three years ago for this project. Her family had a legal counsel that worked through all of the legal details for them. There are bonds and escrow accounts set up for different circumstances. She added that this is a good opportunity to use the land for a use other than farming or housing.

The Public Hearing and Public Record were closed.

**M 276 22
Amend
Conditions**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to amend I to read the “Site boundaries that are immediately adjacent to existing, non-family residential uses will have a buffer planted and maintained in such a

CU2298

manner as to screen the view of the solar farm from the residential properties while allowing the solar array to function properly. These areas were shown on the Preliminary Site Plan presented during the Public Hearing and this buffer and landscaping within it shall be shown on the Final Site Plan”.

Motion Adopted: 5 Yeas.

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

**M 277 22
Adopt
Ordinance
No. 2864/
CU2298**

A Motion was made by Mrs. Green, seconded by Mr. Rieley to Adopt Ordinance No. 2864 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT, A GR GENERAL RESIDENTIAL DISTRICT, AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 75 MEGAWATT SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 350.96 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-8 with conditions 9 A-K as amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The Property is currently GR, MR, and AR-1. The surrounding properties in Sussex County contain these same three zoning classifications as well as HI (Heavy Industrial District). The adjacent properties within the municipal limits of the City of Milford are within the City’s C-3 (Highway Commercial District) and R-3 (Garden Apartment and Townhouse District). The adjacent properties are used for agricultural purposes, residential purposes, utilities (substation), refuse/recycling (DWSA Milford Transfer Station and Fitzgerald’s Salvage & Recycling), and other agricultural commercial uses (Milford Grain Company). These zonings and uses are consistent with the proposed solar farm.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms.**
- 4. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties.**
- 5. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels. As a result, DelDOT has determined that the traffic impact of this use will be**

**M 277 22
Adopt
Ordinance**

No. 2864/
CU2298

“diminutive”.

6. No significant noise, dust, or odor will be generated by the facility.
7. There will be a buffer to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the following conditions:
 - A. No storage facilities shall be constructed on the site.
 - B. Lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - C. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.
 - D. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown in the Final Site Plan.
 - E. Any transformers or similar equipment other than the proposed substation adjacent to Delaware DP&L’s substation shall be centrally located on the site away from any nearby residential uses.
 - F. All of the grounds, including the area outside of the fence, shall be maintained so that they do not become overgrown.
 - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
 - H. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - I. Site boundaries that are immediately adjacent to existing, non-family residential uses will have a buffer planted and maintained in such a manner as to screen the view of the solar farm from the residential properties while allowing the solar array to function properly. These areas were shown on the Preliminary Site Plan presented during the Public Hearing and this buffer and landscaping within it shall be shown on the Final Site Plan”.
 - J. There are wetlands located on the property which have been delineated. The solar field shall stay a minimum of twenty-five feet (25’) from the delineated wetlands.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Mr. Vincent, Yea

**Public
Hearing/
CU2363**

A Public Hearing was held for a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS” (property lying on the west side of Seaford Road [Rt. 13A] approximately 0.53 mile northwest of Discount Land Road [S.C.R. 468]) (911 Address: 30186 Seaford Road, Laurel) (Tax Parcel: 232-12.10-3.00)

The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2022 and on May 26, 2022, the Commission recommended approval of the application for the six reasons stated and subject to the two recommended conditions.

(See the minutes of the Planning and Zoning Commission dated May 12 and May 26, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Reverend M. Scott Conn spoke on behalf of his Application; that he is the Pastor at Laurel Wesleyan Church; that they would like to upgrade their sign on the property to a LED sign; that the upgrade to an LED would allow them to relay information better to events of the church.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 278 22
Adopt
Ordinance
No. 2865/
CU2363**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2865 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-6 with conditions 7 A & B as follows:

**M 278 22
Adopt
Ordinance
No. 2865/**

- 1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code.**
- 2. The sign will be used to display information about the Laurel Wesleyan Church and its activities. The Church occupies the site where the sign is located.**

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(continued)**

3. This sign will replace a prior static-display sign on the site.
4. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.
5. The sign will not adversely affect neighboring properties or area roadways and traffic.
6. No parties appeared in opposition to this Application.
7. This recommendation is subject to the following conditions:
 - A. The Electronic Message Display area shall not exceed 32 feet per side.
 - B. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU2352**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL OF C/U 1845 (ORDINANCE NO. 2106) TO INCREASE THE NUMBER OF PERMITTED MULTIFAMILY UNITS FROM 168 TO 198 FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.08 ACRES, MORE OR LESS” (property lying on the northeast side of Plantations Road [Rt. 1D], 850 feet north west of Robinsonville Road [S.C.R. 271]) (911 Address: N/A) (Tax Parcel: 334-6.00-504.02)

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2022 and on June 9, 2022, the Commission recommended approval of the application for the nine reasons stated and subject to the two recommended conditions.

(See the minutes of the Planning and Zoning Commission dated May 26 and June 9, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

**Public
Hearing/
CU2352
(continued)**

The Council found that Mr. David Hutt, Esq. with Morris James spoke on behalf of the Application; that also present were Mr. Joseph Calabro with CB Lewes, LLC, and Mr. Alan Hill, Professional Engineer with Hillcrest Associates, Inc.; that members of the public and the Council have both raised concerns regarding providing additional opportunities of helping the affordable housing issues within Sussex County; that there is more which

needs to be done regarding the affordable housing issues in Sussex County; that the proposed Application presents an opportunity for Sussex County to offer more within the SCR Program; that the Coastal Tide project originally presented and approved as The Arbors of Cottagedale; that the original approval was for 168 residential rental units; that of the 168 rental units, 26 units were designated to be part of the SCR Program; that the Application was previously approved through C/U 1845, which was adopted by County Council on February 23, 2010; that as part of the process with the rental program, and Applicant is required to enter into an agreement with Sussex County; that there is an agreement and a set a restrictive covenants which the Code refers to, which get recorded with the Recorder of Deeds, providing a permanent record of the agreement; that should the Application be approved, an amendment to the original document on record will be recorded that would update the document to add the additional proposed units; that the Application property is located on the block of land between Plantations Rd.; that the entrance to existing apartments is located off Plantations Rd. via Mackenzie Way; that all of buildings as part of the original approval are constructed; that six apartment buildings currently exist; that the existing amenities are constructed and in use; that two of the buildings on the site are not yet occupied; that prior to the 1960s the site was once the site of Jackson Pit, which was a borrow pit from which materials were excavated; that once the use of the borrow pit ceased, the area became a dump for household municipal waste; that this use occurred until the early 1980s; that in the early 1990s, DNREC issued a permit allowing certain types of debris to be placed at the site; that once that use ceased, sand and gravel were brought in and the site was leveled; that the site was not monitored very carefully which led to a lot of illegal dumping at the site; that from 1986 until 2014 there was a series of environmental studies performed on the property; that in 2015 the results of the studies were released; that there was a Brownfield investigation performed resulting in an action plan placed, which was approved by DNREC to remediate the site; that there are thousands of documents referencing the remediation and the Brownfield investigation; that they were required to excavate all of the debris, properly dispose of the waste and debris and fill the site clean fill; that the final report indicated 32,736 tons of debris that were removed from Jackson Pit during the process; that the expense of the debris removal and proper disposal was nearly six million dollars; that the site did receive a certificate of completion issued by DNREC, which is a recorded document within the Recorder of Deeds as of 2019; that the property is zoned MR (Medium-Density Residential) Zoning District; that on the County's Future Land Use Map, the property is shown within the Coastal Area; that the Coastal Area is part of the County's seven Growth Areas; that all properties between Plantations Rd. and Rt. 1 are located within the Coastal Area or zoned for commercial; that the 2020 State Strategies Map identifies the entire area between Plantation Rd. and Rt. 1 within an Investment Level 1; that Investment Level 1 areas are areas where the State promotes well designed, efficient new growth and new development; that these are active areas where the state anticipates growth and spends money on infrastructure;

Public
Hearing/
CU2352
(continued)

that the property is not located within a flood plain, as it is designated Flood Zone X; that this is referenced on the FEMA Map as being outside of the 500 Year Flood Plain; that there are no wetlands located on the property; that all necessary utilities are available to the site; that sewer services are provided and currently utilized on site through the Sussex County Unified Sanitary Sewer System; that water services are currently provided by Tidewater Utilities, Inc.; that there are six existing apartment buildings; that five apartment building holds 30 units; that there is a smaller building, located near the front of the property, which contains 18 units; that those apartment buildings total 168 existing units; that on the proposed Preliminary Site Plan, is the proposed seventh apartment building; that the proposed seventh building has the same footprint as the other five existing buildings containing 30 units; that proposed is a three-story apartment building, consisting of 30 units; that if approved, it would bring the total number of units to 198; that six of the new 30 units will be utilized for the SCR Program; that as proposed, 20% of the new units would be part of the SCR Program; that the Code currently requires 12.5% of units to be part of the SCR Program; that the proposed Application is offering an additional 7.5% of units; that overall the total percentage of the number of units would be subject to the SCR Program would be 16% based upon the existing 26 units previously scheduled to be within the program, along with the addition of the six proposed; that one concern proposed within a letter submitted into the record was the density for the project and the area; that the density would change with the addition of the proposed building addition; that currently the density of the site is 9.29 units to the acre; that with addition of the proposed building, with 30 units, the density would increase to 10.95 units to the acre; that the densities within the area vary; that the Savannah West Apartments, which contains 48 units on a four acre site, have a density nearing 12 units to the acre; that Somerset Green has density of eight units to the acre; that within the Rolling Meadows Community, which are single-family homes, generally located on half-acre lots; that there is a mixture of housing styles and densities within the area; that multi-family living is common for the area and consistent to other communities within the area; that the multi-family uses are Plantations, Savannah West, Eagle Point Community, Sunset Glen, Somerset Green and the existing buildings of Coastal Tide; that another concern was regarding traffic; that DeDOT did provide a Service Level Evaluation Response which indicated the traffic generated by the additional 30 units would be negligible, which means less than 50 vehicle trips in any hour; that the property is located with the Henlopen Transportation Improvement District (Henlopen TID); that due to being within the TID, there will be a required fee to be paid into the TID for each of the 30 units; that there were concerns submitted by the Rolling Meadows Community; that there is a current landscape buffer between the community and the proposed site; that the recommendation from the Planning and Zoning Commission indicates that there will be a 30 foot buffer between Coastal Tide Apartments and Rolling Meadows; that the plantings would be in compliance with Chapter 99-5 requirements; that it is being requested to modify that condition; that another submitted concern, was in regards to the timing of the project; that

Public
Hearing/
CU2352
(continued)

the comments stated the process has taken years; that the comments are true, as before the construction of the infrastructure, the site was first required to be remediated as it was designated a Brownfield site; that it was hoped that by removing the 32,736 tons of debris from the site; that located on the proposed site plan there are additional parking spaces, which exceed the parking requirements found within the County Code; that a concern submitted was regarding an existing stormwater management pond; that the stormwater management pond has been difficult to manage; that within, Sussex Conservation District approved the plan of action to address the stormwater management pond issues and concerns; that the Applicant has ordered the materials necessary; that when the items are delivered, they will be installed, addressing the issues of the stormwater management pond; that another concern was regarding fencing; that if the Applicant were to place the fencing, the contractor would not be able to access the stormwater management pond; that as soon as the stormwater management remedial work is completed, receiving approval Sussex Conservation District, the fencing will then be installed and completed, which was required for the original Conditional Use; that at that time, there will be fencing placed around the dumpsters located in various locations around the site; that there was a meeting held the day before the public hearing, with members from Eagles Point and the management company for Coastal Tide Apartments, where a number of the issues were explained and discussed; that this addresses two relevant chapters within the Comprehensive Plan Chapter 4 on land use and Chapter 8 on housing; that within Section 8.2.1.3 it states Sussex County should explore ways for private developers to provide multi-family and affordable housing opportunities; that the project, as proposed, provides that exact opportunity to Sussex County; that the proposed project infill, where there is existing infrastructure; that the Applicant can simply add a building onto the site, which would provide multi-family housing, with six units being subject to the SCRP Program; that the six units will provide affordable housing in an area of Sussex County which needs it; that within Chapter 4 of the Comprehensive Plan, it stated when medium and higher density, four to 12 units per acre, can be appropriate in certain locations; that Chapter 4 states, medium and higher densities could be supported where there is central water and sewer, where located near sufficient commercial uses and employment centers, where it is in keeping with the character of the area, where it is located along a main road and/or near a major intersection, where there is adequate level of service, or where other considerations existing which are relevant to the requested project and density; that the proposed project would offer affordable housing opportunities in an area in Sussex County which desperately needs it; that the area is served by Sussex County central sewer; that central water is provided by Tidewater Utilities, that it is located near a significant amount of commercial uses and employment centers being near Rt. 1; that the project does keep in character with the area, as there are a number of multi-family units nearby; that the property is situated along a major roadway, Plantations Rd. which DelDOT classifies as a major collector roadway; that the project is consistent with the multi-family unit section within the MR (Medium-Density Residential) section of County

Code; that photos were shown of the existing apartment units; that within the SCRП the price points are set for the units; that he provided a chart listing the SCRП unit pricing within Coastal Tide, as well as the market rate pricing, which proves the SCRП program works; that Sussex County is able to ensure these numbers through an Annual Compliance Report provided and reviewed by Sussex County; that this review, allows review of all applications, the units and how the rent is being administered.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 279 22
Amended
Conditions/
CU2352**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to amend Condition 10. 17. to change word from thirty to twenty.

Motion Adopted: 5 Yeas.

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

**M 280 22
Adopt
Ordinance
No. 2866/
CU2352**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2866 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL OF C/U 1845 (ORDINANCE NO. 2106) TO INCREASE THE NUMBER OF PERMITTED MULTIFAMILY UNITS FROM 168 TO 198 FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.08 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-9 with Conditions 10 1 and 17 as amended by this Council:

- 1. This Application is for an expansion to allow 30 additional units within the Coastal Tide apartment project. This project was originally approved as Conditional Use # 1845 through Ordinance #2106 to allow 168 apartment units. As part of that approval, the project included 26 units set aside as part of the Sussex County Rental Program (SCRП).**
- 2. The Coastal Tide development is partially developed. While all 6 of the approved apartment buildings are constructed, the last two were awaiting Certificates of Occupancy at the time of the public hearing. All available units, including the SCRП units, have been leased.**
- 3. There was testimony that a need exists in this area of Sussex County for market-rate and SCRП apartments. This expansion of the existing approval will address that need. As part of the additional thirty units, there will be six additional SCRП units.**
- 4. The property is within the MR Medium Density Residential Zoning District. It is also in the Coastal Area according to the County’s Comprehensive Plan. These are appropriate areas for this expansion**

**M 280 22
Adopt
Ordinance
No. 2866/**

CU2352

of the existing conditional use.

