



Sussex County Council Public/Media Packet

**MEETING:
July 11, 2023**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JULY 11, 2023

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – June 27, 2023

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Sewer Infrastructure Agreement, IUA 389-3
Coastal Tide (Building 7), West Rehoboth Area
2. Use of Existing Sewer Infrastructure Agreement, IUA CU2316
Southern Delaware Medical Center, LLC, West Rehoboth Area
3. Use of Existing Sewer Infrastructure Agreement, IUA 1191
Black Oak (Glenwood-Halsey Knapp), West Rehoboth Area



Todd Lawson, County Administrator

1. **Presentation & Recognition of Delaware State Police**
2. **General Assembly Legislative Review**
3. **Public Interview of Planning and Zoning Commission Nominee(s)**
4. **Administrator's Report**

Andrea Wall, Manager of Accounting

1. **Federal Payment in Lieu of Taxes**

Hans Medlarz, County Engineer

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,036,840 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"**
2. **Herring Creek Phases II & III, Projects S20-07 & 08**
 - A. **Project S20-07: Final Balancing Change Order No. 6**
 - B. **Project S20-08: Change Order No. 2**
3. **Artesian Wastewater Management, Inc. & Artesian Water Company, Inc.**
 - A. **2016 Bulk Wastewater Services Agreement – Addendum No. 7**

Mark Parker, Assistant County Engineer

1. **Appraisal Services Contract**

Grant Requests

- 1. West Side New Beginnings, Inc. for Safety Street Lights**
- 2. Rehoboth Beach Sportsplex Group for upgrades to their maintenance equipment**
- 3. Mispillion Performance Series for their presentations of Duo Sorolla and Cathedral Bass musical ensembles**
- 4. AIDS Delaware Inc. for their AIDS Walk Delaware program**
- 5. West Rehoboth Community Land Trust for their Low-Income Housing program**
- 6. Little League Baseball Inc. – Woodbridge Little League for their Build Fields program**
- 7. Chamber of Commerce for Greater Milford, Inc. for their Riverwalk Freedom Festival**
- 8. La Esperanza Inc. for their Comprehensive Immigration Services program**
- 9. Friends of Georgetown Public Library, Inc. for their annual 5K race**
- 10. Lillette’s Foundation for the Arts, Inc. for their Music and Me program**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 3, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

##

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 27, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 27, 2023, at 12:30 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	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 309 23
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda 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**

Minutes

The minutes from June 20, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

There were no public comments.

**Public
Comments**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to approve the following item under the Consent Agenda:

**M 310 23
Approve
Consent
Agenda**

Proclamation Request - Kitty Cole 100th Birthday

Motion Adopted: 5 Yeas

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

PZ Nominees Discussion Mr. Lawson noted that Planning and Zoning Commission nominees, Gregory Scott Collins and Robert D. Mitchell were interviewed during the June 20, 2023, meeting at which time action was deferred.

M 311 23 Approve PZ Nominee/ Collins A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, that be it moved that Sussex County Council approves the appointment of Mr. Gregory Scott Collins to the Sussex County Planning and Zoning Commission effective July 1, 2023, for a term of three years until such time the term expires in June 2026.

Motion Adopted: 5 Yeas

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

M 312 23 Approve PZ Nominee/ Mitchell/ DENIED A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that be it moved that Sussex County Council approves the appointment of Mr. Robert Mitchell to the Sussex County Planning and Zoning Commission effective July 1, 2023, for a term of three years until such time the term expires in June 2026.

Motion DENIED: 2 Yeas, 3 Nays

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

Administrator's Report Mr. Lawson read the following information in his Administrator's Report:
1. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Tuesday, July 4th, to observe the Independence Day holiday. The next regularly scheduled Council meeting will be held on Tuesday, July 11th at 10:00 a.m.

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

Motion Adopted: 5 Yeas

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

Comprehensive Land Jamie Whitehouse, Planning and Zoning Director presented the annual update to the Office of State Planning and Coordination on the

Use Plan Annual Report **Comprehensive Plan.** The Comprehensive Plan was completed by the County in 2018 and at the end of June each year, the staff prepares a report to the Governor's Advisory Council on Planning.

Mr. Whitehouse reviewed new initiatives that were implemented in the last year that were included in the report for the time frame of July 1, 2022, through the end of June.

(The full report was included in the Council packets for this meeting.)

M 313 23 Approve Comprehensive Plan Land Use annual Report A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that the Sussex County Council approves the report to the Governor's Advisory Council on Planning for the period 2022-2023.

Motion Adopted: 5 Yeas

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

Mulberry Knoll/CO No. 2 Hans Medlarz, County Engineer presented change order no. 2 for Mulberry Knoll sewer collection, project S20-22 for Council's consideration. Mr. Medlarz reported that the change order was developed for final balancing of the project cost.

M 314 32 CO No. 2/ Mulberry Knoll A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 2 for contract S20-22, Mulberry Knoll sewer collection system, be approved, for an increase of \$33,271.56, contingent upon SRF concurrence.

Motion Adopted: 5 Yeas

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

WSUSD/Recommendation to Award Hans Medlarz, County Engineer presented a recommendation to award Western Sussex Unified Sewer District, Contract 5A, project S19-29 for Council's consideration. Mr. Medlarz reported that the recommendation is to award Contract 5A to Hopkins Construction, Inc.

M 315 23 Approve WSUSD Contract 5A A Motion was made by Mrs. Green, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract S19-29 for the Western Sussex Unified Sewer District, contract 5A, be awarded to Hopkins Construction for their total bid of \$786,810.00, contingent upon DNREC approval.

Motion Adopted: 5 Yeas

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

**SCUSD
Chapel
Green**

Hans Medlarz, County Engineer presented change order nos. 1 and 2 and a substantial completion request for Sussex County Unified Sanitary Sewer District Chapel Green, Conley's Chapel Village & Wil King Road South Area, project S20-16 for Council's consideration.

**M 316 23
Approve CO
Nos. 1 & 2 &
Substantial
Completion**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order nos. 1 and 2 for contract S20-16, Chapel Green, Conely's Chapel Village & WIL King Road South area, be approved, for an increase in the amount of \$44,955.00, a decrease of \$80,941.90 and that substantial completion be granted effective May 5, 2023 with any held retainage released in accordance with contract documents.

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/
CU2349**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (10 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84 ACRE, MORE OR LESS" (property lying on the northwest side and the southeast side of Oak Orchard Road [Rt. 5], approximately 300 feet east of River Road [S.C.R. 312]) (911 Address: 32768 Oak Orchard Road, Millsboro) (Tax Parcel: 234-35.09-6.00)

The County Council held a Public Hearing on the application at its meeting of April 18, 2023. At the conclusion of the Public Hearing, the record was left open until May 2nd, to allow for additional time for the public to submit additional comments. At the meeting of May 2nd, Council closed the record and action was deferred on the application for further consideration.

**M 317 23
Amend
Condition D
CU2349**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to amend Condition D, to add the following: The Final Site Plan shall include the location of a privacy fence to be installed on three sides of the green space and stormwater management area located to the north of the parking lot as illustrated in the Applicant's rendering entitled "Drawing No. 1, Project No. 2039A002.C01" and dated March 23, 2023.

Motion Adopted: 5 Yeas

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

M 318 23 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend
Amend Condition K to add the following: No Certificate of Occupancy shall be
Condition K issued until the properties associated bulkhead and dock are repaired and
CU2349 said repairs are approved by DNREC.

Motion Adopted: 5 Yeas

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

M 319 23 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt
Adopt Ordinance No. 2934 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY
No. 2934 / RESIDENTIAL DISTRICT FOR MULTI-FAMILY (10 UNITS) TO BE
CU2349 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84
ACRE, MORE OR LESS" for the reasons and conditions given by the
Planning and Zoning Commission as follows and as amended:

1. This application seeks the approval of ten (10) multi-family structures on approximately .84 acres of land. The land is actually separated by a roadway historically used by residents and visitors to the Oak Orchard Area. 10 units is simply too much density on this unusually shaped, small parcel of land that is divided by the roadway. While the roadway splitting the land is not State-owned, the record shows that it has historically been used as a public roadway, and it is the only means of access for several nearby properties.
2. The small roads and tightly packed properties in this area of Oak Orchard cannot support 10 new multi-family units on this site. There was testimony in the record that the required parking alone would adversely affect the neighboring and adjacent properties by squeezing the necessary parking spaces among the adjacent small residential properties.
3. Six new multifamily units in this location will not overburden this property and the area, including nearby roadways. Six units is an appropriate density, and they will improve and redevelop a property that has deteriorated over the years.
4. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that "a range of housing types" are acceptable here, including medium and high densities when a site is near commercial areas, is served by central

**M 319 23
Adopt
Ordinance
No. 2934 /
CU2349
(continued)**

- water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
5. As part of this approval, the issue of access to the roadway connecting the two ends of Oak Orchard Road across this property will be resolved by a dedication of the roadway to public use.
 6. With this six-unit limitation, the proposed development will not have an adverse impact on the neighboring properties or community.
 7. With the six units, the project will not have an adverse impact upon traffic or roadways.
 8. The development will be served by central sewer provided by Sussex County.
 9. The development will be served by central water.
 10. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be six (6).
 - b. The developer and then the condominium association shall be responsible for the perpetual maintenance of the project's stormwater management facilities, erosion, and sedimentation control facilities, and other common areas.
 - c. All entrance, intersection, roadway, and multi-modal improvements shall be completed by the developer as required by DelDOT.
 - d. The Final Site Plan shall dedicate the roadway across this site connecting the two ends of Oak Orchard Road to public use. The Final Site Plan shall include the location of a privacy fence to be installed on three sides of the green space and stormwater management area located to the north of the parking lot as illustrated in the Applicant's rendering entitled "Drawing No. 1, Project No. 2039A002.C01" and dated March 23, 2023.
 - e. At least one parking space for each unit shall be located on the riverside portion of the property, whether enclosed in a garage or under the building, or in a driveway or outdoor parking area. None of the parking shall be located within a setback area.
 - f. The trash receptacles shall be standard roll-out residential containers assigned to the six (6) units. They shall be stored in an enclosed area on the area of this site where the building is located. No dumpster shall be permitted.
 - g. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - h. The project shall be served by central water to provide drinking water and fire protection.
 - i. Construction activities, including site work and deliveries, shall only occur between 7:30 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays. 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

**M 319 23
Adopt
Ordinance
No. 2934 /
CU2349
(continued)**

- construction.
- j. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - k. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan. No Certificate of Occupancy shall be issued until the properties associated bulkhead and dock are repaired and said repairs are approved by DNREC.
 - l. 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**

**Old
Business/
CU2346**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01” (properties located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01)

The County Council held a Public Hearing on the application at its meeting of February 28, 2023. At the conclusion of the Public Hearing, Council deferred action on the application, holding the record open to receive PLUS comments from the State of Delaware. At the County Council meeting of May 9, 2023, the PLUS comments were reported, and the record was closed. At that time, action was deferred for further consideration.

**M 320 23
Adopt
Ordinance
2935/Ord.
No. 22-07**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2935 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01” for the reasons given by the Planning and Zoning Commission as follows:

1. The parcel is currently designated as the Commercial Area according to the Future Land Use Map. This application seeks to convert the property to the “Developing Area” designation.
2. The Developing Area and Commercial Area are both “Growth Areas” according to the Comprehensive Plan, so this revision does not result in a substantial change to the Future Land Use Map.

**M 320 23
Adopt
Ordinance
2935/Ord.
No. 22-07
(continued)**

3. The parcel has frontage on Route 9, which is an appropriate location for the Developing Area designation.
4. Although the site was originally given the Commercial Area designation in the Comprehensive Plan due to its proximity to the railroad, the County Industrial Park, Route 9, and Sports at the Beach, there has not been any movement to develop it commercially. The Developing Area designation is equally appropriate, since it will permit the property to be residentially developed at a location that is in close proximity to the Town of Georgetown and the employment opportunities and commercial uses.
5. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.
6. There is central sewer and water available to the property.
7. No parties appeared in opposition to this Map Amendment.
8. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion Adopted: 4 Yeas, 1 Nay

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

**Old
Business/
CU2369**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS” (properties are located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01)

The County Council held a Public Hearing on the application at its meeting of February 28, 2023. At the conclusion of the Public Hearing, Council deferred action on the application and left the record open to receive PLUS comments for Ordinance No. 22-07, which is a separate Ordinance that relates to these parcels. At the County Council meeting of May 9, 2023, the PLUS comments were reported for Ordinance No. 22-07 and the record was closed for that Ordinance.

**M 321 23
Adopt
Ordinance**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2936 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL

**No. 2936/
CU2369**

RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The property is zoned AR-1 Agricultural Residential. The property is in the vicinity of the Town of Georgetown, other residential developments, schools, commercial uses and a large sports complex. This is an appropriate location for this Conditional Use.**
- 2. The Applicant seeks approval of duplex-style multi-family structures. The Comprehensive Plan states that this type of development is appropriate in areas near main roadways, near commercial areas and employment centers, and with central water and sewer. All of the considerations are satisfied here. This use is also consistent with the Town of Georgetown’s 2021 Comprehensive Plan.**
- 3. The proposed development will have no more than 106 homes on 50.80 acres. The Applicant will be required to contribute bonus density funds for each unit above the base density of two units per acre.**
- 4. The County Engineering Department has indicated that adequate wastewater capacity is available for this site. Central water will also be provided.**
- 5. DelDOT has determined that the project will have a minor impact upon area roadways.**
- 6. The Applicant is providing a buffer of at least thirty feet from all non-tidal wetlands and the development will include approximately 35.98 acres of open space, which represents approximately 70% of the site.**
- 7. The project will not adversely affect the neighborhood or surrounding community. There are existing land uses in the immediate area with similar or more intensive characteristics.**
- 8. The Commission has recommended that the Future Land Use Map for this property be changed from Commercial Area designation to a Developing Area designation. Development such as this Multifamily Conditional Use is appropriate in the Developing Area according to the Plan.**
- 9. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.**
- 10. With the conditions and stipulations placed upon it, this residential Conditional Use is appropriate for this location.**
- 11. This recommendation is subject to the following conditions:**
 - a. There shall be no more than 106 dwelling units within this project. The Applicant shall be required to pay the bonus density fee for each unit that exceeds two (2) units per acre as required by Section 115-25 of the Sussex County Zoning Code.**
 - b. The Applicant shall comply with the requirements of Section 115-22**

**M 321 23
Adopt
Ordinance
No. 2936/
CU2369
(continued)**

- “Conditional Uses” regarding a multifamily conditional use in the AR-1 Zoning District.**
- c. A condominium association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas.**
 - d. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
 - e. The development shall be served by Sussex County sewer and comply with all requirements of the County Engineering Department.**
 - f. The development shall be served by central water.**
 - 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. Interior street design shall comply with or exceed Sussex County standards. Sidewalks shall be installed on both sides of the interior streets. All streetlighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
 - i. All recreational amenities shall be shown on the Final Site Plan. They shall be open for use prior to the issuance of the 30th duplex building permit or the 60th unit.**
 - j. A 20-foot wide vegetated or forested buffer shall be established along the perimeter of the site. This buffer shall utilize existing forest or similar vegetation where it is currently present in the 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 edge 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.**
 - k. As proffered by the Applicant, there shall be a minimum setback from nontidal wetlands of at least 30 feet. 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 unless indicated on the Final Site Plan. All silt fencing shall be located along the interior limit of this 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 buffer area except as noted on the Final Site Plan.**
 - l. If requested by the local school district, a school bus stop shall be provided by the entrance to the development. The location of the bus stop area shall be shown on the Final Site Plan.**
 - m. Road naming and addressing shall be subject to the review and approval of Sussex County Geographic Information Office.**
 - n. The Final Site Plan shall contain the approval of the Sussex**

**M 321 23
Adopt
Ordinance
No. 2936/
CU2369
(continued)**

- Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- o. The Final Site Plan shall include a landscape plan confirming all landscaping to be provided, the preservation of all buffer areas and the forested areas that will be preserved. The landscape plan shall also identify all “Limits of Disturbance” within the site.**
 - p. Given the proximity to the nearby airport, the Applicant shall comply with all applicable requirements of the Federal Aviation Administration regarding the development, construction, and use of the project.**
 - q. The Final Site Plan shall include a grading plan that shall be submitted to County Staff for review and approval.**
 - r. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m. 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 constructions.**
 - s. The Final Site Plan shall be subject to the review & approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Nay

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

**M 322 23
Harry K
Foundation**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$6,050 (\$500 from Mr. Schaeffer’s Councilmanic Grant Account, \$3,050 from Mr. Vincent’s Councilmanic Grant Account, \$500 from Mr. Rieley’s Councilmanic Grant Account and \$2,000 from Mr. Hudson’s Councilmanic Grant Account) to Harry K Foundation for their Desert Oasis Feeding Program.

