

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

**MEETING:  
July 13, 2021**

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

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
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 13, 2021

10:00 A.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes – June 29, 2021

#### Reading of Correspondence

#### Public Comments

#### Todd Lawson, County Administrator

1. Administrator's Report

#### Vince Robertson, Assistant County Attorney

1. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XX BY AMENDING SECTION 115-156 TO CLARIFY THAT THE LOT AREA WITHIN TABLES II AND III REFERS TO THE LOT AREA WITHIN EACH PARTICULAR ZONING DISTRICT"

#### 10:15 a.m. Public Hearing

**"AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"**



**10:30 a.m. Public Hearings**

1. **Zinzer Properties Extension of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)**
2. **Higgins Re/Max Extension of the Sussex County Unified Sanitary Sewer District (Blades Area)**

**10:45 a.m. Executive Session – Personnel and Job Applicants’ Qualifications pursuant to 29 Del.C. §10004(b)**

**Possible action on Executive Session items**

**Robert Bryant, Airport Manager**

1. **Assignment of Commercial Lease Agreement – Seneca Flight, LLC**

**John Ashman, Director of Utility Planning and Design**

1. **Public Hearing follow-up and possible Resolution on the boundary of the Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District**
2. **Request to prepare and post notices for the Chappell Farm annexation into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)**

**Hans Medlarz, County Engineer**

1. **South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2**
  - A. **General Construction, Project C19-11, Change Order No. 12**
2. **Davis, Bowen & Friedel, Inc. - 2019 Miscellaneous Engineering Base Contract**
  - A. **Approval of Amendment No. 4 for Flood Mitigation Project**
3. **FY 2022 General Labor & Equipment Contract**
  - A. **Recommendation to Award**
4. **Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main, Project S20-08**
  - A. **Recommendation to Award**
5. **Mulberry Knoll Pump Station & Force Main, Project S20-14**
  - A. **Change Order No. 1**

## **Grant Requests**

1. **Contractors for a Cause Foundation, LLC for the purchase of aluminum ramps for the Helping Hands Program**
2. **Town of Delmar for a Memorial Stone Marker in Honor of Cpl. Keith Heacock**
3. **Town of Blades for the National Night Out event expenses**
4. **ITN Southern Delaware, Inc. for operating expenses**
5. **Little League Baseball, Inc. for equipment replacement for the Nanticoke Little League**
6. **Bridgeville Apple Scrapple Festival for event expenses**
7. **West Side New Beginnings for community safety and community center expenses**

## **Introduction of Proposed Zoning Ordinances**

### **Council Members' Comments**

#### **1:30 Public Hearings**

##### **Conditional Use No. 2252 filed on behalf of Delaware Electric Co-Op**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS” (property lying on the southwest corner of Plantations Road and Cedar Grove Road [S.C.R. 283]) (Tax I.D. No. 334-12.00-2.00) (911 Address: 34139 Cedar Grove Road, Lewes)**

##### **Conditional Use No. 2260 filed on behalf of Ronald Lee Wisseman II**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (property lying on the northwest side of Fawn Road (S.C.R. 600) approximately 0.5 mile northeast of Sugar Hill Road [S.C.R. 599]) (Tax I.D. No. 430-11.00-70.00) (911 Address: 10213 Fawn Road, Greenwood)**



**Conditional Use No. 2280 filed on behalf of Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (property lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road) (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available)**

**Adjourn**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 6, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.**

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

**Agenda items may be considered out of sequence.**

**Further meeting access instructions are listed below.**

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide 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>.