- 5. The property is in an area that contains a mixture of commercially and residentially zoned properties. There is also a mixture of densities in the area. For example, there are properties zoned MR, HR, AR-1, and C-1 in the immediate area. The nearby residential projects include similar multi-family projects such as The Plantations, Sunset Glen, Eagle Point, Somerset Glen, and Savannah West. This expansion of Coastal Tide will remain consistent with these other nearby developments.**
- 6. There are no wetlands located on this property.**
- 7. The existing development and the expansion of it is served by central water and central sewer.**
- 8. DelDOT has reviewed this proposed expansion of the existing Conditional Use and has determined that the traffic impact of the thirty additional units is “negligible”.**
- 9. This application is in furtherance of the Housing Element of the Sussex County Comprehensive Plan by providing six additional SCRPs units in Sussex County.**
- 10. This recommendation is subject to the conditions imposed by Conditional Use #1845 and Ordinance #2106 for the existing development, with the exception that Conditions 1 and 17 shall be modified to state as follows:**
 - 1. The maximum number of residential units shall not exceed 198.**
 - 17. There shall be a fifty-foot landscaped buffer from the delineated boundary of Eagle Point Development. In addition, there shall be a twenty-foot-wide landscaped buffer between this development and the common boundary with Rolling Meadows. The buffer shall be designed in accordance with the planting requirements of Section 99-5 of the Subdivision Code for the Forested and/or Landscaped Buffer Strip so that homes in Rolling Meadows are screened from headlights facing outward from the Coastal Tide parking areas. The location and design of this landscaped area shall be shown on the Final Site Plan.**

Motion Adopted: 5 Yeas

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

**M 281 22
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to adjourn at 4:43 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

ORDINANCE NO.

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

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Water District are established as follows:

- (a) For an EDU annual service charge: \$377.00 per EDU; or
- (b) For a meter service charge: current tariff and rates approved by the Public Service Commission for the applicable regulated utility.
- (c) For water irrigation system service charge will be billed one EDU; \$377 per connection.

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

- (a) For an annual service charge: \$320.00 per EDU;
- (b) For an assessment rate per billable front foot for distribution: see below;
- (c) For an assessment rate per billable front foot for transmission and/or treatment, see below; and
- (d) For assessment rate by EDU, see below.

<u>Area</u>	Annual Assessment Charge		
	Distribution or Collection \$/foot	Transmission and/or Treatment \$/foot	Total \$/foot
OCEAN WAY ESTATES I & II	1.82	.00	1.82
CEDAR NECK EXPANSION	2.31	.68	2.99
NORTH MILLVILLE EXPANSION	3.55	.46	4.01
FENWICK ISLAND SEWER	.23	.03	.26
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
THE GREENS AT INDIAN RIVER SUBDISTRICT ²	5.23	-	5.23
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT ³	3.41	.22	3.63
WEST REHOBOTH SEWER EXPANSION	.83	.47	1.30
MILLER CREEK SEWER	5.99	.41	6.40

<u>Area</u>	Annual Assessment Charge - continued		
	<u>Distribution or Collection</u> \$/foot	<u>Transmission and/or Treatment</u> \$/foot	<u>Total</u> \$/foot
ELLENDALE SEWER	.88	.72	1.60
NEW MARKET VILLAGE SUBDISTRICT ¹	3.97	.72	4.69
OAK ORCHARD SEWER	2.12	2.14	4.26
OAK ORCHARD EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	4.10	2.67	6.77
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.51	2.34	5.85
ANGOLA NORTH SEWER	.95	8.05	9.00
GOLF VILLAGE SEWER	1.47	-	1.47
WOODLANDS OF MILLSBORO	-	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES – CONCORD ROAD AREA SEWER	4.24	-	4.24
HERRING CREEK SEWER	4.12	4.12	8.24
MULBERRY KNOLL	-	8.00	8.00
	\$/EDU		
DEWEY BEACH AND HENLOPEN ACRES	318.54		
CHAPEL BRANCH	680.00		
WESTERN SUSSEX	285.00		
PINTAIL POINTE	954.00		

- (e) Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.
- (f) For a connection charge per equivalent dwelling unit, see below:

District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
DEWEY BEACH WATER	1,155	-	1,155
UNIFIED SEWER	2,280	4,320	6,600
GOLF VILLAGE SEWER ¹	-	-	-
WOODLANDS OF MILLSBORO ²	-	-	-
ELLENDALE WATER ³	-	-	-

Notes: 1. Amount equal to the Town of Georgetown's Impact Fee.
2. Amount equal to the Town of Millsboro's Impact Fee.
3. Amount equal to the Artesian Water Company's Impact Fee.

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

(a) For a one-time septic installation charge, per equivalent dwelling unit: \$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2022.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE TH DAY OF JUNE 2022.

TRACY N. TORBERT
CLERK OF THE COUNCIL

1 **AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §§**
2 **62-7 AND 62-8B. AND CHAPTER 99, §§ 99-14 AND 99-39 OF THE**
3 **CODE OF SUSSEX COUNTY RELATING TO THE**
4 **ESTABLISHMENT OF FEES IN THE ANNUAL BUDGET.**

5
6 WHEREAS, Sussex County Code, Chapter 62, Article III., “Building
7 Fees”, § 62-7 establishes a schedule of fees to be charged for various
8 permits, and applications for buildings and the like; and

9
10 WHEREAS, Sussex County Code, Chapter 62, Article III., “Building
11 Fees”, § 62-8 establishes inspection fees to be charged for manufactured
12 homes; and

13
14 WHEREAS, Sussex County Code, Chapter 99, Article II., “Plan
15 Submission Procedure”, § 99-14 establishes fees to be charged as part of
16 the process; and

17
18 WHEREAS, Sussex County Code, Chapter 99, Article VIII.,
19 “Enforcement Amendments; Appeals”, § 99-39F. establishes fees to be
20 charged for filing an appeal; and

21
22 WHEREAS, Sussex County desires to amend Sussex County Code,
23 Chapter 62, Article III., §§ 62-7 and 62-8, and Chapter 99, Article II, §
24 99-14 and Article VIII, § 99-39F., by providing that all fees referenced
25 therein shall be set forth in a Schedule of Fees that shall be adopted the
26 Sussex County Council as part of the Annual Budget for each fiscal year
27 commencing with FY2023.

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

31

32 **Section 1. Sussex County Code, Chapter 62, Article III, § 62-7,**
33 **entitled, “Fees for permits and applications”, is hereby amended by**
34 **adding the underlined and italicized language and deleting the**
35 **bracketed language as follows:**

36

37 **§ 62-7 Fees for permits and applications.**

38

39 The schedule of fees for permits and applications for buildings and the
40 like shall be as hereinafter indicated:

41

42 A. Building and zoning permits.

43

44 (1) The fee charged for permits shall be based upon standard
45 construction values for the type of construction as provided
46 by Marshall & Swift, or modified by the Building Official, as
47 defined in Chapter 52 of the Sussex County Code, for
48 particular applicability to Sussex County. Standard
49 construction values shall be revised in January of each year to
50 reflect changes in construction prices indices. The Building
51 Official shall acquire input and shall consult with local
52 building industry representatives prior to the termination of
53 the standard construction values.

54

55 (2) [Seven dollars and fifty cents for the first thousand; \$3 for
56 each thousand thereafter]The fee for properties not within
57 incorporated municipalities that have their own Zoning Code

58 shall be included in the schedule of fees adopted as part of the
59 annual Sussex County budget.

- 60
- 61 (3) [Five dollars for the first thousand; \$2 for each thousand
62 thereafter]The fee for properties within incorporated
63 municipalities that have their own Zoning Code shall be
64 included in the schedule of fees adopted as part of the annual
65 Sussex County budget.

66

67 B. Manufactured home placement permits.

- 68
- 69 (1) [Seven dollars and fifty cents for the first thousand; \$3 for
70 each thousand thereafter]The fee for properties not within
71 incorporated municipalities that have their own Zoning Code
72 shall be included in the schedule of fees adopted as part of the
73 annual Sussex County budget.

- 74
- 75 (2) [Five dollars for the first thousand; \$2 for each thousand
76 thereafter] The fee for properties within incorporated
77 municipalities that have their own Zoning Code shall be
78 included in the schedule of fees adopted as part of the annual
79 Sussex County budget.

80

81 C. Sign permits:

- 82
- 83 (1) A construction permit fee is required[shall be charged at a
84 rate of \$0.50 per square foot, with a minimum charge of \$25
85 per sign for signs larger than 32 square feet.] and shall be

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included in the schedule of fees adopted as part of the annual
Sussex County budget.

(2) Annual or one-time fees are required[shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller]. These fees shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

D. Board of Adjustment.

(1) Special use exception for manufactured homes: [\$400]This fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

(2) Other special use exceptions: [\$400]These fees shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

(3) Variances: [\$400]These fees shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

E. Change of zone: [\$500]These fees shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

112 F. Conditional use: [~~\$500~~]*These fees shall be included in the schedule*
113 *of fees adopted as part of the annual Sussex County budget.*

114

115 G. Demolition fee: [no charge]*This fee shall be included in the schedule*
116 *of fees adopted as part of the annual Sussex County budget.*

117

118 H. Site plan review fee.

119

120 (1) Multifamily residential: [\$50 minimum, plus \$2 per dwelling
121 unit in excess of 10 dwelling units]*This fee shall be included*
122 *in the schedule of fees adopted as part of the annual Sussex*
123 *County budget.*

124

125 (2) Commercial: [\$50 minimum, plus \$2 per 1,000 square feet in
126 excess of 4,000 square feet of gross floor area, including
127 outside sales display and storage area]*This fee shall be*
128 *included in the schedule of fees adopted as part of the annual*
129 *Sussex County budget.*

130

131 (3) Industrial and private institutional: [\$50 minimum, plus \$2
132 per 1,000 square feet in excess of 4,000 square feet of gross
133 floor area, including outside sales display and storage
134 area]*This fee shall be included in the schedule of fees adopted*
135 *as part of the annual Sussex County budget.*

136

137 (4) Manufactured home parks and parks or campgrounds for
138 mobile campers and tent camping: [\$50 minimum; plus \$2 per
139 site in excess of 10 manufactured home or camp sites]*This fee*

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shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

I. Cluster fee [as required by § 115-25B(3) and F(3)].*¹ The Council will review the fees for a density bonus under the terms of this act on an annual basis and revise such fees as it deems necessary. This fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

(1) For the town centers and developing areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar, [\$15,000 per unit in excess of two dwelling units per acre]this fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

(2) For the town centers and developing areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville,[\$15,000 per unit in excess of two dwelling units per acre] this fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

(3) For the Coastal Area, [\$20,000 per unit in excess of two dwelling units per acre]this fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

¹ The brackets contained in Line 143 do not indicate removal of language. The bracketed language is set forth as such in the current Sussex County Code.

167 **Section 2. Sussex County Code, Chapter 62, Article III, § 62-8B.,**
168 **entitled, “Filing of application; inspection fee”, is hereby amended**
169 **by adding the underlined and italicized language and deleting the**
170 **bracketed language as follows:**

171

172 A. No person shall construct or commence construction of a building
173 or place a manufactured home, either in whole or in part, without
174 first filing with the Sussex County Assessment Division an
175 application, in writing, for such construction or placement and
176 obtaining a permit therefor. Such application shall be made on
177 forms prescribed by the Assessment Division and shall contain such
178 information as the Assessment Division shall require. The
179 application for permit shall also contain a site plan or sketch
180 showing the location on the lot and a general description of the type
181 of structure. Responsibility for a violation of this section shall rest
182 upon the record title owner of the property at the time the
183 construction was commenced or a manufactured home placed.

184

185 B. Inspection fee.

186

187 (1) In addition to the fees currently charged for the placement and
188 installation of a manufactured home, the Assessment Division
189 shall also charge a fee for the inspection of foundation footers
190 and tie downs to be paid at the time a placement permit is
191 issued for a manufactured home as follows:

192

193 (a) [The sum of \$120, which]*An initial inspection fee* shall
194 entitle the owner to up to three inspections. The first
195 inspection shall be of the footers, which must be passed
196 before the foundation can be installed. The second

197 inspection shall be of the tie downs, which must be passed
198 before a certificate of occupancy is issued by the County.
199 In the event the County does not approve the footers
200 and/or tie downs on their first inspection, the Assessment
201 Division shall conduct a third inspection without the
202 payment of an additional fee. However, if the required
203 inspections have not resulted in the approval of the footers
204 and tie downs after three inspections, an additional fee [of
205 \$40]shall be charged for each additional inspection prior
206 to the issuance of a certificate of occupancy and any such
207 additional inspection beyond the first three shall be paid
208 for prior to the issuance of the certificate of occupancy.
209 All inspection fees shall be included in the schedule of fees
210 adopted as part of the annual Sussex County budget.

211

212 (2) Effective date. The obligation of the County to perform the
213 footer and tie down inspections and the obligation of the
214 property owner to pay the inspection fee shall become
215 effective on January 1, 2007.

216

217 **Section 3. Sussex County Code, Chapter 99, Article II, § 99-14,**
218 **entitled, “Fees”, is hereby amended by adding the underlined and**
219 **italicized language and deleting the bracketed language as follows:**

220

221 § 99-14 Fees.

222

223 Fees to partially cover the cost of considering, examining and checking
224 the plats required herein and for recording the final plat shall be collected
225 at the time of filing the plans in accordance with the following schedule
226 of charges:

227

228 A. A fee [of \$500]shall accompany an application under this chapter,
229 and the subdivider shall also reimburse the County prior to any
230 public hearing for the cost of preparing and giving of notice. These
231 fees shall be included in the schedule of fees adopted as part of the
232 annual Sussex County budget.

233

234 B. Final plat.

235 (1) [Ten dollars per lot.]These fees shall be included in the
236 schedule of fees adopted as part of the annual Sussex County
237 budget.

238

239 (2) For each individual copy (one sheet) of the final plat to be
240 recorded: The Sussex County Recorder of Deeds fee shall be
241 paid by the subdivider.