Motion Adopted: 5 Yeas

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

**M 323 23
Make-A-
Wish**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$8,874 (\$4,442 from Mr. Vincent’s Councilmanic Grant Account, \$1,200 from Mr. Hudson’s Councilmanic Grant Account, \$2,332 from Countywide Youth Grant Account, \$650 from Mrs. Green’s Councilmanic Grant Account and \$250 from Mr. Schaeffer’s Councilmanic Grant Account) to Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for wishes for children with critical illnesses.

Motion Adopted: 5 Yeas

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

M 324 23 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give
Nanticoke \$8,125 (\$7,500 from Mr. Hudson's Councilmanic Grant Account, \$250 from
Indian Mr. Schaeffer's Councilmanic Grant Account and \$375 from Mr. Rieley's
Association, Councilmanic Grant Account) to Nanticoke Indian Association, Inc. for
Inc. their 45th Annual Indian Powwow.

Motion Adopted: 5 Yeas

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

Introduction Mr. Vincent introduced a Proposed Ordinance entitled "AN ORDINANCE
of Proposed TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL
Ordinances RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06
ACRES MORE OR LESS" filed on behalf of Efren Fernando Acevedo

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM
ON A 42.74 ACRE, PORTION, MORE OR LESS, OF A CERTAIN
PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK
HUNDRED, SUSSEX COUNTY, CONTAINING 93.66 ACRES, MORE
OR LESS" filed on behalf of Rifle Range Road Solar, LLC

Mr. Vincent introduced a Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS
VENUE TO BE LOCATED ON A CERTAIN PARCELOF LAND LYING
AND BEING IN LITTLE CREEKHUNDRED, SUSSEX COUNTY,
CONTAINING 8.45 ACRES, MORE OR LESS" filed on behalf of Sarah
Peterson

The Proposed Ordinances will be advertised for a Public Hearing.

Council Mr. Vincent commented about the list of priorities that was completed
Member and provided by Council in January and asked for an update to be given
Comments in July.

M 325 23 At 1:15 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley
Go into to recess the Regular Session, and go into Executive Session to discuss
Executive matters relating to land acquisition.

Session	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 1:18 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 1:38 p.m.
M 326 23 Reconvene	At 1:43 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
E/S Action	There was no action relating to Executive Session matters.
Rules	Mr. Moore read the rules and procedures for public hearings.
Public Hearing/ CZ1981	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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.296 ACRES, MORE OR LESS” (property lying on the southwest side of Sam Lucas Road [S.C.R. 256], approximately 0.55 mile north of Harbeson Road [Rt. 5]) (911 Address: 16394 Sam Lucas Road, Milton) (Tax Map Parcel: 235-21.00-5.00) filed on behalf of Luke Neiswander
	The Planning & Zoning Commission held a Public Hearing on the application on May 25, 2023. At the meeting of May 25, 2023, the Planning & Zoning Commission recommended approval of the application for the 5 reasons as outlined.
	Jamie Whitehouse, Planning and Zoning Director presented the application.
	The Council found that Mr. Luke Neiswander spoke on behalf of his Application. Mr. Neiswander stated he purchased the property in 2019 with the intention of putting a single-wide mobile home on it; that he hired Beacon Engineering to prepare a site plan; that Beacon Engineering prepared the site plan and submitted the plan to the State; that the State reviewed the site plan and approved it; that once the site plan was approved, he then hired a contractor to install the septic system; that the mound system is large, leaving

**Public Hearing/
CZ1981
(continued)**

room for a driveway and the rear of the lot for a dwelling; that currently he has a well and septic system installed; that he was preparing to purchase the mobile home; that at the point is when he found that the current zoning did not allow for his proposed single-wide mobile home; that this is the reasoning for his Change of Zone request to GR (General Residential); that the site plan was shown; that the mound system is designed for a two bedroom, one bath house.

There were no public comments.

The Public Hearing and public record were closed.

**M 327 23
Adopt
Ordinance
No. 2937/
CZ1981**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2937 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.296 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission as follows:

1. There was provided testimony on record that the site had previously been allowed to have a single-wide manufactured home on the property.
2. The Change of Zone to the GR Zoning District will allow what was previously there to be replaced with a new single-wide manufactured home.
3. Given the small size of the property, the Change of Zone to GR will not allow for any expansive uses on the property.
4. The Change of Zone to GR will not adversely affect neighboring properties or area roadways.
5. No properties appeared in opposition to the Application.

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/
CZ1979 &
CU2359**

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 AN MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS” (property lying on the east side of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267], at the intersection of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267]) (911 Address: 16673 Kings Highway, Lewes) (Tax Map Parcel: 335-12.00-3.00 [p/o]) filed on behalf

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Hearing/
CZ1979 &
CU2359
(continued)**

of J.G. Townsend Jr. & Co.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR (MEDIUM RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (102 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS” (property lying on the east side of Kings Highway [Rt. 9] and the south side of Gills Neck Road [S.C.R. 267], at the intersection of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267]) (911 Address: 16673 Kings Highway, Lewes) (Tax Map Parcel: 335-12.00-3.00 [p/o]) filed on behalf of J.G. Townsend Jr. & Co.

The Planning & Zoning Commission held a Public Hearing on the applications on May 25, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined and approval of Conditional Use No. 2359 for the 8 reasons stated and subject to the 17 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the applications.

The Council found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the property owner, J.G. Townsend Jr. & Co., and the Applicant, Jack Lingo Asset Management; that also present were Mr. Paul Townsend, property owner, Mr. Nick Hammonds with Jack Lingo Asset Management, Mr. Cliff Mumford, Davis, Bowen and Friedel and Mr. Steve Cahill, Professional Geologist with Verdantas, who prepared the submitted Environmental Assessment Report. Mr. Hutt stated that that the property fits neatly into the mold of what can happen when there is a singular property owner for a property over decades; that good land use planning place the most intense uses and the highest densities along major highway; that this was the planning perspective used when designing the Applications; that the most intense uses are located along Kings Hwy.; that nearest to Wolfe Pointe, Wolfe Runne and Hawkseye, are the locations of larger lots and less dense areas; that having a singular property owner allows a long-term vision for better land use planning, as well as, the property owner is able to coordinate other things, such as storm management; that the intersection of Kings Hwy. and Gills Neck Rd. is well known, as it is a route into Lewes, and an entrance to Cape Henlopen High School; that Crooked Hammock, the future commercial Village Center, the Cape Henlopen Medical Center, the Mitchell’s Corner commercial project, the Mitchell’s Corner residential project, Lane Builders and Big Oyster are located within the nearby area of the site; that additionally, the Cape Henlopen High School, Governors, Senators, Hawkseye, The Moorings, Breakwater, Admirals Chase; that the total acreages is a little over 65 acres; that in the State Planning Coordination’s PLUS response to the Application, it was stated that according to the 2020 State Strategies Map, the property is located within Investment Level 1; that Investment Level 1 reflects areas that are already developed in an urban or

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(continued)**

suburban fashion, where infrastructure is existing and/or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy; that the site is where the State expects and anticipates growth to occur; that according to the 2045 Future Land Use Map within the Comprehensive Plan, the site is located within the Coastal Area, being one of the County's seven growth areas; that currently the site is located within the AR-1 (Agricultural Residential) Zoning District; that the current Change of Zone application seeks to change the zone from AR-1 to MR (Medium-Density Residential); that the subject Applications request to change the zone of 25.5 acres of the total 65 acres from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that this request would leave approximately 27.8 +/- acres of AR-1 zoned property to be located on the opposite side of Stockley Blvd.; that the balance of the site, being 11.6 acres, is already zoned B-1 (Neighborhood Business); that the other application is for a Conditional Use to allow a multi-family project to be constructed on the property consisting of 102 cottage style multi-family units and he requested Mr. Cliff Mumford to review the Application's technical requirements.

The Council found Mr. Cliff Mumford, Professional Engineer with Davis, Bowen & Friedel, Inc. spoke on behalf of the Applications. Mr. Mumford stated in 1992 the area was mostly farm fields, with corn crops and pivots; that as of last year, the area had grown into various developments previously described by Mr. Hutt; that the site consists of 65.5 acres total; that the proposed cottages would be located on 25.56 acres of the total acres; that the site is located along Gills Neck Rd, located to the north.; that the Village Center Commercial use is located to the west; that Stockley Blvd. is located to the south, as part of the whole village center and its interconnection into Governors, which has already been planned, stubbed and installed; that further to the west is Kings Hwy., which is classified as a principal arterial road per DelDOT's Functional Classification Map; that furthermore, Kings Hwy. is defined as a major arterial roadway as per No. 7 of the definition found in Chapter 115, Section 4 of the County Code; that Gills Neck Rd. is classified as a local road per DelDOT; that the proposed cottages will continue the development of Gills Neck Rd. or the corridor as first contemplated decades ago, with the construction of larger communities being Wolfe Pointe, WolfeRunne, Hawkseye, Showfield, as well as smaller, more dense housing options such as, Breakwater, Senators, Governors and the proposed Village Center Cottages; that this will ultimately lead to the Village Center, which will provide shopping options to the corridor in the form of a 75,000 sq. ft. neighborhood center; that other developments along Gills Neck Rd. include Admirals Chase, The Moorings and the Mitchell's Corner residential project; that the project was further defined as Governors was designed as there is a lot of shared infrastructure with Governors; that all of this was planned together to develop vehicular and pedestrian interconnectivity; that Architect Union Studio drew up the initial layout to highlight the unique design approved used for the site and submitted as Exhibit 20; that the Village Center cottages is a neighborhood of 102 compact cottage scale homes, which is a philosophy seeking to encourage community interaction, human scale, and walkability in our

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neighborhoods; that the homes have been carefully cited to help create a series of intimate pedestrian focused neighborhoods, linked by walkways and characterized by common greens and car-free planted courtyards; that each of the neighborhoods within the plan is comprised of 10 to 16 homes, organized around unique and varied courts and park-like edges; that in this way, the overall population of 102 cottages is experienced more as a collection of smaller pocket neighborhoods, where neighbors know one another; that parking is accessed from discrete rear lanes, which are carefully corralled; that walkways link up and lead from one pocket neighborhood to another, linking all of the neighborhoods to the community building and to the retail village beyond; that sidewalks will connect everything together; that the homes will range from one to three bedrooms; that the homes will range from 1,000 sq. ft. to 1,500 sq. ft.; that homes will have a small side or rear yard patio, as well as a front porch looking out to a common green or pedestrian right of way; that the individual units are arranged to nest with one another; that the floor plans are being arranged so that living spaces on one unit are never adjacent or visible to the living spaces of another unit; that simple roof forms and tight one slated building envelopes will allow the future possibility of efficient deployment of solar panels and very low net energy usage; that aesthetically, the neighborhood design drew inspiration from coastal styles prevalent in the Mid-Atlantic states, with simple, traditional forms, clad and clapboard, with shingle and painted trim; that although the project is technically considered a multi-family project, they felt that parking should be based on single-family requirements, being two spaces per unit, in lieu of the multi-family requirement, which allows two spaces per unit and a reduction in parking after the first 50 units; that additionally, the cottages will not have more than three bedrooms and therefore extra parking would not apply for the four-bedroom and larger units; that the based on the project calculations, 204 parking spaces are required; that the plan provides 240 parking spaces; the proposed density, based on project area is 3.99 units per acre; that the project proposes a total impervious area, including buildings, streets and sidewalks is 9.67 acres (38%) of the project area; that a minimum of 2,000 sq. ft. clubhouse, with a minimum 1,000 sq. ft. water surface area pool is planned for the middle of the project area; that Street A, Street C and Stockley Blvd. will be designed to Sussex County standards; that parking lanes are designed to be narrow at 20-ft wide, to provide off street parking for each block and not under the jurisdiction of Sussex County; that stormwater management will be provided via the existing ponds constructed by the developer of Governors, and being one of the first shared infrastructures; that when Governors was designed, the ponds were designed to account for the full build out of the total 65 acres; that it was approved by Sussex Conservation District; that they assigned curved numbers of commercial uses and townhouses, to allow for planning of any potential uses; that all storm management has been pre-approved, with the only remaining requirement is to validate the drainage areas for planning approval; that no additional stormwater management will be required for the cottages; that a Shared Maintenance Agreement was submitted as Exhibit 9 in the booklet; that the agreement is written such that currently