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountyde.gov](mailto:rgriffith@sussexcountyde.gov). All comments shall be submitted by 4:30 P.M. on Monday, July 12, 2021.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 29, 2021**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 29, 2021, at 10:00 a.m., in Council Chambers, with the following present:**

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

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

**Call to  
Order**

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

**M 267 21  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of June 15 and 22, 2021 were approved by consent.**

**Public  
Comments**

**Mr. Moore noted that correspondence was received from the Georgetown Public Library and The Home of the Brave Foundation in appreciation of grant funding.**

**Public comments were heard and the following spoke:**

**William Kinnick, President of the Delaware Manufactured Housing Association, reported on raw sewage in 13 manufactured home communities in the County and he asked that the County hold placement permits for these communities. Mr. Kinnick also referenced the drinking water issue in these communities.**

**Mr. Vincent asked that the County hold placement permits for these communities until the problems are resolved.**

**Report**

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

**Adminis-  
trator's  
Report**

**1. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Outer Banks North (Construction Record) received Substantial Completion effective June 14<sup>th</sup>.**

**2. Holiday and Council Meeting Schedule**

**County offices will be closed on Monday, July 5<sup>th</sup>, for the Independence Day holiday. In addition, Council will not meet on July 6<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, July 13<sup>th</sup>.**

**3. Joyce Watkinson**

**It is with sadness that we note the passing of County pensioner Joyce Watkinson on Thursday, June 24<sup>th</sup>. Mrs. Watkinson began her career with Sussex County in May 1984 and retired from the Planning & Zoning Department in January 2011. We would like to extend our condolences to the Watkinson family.**

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

**Excite  
Sussex  
Loan/  
Miller  
Metal  
Project**

**Bill Pfaff, Economic Development Director, discussed the ExciteSussex Loan Program including the framework for the Fund and he presented a recommendation to offer a loan for the Miller Metal project in Bridgeville. The Miller Metal project is an approximate \$6 million project and the loan request to the County is for \$5 million. Per the framework of the Loan Program, the loan limit is \$1 million and for this reason, Mr. Pfaff has packaged out the loan. He reported that the Grow Delaware Fund will loan the project \$2.5 million. He recommended that the County fund \$2.5 million which is beyond the established loan amount for the ExciteSussex Loan Program;. The County's contribution into the Loan Fund is \$625,000 of the \$2.5 million; the difference of \$1,875,000 would be funded by monies granted by Discover Bank to the County for the Fund. Mr. Pfaff presented the public benefits of the Miller Metal project, including the number of employees which will total 141 (at a minimum) in Bridgeville.**

**M 268 21  
Approve  
Loan  
Package/  
Excite  
Sussex  
Loan/  
Miller  
Metal**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Council approves the loan package under the ExciteSussex Loan Fund for Miller Metal, Bridgeville, in an amount not to exceed \$2.5 million.**

**Motion Adopted: 5 Yeas.**

**M 268 21  
(continued)**

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

**Compre-  
hensive  
Land Use  
Plan  
Annual  
Report**

**Jamie Whitehouse, Planning and Zoning Director, presented the annual update to the Office of State Planning and Coordination on the Comprehensive Plan. The Comprehensive Plan was completed by the County in 2018 and certified by the Governor in March 2019; this is the second annual report on year two progress (for the July 1, 2020 through June 30, 2021 review period). He noted that the County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan, the most significant of which is the Henlopen Transportation Improvement District (TID) and the Funding Accelerating Safety in Transportation (FAST) Track Program. (The full report was included in the Council packets for this meeting.)**

**M 269 21  
Approve  
Compre-  
hensive  
Land Use  
Plan  
Annual  
Report**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Council approves the (*Annual Comprehensive Plan*) Report to the Governor's Advisory Council on Planning for the 2020 to 2021 period.**

**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/  
CZ 1926**

**Under Old Business, the Council considered Change of Zone No. 1926 filed on behalf of CP Townhomes, LLC (Canal Pointe Residential Planned Community).**

**The Planning and Zoning Commission held a Public Hearing on this application on April 22, 2021 at which time action was deferred. On May 13, 2021, the Commission recommended approval contingent on the following: Condition No. 15 of Change of Zone No. 1538 (Ordinance No. 1700) should be amended to state as follows:**

- 15. Subject to the receipt of all applicable permits from the U.S. Army Corps of Engineers, DNREC and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent Final Site Plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps or other water-related facilities shall be permitted.**

(continued) **The County Council held a Public Hearing on this application on June 15, 2021 at which time action was deferred.**