242

243 **Section 4. Sussex County Code, Chapter 99, Article VIII, § 99-39F.,**
244 **entitled, “Enforcement Amendments; Appeals”, is hereby amended**
245 **by adding the underlined and italicized language and deleting the**
246 **bracketed language as follows:**

247

248 **§ 99-39Appeals.**

249

250 A. No preliminary plat shall be acted upon by the Commission without
251 affording a hearing thereon as outlined in 9 Del. C. § 6812 and after
252 notice of the time and place of the hearing shall be sent by registered
253 mail to the applicant not less than five days before the date fixed
254 for the hearing. Following said hearing any approval or disapproval

255 of the preliminary plat by the Commission may be appealed to the
256 County Council within 30 days of the official action of the
257 Commission approving or disapproving the preliminary plat. As
258 provided in 9 Del. C. § 6811, an appeal may be filed by a party
259 aggrieved by either the approval or the disapproval of a preliminary
260 plat.

261

262 B. If the appellant is aggrieved by the decision of the Commission, he
263 may appeal that decision to the County Council within 30 days of
264 the official action of the Commission. In such event, the appeal
265 shall be an appeal on the record of the hearing before the
266 Commission and the notice of appeal shall be on a form provided
267 by the Office of Planning and Zoning and shall specify the grounds
268 therefor and the appellant shall pay the appeal fee hereafter
269 provided. In respect to an appeal to the Council from a decision of
270 the Commission, the following procedures shall apply:

271

272 (1) Within 30 days following the filing of the appeal to the
273 Council, it shall be the responsibility of the appellant to pay
274 the costs to have a certified court reporter prepare a verbatim
275 transcript of the hearing record before the Commission at the
276 appellant's expense and to file said transcript with the Clerk
277 of County Council. If the transcript is not filed within said
278 thirty-day period, the appeal shall be dismissed and the
279 appellant shall be notified of the dismissal by letter from the
280 Clerk.

281

282 (2) The Council shall review the record of the hearing before the
283 Commission and shall make a determination as to whether the
284 Commission's decision was the result of an orderly and
285 logical review of the evidence and involved the proper

286 interpretation and application of the chapter. If the Council
287 finds that the Commission misapplied or misinterpreted the
288 applicable sections of this chapter or that its findings were not
289 the result of an orderly and logical review of the evidence and
290 the applicable provisions of this chapter:

291

292 (a) The Council may send the matter back to the
293 Commission for further review and consideration
294 and, if the Council considers it necessary, it may
295 direct that the Commission hold a new hearing,
296 specify the time period within such hearing shall be
297 held and direct the Commission to issue a written
298 decision containing findings and conclusions
299 following the rehearing.

300

301 (b) The Council may reverse a decision only upon a
302 finding that the Commission made an error in its
303 interpretation of the applicable sections of this
304 Chapter; or the Commission's findings and
305 conclusions were not the result of an orderly and
306 logical review of the evidence and the applicable
307 provisions of this chapter.

308

309 (c) Within 60 days from the receipt of the transcript, the
310 Council shall act on the record of the hearing before
311 the Commission and the Council shall not hold an
312 additional public hearing.

313

314 C. Any party aggrieved by the decision of the Council may appeal to
315 the appropriate court, but only after all remedies made available

316 under this chapter have been exhausted. Such appeals shall be to
317 the Superior Court in the same manner as appeals from decisions of
318 the Board of Adjustment as specified in 9 Del. C. § 6918.

319

320 D. The standard of review to be applied by the Council is that a
321 decision approving or disapproving a plat shall be upheld unless the
322 appellant can demonstrate that the Commission made an error in its
323 interpretation of the applicable sections of the Subdivision
324 Ordinance and/or that the Commission's findings and conclusions
325 were not the result of an orderly and logical review of the evidence
326 and the applicable provisions of the Subdivision Ordinance.

327

328 E. Appeals to the Council shall not be based on new or revised
329 subdivision plans that were not presented to the Commission prior
330 to the plat being approved or denied or to appeal a condition
331 imposed by the Commission.

332

333 F. The fee for filing an appeal to Council shall be included in the
334 schedule of fees adopted as part of the annual Sussex County
335 budget[\$500] and shall be payable to the Clerk of Council on the
336 date of filing the notice of appeal.

337

338 G. This amended appeal procedure shall apply to any preliminary plat
339 applied for after the date of adoption of this amendment.

340

341 H. An applicant may request in writing that the Commission
342 reconsider a condition imposed by the Commission but there shall
343 be no appeal from the decision of the Commission on such request.

344

345 **Section 5. Effective Date. This Ordinance shall become effective**
346 **upon its adoption.**

347

348

Synopsis

349

350 **This Ordinance amends Chapter 62, Article III. § 62-7 and § 62-8,**
351 **and Chapter 99, Article II, § 99-14 and Article VIII, § 99-39F., by**
352 **providing that all fees referenced therein shall be set forth in a**
353 **Schedule of Fees that shall be adopted by the Sussex County Council**
354 **as part of the Annual Budget for each fiscal year commencing with**
355 **FY2023.**

356

357 **Deleted text is in brackets, with the exception of the bracketed**
358 **language on page 6, line 143 which is set forth as such in the current**
359 **Sussex County Code and is not being deleted. Additional text is**
360 **italicized and underlined.**

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR
FISCAL YEAR 2023

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2023 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2023</u>
<u>Revenues:</u>	
<u>Taxes</u>	
Real Property - County	\$ 15,944,000
Real Property - Library	1,868,000
Realty Transfer	32,800,000
Fire Service	1,860,000
Lodging Tax	1,000,000
Penalties and Interest	150,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	200,000
Housing and Urban Development	2,403,000
Library	9,000
Payments in Lieu of Taxes	6,100
State Grants	
Economic Development	150,000
Local Emergency Planning Commission	72,000
Library	350,000
Other	100,000
Paramedic	5,200,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	175,000
Recorder of Deeds	5,488,000
Recorder of Deeds - Maintenance	60,000
Recorder of Deeds - Town Realty Transfer Tax	135,000
Register of Wills	1,300,000
Sheriff	750,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2023</u>
General Government Fees	
Building Permits & Zoning Fees	2,630,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	150,000
Building Inspection Fees	1,960,000
Airport Operations/Economic Development	670,000
Miscellaneous Fees	62,000
Private Road Review & Inspection Fees	2,200,000
 <u>Miscellaneous Revenue</u>	
Fines and Forfeits	50,000
Investment Income	1,000,000
Miscellaneous Revenues	227,200
 <u>Other Financing Sources</u>	
Interfund Transfers In	47,000
Appropriated Reserve	<u>6,059,900</u>
 <u>Total Revenues</u>	<u>\$ 85,635,830</u>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2023 is as follows:

<u>EXPENDITURES</u>	<u>AMOUNT</u> <u>YEAR</u> <u>ENDING</u> <u>JUNE 30, 2023</u>
<u>General Government</u>	
County Council	737,463
Administration	618,822
Legal	550,000
Finance	2,587,040
Assessment	5,847,200
Building Code	1,487,313
GIS	1,056,527
Human Resources & General Employment	1,025,649
Records Management	333,607
Facilities Management	2,413,626
Information Technology	2,509,600

<u>Expenditures (continued)</u>	<u>Amount Year Ending June 30, 2023</u>
<u>Planning and Zoning</u>	
Planning and Zoning	1,787,548
Constable	1,539,346
 <u>Paramedics</u>	 21,187,553
 <u>Emergency Preparedness</u>	 5,606,655
 <u>Engineering</u>	 2,234,269
 <u>Library</u>	
Administration	891,913
Operations	2,682,816
 <u>Economic Development</u>	
Economic Development	553,460
Safety and Security	490,666
Airport and Business Park	1,013,341
 <u>Community Development</u>	 2,965,945
 <u>Grant-in-aid</u>	 22,085,609
 <u>Constitutional Offices</u>	
Marriage Bureau	280,471
Recorder of Deeds	1,001,135
Register of Wills	690,456
Sheriff	742,300
 <u>Other Financing Uses</u>	
Transfers Out	115,500
Reserve for Contingencies	600,000
 <u>Total Expenditures</u>	 <u>\$ 85,635,830</u>

Section 3. If Realty Transfer Tax collections exceed an amount of \$33,800,000, the excess amount shall be transferred to the Capital Project Fund for future capital projects.

Section 4. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees, fee increases and new sources of revenue for the Fiscal Year Ending June 30, 2023 are as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program - Building Permit surcharge of one-quarter of one percent (.25%) of construction values. Distribution will be made to fire companies and ambulance companies who are in good standing with the Sussex County Volunteer Fire Association.

(c) Cluster Fee for density bonus.

- 1.) For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
- 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
- 3.) For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.

(d) Fee increases.

- 1.) Utility Enterprise - Water Annual Service Charge based on EDU - increased from \$342 per EDU to \$377.
- 2.) Utility Enterprise - Sewer Annual Service Charge - increased from \$296 per EDU to \$320.
- 3.) Library late fees for all overdue fees will be \$0.25 per day for all mediums.
- 4.) Board of Adjustment application fee changes from \$400 to \$500 - \$800 depending on number of variances
 - a. 1 to 6 variances - \$500
 - b. 7 to 9 variances - \$600
 - c. 10 or more variances - \$800
 - d. Board of Adjustment code interpretation or administrative appeal - \$500
 - e. Variance modification request within 1 year of approval - \$500
- 5.) Change of Zone petition to amend Comprehensive Land Use Plan and Zoning map increases from \$500 to \$1,000
- 6.) Conditional Use application (non-small scale Conditional Uses) increases from \$500 to \$1,000 plus \$50 per dwelling unit
- 7.) Conditional Use application for business, commercial, industrial, and other buildings increases from \$500 to \$100 per 1,000 square feet capping at \$5,000 per phase of construction
- 8.) Major Subdivision/RPC application increases from \$500 plus \$10/lot to \$1,000 plus \$50/dwelling unit
- 9.) Re-subdivision or revised record plan for residential increases from \$500 to \$1,000 plus \$50 per additional dwelling unit
- 10.) Revised record plan for nonresidential increases from \$500 to \$1,000
- 11.) Plan expiration extension increases from \$500 to \$1,000
- 12.) Appeal with regard to subdivision standards affecting an individual lot or use, or other residential and nonresidential lots or use, increases from \$500 to \$3,000
- 13.) Special event fee for paramedic staff increases from \$60/hour/paramedic to \$75/hour/paramedic
- 14.) Special event fee for dispatcher staff increases from \$40/hour/dispatcher to \$50/hour/dispatcher
- 15.) Special event fee for the mobile command unit increases from \$40/hour to \$50/hour
- 16.) Enterprise Fund - Bulk Water Usage Fee - first 5,000 gallons – from \$25 to \$30
- 17.) Enterprise Fund – Bulk Water Usage Fee – 5,001 gallons and up – from \$5 per 1,000 gallons to \$6 per 1,000 gallons

(e) New Sources of Revenue

- 1.) Enterprise Fund - Water Irrigation System Fee - \$377 annual fee per connection
- 2.) Enterprise Fund - Sewer Assessment Fee - Mulberry Knoll - \$7.76 per front footage
- 3.) Enterprise Fund – Sewer Assessment Fee – Pintail Pointe - \$954 based on equivalent dwelling unit (EDU).
- 4.) Foreign transaction fees will be reimbursed by customer
- 5.) Minor subdivision (2-5 lots) - \$200 plus \$20 per lot
- 6.) Minor lot line adjustments or lot consolidation - \$150
- 7.) Zoning or certificate of use verification letter - \$150
- 8.) Additional P&Z reviews required to release bond - \$150
- 9.) Application to amend zoning ordinance - \$1,000
- 10.) Re-advertising due to postponement by applicant – reimbursement of cost
- 11.) Site Plan reviews for business, commercial, industrial, and other buildings excluding hospitals, schools, institutional, and worship structures - \$100 per 1,000 square feet up to \$5,000 per phase
- 12.) Appeal of a revised landscape plan - \$500
- 13.) Appeal of a record plan modification or sunset plan review/determination - \$1,000

Section 5. Fees and Charges Schedule required to be set by budget ordinance as stated in the Sussex County Code:

<i>Area</i>	Fee Description	Fee	Unit of Measure
Planning & Zoning	Minor subdivision (2-5 lots)	\$200 plus \$20 per lot	
Planning & Zoning	Minor lot line adjustment/lot consolidation	\$150	Per occurrence
Planning & Zoning	Zoning and certificate of occupancy verification letters	\$150	Per occurrence
Planning & Zoning	Subsequent reviews to release bond	\$150	Per review
Planning & Zoning	Board of Adjustment application	\$500	1 – 6 variances
Planning & Zoning	Board of Adjustment application	\$600	7 – 9 variances
Planning & Zoning	Board of Adjustment application	\$800	10 or more variances
Planning & Zoning	Board of Adjustment application	\$400	Per special use exception
Planning & Zoning	Board of Adjustment code interpretation or administrative appeal	\$500	Per occurrence
Planning & Zoning	Variance modification request within 1 year	\$500	Per occurrence
Planning & Zoning	Change of zone application	\$1,000	Per occurrence
Planning & Zoning	Application to amend zoning ordinance	\$1,000	Per occurrence

Area	Fee Description	Fee	Unit of Measure
Planning & Zoning	Small scale conditional use (CU) application (small scale is when the proposed CU is to operate as an accessory/ancillary manner to a dwelling on the parcel)	\$500	Per occurrence
Planning & Zoning	Conditional Use application (not small scale)	\$1,000 plus \$50 per dwelling unit	
Planning & Zoning	Conditional Use application for business, commercial, industrial, and other buildings	\$100 per 1,000 square feet, capped at \$5,000 per phase	
Planning & Zoning	Major subdivision/RPC application	\$1,000 plus \$50 per dwelling unit	
Planning & Zoning	Re-advertising due to postponement of applicant	Cost of advertisement	
Planning & Zoning	Re-subdivision or revised record plan – residential	\$1,000 plus \$50 per dwelling unit	
Planning & Zoning	Re-subdivision or revised record plan – nonresidential	\$1,000	Per occurrence
Planning & Zoning	Plan expiration extension	\$1,000	Per occurrence
Planning & Zoning	Construction sign permit fee	\$.50 per square foot, with a minimum of \$25 per sign for signs larger than 32 square feet	
Planning & Zoning	Sign permit fee, signs larger than 32 square feet (annual fee)	\$.25 per square feet, minimum charge of \$25 per sign for sign larger than 32 square feet.	
Planning & Zoning	Sign permit fee, equal to or less than 32 square feet	\$7.50	One-time fee
Planning & Zoning	Site plan review for business, commercial, industrial, and other buildings (hospitals, schools, institutional, and places of worship are exempt)	\$100 per 1,000 square feet, capped at \$5,000 per phase	
Planning & Zoning	Appeal from any finding, decision, or recommendation of the Department with regard to subdivision standards affecting an individual residential lot or use and/or affecting other residential and nonresidential lots or uses	\$3,000	Per appeal
Planning & Zoning	Appeal of revised landscape plan	\$500	Per appeal
Planning & Zoning	Appeal of record plan modification	\$1,000	Per appeal
Planning & Zoning	Appeal of sunset plan review/determination as to whether substantially underway	\$1,000	Per appeal
Planning & Zoning	Site plan review fee - Multifamily residential	\$50 minimum, plus \$2 per dwelling unit in excess of 10 dwelling units.	
Planning & Zoning	Site plan review fee – Commercial, industrial, or private institutional	\$50 minimum, plus \$2 per 1,000 square feet in excess of 4,000 square feet of gross floor area, including outside sales display and storage areas.	