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Governors is responsible for 100% of the pond maintenance until the first building permit is issued within the Village Center commercial area or the Village Cottages, at which time, J.G. Townsend will be responsible for 72% of all maintenance costs of the shared ponds; that they are requesting a waiver from providing a forested buffer between Governors and the Village Cottages; that they requested a similar waiver for Governors, which was approved, because the property line bisects the ponds and lands; that there is sufficient separation between the projects as previously mentioned; that Governors and the Village Cottages are separated by two large stormwater ponds; that the closest cottage is 70 ft. to the property line and 130 ft. to the nearest townhouse unit; that the project area does not contain flood plains or wetlands; that a site investigation was performed by Mr. Edward Launay, with Environmental Resources Inc. and a division of DBF, Inc., noted in Exhibit 11; that the exhibit demonstrates that the project is located within uplands and does not include federally listed, threatened or endangered species, or critical habitats, including the habitat for the monarch butterfly; that a large portion of the project area, is located within the Wellhead Protection Area, with approximately 51% impervious coverage, therefore the project must comply with Chapter 89 of the Sussex County Code; that the Wellhead Protection Area is the well field for the City of Lewes Board of Public Works; that the parcel was previously studied as part of the Village Center commercial rezoning in 2017; that the adjacent Mitchell's Corner also completed an Environmental Assessment Report for their impact on the Wellhead area; that studies found both projects exceeded their requirements for compliance with the County Code; that Verdantas was hired to provide an Environmental Assessment Report; that Mr. Steve Cahill, Geologist was the author of all three reports; that as part of the application process, they met with Mr. Hans Medlarz, Sussex County Engineer, to discuss the project's compliance; that the only requirement for the project is compliance with the Water Climatic Budget; that the full report and budget can be found in Exhibits 7 & 8; that his office met with the City of Lewes Board of Public Works; that currently, Lewes Board of Public Works had not shared any objections to the proposed applications; that the project is located within the Sussex County Unified Sanitary Sewer District; that the project will be served by a gravity sewer system to the Governors pump station; that the property will be served by Delaware Electric Cooperative for electric, Chesapeake Utilities for natural gas, and Tidewater Utilities for water; that all utility companies have provided a Willing and Able Letter, located within Exhibits 13 through 16; that a DelDOT Service Level Evaluation Response and Public Facility Report was submitted, which state the impact of the project is minor and may generate between 50 and 200 peak hour trips or 500-2,000 daily trips; that the project was part of their larger Traffic Impact Study (TIS), being first completed in 2007; that the project was also included as a committed development in the Mitchell's Corner Traffic Impact Study; that the project is part of an ongoing Village Center Operational Analysis; that DelDOT is designing Kings Hwy. to be dualized from Dartmouth Rd. intersection to the city limits; that the configuration of that road include signals and/or roundabouts, and any other unknown decisions by DelDOT;

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that the proposed cottages will tie into the interim improvements that will be completed by the Mitchell's Corner project; that the interim improvements include, dualizing Kings Hwy. from the northern portion of the Cape Henlopen High School down to Clay Rd., and modifying Gills Neck Rd. to include dual left-turn lanes onto Gills Neck Rd.; that Village Cottages will also tie into the Clay Rd., Kings Hwy., and Stockley Blvd. improvements and that signal modification, including auxiliary lanes in all four directions; that all of the improvements are designed with the project's traffic accounted for in the design; that the Applicant met with select individuals of the Lewes Byways Committee, as they are committed to working with them on the shared use path, landscaping and fencing; that they are currently awaiting decisions for DelDOT regarding the frontage along Kings Hwy.; that the project was reviewed by PLUS on December 15, 2021; that a copy of the PLUS comments and the Applicant responses were submitted as Exhibit 12; that the comments were general in nature stating that they would comply with all regulatory requirements; that his office prepared the Environmental Assessment and Public Facility Evaluation Report in accordance with the Chapter 115, Section 194.3 of the Sussex County Code; that the written responses were submitted in Exhibit 10; that the project has analyzed all aspects of the respective items and all mitigation measures are consistent with the Comprehensive Plan; that the project is integrated into the existing terrain and surrounding landscape; that the site does not contain wetlands or floodplains; that proposed buffers are provided to screen objectionable features; that the plan prevents pollution of surface and groundwater; that the plan provides for safety of vehicular and pedestrian improvements; that the plan mitigates the effect on area roadways and public transportation and the project is compatible with other area land uses; that the survey lines were questioned by neighbors; that a licensed and certified surveyor was used; that there has been a lot of discussions with DelDOT in regards to the proposed roundabouts; that discussions and items are still being worked through with DelDOT; that it was questioned if it could be considered to deal with the Byways concerns and their future input on possible landscaping and buffer improvements along Kings Highway; that it was recommended to provide conditions that would provide screening, etc.; that the Byways Committee works with DelDOT; that interconnectivity is important to the developer; that Condition H of the Planning and Zoning Commission's recommendation discusses the interconnectivity; that the 25.5 acres being discussed does not have frontage on Kings Highway; that part of the Master Plan, the developer would not build something that would have an ugly barrier; that Mr. Hammonds stated that the architecture has not been fully developed yet given some of the challenges; that what has been developed is attractive and is nothing that has been build in the area; that there will be some landscaping in between the cottages and the commercial area.

Mr. Hutt stated he had already discussed the plans compliance and the reasoning for the Application's requests; that the MR District is to provide for medium-density residential development in areas which are expected to become generally urban in character, where sanitary sewer and public

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water supply may or may not be available at the time of construction; that when looking at the aerial imagery, the site has certainly become a more urban or semi-urban character; that public water and sewer area available to the site; that multi-family dwellings are permitted as a Conditional Use in the MR (Medium-Density) Residential Zoning District, which is the reasoning for the Conditional Use Application; that Conditional Uses are uses that are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare, but because of the nature of the use and the importance of the relationship to the Comprehensive Plan and possible impact on neighboring properties, it requires the exercise of planning judgement on location and site plan review; that housing has routinely been found to be of public or semi-public character, certainly being essential and desirable for the County; that within the Comprehensive Plan it states that in the Coastal Area, medium and higher densities are appropriate where there is central water and sewer, where there is a significant number of commercial uses and employment centers, where the project is in keeping with the character of the area, and where it is situated along a main road, or being located at or near a major intersection; that every criteria item has been met by the proposed Application; that Table 4.5-2 indicates the zoning districts appropriated and which Future Land Use Map categories; that MR (Medium-Density Residential) is an appropriate zoning district in the Coastal Area, as reflected on Table 4.5-2; that there are a number of townhomes, duplexes and other multi-family uses that currently exist in the area; that there are assisted living facilities, which is a multi-family type use, existing in the area; that there was correspondence submitted expressing concerns regarding the proposed density of the project; that he had begun his presentation with an aerial map outlining several surrounding communities and commercial uses in the area; that Dutchman's Harvest, located within the City of Lewes, has a density of 17.7 unit per acre; that Harbor Town Square has a density of 11.9 units per acre; that Woods Edge is 11 units per acre; that Savannah East Apartments at 11 units per acre; that Jefferson Apartments is 9.8 units per acre; that The Moorings, formally known as Cadbury, has a density of 6.4 units per acre; that the Mitchell Corner project, being located directly across Gills Neck Rd. from the site, has a density of 6.2 units per acre; that Henlopen Gardens is 5.5 units per acre; that Beach Plum Dunes is 3.2 units per acre; that Bay Breeze Estates is 3 units to the acre; that the proposed plan is consistent with the Zoning Map and the MR Zoning classifications, as well as the zoning within the municipal limits of the City of Lewes; that there are a number of multifamily uses, all with densities great than the proposed project; that there are existing MR zoned areas within the immediate area, being located directly across the street, down Gills Neck Rd., back to Admirals Chase, along Kings Hwy and Beach Plum Dunes; that the site's immediate neighbor to the east is Governors, which is zoned AR-1, with a density of 3.6 units per acre; that due to the concern expressed regarding the composition density difference of the project in relation to Governors, he requested DBF, Inc. to overlay 25 acres on the immediately adjacent Governors site; that when that was done, the 25 acres included 139 units,

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which created a density of 5.4 units to the acre, being more dense than the proposed Villages Cottages; that the Villages Cottages are just under 4 units per acre; that additionally he requested DBF, Inc. to perform the same analysis and overlay on the single-family home section of Governors, resulting in a density of 3.6 units per acre; that this goes back to good land use planning, where more intense and dense uses are located closer to Kings Hwy, decreasing further along Gills Neck Rd.; that the recommendation for approval was unanimous from the Planning and Zoning Commission; that the design of the community was purposeful; that good land use principles and shared infrastructure were the themes that guided the project into fruition; that Governors is currently paying for the shared stormwater management; that as proposed, as soon as a building permit is pulled for either the commercial area or the cottages, the numbers shift dramatically; that at that time, 78% will be maintained by the subject 65 acre property, and the Governors share of the maintenance decreases significantly; that there were concerns raised regarding interconnectivity from the Village Center Commercial Area to the Village Center Cottages, and then to the Governors community; that as discussed, the interconnectivity had been the master plan from the outset of development; that various comments of concern were raised regarding traffic; that Mr. Mumford previously indicated the traffic impact had been studied numerous times; that the projects have always been consideration in the studies performed; that no one can control DelDOT, or the pace at which DelDOT completes the improvements along Kings Hwy.; that the Village Center, regardless of what portion is developed first, will be required to be make the improvements previously mentioned by Mr. Mumford, particularly at Clay Rd. and Stockley Blvd., creating a four-way intersection; that additionally, significant improvements will be coming to Kings Hwy in the near future, as the Mitchell's Corner project comes into fruition; that there are interim improvements which have been discussed and reviewed; that they are currently in the process of being approved by DelDOT for those interim improvements; that Chapter 8 in the Comprehensive Plan talks about housing; that the County allows for multi-family uses through applications such as the one being discussed today; that the primary housing type has been detached single-family homes; that it states that one of the strategies or goals should be to allow multi-family uses to occur without a Conditional Use; that it shows that the Comprehensive Plan is looking for other housing options to be available; that it is important to remember that, all of the projects, beginning with WolfePointe, WolfeRunne, Hawkseye, Senators, Governors and the Village Center Commercial Site, all arose from the same fields that existed between Kings Hwy, Gills Neck Rd. and the canal; that these fields have been under the same ownership, and carefully developed throughout time; that essentially, the proposed application is an infill project between the residential area of Governors and the Village Center Commercial Site; that he trusted with the various professional reports and the presentation made, the Council would agree that the Application is consistent with the County's Code, the Comprehensive Plan, and the character of the area; that he presented to the Council renderings of the envisioned courtyard areas for the proposed community; that there is

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nothing wrong with townhomes and duplexes, however, the developer put time, effort and thought into providing the proposed style of units, which is different than anything else currently existing along Gills Neck Rd. or frankly, almost anywhere within Sussex County; that he hoped the Council would agree that having an alternate way to have units available, through a courtyard type plan, is good for the streetscape and land use plan for Sussex County; that the Applicant requests the Council adopt the recommendations of the Planning and Zoning Commission approval of the change of zone request from AR-1 to MR (Medium-Density Residential), as well as the Conditional Use request for 102 multifamily units for the site; that a change was requested related to the interconnectivity; that for CU2359, it was requested to amend Reason No. 4 in the last sentence, it should read 3.99 units per the acre; that the other change is in 9C. which relates to the amenities; that the second line says including a pool with at least 10,000 sq. feet of surface area; that it should be amended to 1,000 sq. ft. surface area.

Public comments were heard.

Mr. Michael Wolfe spoke in opposition of the application; that he is a resident of Governors; that he is a member of the Board of Directors; that Governors is the neighboring community; that he is speaking on behalf of the Board of Directors; that they opposed the zone change request and conditional use request for the plans and the project as submitted; that their concerns have not been addressed by Sussex County Planning and Zoning and the developer; that he read a letter stating their concerns relating to both applications; that the letter stated, *“this proposed community lies adjacent to the Governors community, and will share boundaries, common areas, ponds, and streets. We have several concerns regarding the proposed plan. The Governor’s Board of Directors sent a letter to Sussex County Planning and Zoning on or about May 15, 2023, outlining our concerns. The same letter was presented to Sussex County Planning and Zoning Commission on May 25, 2023. We have no response to that letter. It is our belief that our concerns were not considered by Sussex County Planning and Zoning Commission since no revisions were incorporated into the plan as approved by Sussex County Planning and Zoning on June 22, 2023. We request that the points in the letter be addressed. Our primary concern is the safety of our community, residents, family, and children. Governors’ community of 423 homes is a subset of that community. The proposed street interconnectivity plan will result in non-residents using Governors as a cut through from Kings Highway through the Village Center to Gills Neck Road via Stockley Blvd. and then to Governors Blvd. The Governors clubhouse, pool and children’s playground is on this throughfare. Adults and children traverse this throughfare on foot, bikes, and scooters continually. Increased traffic on these streets creates a danger to our families and children. We request limiting interconnectivity to emergency traffic using a siren activated gate (or other means), while still allowing access for bikes and pedestrians.*

According to Nicole Majesi, Secretary of DelDOT and Nathaniel McQueen

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CU2359
(continued)**

Jr., Secretary of the DE Dept. of Homeland Safety and Homeland Security in an op-ed in April of this year, a crash happens on DE roads every 23 minutes. Last year, 165 individuals – mothers, fathers, daughters, sons, brothers, sisters, family members, friends – were killed on our roadways. This tied Delaware’s 1988 record for the deadliest year. Victims in those 165 facilities ranged in age from 5 to 104. Precious lives lost due to crashes that could have been avoided. This is not just a one-year anomaly. The number of roadway fatalities and serious injury crashes continues to increase each year. We can work together to stop these crashes. Speeding, distracted driving, and impairment are just some of the factors leading to these collisions.

In the short time since the Governors BOD has taken over management of this community, we have already added 8 stop signs and entrance lighting to make our streets safer. Increased traffic coming through the Village Center Residential Community will almost surely make these steps inadequate to protect the children and adults who live here.

We request that the Sussex County Council consider our concerns, in particular the safety of our community residents, families and children.

In addition, a letter was referenced that was distributed to the Planning and Zoning Commission.

Mr. Ed Rush spoke in opposition of the application; that he supports the Board of Directors of the Governors HOA; that he works with the DE fire sprinkler coalition; that he urged the Council that as a condition of this development to require residential fire sprinklers; that the units are close together; that houses burn fast now due to the materials being used and the close proximity; that if fire sprinklers are required, it would prevent the loss of lives and property from fire.

Ms. Ann Borders spoke in opposition of the application; that she opposed the interconnectivity between Governors and the new development; that she is not opposed to the development; that there is a section on the plan that is blank; that she recommends that the future use of that plan be told to her community before that road is opened; that she requests that it not be opened or gated; that not knowing what is coming is a hazard to her community.

Mr. Howard Berger spoke in opposition of the application; that Council description of land use principles is incomplete; that he fully agrees that density and highway connection is accurate; that there are other concerns that were omitted that were summarized by Mr. Wolfe; that proper land use planning is also concerned with safety; that he does not object to interconnectivity; that his community wants access to fire and police; that unregulated and uncontrolled connectivity presents a safety issue; that there are ways to have interconnectivity that is safe.

Mr. Garrett Hughes spoke in opposition of the application; that he is a

**Public
Hearing/
CZ1979 &
CU2359
(continued)**

board member of the Governors HOA; that the overreaching concern is safety; that it has not been addressed that putting public traffic on a private road puts the expense of maintenance on the HOA; that he requested the implementation of controlled traffic.

Mr. Thomas Blair spoke in opposition of the application; that he shares the concerns of his neighbors about safety; that he moved here two years ago; that he has saw a lot of tragedies in his life; that he requested that the access roads remain open in case there is a real emergency.