**M 270 21  
Amend  
Condition  
15/  
CZ 1926**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to amend Condition No. 15 for Change of Zone No. 1538 (Ordinance No. 1700) by deleting it in its entirety and inserting the following amended Condition No. 15, as follows:**

- 15. Subject to the receipt of all applicable permits from the U.S. Army Corps of Engineers, DNREC and any other agencies having jurisdiction, the RPC's Grande at Canal Pointe Maintenance Corp. shall be permitted to have only one (1) dock for the use of its residents, subject to the following requirements:**
  - a. This dock shall only be utilized for kayaks, canoes and paddleboards or similar non-motorized vessels.**
  - b. No motorized boats of any kind or other similar types of marine equipment shall be stored, launched, docked or otherwise permitted along the dock or landward of it within the park property.**
  - c. No storage of kayaks, paddleboards, boats or any other marine equipment shall be permitted along the dock or landward of it within the park property.**
  - d. No storage facilities or other structures or improvements shall be located along the dock or landward of it within the park property.**
  - e. No bathrooms, running water, electricity/lighting or parking shall be located along the dock or landward of it within the park property.**
  - f. The permitted dock shall be configured for kayak and canoe launch with one slip which shall extend no farther into the canal than 18 feet from the mean highwater mark and which shall be no larger than the following combined specifications:**
    - i. A ramp measuring 6 feet in width by 8 feet in length which runs to and connects with a fixed pier.**
    - ii. A fixed pier measuring 6 feet in width by 16 feet in length which is connected to the ramp and runs to a floating kayak slip dock to be located in the canal.**
    - iii. A floating kayak slip dock connected such that it is perpendicular to the fixed pier in the shape of a square bracket measuring 8 feet in length into the canal with two parallel sides perpendicular to the fixed pier, each measuring 12 feet in length.**
  - g. The permitted dock shall be secured via gated fencing (with a fob pass) to prevent members of the public from accessing it.**
  - h. No other piers, docks, boat ramps or other water-related facilities shall be permitted.**
  - i. There shall be an amendment to the Canal Pointe Master Plan and a subsequent Final Site Plan showing the dock and its points of access from the RPC.**

**M 270 21  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 271 21  
Adopt  
Ordinance  
No. 2786/  
CZ 1926**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2786 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CZ 1538 (ORDINANCE 1700) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS” (Change of Zone No. 1926) filed on behalf of CP Townhomes, LLC (Canal Pointe Residential Planned Community), with the following amended Condition No. 15 as follows:**

- 15. Subject to the receipt of all applicable permits from the U.S. Army Corps of Engineers, DNREC and any other agencies having jurisdiction, the RPC’s Grande at Canal Pointe Maintenance Corp. shall be permitted to have only one (1) dock for the use of its residents, subject to the following requirements:**
  - a. This dock shall only be utilized for kayaks, canoes and paddleboards or similar non-motorized vessels.**
  - b. No motorized boats of any kind or other similar types of marine equipment shall be stored, launched, docked or otherwise permitted along the dock or landward of it within the park property.**
  - c. No storage of kayaks, paddleboards, boats or any other marine equipment shall be permitted along the dock or landward of it within the park property.**
  - d. No storage facilities or other structures or improvements shall be located along the dock or landward of it within the park property.**
  - e. No bathrooms, running water, electricity/lighting or parking shall be located along the dock or landward of it within the park property.**
  - f. The permitted dock shall be configured for kayak and canoe launch with one slip which shall extend no farther into the canal than 18 feet from the mean highwater mark and which shall be no larger than the following combined specifications:**
    - i. A ramp measuring 6 feet in width by 8 feet in length which runs to and connects with a fixed pier.**

**M 271 21  
Adopt  
Ordinance  
No. 2786/  
CZ 1926  
(continued)**

- ii. A fixed pier measuring 6 feet in width by 16 feet in length which is connected to the ramp and runs to a floating kayak slip dock to be located in the canal.
- iii. A floating kayak slip dock connected such that it is perpendicular to the fixed pier in the shape of a square bracket measuring 8 feet in length into the canal with two parallel sides perpendicular to the fixed pier, each measuring 12 feet in length.
- g. The permitted dock shall be secured via gated fencing (with a fob pass) to prevent members of the public from accessing it.
- h. No other piers, docks, boat ramps or other water-related facilities shall be permitted.
- i. There shall be an amendment to the Canal Pointe Master Plan and a subsequent Final Site Plan showing the dock and its points of access from the RPC.