Area	Fee Description	Fee	Unit of Measure
Planning & Zoning	Site plan review fee – Commercial, industrial, or private institutional	\$50 minimum, plus \$2 per 1,000 square feet in excess of 4,000 square feet of gross floor area, including outside sales display and storage areas.	
Planning & Zoning	Site plan review fee – Manufactured home parks, parks, and campgrounds for mobile campers and tent camping	\$50 minimum, plus \$2 per site in excess of 10 manufactured homes or campsites.	
Building Code	Building Permit	\$7.50 for the first \$1,000 of construction estimate; \$3 for each \$1,000 thereafter for properties not within incorporated municipalities that have their own Zoning Code.	
Building Code	Building Permit	\$5.00 for the first \$1,000 of construction estimate; \$2 for each \$1,000 thereafter for properties within incorporated municipalities that have their own Zoning Code.	
Building Code	Manufactured Home Placement Permits	\$7.50 for the first \$1,000 of construction estimate; \$3 for each \$1,000 thereafter for properties not within incorporated municipalities that have their own Zoning Code.	
Building Code	Manufactured Home Placement Permits	5.00 for the first \$1,000 of construction estimate; \$2 for each \$1,000 thereafter for properties within incorporated municipalities that have their own Zoning Code.	
Building Code	Manufactured Home Inspection	\$120	Fee includes up to three inspections.
Building Code	Manufactured Home Inspection – additional fees	\$40	Additional fee for each need over and above the first three inspections.
Engineering	Plan Review Fees - Chapter 99 - Flat fee for (2) reviews of submitted plans	\$2,500	Flat fee
Engineering	Plan Review Fees - Chapter 99 - Per unit for (2) reviews of submitted plans	\$45	Per unit (addition to flat fee)
Engineering	Plan Review Fees - Chapter 99 - Third Additional review - after first (2) reviews	60%	Original plan review fees
Engineering	Plan Review Fees - Chapter 99 - Fourth Additional review - after first (3) reviews	50%	Original plan review fees
Engineering	Plan Review Fees - Chapter 99 - Fifth Additional review - after first (4) reviews	40%	Original plan review fees
Engineering	Plan Review Fees - Plan Revisions - Chapter 99 - After obtaining County approval	\$1,000	Each
Engineering	Field Inspection Fees - Chapter 99	\$1,225	Per Equivalent Dwelling Unit including as-built assets
Engineering	Field Inspection - Overtime - Holiday or Weekend hours	\$50.00	Per Hour
Utility Enterprise	Damage to County Infrastructure from outside sources	Varies	Actual Cost or equipment rates based on FEMA Schedule

<i>Area</i>	Fee Description	Fee	Unit of Measure
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat fee including (2) reviews of submitted plans	\$2,000	Flat fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	\$20	Per unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	\$1,500	Flat fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water – per unit including (2) reviews of submitted plans	\$10	Per unit (addition to flat fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Third Additional reviews - after first (2) Sewer/Water plan review	60%	Original plan review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fourth Additional reviews - after first (3) Sewer/Water plan review	50%	Original plan review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fifth Additional reviews - after first (4) Sewer/Water plan review	40%	Original plan review fees
Utility Enterprise	Plan Review Fees - Plan Revisions - Chapter 110 - After obtaining County approval.	\$1,000	Each
Utility Enterprise	Pump Station Review Fees – Chapter 110	\$2,500	Flat fee including 2 reviews of submitted plans
Utility Enterprise	Field Inspection Fees - Chapter 110	\$875	Per EDU including as-built assets
Utility Enterprise	Rescheduled connection inspections - each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	\$100	Per occurrence
Utility Enterprise	Field Inspection - Overtime	\$50	Per hour
Utility Enterprise	Sewer/Water Connection Permits	\$100	Per permit
Utility Enterprise	Availability fee for Private Fire Service	\$250	Annually
Utility Enterprise	Waste hauler's annual septage discharge license fee	\$250	Annually
Utility Enterprise	Waste hauler fee - Septage Treatment Charges	\$0.076	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	\$100	Each
Utility Enterprise	Water Turn Off or On Fee	\$300	Each
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	\$50	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	\$30	5,000 gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	\$6	1,000 gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	\$500	Per issuance

Area	Fee Description	Fee	Unit of Measure
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	\$250	Per issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	\$250	Per issuance
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring Fee	\$250	Annually
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	\$500	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	\$750	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	\$1,500	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - Over 150.0 Acres	\$2,500	Each
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges
Utility Enterprise	Sewer Inspection Camera Fee	\$125	Per hour for equipment and crew; charge based on hourly increments
Utility Enterprise	Bio-solids Processing Fee	---	Per individual contracts
Utility Enterprise	Enterprise Employee Premium Hourly Rate for Services for After Hours	Various	Employee premium hourly rate plus 40% overhead charge
Utility Enterprise	Water Fire Service Fee	\$300	Per connection – Annual
Utility Enterprise	Sewer Service Concept Evaluation Fee	\$1,000	Each

Section 6. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2023 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2023</u>
<u>Revenues and Other Financing Sources</u>	
Appropriated Reserves	\$ 26,292,500
Federal Grant	2,005,000
Investment Income	50,000
State Grant	22,500
	<hr/>
<u>Total Revenues and Other Financing Sources</u>	<u>\$ 28,370,000</u>

<u>Expenditures</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2023</u>
Administrative	8,650,000
Information Technology	300,000
Airport and Business Park	9,805,000
Engineering	600,000
Library	215,000
Public Safety	8,800,000
	<hr/>
Total Capital Improvement Expenditures	\$ 28,370,000
	<hr/>

Section 7. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2023 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2023</u>
Operating Revenues	
Service Charges	\$ 28,794,973
Holding Tank Fees	524,000
Licenses, Permit, and Review Fees	1,295,000
Miscellaneous Fees	523,037
Non-Operating Revenues	
Assessment Charges	8,524,061
Capitalized Ord. 38 Fees	2,300,000
Connection Fees	9,205,941
Investment Results	741,000
Miscellaneous Revenues	364,000
Other Financing Sources	
Available Funds	933,085
Transfers	115,500
	<hr/>
Total Revenues and Other Financing Sources	\$ 53,320,597
	<hr/>

<u>Expenses</u>	
Administrative Costs	\$ 10,022,176
Operations and Maintenance Costs	23,886,949
Capital Expenditures	6,005,394
Debt Service	13,406,078
	<hr/>
Total Expenses and Debt Service	\$ 53,320,597
	<hr/>

Section 8. Supplemental funding provided by the American Rescue Plan Act as follows:

Revenue and Other Financing Sources

Coronavirus State and Local Fiscal Recovery Grant \$ 45,340,373

Expenses and Other Financing Uses

Coronavirus State and Local Fiscal Recovery Eligible Expenses \$ 45,340,373

Section 9. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 10. The County Pay Plan and Salary Structure for employees not in a collective bargaining unit for Fiscal Year Ending June 30, 2023 shall be:

Grade	Minimum	Midpoint	Maximum
1	\$ 13.52	\$ 16.90	\$ 20.28
2	\$ 14.20	\$ 17.75	\$ 21.29
3	\$ 14.91	\$ 18.63	\$ 22.36
4	\$ 15.65	\$ 19.56	\$ 23.48
5	\$ 16.43	\$ 20.54	\$ 24.65
6	\$ 17.26	\$ 21.57	\$ 25.88
7	\$ 18.12	\$ 22.65	\$ 27.18
8	\$ 19.02	\$ 23.78	\$ 28.54
9	\$ 19.98	\$ 24.97	\$ 29.96
10	\$ 20.97	\$ 26.22	\$ 31.46
11	\$ 22.02	\$ 27.53	\$ 33.03
12	\$ 23.12	\$ 28.90	\$ 34.69
13	\$ 24.28	\$ 30.35	\$ 36.42
14	\$ 25.49	\$ 31.87	\$ 38.24
15	\$ 26.77	\$ 33.46	\$ 40.15
16	\$ 28.11	\$ 35.13	\$ 42.16
17	\$ 53,712	\$ 67,141	\$ 80,569
18	\$ 56,399	\$ 70,498	\$ 84,597
19	\$ 59,218	\$ 74,023	\$ 88,827
20	\$ 62,180	\$ 77,724	\$ 93,268
21	\$ 65,288	\$ 81,610	\$ 97,932
22	\$ 68,552	\$ 85,691	\$ 102,829
23	\$ 71,980	\$ 89,975	\$ 107,971
24	\$ 75,579	\$ 94,474	\$ 113,369
25	\$ 79,358	\$ 99,197	\$ 119,038
26	\$ 83,326	\$ 104,158	\$ 124,989
27	\$ 87,492	\$ 109,365	\$ 131,238
28	\$ 91,867	\$ 114,834	\$ 137,800
29	\$ 96,460	\$ 120,576	\$ 144,690
30	\$ 101,283	\$ 126,604	\$ 151,925
31	\$ 106,347	\$ 132,934	\$ 159,521
32	\$ 111,665	\$ 139,581	\$ 167,498
33	\$ 117,248	\$ 146,560	\$ 175,872
34	\$ 123,111	\$ 153,888	\$ 184,666

Section 11. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee of the Sussex County Volunteer Firefighters Association, but at the discretion of the Sussex County Council. The County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after the County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. The County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 12. This Ordinance shall become effective on July 1, 2022.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____TH DAY OF JUNE 2022.

TRACY N. TORBERT
CLERK OF THE COUNCIL

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

Proposed Hete (Postal Lane) Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- The Engineering Department has received a request from Mathew Hete/ Lands of Hete4,LLC the owner/developer of the property.
- The request is for parcel 334-6.00-686.00 on Postal Lane.
- The project consists of (4) Single Family homes on a single parcel to be owned and occupied by family members. As they are single family homes, they will require an 8" sewer connection in Postal Lane.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.



Chris Calio

From: Matthew Hete <mchete@msn.com>
Sent: Wednesday, May 11, 2022 5:27 PM
To: Chris Calio
Subject: Hete - Postal Lane #334-6.00-686.00

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

The purpose of this email is to request adding our current property and upcoming development located at 34360 Postal Lane Lewes, DE (tax id ##334-6.00-686.00) to the sewer district. It is our understanding that there is a sewer line running down Postal Lane with a 6" lateral line on NE corner of the property that is not hooked up as the current house has a septic system.

Please advise on next steps or costs involved and / or if you have any concerns, please let me know.

Thank you and take care,

Matthew and Mindy Hete
302-344-8988

Permission to Prepare and Post Notices Lands of Hete4, LLC

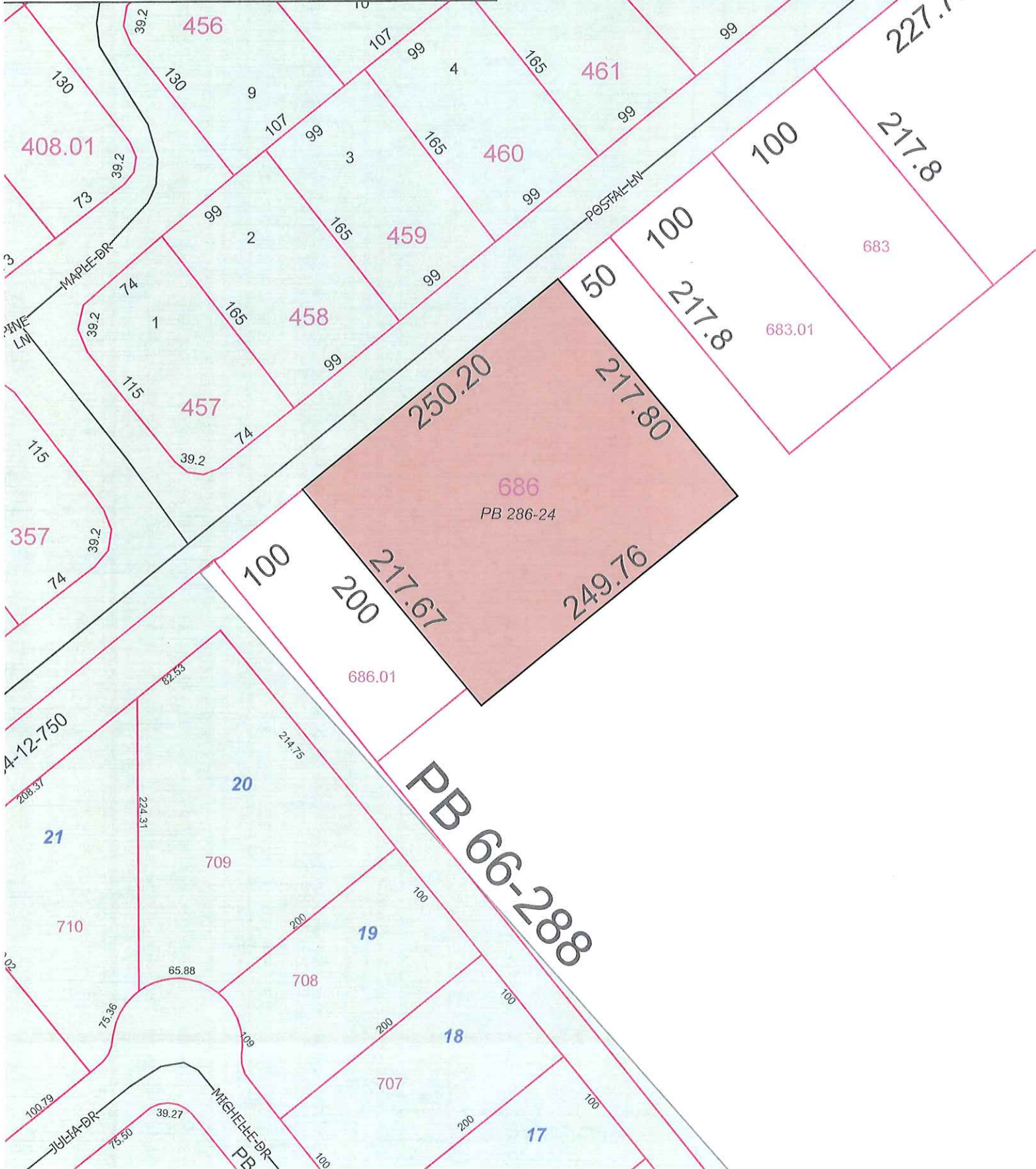
 Existing SSD  Parcel 334-6.00-686.00



0 30 60 120 Feet



5/17/2022



FINANCE DEPARTMENT
ACCOUNTING DIVISION

ANDREA M. WALL
MANAGER
awall@sussexcountype.gov



Sussex County

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(302) 855-7722 F

MEMORANDUM:

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

FROM: Andrea M. Wall
Manager of Accounting

SUBJECT: **INSURANCE RECOMMENDATION**

DATE: June 17, 2022

As we approached the renewal of our insurance package on July 1, our broker Alliant and our insurance consultant, Insurance Buyers Council both recommended that Sussex County not market our property and liability package, pollution, and crime coverages, all other lines were marketed. Alliant recommends that we market our program every 2-3 years in order to not over-exercise the market and maintain relationships with our key insurer partners. These insurers presented renewal indications that were below market increases. Despite a difficult state of the market where rates are increasing significantly and capacity is shrinking as well as extenuating events such as COVID-19, Alliant was able to secure renewal pricing that was below our budget projections for FY 23.