Ms. Debbie Maury spoke in opposition of the application; that she spoke about the word urban; that the problem is the word cut through; that she wants to know who wants it; that everyone that she has spoken with is not interested in the cut through; that access roads should be available for emergencies; that it is not a gated community; that she moved into a neighborhood to be able to ride her bike and walk her dog; that as a neighborhood, they do not want to be a cut through.

Mr. Paul Caprilo spoke in opposition of the application; that he posted comment on website yesterday; that he would like to post an amended comment with some additional points; that he stand in strong opposition of the proposed development; that there are several reasons why the development should not proceed; that he has overcrowding concerns, that the proposed development would only contribute to the existing problem of overcrowding in nearby public areas; that parks, recreational facilities and public spaces are strained due to the influx of residents and visitors; that by preserving the farm land, we can ensure that our community resources accessible and enjoyable for everyone; that in the few years that he has been here, he has seen things get harder and harder to get around; that there was a lot of discussion about density; that he discussed traffic concerns; that currently, this area suffers from daily gridlock; that it is critical to prioritize infrastructure improvements and address traffic issues adequately before adding further strains on the roadway; that there is already a number of projects going on Kings Highway; that one of the defining features of Lewes is the nature beauty and the open preserved land that surrounds it; that there is a charm and character of the community; that the farmland under consideration serves as a vital habitat for wildlife; that this is area is a designated well head protection area; that he read the environmental study; that he shared a picture of a bald eagle on the land; that residents and visitors are drawn to Lewes because of its unique character and natural surroundings; that people come here seeking refuge from urban sprawl and overcrowding; that Lewes has a rich heritage and long standing tradition of valuing and preserving its agricultural roots; that three years ago, the City of Lewes, Lewes Board of Public Works and Sussex County bought Jones Farm across the street; that Councilman Burton then stated “we must work together as a community collaboratively if we want to preserve open space for the community to enjoy now and for generations to come”; that Lewes Board of Public Works Chairman stated “it’s preservation will protect a meaningful portion of the precious ground

**Public
Hearing/
CZ1979 &
CU2359
(continued)**

water recharge area adjacent to BPW well field that supplies high quality water to the citizens of Lewes and the surrounding area”; that Lewes Mayor Ted Becker stated “the acquisition of Jones Farm represents a major step forward in the preservation of open space and the protection of the City’s water supply, the strategic location of this property along the historic Lewes scenic by way will serve as perpetual recognition of the agricultural heritage of the lands surrounding Lewes, the City is proud to be a partner in the significant effort to preserve open space”; that he asked what has changed; that he thinks a plan of the future of Lewes should be considered; that once we go forward, we can never go back.

Mr. Ken Refuse spoke in opposition of the application; that he has concerns about the traffic; that there are ways to manage the traffic; that the speed limit in the neighborhood has been reduced; that stop signs have been installed; that he believes that speed bumps should be considered; that the interconnectivity is a good concept.

Ms. Cathy Giles spoke in opposition of the application; she expressed concerns of the sewer plan; that they have had issues in the past and were down for three days.

Ms. Laura Wolfe spoke in opposition of the application; that she expressed safety concerns with the interconnectivity; that she questioned why other nearby neighborhoods were self-contained.

The Public Hearing and public record were closed.

**M 328 23
Defer
Action/
CZ1979**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS” based on the reasons heard today and the reasons given by the Planning and Zoning Commission Numbered 1-8.

Motion Adopted: 5 Yeas

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

**M 329 23
Defer
Action/
CU2359**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR (MEDIUM RESIDENTIAL DISTRICT) FOR MULTI-FAMIY (102 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56

ACRES, MORE OR LESS” for the reasons heard today and given by the Planning and Zoning Numbered 1-8 with conditions 9A-Q.

Motion Adopted: 5 Yeas

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

**M 330 23
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to adjourn at 3:45 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

Consent Agenda 7-11-2023

**Coastal Tide (Building 7) IUA-389-3
Existing Sewer Infrastructure Use Agreement
CB Lewes, LLC to pay \$15,215.00 for 28.50 EDUs.
West Rehoboth Area**

**Southern Delaware Medical Center IUA-CU2316
Existing Sewer Infrastructure Use Agreement
Southern Delaware Medical Center, LLC to pay \$20,968.00 for 23.52 EDUs.
West Rehoboth Area**

**Black Oak (Glenwood-Halsey Knapp) IUA-1191
Existing Sewer Infrastructure Use Agreement
Glenwood Lewes, LLC to pay \$280,419.00 for 132.00 EDUs.
West Rehoboth Area**

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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Sussex County


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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Coastal Tide (Building 7) IUA-389-3
File: OM 9.01*

DATE: July 11, 2023

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **CB Lewes, LLC** for the **Coastal Tide (Building 7)** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Coastal Tide** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **CB Lewes, LLC** will contribute **\$15,215.00** for the financial catch-up contribution of the existing infrastructure to serve **28.50** Equivalent Dwelling Units. Payment of the contribution will be required prior to substantial completion of on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



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The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: ***Existing Wastewater Infrastructure Use Agreement
Southern Delaware Medical Center IUA-CU2316
File: OM 9.01***

DATE: July 11, 2023

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Southern Delaware Medical Center, LLC** for the **Southern Delaware Medical Center** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Southern Delaware Medical Center** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Southern Delaware Medical Center, LLC** will contribute **\$20,968.00** for the financial catch-up contribution of the existing infrastructure to serve **23.52** Equivalent Dwelling Units. Payment of the contribution will be required prior to substantial completion of on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



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JOHN J. ASHMAN
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Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Black Oak (Glenwood-Halsey Knapp) IUA-1191
File: OM 9.01*

DATE: July 11, 2023

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The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Glenwood Lewes, LLC** for the **Black Oak (Glenwood-Halsey Knapp)** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Black Oak (Glenwood-Halsey Knapp)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Glenwood Lewes, LLC** will contribute **\$280,419.00** for the financial catch-up contribution of the existing infrastructure to serve **132.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to substantial completion of on-site collection system. System Connection Charges in place at the time of building permit request will still apply.



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COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
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Director of Utility Planning & Design Review

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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 John L. Rieley, Vice President
The Honorable Cynthia Green
The Honorable Douglas B. Hudson
The Honorable Mark Schaeffer

FROM: Andrea Wall, Manager of Accounting

DATE: July 6, 2023

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 2022.

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 July 11, 2023.

Please feel free to contact me with any questions.

TAXING AUTHORITY	TAX RATE	% OF TOTAL	GRANT AMOUNT	
MILFORD SCHOOL DISTRICT				
Sussex County	0.3983%	7.2730%	\$654.64	\$9,001.00
Library	0.0467%	0.8527%	\$76.76	
Sussex Tech	0.3357%	6.1299%	\$551.76	
Milford School	4.6957%	85.7443%	\$7,717.84	
	5.4764%	100.0000%	\$9,001.00	
CAPE HENLOPEN DISTRICT				
Sussex County	0.3983%	8.3801%	\$2,505.41	\$29,897.00
Library	0.0467%	0.9826%	\$293.76	
Sussex Tech	0.3357%	7.0631%	\$2,111.64	
Cape School District	3.9722%	83.5742%	\$24,986.19	
	4.7529%	100.0000%	\$29,897.00	<u>\$38,898.00</u>
SUMMARY				
Sussex County	\$3,160.05			
Library	\$370.52			
Vocational School	\$2,663.40			
Milford School	\$7,717.84			
Cape School District	\$24,986.19			
	<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 6/14/2023

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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Sussex County

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Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director

DATE: July 11, 2023

RE: *Long Neck Communities Area Expansion
Supplemental Borrowing Ordinance*

The original Branch & Autumn Roads area was annexed into the Uniform Sanitary Sewer District in 2015 as part of a developer driven project. However, the extent of the offsite improvements made the project unaffordable and the Branch and Autumn Road portions beyond the intersections were removed from the development project requirements. Subsequently the Tucks Road area requested district annexation and was added to the Notice of Intent for funding after Council approval of the annexation. Prior to receiving the official offer to apply for the funding the Sherwood Forest and Steele Land Development area requested annexation into the Unified Sanitary Sewer District.

The proximity of the (3) areas allowed to group them under one project creating an economy of scale and since all the areas were in the Long Neck area, the name was changed to “Long Neck Communities”. The project serves approximately 264 parcels with central sewer service.

In April of 2020, the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). On April 9, 2020, these Documents were combined with the overall funding application prepared by the Finance Department and filed for an overall project cost of \$7,788,761.00. On August 24, 2020, the County received the Binding Commitment Letter from DNREC Environmental Finance. August 25, 2020, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$7,788,761.00 with the expectation of up to \$3,860,000.00 of principal forgiveness, reducing the principal amount of the bonds outstanding to \$3,928,761.00 upon project completion.



On March 1, 2022, Council approved the associated debt ordinance authorizing the issuance of up to \$7,788,761.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Long Neck Communities Area of the Sussex County Unified Sanitary Sewer District.

On February 28, 2023, Council requested supplemental Clean Water State Revolving Fund funding in the amount of \$2,036,840.00 for the difference in costs between the original construction budget in 2020 and the actual bid amount submitted in 2023. On March 22, 2023, the County received the Binding Commitment Letter from DNREC Environmental Finance. On June 20, 2023, the County accepted the Binding Commitment Offer and the obligating documents associated with the interest during construction. The entire amount will be forgiven upon project completion.

The Finance and Engineering Departments recommend introduction and ultimately approval of the associated debt ordinance authorizing the issuance of up to \$2,036,840.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Long Neck Communities Area of the Sussex County Unified Sanitary Sewer District.



ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,036,840 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Long Neck Communities Septic Elimination Project, which will finance the installation of a gravity sewer collection system for the Long Neck Communities along Branch, Autumn and Tucks Road and in the Sherwood Forest North community (the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9;

WHEREAS, pursuant to Ordinance No. 2840 adopted on March 22, 2022, the County authorized the issuance of its General Obligation Bond in the maximum principal amount of up to \$7,788,761 for the Project;

WHEREAS, the County previously issued its General Obligation Bond (Long Neck Communities Septic Elimination Project) Series 2022C-SRF in the maximum aggregate principal amount of up to \$7,788,761 (the “2022C Bond”) on April 14, 2022 to secure a loan from the Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources & Environmental Control) (“DNREC”) to fund the Project;

WHEREAS, the County requires additional funding due to increased construction and design costs of the Project and desires to accept a supplemental loan in the amount of \$2,036,840 from DNREC to fund the increased construction and design costs of the Project; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the increased construction and design costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$2,036,840 (the "Bond") to finance or reimburse the County for a portion of the increased cost of the design, construction and equipping of the Project, with the expectation that up to \$2,036,840 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$5,896,840 with respect to the 2022C Bond and the Bond, to reduce the combined principal amount of the 2022C Bond and the Bond outstanding to \$3,928,761 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the cost of funding of the construction budget shortfall and additional design services associated with the unexpected design changes required by DelDOT in the permitting process.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through DNREC) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen,

mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

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ADOPTED this ____ day of July, 2023.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,036,840 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the increased costs for the design, construction and equipping of the Long Neck Communities Septic Elimination Project, which will finance a gravity sewer collection system for the Long Neck Communities along Branch, Autumn and Tucks Road and in the Sherwood Forest North community (collectively, the “Project”), with the expectation that up to \$2,036,840 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$5,896,840 with respect to the 2022C Bond and the Bond, to reduce the combined principal amount of the 2022C Bond and the Bond outstanding to \$3,928,761 upon Project completion.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *Herring Creek Sanitary Sewer District*
A. *Project Number S20-07: Final Balancing Change Order No. 6 & Project Closeout*
B. *Project Number S20-08: Change Order No. 2*

DATE: July 11, 2023

On August 2, 2016, County Council created the Herring Creek Area Expansion of the Sussex County Unified Sewer District. On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Ultimately USDA funding was obligated over three (3) funding cycles. After the bid and award of Project S20-09, the Finance and Engineering updated all costs and subsequently requested \$1,900,000 or 9.27% in supplemental funding. USDA issued the Letter of Conditions and on August 9, 2022 Council introduced the debt associated ordinance.

The construction phases were awarded as follows:

- October 8, 2019, Chesapeake Turf, LLC was awarded Project S20-06 for the pump stations in the amount of \$5,256,760.00.
- August 11, 2020, JJID, Inc. was awarded Project S20-07 for the northern gravity sewer in the amount of \$5,091,000.00.
- July 13, 2022, Teal Construction, Inc. was awarded Project S20-08 for the southern gravity sewers in the amount of \$4,242,738.00.
- March 29, 2022, George & Lynch was awarded Project S20-09 for Winding Creek Village gravity sewers in the amount of \$6,095,549.00.



Project S20-07 unfolded as follows:

On June 25, 2020, bids for the North Gravity Sewer and Force Main, Project S20-07 were publicly advertised and on July 23, 2020, eight (8) bids were received. On August 11, 2020 County Council awarded the project to JJID, Inc. in the amount of \$5,091,000.00.

On December 15, 2020, Council approved Change Order No. 1 in the amount of \$259,900.00 for the directional drilling work under Hopkins Prong to bring the bring project sequencing back in line.

On April 13, 2021, County Council approved Change Order No. 2 for a number of smaller cost items in the net amount of \$2,273.11 and No. 3 for the replacement of a deteriorated stormdrain pipe on Mariners Way in the not to exceed amount of \$7,200.00.

On May 25, 2021, Council approved time & material Change Order No. 4 in the amount of \$9,766.95 for the modified connection of the Brandywood Subdivision to the existing sewer system at the Villas at Waldon.

On November 30, 2021, Council approved the non-compensatory contract time extension & suspension Change Order No. 5 for weather and high groundwater level related delays. To avoid a similar scenario, the Department suggested and JJID, Inc. agreed to a seasonal contract suspension.

The spring 2022 project restart continued to be difficult with slow progress and on July 6, 2022, the consultant engineers issued the notice of intent to assess liquidated damages. In addition, some sections of deep sewer pipe had to be removed and re-laid and others were found acceptable only under certain conditions as noted on August 2, 2022, by email.

The attached summary provides a history of the complex changes to the DeIDOT restoration details. The bid was based on plans ultimately approved by DeIDOT and Addendum 2 established **weekly** road restoration as the basis of bid. JJID, Inc. requested a change to the detail in November of 2020, it was supported by the Engineering Department and approved by DeIDOT a month later. In September of 2021, the Department agreed to a modified base course restoration by adding a base course “ledge” as requested by JJID, Inc. making it eligible for compensation.

The standard consulting engineering design approach with regards to existing cable utilities is to request documentation from each known utility in addition to locating all above ground cable boxes & transformers. The documents also have a note where bidders are to assume individual service connections to each parcel from each cable box since individual service lines are rarely communicated by any non-power cable utility.

On August 12, 2022, JJID, Inc. submitted two claims one related to restoration requirements imposed “above & beyond” permit by DeIDOT, the other one related to previously unknown cable interferences. They furthermore submitted a weather-related time extension request.