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 272 21  
Council-  
manic  
Grant**

**A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to give \$12,913 (\$8,913 from Mr. Schaeffer's Councilmanic Grant Account, \$1,500 from Mrs. Green's Councilmanic Grant Account and \$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Town of Ellendale for park playground renovations.**

**Motion Adopted: 5 Yeas.**

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

**M 273 21  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$2,500 from Mrs. Green's Councilmanic Grant Account to Little League Baseball, Inc. for Woodbridge Little League field upgrades.**

**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/  
7-Eleven  
Bridgeville**

**A Public Hearing was held on the Proposed 7-Eleven Bridgeville Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area). John Ashman, Director of Utility Planning & Design, reported that**



**Extension  
Public  
Hearing/  
7-Eleven  
Bridgeville  
Extension  
(continued)**

**the proposed expansion will include several parcels in the Bridgeville Expansion Area. The Engineering Department received a request from Becker Morgan Group on behalf of their client, PTV 1081, LLC, the owners/developers of a project known as 7-Eleven Bridgeville for Parcel Nos. 131-19.00-7.00 and 8.02. The project is for a proposed convenience store and service station. The project will be responsible for system connection charges in place at the time of connection.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 274 21  
Adopt  
R 012 21**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Resolution No. R 012 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 131-19-7.00 & 8.02 ON THE WEST SIDE OF SUSSEX HIGHWAY; THE PARCELS ARE LOCATED IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE" (7-ELEVEN BRIDGEVILLE).**

**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/  
Peninsula  
Square  
Extension**

**A Public Hearing was held on the Proposed Peninsula Square Expansion of the Sussex County Unified Sanitary Sewer District. John Ashman, Director of Utility Planning & Design, reported that the Engineering Department received a request from Duffield Associates, LLC on behalf of their client, Four Diamonds Development & Consulting, LLC, the owners/developers of a project known as Peninsula Square on Parcel No. 234-23.00-115.00. The project is for a proposed hotel, gas station, retail and office space. The project will be responsible for system connection charges in place at the time of connection.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 275 21  
Adopt  
R 013 21**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Resolution No. R 013 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCEL 234-23.00-115.00 ON THE NORTH SIDE OF JOHN J. WILLIAMS HIGHWAY (ROUTE 24); THE PARCEL IS LOCATED IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE**

**M 275 21**      **RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY,**  
**(continued)**      **DELAWARE” (PENINSULA SQUARE).**

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

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

**Public**  
**Hearing/**  
**Cardinal**  
**Grove**  
**Extension**

A Public Hearing was held on the Proposed Cardinal Grove Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). John Ashman, Director of Utility Planning and Design, reported that the Engineering Department received a request from Solutions IPEM on behalf of their client, 18898 Beaver Dam Road, LLC, the owners/developers of a project known as Cardinal Grove on Parcel No. 234-2.00-1.10. The project is proposed for 98 units. The expansion would also include Parcel 234-2.00-25.01 as requested by the parcel owner, Linda D. Beebe. The project will be responsible for system connection charges in place at the time of connection.

**M 276 21**  
**Adopt**  
**R 014 21**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Resolution No. R 014 21 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS 234-2.00-1.10 & 25.01 ON THE BOTH SIDES OF BEAVER DAM ROAD; THE PARCELS ARE LOCATED IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (CARDINAL GROVE).

**Motion Adopted:      5 Yeas.**

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

**Grant**  
**Requests**

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

**M 277 21**  
**Council-**  
**manic**  
**Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$6,500 (\$4,300 from Mr. Hudson’s Councilmanic Grant Account and \$2,200 from Mr. Rieley’s Councilmanic Grant Account) to the Nanticoke Indian Association, Inc. for the Annual Nanticoke Indian PowWow and Cultural Awareness Program.