On Tuesday, I will be recommending we renew with the insurers listed below, and this recommendation is supported by our insurance consultant, Scott Agar:

- Package Policy (Property, Inland Marine, Auto and Liability)-*Glatfelter*
- Pipeline Floater-*Chubb*
- Equipment Breakdown-*CNA*
- Workers' Compensation-*Liberty Mutual*
- Airport Liability-*Chubb*
- Public Officials-*Indian Harbor/RSUI*
- Crime-*Great American*
- Cyber-*Lloyds/Crum & Forster*
- Pollution-*Chubb*
- Fiduciary-*Hudson*

For your reference I have included an overview of each line of coverage with the expiring cost and the premium for FY 23.

Although we are presenting an increase in cost, it reflects current market conditions, and not the claim activity or insurability of Sussex County. In addition, our increase is 8.8%. Many other jurisdictions are seeing much larger increases even with no claim activity.

Scott Agar from Insurance Buyers Council will be available to discuss the renewal and market conditions further and answer any questions.

Sussex County Insurance Overview FY 23

Coverage Type	Expiring Costs	Recommended Placement	FY 23 Renewal Costs	Premium Change \$	Premium Change %	Deductible	Comments
Property & Inland Marine	\$ 234,595.00	Glatfelter	\$ 249,294.00	\$ 14,699.00	6.3%	\$ 50,000	\$333 Million of Insured Value
General Liability	\$ 58,647.00	Glatfelter	\$ 74,336.00	\$ 15,689.00	26.8%	\$ -	\$1M in coverage per occurrence \$3M aggregate
Business Auto	\$ 251,186.00	Glatfelter	\$ 282,256.00	\$ 31,070.00	12.4%	\$ 1,000	272 Vehicles and 63 Trailers
Umbrella	\$ 82,315.00	Glatfelter	\$ 100,226.00	\$ 17,911.00	21.8%	\$ 10,000	\$9M in coverage
Package Total	\$ 626,743.00	Glatfelter	\$ 706,112.00	\$ 79,369.00	12.7%		
Pipeline Floater	\$ 62,540.00	Westchester	\$ 68,778.00	\$ 6,238.00	10.0%	\$ 250,000	\$3 M in coverage.
Eqpt Breakdown	\$ 21,892.00	C.N.A	\$ 22,515.00	\$ 623.00	2.8%	\$ 10,000	\$25 M in coverage.
Workers Comp	\$ 638,321.00	Liberty	\$ 662,841.00	\$ 24,520.00	3.8%	\$ -	
Airport Liability	\$ 5,738.00	Chubb/ACE	\$ 5,738.00	\$ -	0.0%	\$ -	\$20 M in coverage, and includes coverage for Wings & Wheels
Public Officials	\$ 248,745.00	Indian Harbor / RSUI	\$ 261,417.00	\$ 12,672.00	5.1%	\$ 250,000	\$10 M Coverage
Crime	\$ 15,926.00	Great American	\$ 17,519.00	\$ 1,593.00	10.0%	\$ 50,000	\$15M in coverage
Cyber	\$ 29,000.00	Lloyds	\$ 42,500.00	\$ 13,500.00	46.6%	\$ 100,000	\$2M in coverage
Excess Cyber	\$ 41,500.00	Crum and Forester	\$ 60,750.00	\$ 19,250.00	46.4%	\$ 100,000	\$3M in coverage
Pollution	\$ 19,927.00	Chubb	\$ 21,889.00	\$ 1,962.00	9.8%	\$ 50,000	\$2 M coverage
Fiduciary	\$ 9,282.00	Hudson	\$ 10,177.00	\$ 895.00	9.6%	\$ 25,000	\$1M coverage
Additional Enhancements	\$ 10,000.00		\$ 10,000.00	\$ -			Leased Equipment, Builders Risk, etc.
Broker Fee	\$ 100,000.00		\$ 100,000.00	\$ -	0.0%		
Total	\$ 1,829,614.00		\$ 1,990,236.00	\$ 160,622.00	8.8%		

FINANCE DEPARTMENT
ACCOUNTING DIVISION

ANDREA M. WALL
MANAGER
awall@sussexcountyde.gov



Sussex County

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MEMORANDUM

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

FROM: Andrea Wall, Manager of Accounting

DATE: June 17, 2022

RE: Federal Payments in Lieu of Taxes

A check in the amount of \$38,898 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2021.

The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose.

The County does not collect property taxes from the Federal Government for the Prime Hook National Wildlife Refuge. In return, the Federal Government gives the County this payment in lieu of taxes. In the past, these funds have been allocated in the same percentage as the other County tax collections. The attached spreadsheet shows the recommended allocation of these funds based on assessed value of the Prime Hook Refuge. I will be presenting this allocation for Council's authorization on June 21, 2022.

Please feel free to contact me with any questions.

TAXING AUTHORITY	TAX RATE	% OF TOTAL	GRANT AMOUNT	
MILFORD SCHOOL DISTRICT				
Sussex County	0.3983%	7.1915%	\$647.30	\$9,001.00
Library	0.0467%	0.8432%	\$75.90	
Sussex Tech	0.2907%	5.2487%	\$472.44	
Milford School	4.8028%	86.7166%	\$7,805.36	
	5.5385%	100.0000%	\$9,001.00	
CAPE HENLOPEN DISTRICT				
Sussex County	0.3983%	8.4581%	\$2,528.71	\$29,897.00
Library	0.0467%	0.9917%	\$296.49	
Sussex Tech	0.2907%	6.1732%	\$1,845.59	
Cape School District	3.9734%	84.3771%	\$25,226.21	
	4.7091%	100.0000%	\$29,897.00	<u>\$38,898.00</u>
SUMMARY				
Sussex County	\$3,176.01			
Library	\$372.39			
Vocational School	\$2,318.03			
Milford School	\$7,805.36			
Cape School District	\$25,226.21			
	<u>\$38,898.00</u>			

NOTE:

Per Chris Keeler, Director of Assessment, 23.14% of the Primehook National Wildlife Refuge land assessed value in Sussex County is within the Milford School District and 76.86% is within the Cape Henlopen School District. Appropriate shares have been determined based on these percentages

A deposit from US Dept of Interior for \$38,898 was deposited to the general fund on 5/23/2022

ENGINEERING DEPARTMENT

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COUNTY ENGINEER

(302) 855-7370 T
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***EMS Public Safety Building – Project C19-04***
A. Change Order No. 14

DATE: June 21, 2022

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance consolidating all EMS training, administration, and logistics functions in one facility. The scope and cost were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on design stages in the FY 2021 & FY 2022 Budget Ordinances reflecting a total project expense of \$12.00 million. The anticipated overall project expenses are still well within budget.

Following a publicly advertised process, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. The subsequent Public Safety Building Project C19-04 base agreement covered professional services for an initial not to exceed amount of \$300,000.00.

The State's fire prevention regulations required a single-entry point necessitating a full sprinkler distribution system design and due to the critical nature of the facility, a secondary air conditioning backup in the form of a cooling tower was desired. Council authorized a \$31,720.00 stand-alone purchase order to RMF Engineering for these specialty designs.

In October of 2020, the Departments presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request, GMB was asked to create fiber optic cabling, audio/visual, security/alarm and fit out specialty scopes for procurement under Cooperative Purchasing Agreements, increasing the project design complexity. Hence, Council approved on March 23, 2021, GMB's Amendment No.1 increasing the not to exceed threshold by \$61,500.00.

Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the



previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction, comparing favorably with industry standards and on August 10, 2021, County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

In June the Public Safety Building, Project C19-04 was publicly advertised. On July 14, 2021, eight (8) bids were received and on August 10, 2021, Council awarded the project to Bancroft Construction Company in the amount of \$8,282,169.00.

The documents as bid included provisions to recover pandemic related price increases between *bid and award* for structural and light weight steel material costs. Therefore, on August 31, 2021, Council approved Change Order No. 1 in the not to exceed amount of \$40,000 for structural and Change Order No. 2 in the amount of \$8,800 for light weight steel material price increases.

The structural steel material change order no.1 was based on August 12, 2021, pricing. When Bancroft transmitted the "letter of intent to award", their subcontractor Iron Works, Inc. on August 30th in turn issued material purchase orders. However, the material suppliers responded that material quotations are only binding for one week due to supply chain impacts and volatile steel markets. In consultation with County Leadership, the Engineering Department authorized Bancroft to lock in at the August 30th material costs triggering a \$22,829.00 revision to change order no. 1 approved by Council on September 14, 2021.

When the project bid, the Fire Marshall site permit had been issued but the associated building permit was still under review. When it was finalized two issues had to be addressed (i) fire protection details in the plenum and (ii) a secondary emergency egress from the mezzanine.

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County requested the PVC piping for ease of maintenance and the mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net Change Order No. 3 cost of \$13,554.94. In addition, the County EMS team had initiated a proposed Change Order No. 4 for air filtration system safety upgrades, paid for through American Rescue Plan Act funds in the amount of \$4,740.28. On November 20, 2021, County Council approved both change orders.

The Department and the contractor concluded the change order scope associated with the emergency mezzanine exit required a permit. The work was complex requiring scope modifications for eight (8) trades. The electrical trade also included some minor changes to the outlet configurations to accommodate the selected A/V equipment for a total \$58,245.80 which County Council approved under Change Order No. 5 on January 11, 2022.

The existing EOC allegedly had dual primary electric power feeds based on original design drawings, staff recollection as well as DP&L records. Upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations, Council issued a reimbursement Change Order No. 6 in the amount of \$1,905.85.

However, for the project to proceed, DP&L and the County's General Labor & Equipment contractor had to extend primary power to the existing transformer from the opposite side of Rudder Lane. In addition, the transformer and generator location for the building was revised, as

well as vehicle charging circuits added. These changes were priced out and approved by Council on March 1, 2022 under Change Order No. 9 in the amount of \$56,830.98.

In December 2021, following a detailed Miss Utility locate, the Team recognized that there were conflicts between the proposed gravity storm drainage pipe and the existing high voltage lines off site. The stormwater management design had the stormwater pipe system crossing the intersection of Airport Road and Aviation Avenue. Close examination revealed that this crossing was not plausible as the stormwater pipe intersected approximately eight other utilities primarily high voltage electric lines and sewer force mains at different elevations.

While investigating stormwater options, two existing roof drainage pipe conflicts came to light. The combination of both these impacts required a re-work of the entire grading plan, along with the redirection of the storm drainage piping along Airport Road. The Department and the contractor agreed on the scope and pricing, including the required fill and on March 1, 2022, Council issued the associated Change Order No. 7 in the amount of \$62,924.75.

In the filling process of “Lake Thomas”, unsuitable soils were encountered. The site work contractor undercut these areas and restored them with suitable materials. This work was performed on a time and materials basis under Change Order No. 11. Also covered under this request is an adjustment to a drop ceiling and bulkhead location in the corridor leading to the northside of the existing EOC building. On March 22, 2022, Council accepted Change Order No. 11 in the amount of \$5,427.58.

Bancroft had submitted RFI#44 seeking clarification regarding the EOC kitchen renovations due to a lack of existing condition documentation on the mechanical drawings and insufficient detailing of connections. GMB’s plan envisioned an open ceiling concept with cabinet & countertop which was unable to incorporate the two roof drains in the existing exercise room and kitchen. With an acceptable resolution plan needed, the Department worked with Bancroft and developed the attached “Owner Resolution Plan No.3 addressing the existing conditions and on March 22, 2022, Council accepted credit Change Order No. 12 in the amount of (\$15,118.52).

The heating and hot water systems were designed based on availability of natural gas. Chesapeake Utilities’ service extension project from the Coastal Business Park to Rudder Lane is delayed and may not be ready at the time of building commissioning. The utility directed us to seek an interim solution using their subsidiary, Sharp Energy, which already supplies propane to the Joint Maintenance Facility under this arrangement. The Engineering & Finance Departments developed a purchase order, and the line is installed.

Due to a conflict in the existing lobby, the stud wall had to be extended alongside the existing beam, allowing the proposed wall to bypass the structural steel. Bancroft submitted PCO #013 to modify said exterior stud wall framing and to extend the drywall and batt insulation to the structure in the rooms. Team EMS had made this request for sound attenuation based on sensitive medical discussions. For the extension of the drywall and batt insulation, the price per unit is \$11.57/sf of wall in the event more rooms are added. On May 17, 2022, County Council approved Change Order No. 13 in the amount of \$16,711.84 and the unit of \$11.57/sf.

The EOC staff has made the Engineering Department aware of issues with the State Police IT equipment server room. The room is overheating frequently because equipment has been added over time. This room is the only server room w/o a dedicated source of cooling.

J.T. Richardson is the mechanical subcontractor for Bancroft working on the Public Safety Building. They were working for the County directly with the concurrence of Bancroft and in March 2022 when we issued an on-call mechanical PO for urgent repairs at the Complex. We advised Council on May 17, 2022 that would follow this same approach in this case based on the same hourly rates and agreed upon mark-ups.

The Department is now presenting Change Order No. 14 for Council’s consideration. It is the result of a series required as well as requested modifications.