The claims had some merit but nowhere near the compensation levels requested. Therefore, the Department and JJID, Inc. agreed to pause operations to allow review of this issue by Council. In order to achieve a mutually agreeable solution, the Department suggested seeking a “no-fault” contract close out balancing change order of Project S20-07 where both parties withdraw any and all claims, the County grants acceptance of the infrastructure installed and pays out any retainage held under the contract.

Once achieved, the County would issue a quantity adjustment change order under Project S20-08 at the respective unit prices bid, completing the missing infrastructure under the S20-07 Project. On August 23, 2022, Council gave the Engineering Department approval to pursue the outlined approach.

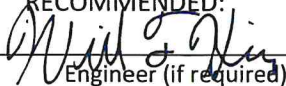

JJID has now completed all punch list items and executed the quantity adjustment Change Order No. 6 in the credit amount of (\$1,334,027.06) for a net reduction of the Project S20-07 cost in the amount of \$1,054,877.00. Teal Construction has agreed to the assuming the remainder of the infrastructure under the S20-07 Project at their unit prices bid with a non-compensable contract extension of 210-calendar days.

The Engineering Department is requesting approval of JJID’s Change Order No. 6 in the credit amount of (\$1,334,027.29) and Teal Construction’s Change Order No. 2 in the amount of \$1,054,877.00 with a 210-calendar day contract extension, contingent upon USDA approval.

Date of Issuance: 4/11/2023	Effective Date: 4/11/2023
Owner: Sussex County	Owner's Contract No.: S20-07
Contractor: JJID, Inc.	Contractor's Project No.:
Engineer: Whitman, Requardt & Associates	Engineer's Project No.: 14256.036
Project: Herring Creek Sanitary Sewer District: North Gravity Sewer & Force Main	Contract Name:

The Contract is modified as follows upon execution of this Change Order:
Balancing Change Order

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 5,091,000.00</u>	Original Contract Times: Substantial Completion: <u>11/8/21</u> Ready for Final Payment: _____ 365 calendar days
Increase from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : <u>\$ 269,373.11</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : Substantial Completion: <u>6/22/2022</u> Ready for Final Payment: _____ 591 calendar days
Contract Price prior to this Change Order: <u>\$ 5,370,140.06</u>	Contract Times prior to this Change Order: Substantial Completion: <u>6/22/2022</u> Ready for Final Payment: _____ 591 calendar days
[Increase] [Decrease] of this Change Order: <u>\$ 1,334,027.29</u>	[Increase] [Decrease] of this Change Order: 69 days Substantial Completion: <u>8/31/2022</u> Ready for Final Payment: _____ 660 calendar days
Contract Price incorporating this Change Order: <u>\$ 4,036,112.77</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>8/31/2022</u> Ready for Final Payment: _____ 660 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u></u> Contractor (Authorized Signature)
Title: <u>Vice President</u>	Title: _____	Title: <u>Operations Manager/Chief Engineer</u>
Date: <u>4/11/2023</u>	Date: _____	Date: <u>6/20/2023</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Backup for Balancing Change Order

Contract S20-08

**Herring Creek SSD- North Gravity Sewer and Force Main
C.O. No. 6- Final Bid Items Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet)**

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - Utilities							
A-1	Mobilization	1	LS	\$ 200,000.00	1.00	\$ -	\$ -
A-2	Furnish and Install Precast Manholes - 4 VF	538	VF	\$ 375.00	425.59	\$ -	\$ (42,153.75)
A-3	Complete and In Place - 5' VF	64	VF	\$ 900.00	76.17	\$ 10,953.00	\$ -
A-4	Furnish and Install Drop Connection 8" EA	5	EA	\$ 1,600.00	3.00	\$ -	\$ (3,200.00)
A-5	Furnish and Install Terminal Cleanouts - 8" EA	8	EA	\$ 1,600.00	7.00	\$ -	\$ (1,600.00)
A-6A	Furnish and Install House Lateral Cleanouts Initial 6'	222	EA	\$ 425.00	175.00	\$ -	\$ (19,975.00)
A-6B	Furnish and Install House Lateral Cleanouts Final 6'	222	EA	\$ 400.00	155.00	\$ -	\$ (26,800.00)
A-7	Furnish and Install Frames and Covers - EA	75	EA	\$ 900.00	61.00	\$ -	\$ (12,600.00)
A-8	Furnish and Install PVC Laterals - 6" LF	5,800	EA	\$ 40.00	5,076.00	\$ -	\$ (28,960.00)
A-9	Furnish and Install PVC Gravity Sewer - 8" LF	20000	LF	\$ 92.00	15,271.00	\$ -	\$ (435,068.00)
A-10	Furnish and Install PVC Wye Branches - 8"x6" EA	220	EA	\$ 350.00	160.00	\$ -	\$ (21,000.00)
A-11	Furnish and Install Combination ARV and Manholes - 2" EA	3	EA	\$ 16,000.00	3.00	\$ -	\$ -
A-12	Furnish and Install Simplex Grinder Pump (Complete) - EA	19	EA	\$ 15,500.00	4.00	\$ -	\$ (232,500.00)
A-13	Furnish and Install Type C Hot Mix 3" - SY	29,000	EA	\$ 17.00	-	\$ -	\$ (493,000.00)
A-14	Furnish and Install Type C Hot Mix 2" - SY	20,300	SY	\$ 12.00	20,750.00	\$ 5,400.00	\$ -
A-15	Record Drawings - LS	1	LS	\$ 5,000.00	1.00	\$ -	\$ -
A-16	Furnish and Install PVC Force Main - 1 25' LF	2,000	LF	\$ 19.00	139.00	\$ -	\$ (35,359.00)
A-17	Furnish and Install PVC Force Main - 1 5' LF	900	LF	\$ 21.00	1,003	\$ 2,163.00	\$ -
A-17 A	Furnish and Install PVC Force Main - 2" LF	250	LF	\$ 25.00	142.00	\$ -	\$ (2,700.00)
A-18	Furnish and Install PVC Force Main - 2.5' LF	2,100	LF	\$ 21.00	1,069.00	\$ -	\$ (21,651.00)
A-19	Furnish and Install PVC Force Main - 3" LF	1,200	LF	\$ 30.00	1,069.00	\$ -	\$ (3,930.00)
A-20	Furnish and Install Force Main - 4" LF	1550	LF	\$ 39.00	1,497.00	\$ -	\$ (2,067.00)
A-21	Furnish and Install Force Main - 6" LF	2600	LF	\$ 47.00	3,995.00	\$ 65,565.00	\$ -
A-22	Furnish and Install Isolation Valve - 1 25" EA	19	EA	\$ 900.00	6.00	\$ -	\$ (11,700.00)
A-23	Furnish and Install Isolation Valve - 2 5" EA	1	EA	\$ 1,700.00	-	\$ -	\$ (1,700.00)
A-24	Furnish and Install Grinder Pump Terminal Flushing Connections - EA	3	EA	\$ 3,500.00	-	\$ -	\$ (10,500.00)
A-25	Route 24 Crossing - Lump Sum	1	LS	\$ 75,000.00	1.00	\$ -	\$ -
A-26	PS #424 Entrance - Lump Sum	1	LS	\$ 20,000.00	-	\$ -	\$ (20,000.00)
A-27	Trenchless Sewer Install - HC 72--HC 71-Lump Sum	1	LS	\$ 165,000.00	1.00	\$ -	\$ -
Subtotals for Parts A:						\$ 84,081.00	\$ (1,426,463.75)

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part B - Stipulated Contingent Bid Items							
B-1	Contingent Unclassified Excavation CY	100	CY	\$11.00	309.50	\$ 2,304.50	\$ -
B-2	Contingent Aggregate Material (Crusher Run) Ton	500	Ton	\$21.00	1007.90	\$ 10,665.90	\$ -
B-3	Contingent Porous Fill Material (#57 Stone) Ton	1,000	Ton	\$23.00	356.00	\$ -	\$ (14,812.00)
B-4	Contractors Lateral (Small)Crew Down Time Per Hour	40	HR	\$250.00	-	\$ -	\$ (10,000.00)
B-5	Contractors Main Line Crew Down Time Per Hour	30	HR	\$400.00	7.00	\$ -	\$ (9,200.00)
B-6	Furnish and Place 5,000 PSI Concrete CY	20	CY	\$150.00	-	\$ -	\$ (3,000.00)
B-7	Contingent Borrow Type C CY	2,000	CY	\$16.00	150.00	\$ -	\$ (29,600.00)
B-8	Replacement of Existing Storm Drain 18" or Less LF	60	LF	\$30.00	-	\$ -	\$ (1,800.00)
B-9	Contingent Hot Mix Ton	100	Ton	\$75.00	115.00	\$ 1,125.00	\$ -
Subtotals for Part B:						\$ 14,095.40	\$ (68,412.00)

Contract S20-08 - Continued

**Herring Creek SSD- North Gravity Sewer and Force Main
C.O. No. 6- Final Bid Items Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet)**

Item No.	Description	Bid		Actual		ADD	DEDUCT
		Quantity	Unit	Unit Price	Quantity		
Part C - Unstipulated Contingent Bid Items							
C-1	Contingent On-Site Soil Testing Per Hour	500	HR	\$100.00	475.00	\$ -	\$ (2,500.00)
C-2	Contingent Soils Laboratory Tests EA	15	EA	\$200.00	6.00	\$ -	\$ (1,800.00)
C-3	Contingent Well Pointing (First 200') LS	1	LS	\$25,000.00	1.00	\$ -	\$ -
C-4	Contingent Well Pointing LF	9,000	LF	\$37.00	6645.00	\$ -	\$ (87,135.00)
Subtotals for Part C:						\$ -	\$ (91,435.00)

Item No.	Description	Unit	Unit Price	Actual		ADD	DEDUCT
				Quantity			
Part C - Unstipulated Contingent Bid Items							
CO1	Prong Bore	LS	\$259,900.00	1	-	-	-
CO2	GO 2	LS	\$2,273.11	1	-	-	-
CO3	Storm Drain	LS	\$7,200.00	1	-	-	-
CO4	BrandyWood	LS	\$9,766.95	1	-	-	-
Subtotals for Part CO:						\$ -	\$ -

Item No.	Description	Unit	Unit Price	Remaining		ADD	DEDUCT
				Quantity			
Part D - Stored Materials							
D-1	8" PVC SDR35	-	\$ 6.75	2912	\$	26,480.00	
D-2	6" PVC SDR35	-	\$ 6.75	84	\$	567.00	
D-3	4" PVC SDR35	-	\$ 0.80	420	\$	336.00	
D-4	4" PVC DR18	-	\$ 2.02	1,360	\$	2,747.20	
D-5	1.25" IPS DR11 HDPE	-	\$ 2.21	50	\$	110.50	
D-6	1.5" IPS DR11 HDPE	-	\$ 0.76	300	\$	228.00	
D-7	2" CTS PE Tubing 250 PSI SDR-9	-	\$ 1.98	300	\$	594.00	
D-8	3" IPS DR11 HDPE	-	\$ 3.32	1,600	\$	5,312.00	
D-9	6"x8" SDR26 Wye's	-	\$ 106.91	3	\$	320.73	
D-10	8"x6" SDR26 Wye's	-	\$ 47.54	93	\$	4,421.22	
D-11	6" SDR26 Wye's	-	\$ 38.80	20	\$	776.00	
D-12	6" SDR26 45's	-	\$ 18.74	112	\$	2,098.88	
D-13	6" Cleanouts	-	\$ 12.44	23	\$	286.12	
D-14	6" Cleanout Lids	-	\$ 17.56	16	\$	280.96	
D-15	Tracer Wire	-	\$ 0.29	2,500	\$	725.00	
D-16	60" dia. Manhole - Base - ARV3	-	\$ 2,444.19	1	\$	2,444.19	
D-17	48" dia. Manhole - Base - HC11	-	\$ 1,253.45	1	\$	1,253.45	
D-18	48" dia. Manhole - Base - HC41	-	\$ 1,335.05	1	\$	1,335.05	
D-19	48" dia. Manhole - Base - HC42	-	\$ 1,207.07	1	\$	1,207.07	
D-20	48" dia. Manhole - Base - HC46	-	\$ 1,806.39	1	\$	1,806.39	
D-21	48" dia. Manhole - Base - HC47	-	\$ 1,806.39	1	\$	1,806.39	
D-22	48" dia. Manhole - Base - HC49	-	\$ 1,645.97	1	\$	1,645.97	
D-23	48" dia. Manhole - Base - HC50	-	\$ 1,335.05	1	\$	1,335.05	
D-24	48" dia. Manhole - Base - HC53	-	\$ 1,645.97	1	\$	1,645.97	
D-25	48" dia. Manhole - Base - HC54	-	\$ 1,413.87	1	\$	1,413.87	
D-26	48" dia. Manhole - Base - HC55	-	\$ 1,335.05	1	\$	1,335.05	
D-27	48" dia. Manhole - Base - HC56	-	\$ 1,396.87	1	\$	1,396.87	
D-28	48" dia. Manhole - Base - HC57	-	\$ 1,253.45	1	\$	1,253.45	
D-29	48" dia. Manhole - Base - HC68	-	\$ 1,491.13	1	\$	1,491.13	
D-30	48" dia. Manhole - Base - HC69	-	\$ 1,299.83	1	\$	1,299.83	
D-31	60" dia. Manhole - Base - HC48	-	\$ 3,159.73	1	\$	3,159.73	
D-32	Manhole Frames	-	\$ 79.35	13	\$	1,031.55	
D-33	Manhole Covers	-	\$ 27.92	13	\$	362.96	
D-34	Force Main Manhole Frames	-	\$ 79.35	1	\$	79.35	
D-35	Force Main Manhole Covers	-	\$ 27.92	1	\$	27.92	
D-36	Lateral Frames	-	\$ 53.83	7	\$	376.81	
D-37	Lateral Covers	-	\$ 26.87	20	\$	537.40	
D-38	Grinder Pump Bases, Valves, Wiring, and Control Panels (First Order)	-	\$ 6,403.00	15	\$	96,045.00	
D-39	Grinder Pump Bases, Valves, Wiring, and Control Panels (2nd order)	-	\$ 6,866.00	1	\$	6,866.00	
Subtotals for Part D:						\$ 175,440.06	\$ -

Item No.	Description	Bid		Unit Price	Quantity	ADD	DEDUCT
		Quantity	Unit				
Part E - Unit Price and Change Order Adjustments							
E-1	Credit for Bid Item A-12 for not installing supplied grinder pumps		EA	\$ 9,097.00	2		\$ (18,194.00)
E-2	Credit for cost of casing pipe associated with Bid Item A-25		LS	\$ 5,407.00	1		\$ (5,407.00)
E-3	Cost for Toning Wire Associated with CO1		LS	\$ 6,000.00	1	\$ 6,000.00	
E-4	Credit for pipe not installed associated with CO3		LS	\$ 2,682.00	1		\$ (2,682.00)
E-5	Record Drawings - LS		LS	\$ 5,000.00	21%		\$ (1,050.00)