**Motion Adopted:      5 Yeas.**

**M 277 21  
(continued)**      **Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 278 21  
Council-  
manic  
Grant**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$2,000.00 (\$1,000 each from Mr. Hudson's and Mr. Rieley's Councilmanic Grant Accounts) to the Indian River School District for the Indian River Baseball Boosters for batting cage renovations.**

**Motion Adopted:    5 Yeas.**

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

**M 279 21  
Council-  
manic  
Grant**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$4,000 from Mr. Vincent's Councilmanic Grant Account to the Town of Laurel for Library and Town Hall renovations.**

**Motion Adopted:    5 Yeas.**

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

**M 280 21  
Council-  
manic  
Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$4,000 from Mr. Vincent's Councilmanic Grant Account to the Town of Bridgeville for Town Hall renovations.**

**Motion Adopted:    5 Yeas.**

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

**M 281 21  
Council-  
manic  
Grant**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson, to give \$5,000 from Mrs. Green's Councilmanic Grant Account to the Town of Greenwood for playground renovations.**

**Motion Adopted:    5 Yeas.**

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

**M 282 21  
Council-  
manic  
Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$4,000 from Mr. Vincent's Councilmanic Grant Account to the Sussex Montessori School, Inc. for repairs and construction costs.**

**M 282 21  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 283 21  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$3,600 from Countywide Youth Grants to the Harry K. Foundation for the Halt Child Hunger Initiative.**

**Motion Adopted: 5 Yeas.**

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

**M 284 21  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Hudson to give \$1,500 from Countywide Youth Grants to the Girl Scouts of the Chesapeake Bay Council, Inc. for girl scouting for Latina girls.**

**Mr. Vincent handed the gavel over to Mr. Rieley.**

**Mr. Vincent seconded the Motion.**

**Mr. Rieley handed the gavel over to Mr. Vincent.**

**Motion Adopted: 5 Yeas.**

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

**M 285 21  
Countywide  
Youth  
Grant/  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$6,900 (\$3,900 from Countywide Youth Grants, \$2,000 from Mr. Rieley's Councilmanic Grant Account, and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to the 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 286 21  
Go Into  
Executive  
Session**

**At 10:47 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation, land acquisition, personnel and job applicants' qualifications.**

**M 286 21  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 11:00 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation, land acquisition, personnel and job applicants' qualifications. The Executive Session concluded at 11:54 a.m.**

**M 287 21  
Reconvene  
Regular  
Session**

**At 11:56 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to come out of Executive Session and to reconvene the Regular Session.**

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

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

**E/S Action**

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

**M 288 21  
Recess**

**At 11:56 a.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to recess until 1:30 p.m.**

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

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

**M 289 21  
Reconvene**

**At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene.**

**Motion Adopted: 5 Yeas.**

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

**Rules**

**Mr. Moore read the rules of procedure for zoning hearings.**

**Public  
Hearing/  
CZ 1942**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN**

**Public  
Hearing/  
CZ 1942  
(continued)**

**PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.32 ACRES, MORE OR LESS” (Change of Zone No. 1942) filed on behalf of Bay Developers, LLC (Twin Cedars, LLC) (Tax I.D. No. 533-11.00-42.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 13, 2021 at which time action was deferred. On June 10, 2021, the Commission recommended approval with the following conditions:**

- a. There shall be no more than 254 dwelling units consisting of 168 apartments, 44 townhomes and 42 single family units.**
- b. A homeowners association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- c. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
- d. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- e. The RPC shall be served by central water for drinking water and for protection.**
- f. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
- g. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be street lighting and sidewalks on both sides of the streets within the RPC.**
- h. The development shall be served by its own on-site amenities including a clubhouse, pool, walking paths along the wooded open space and a tot-lot. All amenities shall be completed and open for use prior to the issuance of a building permit for the 100th unit on the site or the building containing the 100th unit on the site.**
- i. 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 if it exists 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 limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.**
- j. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district’s transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.**