1. The floor tile color selected by Team EMS to best suit the building carried a modest upcharge.
2. The separation of the decorative architectural wall from one to two location required two (2) additional end caps. All other quantities remained the same.
3. The back-up cooling tower was relocated to ground level which necessitated protection by bollards.
4. The primary cooling tower had to be elevated above the roof membrane require structural steel modifications.
5. Above mentioned structural steel modifications penetrated the roof membrane in six (6) locations necessitating addition boots.
6. The structural steel modifications are exposed above the roof membrane and require additional epoxy coating.
7. The corridor modifications approved under Change Order No. 11 left the doors in place which were to be relocated and reused. This triggered a change in the aluminum storefront package as well as a small labor credit.

In summary, the Engineering Department is requesting County Council approve Change Order No. 14 in the aggregate amount of \$26,371.68 addressing all items listed above.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY PUBLIC SAFETY BUILDING**
2. Sussex County Project No. C19-04
3. Change Order No. 14
4. Date Change Order Initiated - 6/16/22
5.
 - a. Original Contract Sum \$8,282,169.00
 - b. Net Change by Previous Change Orders \$ 276,852.50
 - c. Contract Sum Prior to Change Order \$8,559,021.50
 - d. Requested Change \$ 26,371.68
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$8,585,393.18
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

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

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Modifications to floor tile color, structural steel and aluminum storefront package, etc.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Bancroft Construction Company, Contractor

Michael Kalafut 6/16/22
Signature Date

MICHAEL KALAFUT
Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



Bancroft Construction
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
Phone: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

DRAFT

Prime Contract Potential Change Order #014 REVISED 6.14.22: CEs 031, 042, 048, 049 & 050

TO:	Sussex County Delaware 2 The Circle P.O. Box 589 Georgetown Delaware, 19947	FROM:	Bancroft Construction Company 1300 N. Grant Avenue Suite 101 Wilmington Delaware, 19806
PCO NUMBER/REVISION:	014 REVISED 6.14.22 / 0	CONTRACT:	CSED001 - Public Safety Bldg. Addition Prime Contract
REQUEST RECEIVED FROM:		CREATED BY:	Cheryl Fearn (Bancroft Construction Company)
STATUS:	Draft	CREATED DATE:	6/15/2022
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
		TOTAL AMOUNT:	\$26,371.68

POTENTIAL CHANGE ORDER TITLE: CEs 031, 042, 048, 049 & 050

CHANGE REASON: No Change Reason

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #031 - LVT Spec Change

Connolly Flooring Inc. to supply one of the following LVT options, in lieu of the original product specified for LVT-1.

CE #042 - REVISED Delete Dumpster Wall

new end caps for sign & concrete foundation for masonry wall

CE #048 - Cooling Tower Supports

CE #049 - Addition of Door 104A

CE #050 - Asphalt Price Increases

ATTACHMENTS:

[COR#6 LIQUID ASPHALT ADJUSTMENT-SUSSEX PUBLIC SAFETY.pdf](#) [SCPS CBG CO#3.pdf](#) [COR-1.pdf](#) [Change Order- Cooling Tower Support Posts.pdf](#) [IW CO #01-R.pdf](#) [CO #3c Add \(2\) Precast Caps.pdf](#) [2nd RESPONSE TO COR FOR REVISED C 3.1 DRAWING.pdf](#) [Sussex County Public Safety Bldg CO#2 LVT Spec Change \(12-23-2021\) JC .pdf](#)

#	Cost Code	Description	Type	Amount
1	09-610 - Floor Treatment		Subcontract	\$1,542.00
2	03-330 - Architectural Concrete	New Precast End Caps for Sign	Subcontract	\$1,245.45
3	02-001 - Site Construction	install 4 bollards per Thompson quote dated 4/7/22	Subcontract	\$1,000.00
4	05-100 - Structural Metal Framing		Subcontract	\$7,755.00
5	07-500 - Membrane Roofing		Subcontract	\$398.00
6	09-900 - Paints and Coatings		Subcontract	\$1,140.00
7	08-400 - Entrances and Storefronts		Subcontract	\$3,226.00
8	08-001 - Doors and Windows	credit to delete install of door	Subcontract	\$(150.00)



**PCO #014 REVISED
6.14.22**

#	Cost Code	Description	Type	Amount
9	02-001 - Site Construction		Subcontract	\$7,511.31
			Subtotal:	\$23,667.76
			BCC GCs (5.00% Applies to all line item types.):	\$1,183.39
			Bond (1.00% Applies to all line item types.):	\$248.51
			Profit (≈ 5.07% Applies to all line item types.):	\$1,272.02
			Grand Total:	\$26,371.68

Morgan Helfrich (George, Miles & Buhr, LLC)
400 High Street
Seaford Delaware 19973

Sussex County Delaware
2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company
1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE

DATE

James Chedler 6/21/2022

SIGNATURE DATE

Michael Kalafut 6/15/22

SIGNATURE DATE



Bancroft Construction Company
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #031 - LVT Spec Change

Origin:

Date Created: 2/9/2022 **Created By:** Tyler Lewis
Status: Closed **Scope:** Out of Scope
Type: Owner Contingency **Change Reason:** Design Change
Description: Connolly Flooring Inc. to supply one of the following LVT options, in lieu of the original product specified for LVT-1.
Attachments: [Sussex County Public Safety Bldg CO#2 LVT Spec Change \(12-23-2021\)JC .pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
09-610.06 Floor Treatment.Subcontract	Connolly Flooring, Inc. CSED0001-005	\$1,542.00		\$1,542.00	\$1,542.00		\$1,542.00	\$1,542.00	\$0.00	
90-999.10 Fee.Fee & Field Cost		\$175.06	\$0.00	\$175.06				\$0.00	\$175.06	
Grand Totals		\$1,717.06	\$0.00	\$1,717.06	\$1,542.00	\$0.00	\$1,542.00	\$1,542.00	\$175.06	\$0.00



315 Water Street • Wilmington, DE 19804
302-996-9470 • Fax: 302-996-9471

December 23, 2021

Bancroft Construction Company
Attn: Tyler Lewis
1300 N. Grant Avenue, Suite 110
Wilmington, DE 19806
Email: TLewis@Bancroftusa.com

CHANGE ORDER #2

**RE: Sussex County Public Safety Building
Georgetown, DE
LVT Finish Change**

Description:

Per new product specifications received, Connolly Flooring Inc. to supply one of the following LVT options, in lieu of the original product specified for LVT-1:

Option #1

Patcraft Anew I542V; Color: Mistral 7.75" x 48" LVT

Add Cost: N/A

Option #2

Patcraft Local Reserve I592V; Color(s): Iron, Fog or Talc 7" x 48" LVT

Add Cost: \$1,542.00

Pricing is valid for thirty (30) days from the date of this change order.

General Liability and Workers Compensation Insurance is to be provided by Connolly Flooring, Inc.

Terms: Net 30 days upon completion. Interest will be added at a rate of 1.5% monthly on all unpaid balances.

Any change orders or extras will not commence until they have been approved and signed off by superintendent / foreman. Acceptance of this contract designates acceptance of these terms.

Respectfully Submitted,

Jacqueline S. Campbell

Jacqueline S. Campbell
CONNOLLY FLOORING, INC.

Please note that materials will not be ordered until a signed copy of this proposal has been received.

Signature of Approval

Date



Bancroft Construction
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #042 - REVISED Delete Dumpster Wall

Origin:

Date Created: 4/29/2022 **Created By:** Tyler Lewis
Status: Closed **Scope:** Out of Scope
Type: Owner Change **Change Reason:** Design Change
Description: new end caps for sign & concrete foundation for masonry wall
Attachments: [CO #3c Add \(2\) Precast Caps.pdf](#), [2nd RESPONSE TO COR FOR REVISED C 3.1 DRAWING.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.		
03-330.06 Architectural Concrete.Subcontract	D.W. Masonry, Inc. CSED0001-015	\$1,245.45	\$1,245.45	\$1,245.45	\$1,245.45			\$1,245.45	\$0.00
Description: New Precast End Caps for Sign									
02-001.06 Site Construction.Subcontract	Thompson & Sons ContractingInc CSED0001001	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00		\$1,000.00	\$1,000.00	\$0.00

Description:
install 4 bollards per Thompson quote dated 4/7/22

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
1-511.02	Sr. Project Manager.Regular Labor	\$112.27	\$112.27	\$112.27				\$0.00	\$112.27	
90-999.10	Fee.Fee & Field Cost	\$142.64	\$142.64	\$142.64				\$0.00	\$142.64	
Grand Totals		\$2,500.36	\$2,500.36	\$2,500.36	\$2,245.45	\$0.00	\$1,000.00	\$2,245.45	\$254.91	\$0.00

D.W. MASONRY, INC.

THE MASONRY EXPERTS

Sussex Public Safety

CO #3c New Precast End Caps for Sign

Qty	Item	Cost / Hour	Total
1	Precast w/ Delivery	\$1,083.00	\$1,083.00
		O/H & Profit	\$162.45
		Total	\$1,245.45

Thompson & Sons Contracting Inc.

300 Torbert RD Milford DE 19963

Fed ID# 352383221 DE Lic. #2011122869

P: (302) 335-3404 F: (302) 335-3422 C: (302) 382-8200

Email address: thompsonsonsinc@comcast.net

April 7, 2022

Sussex Public Safety Building
21911 Rudder Lane
Georgetown, Delaware 19947

Change Order 2nd Response to Revised Drawing C 3.1 dated 01/14/2022 Dumpster Pad

Request#1 & Per Verbal Conversation

The attachment includes C3.0 that shows the new dumpster location in Phase B parking lot. Please share with Tim.

Response #1

After reviewing the revised Dumpster Pad Drawing C 3.1 dated 01/14/22

Thompson & Sons Contracting Inc. (Timothy Thompson) has come up with the same Sq Ft. as the original bid drawing.

Calculations of the original bid drawing C 3.1 & revised 3.1 drawing we find that the dumpster pad is 380 Sq Ft. for both. No Change Order will be needed for revised C 3.1 dated 01/14/2022.

Request#2

They added four bollards at the new dumpster location and I had talked to Tim about the footing that was required for the masonry wall in the old design. Could you ask Tim to review and call when he gets a chance?

Response #2

Per Bid Drawing C3.0 dumpster pad is 380 sq ft and 35 Lf of Footers. Revise Drawing C3.0 dated 1/14/2022 show Dumpster Pad is 380 sq ft with 80 Lf of turn down slab. There will be No Change Order or Credit for Footers or Slab.

Change Order for 4 Bollards will be issued for \$250.00 each which total to \$1,000.00

Questions Please don't hesitate to discuss with Timothy Thompson 302-382-8200

Thank you



Bancroft Construction
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #048 - Cooling Tower Supports

Origin:

Date Created: 6/7/2022 **Created By:** Tyler Lewis
Status: Open **Scope:** Out of Scope
Type: Owner Contingency **Change Reason:** Design Omission

Description:

Attachments: [COR-1.pdf](#), [Change Order- Cooling Tower Support Posts.pdf](#), [IW CO #01-R.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.		
05-100.06 Structural Metal Framing.Subcontract	Iron Works DE CSED0001-009	\$7,755.00	\$7,755.00	\$7,755.00	\$7,755.00			\$7,755.00	\$0.00
07-500.06 Membrane Roofing.Subcontract	Griffith, Inc., H.K. CSED0001-013	\$398.00	\$398.00	\$398.00	\$398.00			\$398.00	\$0.00
09-900.06 Paints and Coatings.Subcontract	Jamestown, Inc. CSED0001-006	\$1,140.00	\$1,140.00	\$1,140.00	\$1,140.00			\$1,140.00	\$0.00
1-511.02		\$464.65	\$464.65	\$464.65				\$0.00	\$464.65

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
Sr. Project Manager.Regular Labor										
90-999.10 Fee.Fee & Field Cost		\$590.34	\$590.34	\$590.34				\$0.00	\$590.34	
Grand Totals		\$10,347.99	\$10,347.99	\$10,347.99	\$9,293.00	\$0.00	\$0.00	\$9,293.00	\$1,054.99	\$0.00

IRON WORKS, INC.

14726 Gravel Hill Road

Milton, DE 19968

ph 302-684-1887

fax 302-684-1980

Change Order Request

Change Order No: IW CO #01-R

Project: Sussex County Public Safety Building

Project No: 2154

To: Bancroft Construction

Date: 6/6/2022

Change to work description:

Amount:

Per request from Bancroft Const. added 6 primed steel pipe posts with top plates welded to steel beams and steel plate stiffeners, per drawing from Bancroft Construction.

Excludes - Epoxy paint, galvanized frame, vibration isolators, fasteners for vibration isolators and cutting of roof.

Includes -	Material =	\$1,535.00
	Shop Labor - 20 hrs X 60.00 =	\$1,200.00
	Field Labor - 40 hrs X 95.00 =	\$3,800.00
	Weld Truck - 12 hrs X 35.00 =	\$420.00
	Equipment, 2 lifts =	\$800.00
	Total -	\$7,755.00

Amount Requested for this Change: 7,755.00

Time Extension: 0 days

Accepted By:

Bob Chille (Bob Chille)

Iron Works, Inc.



June 6, 2022

Bancroft Construction Company
1300 N Grant Ave #101
Wilmington, DE 19806
Attn: Mike Kalafut

Re: Sussex County Public Safety Building
Six (6) Cooling Tower Supports

Dear Mike,

Scope:

- Flash six (6) 6" posts for Cooling Tower Supports into PVC roof system

Notes:

- Work performed during normal business hours

Price: **\$398.00**

Labor:	0 hours		\$0.00
Material:	Six (6) EA	6" split pipe boots @ \$51.00	\$306.00
	Two (2) EA	Cut Edge Sealant @ \$28.00	\$56.00
		Mark Up	\$36.20
		Total	\$398.00

Sincerely,

Matt Tetrick

HK Griffith, Inc.



REQUEST FOR CHANGE ORDER

Ref.# COR-1

External/RCO#

GC Ref#

Date Jun 07, 2022

Job # D211123

To: Bancroft Construction Co.

1300 N Grant Ave, Ste 110
Wilmington, DE 19806
Phone: 655-3434 Fax: 655-4599

Project: Sussex Co Public Safety

21911 Rudder Ln
Georgetown, DE 19947

Description: Prepare and paint 6 cooling tower supports per Cooling Tower Support Detail REV2 in email dated 6/2/22.