Subtotals for Part E: \$ 6,000.00 \$ (27,333.00)

Grand Total = Parts (A + B + C + CO+ D+E): \$ 279,616.46 \$ (1,613,643.75)

Balancing of Used/Unused 17-04 Bid Item Quantities for C.O. 2 - Final **Decrease** **\$ (1,334,027.29)**
 (Total Decrease Based Upon All Final Quantities Part A through Part E)

	Description	Size	CO Quantity	Teal Change Order Price (Based on S20-07 unless highlighted)	Teal CO	Notes
Part A	Herring Creek Sanitary Sewer District (HCSSD): North Gravity Sewer and Force Main, Contract S 20-07					
A-1	Mobilization		0.00	\$120,679.00		
A-2	Furnish and Install Precast Manholes Complete and In Place	4'	130.00	\$399.00	\$51,870.00	
A-3	Furnish and Install Precast Manholes Complete and In Place	5'	0.00	\$587.00		
A-4	Furnish and Install Drop Connection	8"	1.00	\$1,582.00	\$1,582.00	
A-5	Furnish and Install Terminal Cleanouts	8"	1.00	\$1,007.00	\$1,007.00	
A-6	Furnish and Install House Lateral Cleanouts	6"	44.00	\$652.00	\$28,688.00	
A-7	Furnish and Install Manhole Frames and Covers		12.00	\$1,578.00	\$18,936.00	
A-8	Furnish and Install PVC Lateral	6"	768.00	\$24.00	\$18,432.00	
A-9	Furnish and Install PVC Gravity Sewer	8"	4,443.00	\$80.00	\$355,440.00	
A-10	Furnish and Install PVC Wye Branches	8"x6"	62.00	\$276.00	\$17,112.00	
A-12	Furnish and Install Simplex Grinder Pump (Complete)		17.00	\$12,032.00	\$204,544.00	
A-13	Furnish and Install Type C Hotmix	3"	12,907.00	\$14.00	\$180,698.00	
A-16	Furnish and Install PVC Force Main	2" or less	2,389.00	\$28.00	\$66,892.00	
A-18		2.5"	1,380.00	\$31.00	\$42,780.00	Cost Item is not in current S20-08 Contract. Cost used from original Teal S20-07 Bid.
A-19		3"	0.00	\$33.00	\$0.00	Cost Item is not in current S20-08 Contract. Cost used from original Teal S20-07 Bid.
A-20		4"	1,550.00	\$31.00	\$48,050.00	
A-22		Furnish and Install Isolation Valve	1 1/4"	15.00	\$605.00	\$9,075.00
A-24	Furnish and Install Grinder Pump Terminal Flushing Connection		3.00	\$3,257.00	\$9,771.00	Cost Item is not in current S20-08 Contract. Cost used from original Teal S20-07 Bid.
Change Order Total					\$ 1,054,877.00	



Note: Contractor agreed to honor 2020 unit prices without escalation in exchange for turning over stored materials from original S20-07 Contract.

Date of Issuance: 6/27/2023	Effective Date: 6/2/2023
Owner: Sussex County	Owner's Contract No.: S20-08
Contractor: Teal Construction Inc.	Contractor's Project No.: T-21018
Engineer: Whitman, Requardt & Associates	Engineer's Project No.: 14256.036
Project: Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Addition of 180 Calendar Days

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,242,738.00</u>	Original Contract Times: Substantial Completion: <u>3/21/2023</u> Ready for Final Payment: _____ 365 calendar days
Increase from previously approved Change Orders No. <u>NA</u> to No. <u>NA</u> : \$ <u>0.00</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>NA</u> : Substantial Completion: <u>6/29/2023</u> Ready for Final Payment: _____ 465 calendar days
Contract Price prior to this Change Order: \$ <u>4,242,738.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>6/29/2023</u> Ready for Final Payment: _____ 465 calendar days
Increase of this Change Order: \$ <u>1,054,877.00</u>	[Increase] [Decrease] of this Change Order: 210 days Substantial Completion: <u>1/25/2024</u> Ready for Final Payment: _____ 675 calendar days
Contract Price incorporating this Change Order: \$ <u>5,297,615.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>1/25/2024</u> Ready for Final Payment: _____ 675 calendar days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u>	By: _____	By: <u></u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Vice President</u>	Title: _____	Title: <u>PROJECT MANAGER</u>
Date: <u>6/27/2023</u>	Date: _____	Date: <u>6/28/2023</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Change Order #2 Request
from Contractor



June 27, 2023

Whitman, Requardt & Associates, LLP
Attn: Will F. Hinz, P.E.
9030 Stony Point Parkway
Richmond, VA 23235

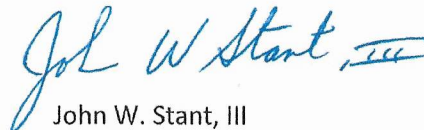
RE: Request for Contract Duration Time Extension for Herring Creek Sanitary Sewer District:
South Gravity Sewer and Force Main Contract No. S20-08

Dear Mr. Hinz,

Teal Construction, Inc. would like to request a non-compensable contract duration time extension of 210 calendar days for the Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main Project in conjunction with the addition of the work from Contract No. S20-07.

Thank you for consideration of our request and if you have any questions, please do not hesitate to contact us at our office at 302-678-9500.

Sincerely,


John W. Stant, III



Unit Price Backup for
Change Order Request

Description		Size	CO Quantity	Teal Change Order Price (Based on S20-07 unless highlighted)	Unit Change Order	Notes
Part A	Herring Creek Sanitary Sewer District (HCSSD): North Gravity Sewer and Force Main, Contract S 20-07					
A-1	Mobilization		0.00	\$120,679.00		
A-2	Furnish and Install Precast Manholes Complete and In Place	4'	130.00	\$399.00	\$51,870.00	
A-3	Furnish and Install Precast Manholes Complete and In Place	5'	0.00	\$587.00		
A-4	Furnish and Install Drop Connection	8"	1.00	\$1,582.00	\$1,582.00	
A-5	Furnish and Install Terminal Cleanouts	8"	1.00	\$1,007.00	\$1,007.00	
A-6	Furnish and Install House Lateral Cleanouts	6"	44.00	\$652.00	\$28,688.00	
A-7	Furnish and Install Manhole Frames and Covers		12.00	\$1,578.00	\$18,936.00	
A-8	Furnish and Install PVC Lateral	6"	768.00	\$24.00	\$18,432.00	
A-9	Furnish and Install PVC Gravity Sewer	8"	4,443.00	\$80.00	\$355,440.00	
A-10	Furnish and Install PVC Wye Branches	8"x6"	62.00	\$276.00	\$17,112.00	
A-12	Furnish and Install Simplex Grinder Pump (Complete)		17.00	\$12,032.00	\$204,544.00	
A-13	Furnish and Install Type C Hotmix	3"	12,907.00	\$14.00	\$180,698.00	
A-16		2" or less	2,389.00	\$28.00	\$66,892.00	
A-18	Furnish and Install PVC Force Main	2.5"	1,380.00	\$31.00	\$42,780.00	Cost Item is not in current S20-08 Contract. Cost used from original Teal S20-07 Bid.
A-20		4"	1,550.00	\$31.00	\$48,050.00	
A-22	Furnish and Install Isolation Valve	1 1/4"	15.00	\$605.00	\$9,075.00	
A-24	Furnish and Install Grinder Pump Terminal Flushing Connection		3.00	\$3,257.00	\$9,771.00	Cost Item is not in current S20-08 Contract. Cost used from original Teal S20-07 Bid.
Change Order Total					\$ 1,054,877.00	

Note: Contractor agreed to honor 2020 unit prices without escalation in exchange for turning over stored materials from original S20-07 Contract.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *Artesian Wastewater Management, Inc.*
A. Bulk Wastewater Services Agreement – Addendum No. 7

DATE: July 11, 2023

In 2016, Sussex County Council started a proactive wastewater infrastructure interconnection process in the service area north of the Indian River Inlet. The goal was and still is expansion of utility coordination between wastewater service providers avoiding duplication of capital expenditures by utilizing existing sewer transmission and treatment capacity up to its permitted limits. The Council's efforts resulted in several agreements with other wastewater service providers for the utilization of available, existing wastewater treatment capacity as well as the creation of a regional County biosolids facility.

The approach of allowing the most cost-effective transmission and treatment of wastewater, represented by the tier style service system has been incorporated by ordinance in the County Code, Chapter 110 and the 2018 Sussex County Comprehensive Plan.

The base agreement with Artesian Wastewater Management, Inc. was approved by Council on August 30, 2016. On January 29, 2019, Council approved Addendum No. 1, expanding the exchange to treated effluent under a 4 to 1 ratio between effluent and wastewater. In addition, it established a ten-year term allowing for better long-term planning.

On September 10, 2019, Council approved Addendum No. 2 making the County's pretested land available for a potential spare Artesian disposal area in exchange for utilization of Artesian full effluent disposal quantity at the Stonewater Facility up to 450,000 gpd. In addition, it extended the term to twenty-five-years, matching the term at the Wolfe Neck lease with the State.



The physical connection to Artesian’s Stonewater facility was completed and tested in January of 2020. Prior to commencement of the discharge, DNREC requested Artesian to file an authorization to operate, which was submitted on February 11, 2020. In addition, DNREC required a technical memorandum of understanding between the utilities on how to share operational responsibilities which was submitted on February 22, 2020. On July 1, 2020, DNREC issued the modified operations permit. Due to the extended time required to obtain the permit modifications, Council on June 2, 2020, approved Addendum No.3 delaying the required annual true up of flows until the end of fiscal year 2021.

The DNREC operations permits contain general statements about the “source” of the wastewater to be treated such as a specific County sewer district area or a specific subdivision. With all utilities moving towards regionalization of their respective systems this identification is obsolete and DNREC suggested updating the “wastewater” definition in the 2016 Bulk Wastewater Services Agreement. On November 10, 2020, County Council approved Addendum No.4 revising the definition accordingly.

In early June 2021, Artesian Wastewater Management, Inc. submitted a letter outlining their challenges to obtain DNREC construction permits under the State and Federal Covid-19 mandates. The delays in the construction of wastewater infrastructure resulted in difficulties to further interconnect the systems and better balancing of flows between the parties. The Engineering Department agreed with that assessment and Council approved Addendum No.5, extending the true up until the end of fiscal year 2022.

The Delaware Coastal Business Park, as well as the entities located at the Coastal Airport along Rudder Lane, currently receive wastewater treatment services from the Town of Georgetown under the May 15, 2018 agreement. Given the limited availability of municipal sewer capacity, it had an allowance for the surrender of capacity under Article VIII by redirecting it to alternate wastewater service provider with twelve (12) months prior notice.

In the summer of 2018, the Town and County Councils approved an addendum to the Agreement regarding the potential capacity surrender for both parties allowing the Town the option to also gain capacity beyond the County flows without initial capital contribution, while allowing the County to recuperate all capital funds over the life of the investment.

The Engineering Department presented a 3-way Bulk Wastewater Services Agreement with Artesian Wastewater Resources, Inc. providing alternate transmission and treatment at the same metered user rate as the Town of Georgetown. The service handshake point will be at the intersection of Park Avenue and the railroad. The County would not be subject to any sewer connection charges but instead contribute \$750,000 towards the extension of Artesian’s transmission system up to the handshake point. Once the capacity is transferred, it will trigger the issuance of the applicable sewer impact fee credits as set forth in the Town of Georgetown Code at the time of the Notice to Surrender. The 3-way Agreement was approved by Council and the Town and executed in February of 2019.

In late summer of 2021, the Inland Bays RWF experienced significant algae growth in the effluent storage lagoons. The algae causes matting in rapid infiltration systems such as the one utilized by Artesian under the Bulk Wastewater Agreement. Not being able to discharge as

much effluent as anticipated further impeded the flow imbalance. Therefore, Artesian suggested the following two actions:

1. Adjustment of the amounts owed by Artesian Wastewater Management, Inc. to Sussex County under the 2016 Bulk Services Agreement for the period from July 1, 2019 through June 30, 2022, by the sum owed by Sussex County under paragraph 3(a) "Connection Fees" of the 2019 3-way Bulk Services Agreement.
2. Approve Addendum No. 6 to the 2016 the Bulk Wastewater Services Agreement with Artesian addressing possible future impairment to the Artesian RIB system(s).

The adjustment actions were approved by Council on June 7, 2022.

In January of 2022, Artesian Wastewater Management, Inc. acquired Tidewater Environmental Services, Inc. of which five (5) systems (Plantations, The Ridings, Bay Front, Retreat & Harts Landing) will be permanently connected to County facilities.

Artesian is constructing the treatment portion of the Sussex Regional Recharge Facility near Milton, which is well equipped to serve the County's needs. The Slaughter Beach and North Ellendale projects will permanently connect to it. The Georgetown airport and business park will permanently connect to Artesian's Beaver Creek facility.

In order to streamline the tracking process, the Engineering Department suggested Addendum No.7, tracking permanently connected EDUs rather than flows. The Addendum has been approved by Artesian and the Department recommends approval by Council.

ADDENDUM NO. 7 TO THE
BULK WASTEWATER SERVICES AGREEMENT

Between

ARTESIAN WASTEWATER MANAGEMENT, INC.

And

SUSSEX COUNTY

WHEREAS, on August 30, 2016 the parties entered into a Bulk Wastewater Services Agreement (“Agreement”) regarding exchange of Wastewater; and

WHEREAS, on February 7, 2019 the parties signed Addendum No. 1 to the Agreement; and

WHEREAS, on or about September 19, 2019 the parties signed Addendum No. 2 to the Agreement; and

WHEREAS, on or about June 9, 2020 the parties signed Addendum No. 3 to the Agreement; and

WHEREAS, on or about December 10, 2020 the parties signed Addendum No. 4 to the Agreement; and

WHEREAS, on or about July 12, 2021 the parties signed Addendum No. 5 to the Agreement; and

WHEREAS, on or about June 13, 2022 the parties signed Addendum No. 6 to the Agreement; and

WHEREAS, both parties desire to further amend the Agreement as set forth herein;

NOW THEREFORE, Sussex County Council (“County”) and Artesian Wastewater Management, Inc. (“Artesian”) agree to further amend the Agreement as follows:

1. By deleting subparagraph e. under Section 2. Purpose in its entirety and replacing it as follows:

- e. On June 30th of each calendar year beginning on June 30, 2017 and ending June 30, 2019, the parties shall exchange all reports of their metered flows for the previous year (July 1 to June 30) measured at the parties’ respective connection points and compare the annual totals for each party in order to engage

in an annual true-up process. Effective July 1, 2019, the parties shall exchange metered flows on a three-year basis, with the first triannual true-up process ending on June 30, 2022. If either party's flows to the other party exceeds 500,000 gallons, then that party shall be responsible for paying for the amount of annual flow exceeding 500,000 gallons at the rate of \$8.00 per thousand gallons, it being understood that the measurement of Effluent flows shall be divided by four (4) for purposes of performing the true-up calculations in accordance with Section 2.c. as amended previously. Such payment shall be made to the other party within thirty (30) days of receiving notice thereof of the amount of such exceedance. Other than the payments required by this Paragraph, it is the intention of the parties that this Agreement shall be substantially revenue neutral.

Notwithstanding the foregoing, the parties agree to a permanent equivalent dwelling unit ("EDU") exchange beginning July 1st, 2023, as set forth herein. For purposes of determining unmetered flows, an EDU shall be defined as 250 gallons per day (GPD) of wastewater, the characterization of which is approximately that of residential waste generated by single family homes. Each party shall identify its own EDUs that are permanently served by the other party. An EDU tracking document is attached hereto as Exhibit 1. The intent is to maintain a balance of a substantially equal number of EDUs which shall be **excluded** from the flow-based calculations or payments identified in the immediately foregoing paragraph. Every five (5) years, beginning on July 1, 2028, the parties shall review the balance to confirm continued equivalence, defined as +/- 100 EDUs. Should an EDU imbalance occur, the party with more EDUs in the exchange as of the date of the review shall move the excess EDUs (the excess EDUs meaning the number of EDUs over the permissible margin of 100 EDUs) to the flow-based calculations and payments identified in the immediately foregoing paragraph. The payment for such excess EDUs shall be based upon actual flow for metered EDUs and unmetered EDUs shall be calculated at 250 GPD, each for the period from (a) the later of (1) the date the EDUs were added to the EDU exchange and (2) the last review date, to (b) the current review date. Should either party wish to remove EDUs from the EDU exchange, it may do so upon 30 days written notice.

2. All other terms and conditions of the Agreement as previously amended remain unchanged.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have set their hands and seals the day stated below.

Attest:

ARTESIAN WASTEWATER MANAGEMENT, INC.

Joseph A. DiNunzio
Joseph A. DiNunzio, Secretary
STATE OF DELAWARE

By: David B. Spacht (SEAL)
David B. Spacht, President

:
: SS.

COUNTY OF NEW CASTLE :

BE IT REMEMBERED, that on the 5th day of July, 2023, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, David B. Spacht, known to me personally to be the President of Artesian Wastewater Management, Inc. and, in that capacity, he executed this Addendum No. 7 To the Bulk Wastewater Services Agreement in his own hand for the corporation.



Crystal Lynn Gibson
Notary Public

Attest:

SUSSEX COUNTY, DELAWARE

Clerk, Sussex County Council

By: _____ (SEAL)
Michael H. Vincent, President

STATE OF DELAWARE :
: SS.

COUNTY OF NEW CASTLE :

BE IT REMEMBERED, that on the ____ day of _____, 2023, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, known to me personally to be the President of Sussex County Council and, in that capacity, he executed this Addendum No. 7 To the Bulk Wastewater Services Agreement in his own hand for the corporation.

Notary

Exhibit 1

**Tracking Sheet for Permanent EDU Exchange
Between Sussex County and Artesian Wastewater Management, Inc.**

Sussex County EDUs			Artesian EDUs		
Date Added	EDU Description	Number of EDUs	Date Added	EDU Description	Number of EDUs

List to be reviewed for continued equivalence every five years beginning July 1, 2028.

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: *APPRAISAL SERVICES CONTRACT*

DATE: July 11, 2023

With the existing Appraisal Services Contract set to expire in August 2023, a Request for Proposals (RFP) was formulated and advertised on May 26, 2023 for a continuation of appraisal services to be provided on an as-needed basis for a period of five (5) consecutive years. The RFP was structured similar to the last contract, consisting of performing property inspections and investigations in order to provide certified appraisal reports for fee simple land acquisitions and easements in support of engineering projects.

Three (3) proposals were received on June 16, 2023 from interested vendors including CBRE, Inc. (Coldwell Banker Richard Ellis), W.R. McCain & Associates, and Vista Realty Services, Inc. All submissions were determined to meet the minimum requirements of the RFP. The Appraisal Services Selection Committee consisting of myself, Hans Medlarz, and Kaycee Widen reviewed the three (3) proposals based on the following established evaluation criteria:

- Experience & Reputation
- Expertise
- Firm Capacity
- Location
- Demonstrated Ability
- Familiarity with Public Works
- Experience with Sussex County
- Hourly Rate Schedule

Based on the results of evaluation, the Appraisal Services Selection Committee recommends that the **Engineering Department** move forward to negotiate a contract with **W.R. McCain & Associates**.



Council Grant Form

Legal Name of Agency/Organization West Side New Beginnings, Inc. ✓

Project Name Safety Street Lights

Federal Tax ID 51-0350410 ✓

Non-Profit Yes

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

Organization's Mission To establish a cohesive network to make the community a safe place to live, 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, and provide after-school and summer enrichment activities for children of the community.

Address 19801 Norwood Street

Address 2

City Rehoboth

State DE

Zip Code 19971

Contact Person Diaz Bonville

Contact Title President

Contact Phone Number 3025282265

Contact Email Address Diaz122455@aol.com

Total Funding Request \$3,200.00

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

If YES, how much was received in the last 12 months? 1800

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, Health and Human Services

Program Category
Other

Primary Beneficiary Category Youth

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 150

Scope

West Rehoboth is a historic and predominately African-American community just a stone throw away from the wealthy subdivision of Rehoboth Beach, Delaware. With pride and determination, it treasure its past, preserve its futre, provide affordable housing. Most of the children, youth and their families live below the poverty line. Most of the families work seasonal. Most of the adults have not completed high school. We would like to provide streets lights for the community so the children, youth, families, and others can feel safe. Street lights will help curve negative behavior for the entire community, especially the community center where programs are held.

Religious Components N/A

Please enter the current support your organization receives for this project (not 0.00

entire organization
revenue if not
applicable to request)

Description Street Lights for community safety

Amount 3,200.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 3,200.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -3,200.00

Name of Organization West Side New Beginnings, Inc.

**Applicant/Authorized
Official** Diaz Bonville

Date 04/10/2023

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

NEW. Emailed.
YES. SCH. 5/9.

Council Grant Form

Legal Name of Agency/Organization	Rehoboth Beach Sportsplex Group ✓
Project Name	Upgrade maintenance equipment
Federal Tax ID	85-1470495 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	We provide and maintain athletic fields for sports. This includes Little League, youth travel ball tournaments, kickball league, senior women's softball league and dog walkers.
Address	P.O. Box 909
Address 2	
City	Rehoboth Beach
State	De
Zip Code	19971
Contact Person	Mike Simpler
Contact Title	President

Contact Phone Number 302-362-8855

Contact Email Address mike@beacheyesde.com

Total Funding Request 5,000.00

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 Other

Beneficiary Category Other Little League, youth travel ball tournaments, kickball league, senior women's softball league and dog walkers

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 1000

Scope Our athletic fields maintenance equipment are over 15 years old and need to be replaced.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 1,000.00

Description operating costs, mower, bunker rake and tractor

Amount 15,000.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 15,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -14,000.00

Name of Organization Rehoboth Beach Sportsplex Group

**Applicant/Authorized
Official** Jay Stevenson

Date 03/26/2023

Affidavit

Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, May 11, 2023 9:53 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	Mispyllion Performance Series ✓
Project Name	Presentation of Duo Sorolla and Cathedral Brass musical ensembles
Federal Tax ID	84-4618816 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our mission is to bring nationally renowned musical artists to communities in Sussex County free and unticketed, so that everyone can enjoy high quality classical music, not just the wealthiest in the communities in southern Delaware. We have no staff and no expenses, other than piano tuning for the venues that permit us to host free of charge. We are able to fund through grants and personal donations. The only comparable Series in Lewes, DE, charges \$40 per ticket, and that is unaffordable for most, except the wealthiest.
Address	16925 Ketch Court

City	Lewes
State	DE
Zip Code	19958
Contact Person	Jody E. Stein
Contact Title	Director
Contact Phone Number	703-598-1860
Contact Email Address	jodye.stein@gmail.com
Total Funding Request	\$3,500.00
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?	40

Program Category
(choose all that apply)

Cultural
Educational

Primary Beneficiary Category

Elderly Persons (62 +)

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

500

Scope

We are seeking funding to pay honorariums to two musical ensembles from the Washington, D.C. area: Duo Sorolla, featuring nationally renowned Cellist Ismar Gomes and Pianist, Wan-Chi Su, to appear in September 2023, and for The Cathedral Brass, a brass ensemble of approximately 10 high-caliber musicians, also coming from northern VA/DC area to perform a free holiday concert for the community in December 2023. As members left the last concert, many expressed gratitude and said they were very grateful for the opportunity to attend and enjoy such high caliber music, free of charge. We have been in existence now for two years now, and the audience continues to grow and many give donations at the venue.

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

0.00

Description

Duo Sorolla Honorarium

Amount

2,200.00

Description	Cathedral Brass
Amount	1,300.00
TOTAL EXPENDITURES	3,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,500.00
Name of Organization	Jody E. Stein
Applicant/Authorized Official	Jody E. Stein
Date	05/11/2023
Affidavit Acknowledgement	Yes

Schaeffer.
wait 6/8.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, June 1, 2023 11:16 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	AIDS Delaware Inc.
Project Name	AIDS Walk Delaware
Federal Tax ID	22-2805481
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our mission is to eliminate the spread and stigma of HIV/AIDS, improve the lives of those living with HIV/AIDS, and promote community health through comprehensive and culturally-sensitive services, education programs, and advocacy.
Address	100 West 10th St Suite 315
City	Wilmington
State	DE

Zip Code	19801
Contact Person	John Beckley
Contact Phone Number	3026526776
Contact Email Address	jbeckley@aidsdelaware.org
Total Funding Request	1000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	500.00
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?	7
Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Disability & Special Needs

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

400

Scope

AIDS Walk Delaware, presented jointly by AIDS Delaware and the Delaware HIV Consortium, works to advance HIV awareness, eliminate the stigma, and endorse HIV-informed community health for all Delawareans. The 2023 Walk will take place on Saturday, September 16th in both Wilmington, and Rehoboth Beach, Delaware. AIDS Walk Delaware is the state's largest HIV/AIDS fundraising and awareness event and has historically attracted over 600 participants and volunteers. This year we hope to raise \$100,000 in support of medical case management services, free HIV testing, HIV-specific mental health counseling, education and prevention programs, and housing services. Our best chance of eliminating HIV is assuring people get tested, know their status, and if they are HIV positive to get them into care and on medication. In addition to AIDS Delaware and Delaware HIV Consortium, other HIV service organizations benefit financially from the Walk, including Ministry of Caring, Beautiful Gate Outreach Center, Latin American Community Center, William J. Holloway Community Program and CAMP Rehoboth. This community event reaches people and organizations representing diverse backgrounds and demographics. All revenue for the walk comes from individual donations, grants and sponsorships, which are not guaranteed from year to year.

Religious Components

N/A

Please enter the current support your organization receives for this project (not

0.00

entire organization
revenue if not
applicable to request)

Description (Website/Database)

Amount 2,620.00

Description Marketing

Amount 3,205.00

Description Rentals

Amount 1,825.00

Description Permits and Facilities

Amount 2,815.00

Description T-shirts, Entertainment, and Food

Amount 4,225.00

Description Miscellaneous Expenses

Amount 990.00

TOTAL EXPENDITURES 15,680.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -15,680.00

Name of Organization AIDS Delaware

**Applicant/Authorized
Official** John Beckley

Date 06/01/2023

Affidavit Yes

Acknowledgement

Green.
yes. July. 6/12.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, May 22, 2023 11:59 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	Little League Baseball INC. ✓ Woodbridge Little League
Project Name	Build Fields
Federal Tax ID	510283376 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Woodbridge Little League is a youth baseball and softball organization that works to promote a positive environment, while striving to teach children good sportsmanship.
Address	P.O. Box 29
City	Bridgville
State	De
Zip Code	19933

Contact Person	Ryan Potter
Contact Title	Vice President
Contact Phone Number	330-240-0592
Contact Email Address	Mustang1207@hotmail.com
Total Funding Request	36,000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	15000.00
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Other
Program Category Other	Sporting

Primary Beneficiary Category Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 270

Scope The Woodbridge Little League serves a total of 270+ children in the 2023 season and was comprised of the Town of Bridgeville and the Town of Greenwood. At the beginning of the 2023 season, the Woodbridge Little League (WLL) was unable to find common ground with the Town of Greenwood and was no longer permitted to use the fields that WLL has managed and maintained for over 40+ years. WLL was forced to move all children to our Bridgeville location, which only has three fields, the property that we lost in Greenwood had two additional fields. So, at the beginning of the 2023 season we still served a total of 270 children, but they were only able to play on three regular fields and two temporary fields, which is being leased on a year to year basis. A total of 135 children were displaced including T-Ball teams (coed), Machine Pitch Girls and Minor League Girls as well.

The funds that we are requesting would cover the fence to rebuild both a T-Ball Field and a Machine Pitch Girls Field. The WLL was forced to leave the fences at the Greenwood location per the Town of Greenwood.

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

Description	T-Ball Fence
Amount	18,000.00
Description	Machine Pitch Girls Fence
Amount	18,000.00
TOTAL EXPENDITURES	36,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-36,000.00
Name of Organization	Woodbridge Little League
Applicant/Authorized Official	Ryan Potter
Date	05/22/2023
Affidavit Acknowledgement	Yes

CINDY 6/30 Yes.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, June 22, 2023 11:00 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization Chamber of Commerce for Greater Milford, Inc. ✓

Project Name Riverwalk Freedom Festival

Federal Tax ID 51-0319055 ✓

Non-Profit Yes

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

Organization's Mission To serve as a voice for the business community while advocating for the retention and expansion of local jobs and business growth to make the greater Milford area a great place to live, work and play.

Address 24 NW Front Street Suite 101

City Milford

State DE

Zip Code 19963

Contact Person Debbie Heinsch
Contact Title Administrative Assistant
Contact Phone Number 3024223344
Contact Email Address milford@milfordchamber.com

Total Funding Request 2000.00

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? 10

Program Category (choose all that apply) Cultural
Educational
Other

Program Category Other Festival Fireworks

Primary Beneficiary Category	Other
Beneficiary Category Other	The festival benefits the whole Milford Community.
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	7000
Scope	We will be celebrating the 22nd anniversary of the Riverwalk Freedom Festival. We will have crafters, vendors, (over 120), kids games, pet park parade, food vendors, live entertainment, car show, and finish with fireworks (about 20 minutes). All of the City businesses participate with sidewalk sales or special promotions. This event benefits the whole Milford community.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	10,000.00
Description	Fireworks Cost
Amount	20,000.00
TOTAL EXPENDITURES	20,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-10,000.00

Name of Organization Chamber of Commerce for Greater Milford

**Applicant/Authorized
Official** Debbie Heinsch

Date 06/22/2023

**Affidavit
Acknowledgement** Yes

Rieley
YES. 7/3.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, June 7, 2023 5:19 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	La Esperanza Inc. ✓
Project Name	Comprehensive Immigration Services
Federal Tax ID	31-1606956 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	La Esperanza's mission is to assist Sussex County Latinos on their journey to achieve stability, integration, and success.
Address	216 N. Race Street
City	Georgetown
State	DE
Zip Code	19947
Contact Person	Dr. Jennifer Fuqua

Contact Title	Executive Director
Contact Phone Number	302-854-9262
Contact Email Address	maryloutietz@yahoo.com
Total Funding Request	2500
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2360
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?	2
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Minority

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

650

Scope

Founded in 1996 by three Carmelite Nuns and a small group of community leaders, La Esperanza is a 501(c) 3 non-profit organization that has worked for more than 25 years serving the needs of the Latino community in Sussex County, Delaware. Since our early days, this has meant that our programs and efforts have been largely directed toward the county's growing Latino immigrant population.