Labor

Total Labor \$880.00

Material

Total Material \$260.00

Total:	\$1,140.00
---------------	-------------------

AUTHORIZED BY:

ON BEHALF OF: Bancroft Construction Co.

PROJECT MANAGER: Joseph Cain

ESTIMATOR: Ray Russell



Bancroft Construction
 1300 N Grant Ave Ste 101
 Wilmington, Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #049 - Addition of Door 104A

Origin:

Date Created: 6/13/2022 **Created By:** Tyler Lewis
Status: Open **Scope:** Out of Scope
Type: Owner Contingency **Change Reason:** Owner Directive

Description:

Attachments: [SCPS CBG CO#3.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.		
08-400.06 Entrances and Storefronts.Subcontract	Charles Brown Glass Company CSED0001-008	\$3,226.00	\$3,226.00	\$3,226.00	\$3,226.00			\$3,226.00	\$0.00
08-001.06 Doors and Windows.Subcontract	Salisbury Door & Hardware Inc.	\$(150.00)	\$(150.00)	\$(150.00)	\$(150.00)			\$(150.00)	\$0.00
Description: credit to delete install of door									
1-511.02		\$153.80	\$153.80	\$153.80				\$0.00	\$153.80

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
Sr. Project Manager.Regular Labor										
90-999.10 Fee.Fee & Field Cost		\$195.40	\$197.62	\$197.62				\$0.00	\$197.62	
Grand Totals		\$3,425.20	\$3,427.42	\$3,427.42	\$3,076.00	\$0.00	\$0.00	\$3,076.00	\$351.42	\$0.00

PRICING SHEET

NAME SCPS		ARCH. OR CONTRACTOR			ESTIMATE NO.	
LOCATION		TYPE OF WORK Added Door #104A				
ESTIMATED BY	PRICED BY	EXTENDED BY	CHECKED BY	DATE 6/10/22		

DESCRIPTION	QUAN.	@					EXTENSION
Kanneer Entrance							1836
Frt.							280-
Clad							80-
Glazing (1/4" clear temp)							
(1)H. 30x28	5.83						
(1)H. 40x28	7.78						
	13.61	@	4.59				62-
Material							2258 ⁰⁰
Labor	10 hrs	@	67.50				675 ⁰⁰
10% OHP							293 ⁰⁰
Total :							# 3226⁰⁰

TOTALS

Job Name: **SCPS**
 Job Number: **02028031Q-001**
 Quote Date: **06/10/2022 3:53:33 PM**

Sales Rep: **Jim Whitaker**
 Phone: **518-745-1900**
 E-mail: jim.whitaker@arconic.com

Cust #: **1597**
BROWN GL CO
 RT 50 E @ ANN HOBBS RD, NULL
 SALISBURY, MD, 21802

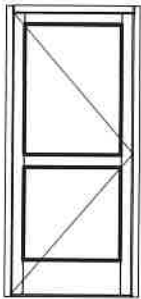
Attention: **Nathaniel Brown**
 Phone: 410-749-3316
 Fax: 410-749-1037
 Cust Email: nate@charlesbrownglass.com

This Material Proposal is based on:

Customer entry via KawneerDirect self service utility - Price subject to change based on actual order details at time of purchase .

This Material Proposal includes:

Item	Description	Finish Code / Description		Quantity	Item Net Sell \$USD
1.	TFVG450 w/o TR with - 350-LH-O/P-LLock-#14	14	14 Clear 0.7 mil	1	\$ 1,836.76



Frame Options

Width 39 1/2"
 Height 85 3/4"
 ID Frame wo/Transom
 Frame Type 11 (TFVG450)
 JmbType STD
 GlazingPosition CG (Center Glaze)
 Thold KSTD (K-Std Threshold)
 DOW 36"
 DOH 84"

**CUSTOMER TO CONFIRM ALL
 SIZES & HANDING**

Door Options

ID Door
 DrType 02 (350)
 Hand 01 (S/A LHOS (H/R OUT-SWING))
 Top Dr Rail 200023/3 1/2"/SW
 Btm Dr Rail 200038/10" SW
 DrGlass GS01 (200041 1/4" Beveled glass stop)
 DrSweep 00 (None)
 1stXRail M05 (200058 3-1/2" Muntin)
 1stXRLoc {41"}BOD to Top of XR
 Hinge Info K-TOP/BTM O/P w/1 Int-(#17)
 ElectTransfer 00 (None)
 Lock Info 4510LL-(#17)
 ExtLckOp Info 4590Paddle
 IntLckOp Info K-Std
 CylGuard 00 (None)
 ExitIndicator 00 (None)
 PPull Info Omitted
 Closer Info Omitted



Oldcastle Building Envelope

1500 Glen Avenue
Moorestown, New Jersey 08057
obe.com - Phone (856) 234-9222 - Fax (856) 234-6105

A CRH COMPANY

CONFIDENTIAL REGISTERED PRICING FOR:

Cust. # : 21099
Customer: CHARLES BROWN GLASS CO.
Address : AT HOBBS RD
SALISBURY MD 21802-1702
Contact : CATHY
Phone : 410- 749-3316
Fax :

Sales Rep: GINA PALMER

Date : 4/12/22 As of Date: 04/12/22

MONOLITHIC PRICING

PRODUCT	TEMPERED	PRODUCT	TEMPERED
CLEAR		LOW E	
1/8" Clear	: 3.87	1/8" Energy Adv	: 8.35
5/32" Clear	: 4.02	3/16" Energy Adv	: 9.26
3/16" Clear	: 4.10	1/4" Energy Adv	: 9.64
1/4" Clear	: 4.10	PATTERN **	
3/8" Clear	: 6.96	5/32" Niagra	: 10.14
1/2" Clear	: 8.26	3/16" Niagra	: 10.86
5/8" Clear	: Call for quote	1/4" Niagra	: 10.86
TINT		1/8" P516	: 7.82
1/4" Arctic Blue	: 9.48	5/32" P516	: 7.82
1/4" Azuria	: 11.39	3/16" P516	: 7.82
1/4" Blue-green	: 8.49	1/4" P516	: 11.39
1/8" Bronze/Gray	: 4.40	5/32" Spraylite	: 7.82
3/16" Bronze/Gray	: 4.55	3/16" Spraylite	: 8.49
1/4" Bronze/Gray	: 4.94	HEAVY PATTERN **	
1/4" Graylite II	: 13.43	3/8" Niagara	: 26.11
1/8" Solex	: 5.31	LOW IRON	
3/16" Solex	: 5.61	1/4" Starphire	: 9.87
1/4" Solex	: 5.61	3/8" Starphire	: 14.20
		1/2" Starphire	: 16.10

OTHER TEMPERED PRICING

1/4" Showerguard	: 13.66	3/16" Solarcool Bronze	: 7.89
3/8" Showerguard	: 15.73	1/4" Solarcool Bronze	: 7.89
1/2" Showerguard	: 16.83	1/4" Solarcool Gray	: 7.95
3/8" Showerguard Low Iron	: 23.12		
1/2" Showerguard Low Iron	: 28.77		
Showerguard should be drawn uncoated or exterior surface up!		1/4" Mirropane TM:	19.88
1/4" Velour	: 13.06		
3/8" Velour	: 18.29		
1/2" Velour	: 25.62		

NOTES

1. Minimum billing area - 3 Sq. Ft. On monolithic tempered and annealed
2. Prices noted are for loose lite delivery. Max number of lites = 100. Over 100 lites may require box;
3. Boxing charges: under 120" = \$110.00 ea, over 120" = \$150/ Export add \$54.



Bancroft Construction
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #050 - Asphalt Price Increases

Origin:

Date Created: 6/13/2022

Created By: Tyler Lewis

Status: Open

Scope: Out of Scope

Type: Owner Contingency

Change Reason: Unforeseen/Differing Condition

Description:

Attachments: [COR#6 LIQUID ASPHALT ADJUSTMENT-SUSSEX PUBLIC SAFETY.pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost				Over/ Under	Budget Mod.
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost		
02-001.06 Site Construction.Subcontra ct	Thompson & Sons ContractingInc CSED0001001	\$7,511.31	\$7,511.31	\$7,511.31	\$7,511.31			\$7,511.31	\$0.00	
1-511.02 Sr. Project Manager.Regular Labor		\$375.57	\$375.57	\$375.57				\$0.00	\$375.57	
90-999.10 Fee.Fee & Field Cost		\$477.16	\$477.16	\$477.16				\$0.00	\$477.16	
Grand Totals		\$8,364.03	\$8,364.03	\$8,364.03	\$7,511.31	\$0.00	\$0.00	\$7,511.31	\$852.72	\$0.00

Thompson & Sons Contracting Inc.
300 Torbert RD
Milford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 6/13/2022
CONTRACT: Public Safety Building CSED0001-Sitework
CONTRACTOR: Thompson & Sons Contracting Inc.
PROJECT NAME: Sussex County Public Safety Building
CHANGE ORDER REQUEST: #6 LIQUID ASPHALT ADJUSTMENT BASE B MIX & SURFACE C MIX

LABOR SECTION			
TRADESMAN(s):	LABOR HOURS	RATE (per schedule)	SUBTOTAL
Subtotal			

MATERIAL SECTION			
MATERIAL:	QUANTITY	UNIT COST	SUBTOTAL
Jerry's Paving-Base (B) Mix Liquid Asphalt Adjustm			\$4,245.48
Jerry's Paving-Base (C) Mix Liquid Asphalt Adjustm			\$3,265.83
Subtotal			\$7,511.31

EQUIPMENT SECTION			
EQUIPMENT:	QUANTITY	UNIT COST	SUBTOTAL
Subtotal			

Attached is Jerry's Paving Adjustment Worksheet of the increase of Liquid Asphalt for Phase 1 billing

SUBTOTAL	\$7,511.31
SUBCONTRACTOR/ SUB TIER*	
OH & PROFIT (15% GC only)	
10 % OH & PROFIT	
OH & PROFIT (7.5% sub)	
GRAND TOTAL	\$7,511.31

SUSSEX COUNTY PUBLIC SAFETY BUILDING
Jerry's Inc. Project # JP210443

LIQUID ASPHALT ADJUSTMENT WORKSHEET

BASE (B) MIX	
DATE	B MIX
Thursday, June 2, 2022	429.27
Total Placed	429.27
Bid Liquid AC	\$ 518.33 Per Ton
Paved Liquid AC	\$ 766.67 Per Ton
AC Change	\$ 248.34 Per Ton
Adjustment (3.2% per 100)	\$ 7.95 Per Ton
Material adjustment	\$ 1.50 Per Ton
Haul rate adjustment	\$ 0.44 Per Ton
Adjustment per ton	\$ 9.89 Per Ton
Total Mix Placed (Tons)	429.27
Subtotal	\$ 4,245.48

SURFACE (C) MIX	
DATE	C MIX
Friday, June 3, 2022	286.98
Total Placed	286.98
Bid Liquid AC	\$ 518.33 Per Ton
Paved Liquid AC	\$ 766.67 Per Ton
AC Change	\$ 248.34 Per Ton
Adjustment (3.8% per 100)	\$ 9.44 Per Ton
Material adjustment	\$ 1.50 Per Ton
Haul rate adjustment	\$ 0.44 Per Ton
Adjustment per ton	\$ 11.38 Per Ton
Total Mix Placed (Tons)	286.98
Subtotal	\$ 3,265.83

TOTAL ADJUSTMENT \$ 7,511.31

HUDSON
Rieley
Yes 6.14

Council Grant Form

Legal Name of Agency/Organization	The Nanticoke Indian Association Inc ✓
Project Name	The 44th Annual Nanticoke Indian Powwow
Federal Tax ID	51-0261316 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Mission of The Nanticoke Indian Association (NIA) is to improve and promote the well-being of the Nanticoke Indian Community, and to increase the visibility of American Indian cultures in rural areas, to cultivate awareness, understanding, and respect, while Preserving the Existence of the Nanticoke Tribe as an Aboriginal/Indigenous Society through Conservation, Education and Cultural Awareness Programs."
Address	27073 John J. Williams Highway
Address 2	
City	Millsboro
State	Delaware
Zip Code	19966

Contact Person Avery "Leaving Tracks" Johnson

Contact Title Assistant Chief

Contact Phone Number 3025840537

Contact Email Address ajpowerline@aol.com

Total Funding Request \$7,500

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

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

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

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

Program Category (choose all that apply) Cultural, Educational

Program Category
Other

Primary Beneficiary Category Minority

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 15000

Scope

Preservation of the Nanticoke Indian Culture
The Nanticoke Indian culture is a living, breathing entity. It is a tapestry of tradition and values passed on from generation to generation. One tradition that exemplifies our community in Native culture is the powwow.

"Powwow" is the English version of the Indian word pauwau, which originally stood for a healing ceremony conducted by the spiritual or religious leaders of various tribes. As traditions evolved throughout the generations, these ceremonies became a time to celebrate a rewarding hunt, to give gratitude to the spirits for a bountiful harvest, and to spiritually prepare a warrior for battle.

The 44th Annual Nanticoke Indian powwow celebration incorporates the Native spiritual conviction that life and death follow a continuous, sacred circle. Tribal drums, dancing, food, chanting, and traditional healing rituals are all a part of the gathering. It's also used as an opportunity to act out ancient stories handed down through the generations, keeping their history alive.

Our powwow is a vivid celebration filled with color, music, meaning, and laughter. Throughout Native American history, social events like these often took place once a year. It is an opportunity to strengthen community bonds.

The Nanticoke Indian Powwow is a place to meet and join in on traditional Native dance and song. It is a time to visit with friends, neighbors, the surrounding community, state officials, and community leaders. It's an opportunity for Native people to honor and preserve their culture. For many Native Americans struggling to live in the contemporary world and still remain true to their heritage, a powwow is a demonstrative symbol, exemplifying the strength and vitality of their legacy.

The Nanticoke Indian Association is determined to cultivate Native American culture and values. We believe in seeing this generation of Native youth empowered to seize a future of hope and opportunity through programs that protect at-risk youth, as well as promote education and cultural heritage.

Our Nanticoke Indian Powwow objective is to enhance the public's respectful and compassionate engagement in Native American history, traditions, values, beliefs, and culture. Our primary focus is to interactively educate people about the history and culture of the Nanticoke Tribe, which is presented with several engaging approaches such as native spirituality, Mother Earth, storytelling, traditional native dancing, and native music

The Nanticoke Indian powwow educates a variety of people and groups throughout the entire state of Delaware and the surrounding Eastern Shore. Specific target populations include but are not limited to private/public school systems (K-12), post-secondary educational institutions including the University of Delaware, Delaware State University, Wilmington University, Del Tech Community College, Senior Centers, state parks, Lewes Historical Society, Milton

Historical Society, Millsboro Art League, Beebe Healthcare, visitors, tourist, seniors, retirees, and other community groups.