La Esperanza is a bi-cultural and bilingual multi-service nonprofit agency in Sussex County that provides free culturally and linguistically appropriate programs and services in the areas of family development, immigration, victim services, and education for Hispanic adults, children and families. La Esperanza's mission is to assist Sussex County Latinos on their journey to achieve stability, integration, and success.

La Esperanza's clients are primarily from Mexico and Guatemala, but this past year we have supported individuals and families from Haiti, Thailand, Jamaica, Egypt, and Canada, among others. Immigrants are often employed in minimum wage jobs, meaning that they usually do not have the resources to access housing, legal services, or to address their emergency needs. Many families have single parent heads of household and need assistance in enrolling their children in school and accessing health services. Our programs benefit the community when we help immigrants become law abiding members of society who can contribute to the workforce, become tax payers, and educate their children.

La Esperanza is requesting a grant from the Sussex County Council to support our Immigration Services Programs, which work with Delaware immigrants in immigration law

providing them with the counsel, education, and representation necessary to navigate the U.S. immigration system. Today many Delaware immigrants have reached U.S. citizenship or permanent residency for themselves and their family through this work. As the foreign-born population continues to grow in Delaware and its surrounding areas and this population seeks to establish roots here with their families, the need for immigration legal services also grows. In response to these needs, our La Esperanza's goal is to increase capacity to serve more immigrants in Delaware in 2023 and beyond.

In 2021-2022, La Esperanza provided DOJ-accredited immigration counseling to over 800 clients, with 440 cases filed with U.S. Citizenship and Immigration Services (USCIS), 338 approved, and 46 clients completing the journey to full citizenship in the United States. La Esperanza offers citizenship classes several times a year. These include DACA renewals, work authorization applications, permanent residency applications, family-based immigration and citizenship cases, and other benefits-related applications. The citizenship process is a very difficult and time-consuming process and the road for applicants is challenging, but the end result is life-changing when a client attains citizenship.

La Esperanza supports clients seeking advice and counsel on their immigration status, assists clients in filling out documentation to complete residency and citizenship processes, refers clients to immigration attorneys when necessary, and educates clients on their rights as citizens. We measure our goals based on three tiers of service: initial consultation; application for benefits; and permanent residency or citizenship. All of our clients are processed through the first tier of initial consultation. Depending on the client's case, we then move clients to the application-for-benefits tier. Our staff works with clients to fill out packages that can be 40+ pages long. The third tier is permanent residency or full citizenship. The citizenship process can take years to complete, and for some, it may take more than a decade.

La Esperanza is requesting a grant of \$2,500 from the

Sussex County Council to support our immigration services for clients in Sussex County. We expect to reach over 1,000 clients in FY2023 through this program. Expenses include staff costs including a Program Director (DOJ-accredited), Immigration Specialist (DOJ-accredited) and Immigration Counseling Intern; and Program Costs including Application Processing (postage, etc.), Mileage (accompaniment to court, travel, etc.), CLINIC Affiliation Fees, Utilities/Technology (telephone, internet, laptops), and Supplies (textbooks, updated immigration law library, etc.).

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 127,000.00

Description Program Director (DOJ-accredited)

Amount 68,000.00

Description Immigration Specialist (DOJ-accredited)

Amount 50,000.00

Description Immigration Counseling Intern

Amount 3,500.00

Description Application Processing (postage, etc.)

Amount 1,500.00

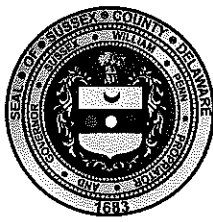
Description Mileage (accompaniment to court, travel, etc.)

Amount 1,500.00

Description CLINIC Affiliation Fees

Amount	1,000.00
Description	Utilities/Technology (telephone, internet, laptops)
Amount	2,000.00
Description	Supplies (textbooks, updated immigration law library, etc.)
Amount	2,000.00
TOTAL EXPENDITURES	129,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,500.00
Name of Organization	La Esperanza Inc.
Applicant/Authorized Official	Dr. Jennifer Fuqua
Date	06/07/2023
Affidavit Acknowledgement	Yes

Ridley.
YES 7/3



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Friends of the Georgetown Public Library, Inc. ✓

PROJECT NAME: Annual 5K Race

FEDERAL TAX ID: 51-0403103 ✓ 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 promote the functions and services of the library, and to receive and encourage financial support for the library.

ADDRESS: 123 West Pine Street

Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Ivan D. Neal
TITLE: Board Member/5K Committee Chairperson

PHONE: 302.519.1928 EMAIL: ivan.neal@mchsi.com

TOTAL FUNDING REQUEST: \$500.00

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? \$500.00

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? 5-10 %

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

50,000

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.

This request is made on behalf of The Friends of the Georgetown Public Library.

Our mission is to raise money in an effort to help finance the Georgetown Public Library's budget. In the past, "The Friends" have allocated funds for the Library's e-book collection, tablets with educational testing (SAT prep, Math, Learning a foreign language, Brain games, etc) and toys for the children's area.

Throughout the year "The Friends" group hosts events to raise funding that goes directly to the Georgetown Library. The events include a 5K Race/1 Mile Walk through Georgetown, and dinner auction, two book sales, etc.

All members of the community, but especially residents of Sussex County benefit from the many services the Georgetown Public Library offers. One of the greatest opportunities to residents is the use of computers and internet access to those residents who do not have internet service (or slow internet service) in their homes.

One hundred percent (100%) of this grant will be used to supplement Library programs operating costs.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	Operating Expenses
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Friends of the Georgetown Public Library 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.**

Iwan D. Neal

Applicant/Authorized Official Signature

June 12, 2023

Date

Sabrina L. Neal

Witness Signature

June 12, 2023

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.

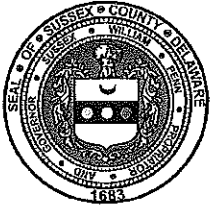
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Swan D. Neal
Applicant/Authorized Official Signature

Sabrina L. Neal
Witness Signature

Board Member
Title

June 12, 2023
Date



Ricley
UES. 7/3

SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Lillette's Foundation For The Arts, Inc. ✓
PROJECT NAME: Music & Me
FEDERAL TAX ID: 74-3136617 ✓ 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 provide high quality music initiative programs to young people interested in pursuing studies in music and the performing arts.
ADDRESS: PO Box 111
Millsboro DE 19966
(CITY) (STATE) (ZIP)
CONTACT PERSON: Toni Stargell
TITLE: President
PHONE: 8135797744 EMAIL: lilsfoundation2@aol.com

TOTAL FUNDING REQUEST: 4000

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)		
Fair Housing Infrastructure ¹	<input checked="" type="checkbox"/> Other Music	<input checked="" type="checkbox"/> Educational
	Health and Human Services	Cultural
BENEFICIARY CATEGORY		
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	<input checked="" type="checkbox"/> Youth
Minority	Other	
BENEFICIARY NUMBER		
Approximately the total number of Sussex County Beneficiaries served annually by this program:		
<input checked="" type="text" value="25"/>		

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.

- Music & Me is a music workshop designed to help young people (12-17) understand the powerful role music has on identity formation. Positive pieces of music can create a calm down of excessive energy while more active music may create stress and/or anxiety. Most young people like music and their choice of music can have a positive or negative impact on their characters and we are here to help show them the difference. Our day will be filled with music, instructors, musicians, DJ's, dance, lunch and more.

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

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

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

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

SECTION 4: BUDGET

REVENUE	2500
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	2,500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Supplies	-\$ 1,000.00
Printing	-\$ 350.00
Rental space - includes lunch	-\$ 1,500.00
Marketing	-\$ 500.00
Instructors/Musicians/DJ	-\$ 2,000.00
Van/Transportation	-\$ 750.00
TOTAL EXPENDITURES	-\$ 6,100.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 3,600.00


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Lillette's Foundation For The Arts 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.

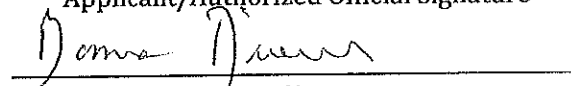
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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

6/29/2023

Date


Witness Signature

6/29/2023

Date

Completed application can be submitted by:

Email: casey.hall@sussexcountyde.gov

Mail: Sussex County Government
Attention: Casey Hall
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.

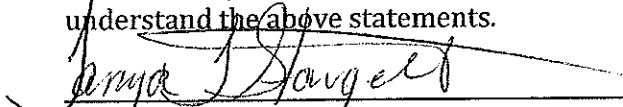
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

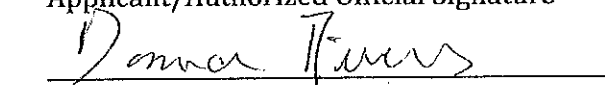
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County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

CEO

Title

6/29/2023

Date

To Be Introduced: 7/11/23

Council District 2: Mrs. Green
Tax I.D. No. 235-8.00-2.00
911 Address: 12872 Reynolds Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.7482 ACRES MORE OR LESS

WHEREAS, on the 13th day of March 2023, a conditional use application, denominated Conditional Use No. 2415 was filed on behalf of Delaware Electric Coop: Troy Dickerson; and

WHEREAS, on the ____ day of _____ 2023, 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. 2415 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2415 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Reynolds Road (S.C.R. 233), approximately 0.26 mile north of Zion Church Road (S.C.R. 235), and being more particularly described in the attached legal description prepared by Century Engineering, LLC, said parcels containing 37.7482 acres more or less.

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02

WHEREAS, on May 28th, 2023, the Sussex County Planning and Zoning Office received an application for a requested Comprehensive Plan Amendment to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel No. 234-6.00-6.02 from the Low Density Area to the Coastal Area; and

WHEREAS, the Parcel is comprised of 2.14 acres of land, lying and being within Lewes & Rehoboth Hundred, and are located on the west side of Beaver Dam Road (Route 23) approximately 0.5 miles north of the intersection of Beaver Dam Road (Route 23) and Hopkins Road (S.C.R. 286).

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

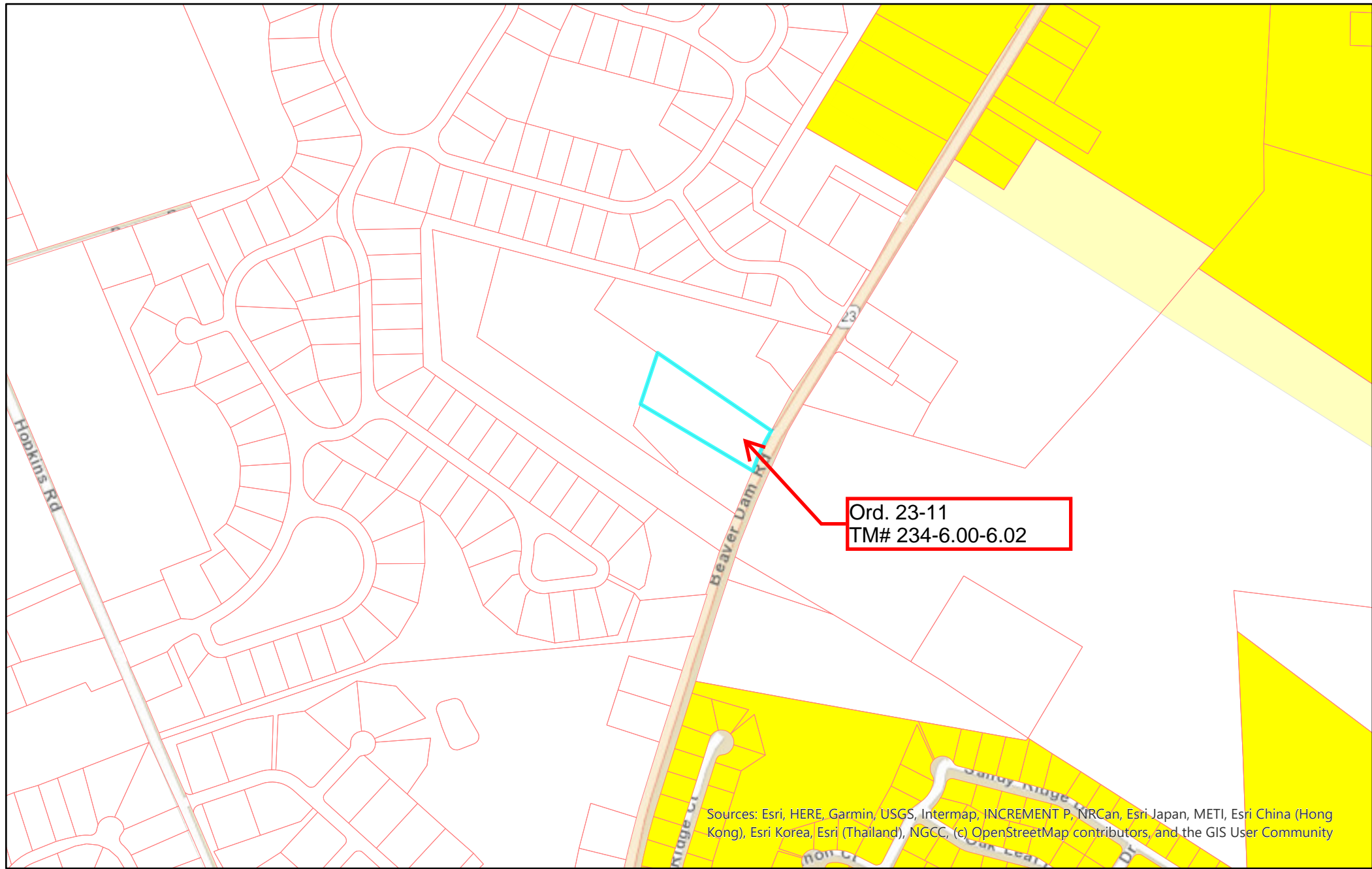
WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 234-6.00-6.02 from the Low Density Area to the Coastal Area. The entirety of Sussex County Parcel No. 234-6.00-6.02 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

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



Ord. 23-11
TM# 234-6.00-6.02

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Current FLUM Classification Map
Ordinance No. 23-11 FLUM Amendment
Beaver Dam Enterprises (A. Balakin)
Proposed: Low Density to Coastal Area
P&Z Meeting - 08/10/2023

2019 Future Land Use

- Low Density
- Coastal Area
- Commercial

- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