Other than our tribal community, the population and demographics we serve reflect the cultural diversity throughout Delaware, the surrounding states, and notably Sussex County including the poor and disadvantaged.

**Religious
Components**

N/A

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

8,950.00

Description

Personnel - Traffic Control and Security

Amount

13,507.00

Description

Paramedics

Amount

1,380.00

Description

Equipment

Amount

19,900.00

Description

Performers

Amount

15,335.00

Description

Merchandise

Amount 15,424.00

Description Temporary Traffic Control Lights Route One

Amount 7,800.00

Description Caterer

Amount 5,000.00

Description

Amount

TOTAL EXPENDITURES 78,346.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -69,396.00

Name of Organization The Nanticoke Indian Associations Inc

**Applicant/Authorized
Official** Avery Johnson

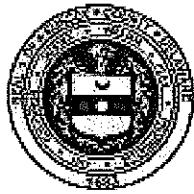
Date 06/09/2022

Affidavit Yes

Acknowledgement

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Green
YES. 6.13.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Slaughter Neck Community Action Organization Inc

PROJECT NAME: Playground Equipment

FEDERAL TAX ID: 51 010 9444 ✓ 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 mission of the SLaughter Neck Community Action Organization is to create a positive enviornment for the Slaughter Neck Community & to enhance programs that will help our senior, youth & children to grow, & enjoy the services provided to them

ADDRESS: 22942 Slaughter Neck Rd

Lincoln De 19960
 (CITY) (STATE) (ZIP)

CONTACT PERSON: Vance G. Daniels /Roslyn harris

TITLE: President

PHONE: 302-260-4437 EMAIL: rorz1948@aol.com

TOTAL FUNDING REQUEST: 10,000.00

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?

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 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)		
<input type="checkbox"/> Fair Housing <input type="checkbox"/> Infrastructure ¹	<input checked="" type="checkbox"/> Health and Human Services <input type="checkbox"/> Other	<input type="checkbox"/> Cultural <input checked="" type="checkbox"/> Educational
BENEFICIARY CATEGORY		
<input checked="" type="checkbox"/> Disability & Special Needs <input checked="" type="checkbox"/> Elderly Persons <input checked="" type="checkbox"/> Minority	<input type="checkbox"/> Victims of Domestic Violence <input checked="" type="checkbox"/> Low to Moderate Income ² <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Homeless <input checked="" type="checkbox"/> Youth
BENEFICIARY NUMBER		
Approximately the total number of Sussex County Beneficiaries served annually by this program:		
1,000		

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 funds would be for the Slaughter Neck Community. The Slaughter Neck Community Action Organization receives very limited funding and don,t usually have enough funds to have a decent recreation program for the youth, children & seniors. We are requesting funds for our that program so that our communities youth, children & seniors will have a safe & healthy enviornment to come fo, to socialize & have fun. We are requesting funds to upgrade the playground, basketball court, and a few added peices of equipment such as corn hole for the seniors, volleyball & softball field. We appreciate anything you can do for us.

SECTION 4: BUDGET

REVENUE	\$46,000
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel	\$ 31,000.00
Insurance	3,700.00
Utilities	5,400.00
Food	3,000.00
Inspections	5,000.00
Federal & State Taxes	3,100.00
Telephone	1,500.00
Supplies	5,500.00
TOTAL EXPENDITURES	58,100.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	12,100.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Slaughter Neck Community Action Organization 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.

V. Britt Daniels
Applicant/Authorized Official Signature

5/31/22
Date

Steph D. Harris
Witness Signature

5/31/22
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Green.

6.13 - OK.

Council Grant Form

Legal Name of Agency/Organization Greenwood Police Department

Project Name 2022 Night Out

Federal Tax ID 510107189

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

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

Address 2 P.O Box 208

City Greenwood

State Delaware

Zip Code 19950

Contact Person Shelley Lambden

Contact Title Accreditation Manager

Contact Phone Number 3023494822

Contact Email Address shelley.lambden@cj.state.de.us

Total Funding Request 1000.00

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 25

Program Category (choose all that apply) Other

Program Category Community Awareness
Other

Primary Beneficiary Other
Category

Beneficiary Category All Greenwood Residents
Other

Approximately the 500
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program

Scope 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.

Religious
Components

Please enter the 4,000.00
current support your
organization receives
for this project (not
entire organization
revenue if not
applicable to request)

Description Operating Costs

Amount 5,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 5,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,000.00

Name of Organization Greenwood Police Department

Applicant/Authorized Official Shelley Lambden

Date 06/09/2022

Affidavit Yes

Acknowledgement

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Schaeffer
Yes, 6.13

Council Grant Form

**Legal Name of
Agency/Organization**

WEST REHOBOTH COMMUNITY LAND TRUST ✓

Project Name

LOW INCOME HOUSING MAINTENANCE

Federal Tax ID

20-2477568 ✓

Non-Profit

Yes

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

No

**Organization's
Mission**

West Rehoboth is a historical black community. The WRCLT mission is to provide affordable housing for low or moderate income people, to secure housing that is decent and affordable and that is controlled by the residents on a long-term basis.

Address

PO BOX 633

Address 2

City

REHOBOTH BEACH

State

DELAWARE

Zip Code

19971

Contact Person

James Blakeslee

Contact Title

Treasurer

Contact Phone Number 302-682-7907

Contact Email Address jimblak@comcast.net

Total Funding Request \$3,700

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 29

Program Category (choose all that apply) Fair Housing, Infrastructure

Program Category Other

Primary Beneficiary Category Low to Moderate Income

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 15

Scope In addition, to leasing land to two West Rehoboth families so they achieve home ownership in an affordable Habitat built home, the land trust also has four homes that are rented to low income families. This year, one of rental homes required over \$12,700 in repairs to keep the house in a decent condition. Repairs were done to the back porch flooring, stairway walls, roof repair and hot water heater replacement. These repairs far exceeded normal maintenance and the \$6,600 in rental income. We do not intend to raise rents, so have a goal is to raise \$15,000 annually to keep rents affordable.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 9,000.00

Description Rehab Costs-Porch, Walls, Roof

Amount 11,000.00

Description Hot water heater

Amount 1,700.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 12,700.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -3,700.00

Name of Organization West Rehoboth Community Land Trust

Applicant/Authorized Official James K Blakeslee

Date 06/07/2022

Affidavit Acknowledgement Yes

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OK
J. Rieley

Council Grant Form

Legal Name of Agency/Organization *The* Christian Store House *Inc.*

Project Name Connecting the Community

Federal Tax ID 51-0340553 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The purpose of this organization is and shall be:
a. To provide food, clothing and other aid to people in need, regardless of race, color or creed.
b. To act as a coordinating agency for civic groups, individuals, churches and others so that duplication of aid rendered to the needy will be kept at a minimum.

Address 149 Mitchell Street

Address 2

City Millsboro

State Delaware

Zip Code 19966

Contact Person Steve Smith

Contact Title	Director
Contact Phone Number	13029348151
Contact Email Address	cs15@verizon.net
Total Funding Request	\$30,000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Program Category Other	

Primary Beneficiary Category Low to Moderate Income

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 4200

Scope We at The Christian Storehouse serve the low to middle class income in our area for food and extended areas for financial needs as well. In the year 2021 we served approx. 3900 families for food, 300 families for utilities and we have a GAP Program. The GAP program is divided into 2 different categories. This program is used for families, thru no fault of their own, who have fallen thru the cracks and need some financial help to keep afloat. Hence, stopping them from falling thru the "gap".

Religious Components

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

Description Fuel Fund - Operating

Amount 10,000.00

Description Food Pantry Supplement - operating

Amount 10,000.00

Description Gap Family Program - operating

Amount 10,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 30,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -30,000.00

Name of Organization Christian Store House

**Applicant/Authorized
Official** Steven Smith

Date 05/16/2022

Affidavit Yes

Acknowledgement

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Council Grant Form

Legal Name of Agency/Organization	Georgetown Historical Society ✓
Project Name	New Western Auto/train Museum environmental conditioning
Federal Tax ID	51-0255141 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Preserve, protect and Display Georgetown, Sussex County and Delaware History.
Address	510 S. Bedford Street
Address 2	
City	Georgetown
State	Delaware
Zip Code	19947
Contact Person	Rosalie B. Walls
Contact Title	G.H.S.Board Recording Secretary

Contact Phone Number 302-855-9660

Contact Email Address marvelmuseum@gmail.com

Total Funding Request 14,000.00

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 62

Program Category (choose all that apply) Cultural, Educational

Program Category Other

Primary Beneficiary Category Other

Beneficiary Category Other All who enjoy history

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 5000

Scope Preserving our new Western Auto and Train Museum environmentally through a heat, air and humidity conditioning system. HVAC.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 7,000.00

Description installation of new system

Amount 24,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 24,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -17,000.00

Name of Organization Georgetown Historical Society

**Applicant/Authorized
Official** Rosalie B. Walls

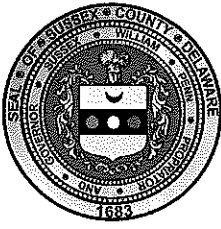
Date 05/26/2022

Affidavit

Yes

Acknowledgement

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Schaeffer.
Yes. 6.13.

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: West Side New Beginnings, Inc. ✓
PROJECT NAME: Project Safety Street Lights
FEDERAL TAX ID: 51-0350410 ✓ NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: To establish a cohesive network to address the needs and concerns of the community as they relate to safety, alcohol, tobacco and other drugs prevention, self-esteem, housing, nutrition, education and recreation.

ADDRESS: 19801 Norwood Street

Rehoboth DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Diaz J. Bonville

TITLE: President

PHONE: (302) 528-2265 EMAIL: Diaz122455@aol.com

TOTAL FUNDING REQUEST: 5,000 *gh*

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? \$4,000.00

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

125

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.

West Rehoboth is a historic and predominately African American community just a stone throw away from the wealthy subdivision of Rehoboth Beach, DE. With pride and determination, it desires to treasure its past, preserve its character, provide new affordable housing, create a safety, clean, and healthy environment, foster economic development for jobs and growth, provide a bright future for its residents. Project Safety Street Lights will help curb negative behavior in the community provide safety on each street as well as the community center where the children programs are held.

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.

N/A

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

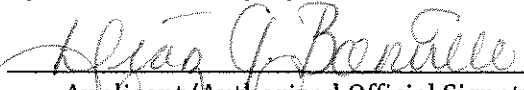
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the West Side New Beginnings, Inc. agrees that:
(Name of Organization)


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



Witness Signature

5-12-22
Date

5-12-22
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.

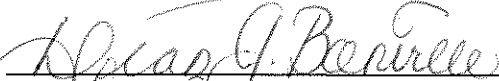
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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



Title
5-12-20

Date

West Side New Beginnings Inc. (Founded 1990)
West Rehoboth Children and Youth Program (Founded 2002)
A 501 C (3) Non-Profit Organization
19801 Norwood Street
Rehoboth, Delaware 19971

May 12, 2022

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

Dear Ms. Jennings,

A huge thank you to Sussex County Government for their support of West Side New Beginnings, Inc. over the years.

We are requesting \$5,000.00 to support ***Project Safety Street Lights***. Due to an increase in negative behaviors in West Rehoboth, we would like to ***Keep The Lights On***, especially for our low-income senior citizens, single families, and children who attend our after-school and summer educational enrichment programs and activities.

If you have any questions or need additional information do not hesitate to contact me at your earliest convenience.

Thank you in advance for the consideration of our funding request. Please make check payable to West Side New Beginnings, Inc., and mail to: ***West Side New Beginnings, Inc., Attention: Diaz J. Bonville, President, 19801 Norwood St., Rehoboth, DE 19971.***

Respectfully yours,

Diaz J. Bonville

Diaz J. Bonville
President WSNB Inc. &
Co-Founder WRCYP
(Cell) 302-528-2265
Diaz122455@aol.com

Brenda C. Milbourne

Brenda C. Milbourne
Executive Director &
Co-Founder WRCYP
(Cell) 302-362-0353
Milbourne_brenda@yahoo.com

Enclosure

Making the Impossible Possible by Expanding Young Minds

Vincent
Yes. 6.14

Council Grant Form

Legal Name of Agency/Organization	Town of Blades
Project Name	Blades Night Out
Federal Tax ID	51-6001393
Non-Profit	No
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Annual National Night Out for the Town of Blades Police Department 8/2, 2022
Address	20 W Fourth St
Address 2	
City	Blades
State	DE
Zip Code	19973
Contact Person	Karen Raines
Contact Title	Admin Asst

Contact Phone Number 13026297366

Contact Email Address karenraines@townofblades.com

Total Funding Request 1000.00

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 20

Program Category (choose all that apply) Other

Program Category Other Community

Primary Beneficiary Category Other

Beneficiary Category Community event benefitting everyone
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 100

Scope National Night Out event for the Blades Police Department. Will provide food, entertainment and safety lessons. Community support and local agencies present as well EX: BVFC.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 4,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 0.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** 4,000.00

Name of Organization Town of Blades

**Applicant/Authorized
Official** Karen Raines

Date 06/06/2022

Affidavit

Yes

Acknowledgement

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

To Be Introduced: 06/21/22

Council District 5: Mr. Rieley
Tax I.D. No.: p/o 135-11.00-32.00
911 Address: 24347 Lewes-Georgetown Highway (Route 9)

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 7.75 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of November 2021, a zoning application, denominated Change of Zone No. 1961 was filed on behalf of Country Lawn Care & Maintenance, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1961 be _____; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [Agricultural Residential District] and adding in lieu thereof the designation Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.89 mile east of Steiner Road and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., with the relevant portion of said parcel containing 7.75 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: 06/21/22

Council District 3: Mr. Schaeffer

Tax I.D. No. 234-25.00-31.02 & 31.05

911 Address 20628 Long Beach Drive, 20636 Long Beach Drive, 32464 Sailfish Ln, and 22814 Conch Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION NO. 9 IN ORDINANCE NO. 2378 (CONDITIONAL USE NO. 1963) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.33 ACRES, MORE OR LESS

WHEREAS, on the 4th day of March 2022, a conditional use application, denominated Conditional Use No. 2356 was filed on behalf of Sun Massey's Landing RV, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2356 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2356 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on north side and south side of Long Neck Road within the Massey's Landing RV Park and being more particularly described in the attached legal description prepared by Morris, Nichols, Arsht & Tunnell LLP, said parcel containing 54.33 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.