**Public  
Hearing/  
CZ 1942  
(continued)**

- k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- l. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- m. 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. This landscape plan shall also provide enhanced screening and landscape berms along the front entrance as well as the sides of the property (excluding the rear open space), as presented during the Public Hearing and described at Pages 15, 16 and 17 of the Applicant’s project notebook.**
- n. The Final Site Plan shall include a grading plan that shall be submitted to County staff for review and approval.**
- o. 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 construction.**
- p. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice. These documents shall also include similar notices that there is a camping/RV park adjacent to the site and that hunting activities occur in the vicinity of this site.**
- q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated May 13 and June 10, 2021.)**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that David Hutt, Attorney, was present on behalf of the Applicant along with Henry Mast, Principal of Bay Developers, LLC; Phil Tolliver of Morris & Ritchie Associates; Greg Sauter of Geo-Technology Associates; and Joe Caloggero of The Traffic Group. They provided a history of the project and stated that this application is for the redesign of a previously approved RPC and commercial project; that, previously, the Council approved a RPC and a commercial project for this parcel of land (Change of Zone Nos. 1668 and 1669) and that the project was not built and the RPC designation lapsed; that a new application was filed under Change of Zone No. 1909 but because the CR-1 portion of the property was not shown on the Zoning Map, the application was terminated which allowed the County to update the Zoning Map and allowed the Applicant to submit a new application; that the current application is exactly the same as the terminated application Change of Zone No. 1909 except that the new application references the 5.79 acres of CR-1 zoning on the property; that the property consists of 65.32 acres situated along Zion Church Road; that the property is**

**Public  
Hearing/  
CZ 1942  
(continued)**

presently unimproved; that there are other residential communities in the area as well as commercial uses and zonings; that the majority of the zoning on Zion Church Road is GR and MR with some C-1; that this application seeks to rezone the entire property to GR with a RPC overlay; that the Application proposes to leave most of the forested area undisturbed and designate it as open space (20.5 acres to remain forested); that the design allows for all the residential areas to be clustered so that each lot would back up to open space or amenities; that the entrance to this community would be off of Zion Church Road; that 254 units are being proposed comprising of 168 apartments within 7 buildings, 44 townhomes across 11 buildings and 42 single-family lots; that the gross density would be 4.31 units per acre; that the property is located within the Growth Area according to the Comprehensive Plan; that this project is located in the Investment Level 3 Area according to the Strategies for State Policies and Spending; that where an existing buffer does not exist, the Developer will install a landscaped buffer; that sidewalks will be installed on both sides of the street; that the proposed amenities include a pool, patio area, clubhouse, tot lot area and a walking trail; that County Code requires 508 parking spaces and they are planning 563 spaces; that there will be a Property Owners Association created to manage and govern the common areas with the community; that DeDOT required a Traffic Impact Study (TIS) which has been completed; that the DeDOT TIS review letter contained three requirements including entrance requirements and a contribution by the Developer for a traffic signal on Zion Church Road; that with this project design, there will be more separation between this project and the RV park and any hunting/shooting activities; that the proposed project provides other housing options in the area, all within the same unified project, and is a superior design when compared to the application made in 2010; that there are no regulated wetlands on the site; that there are predominant wet areas and, therefore, the Applicant plans to stay out of the rear area which will remain wooded; that they have met with DNREC regarding the tax ditch right-of-way; that the application is in compliance with the Comprehensive Plan and the Zoning Code; that they are requesting that Condition M recommended by the Planning and Zoning Commission be modified; that the Planning and Zoning Commission liked the proposed berm which varies in height and moves in and out along the property frontage and the Commission asked that it be extended down the sides of the property; that while it is possible to incorporate this along the frontage on Zion Church Road, there are some drainage ditches that exist along the perimeter of the property that would be difficult to integrate into that enhanced landscaping berming; that the proposed Condition M is in conflict with Condition I and that they propose Condition M to be amended to read as follows: 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. This landscape plan shall also provide enhanced screening and landscape berms along the property frontage along Zion Church Road (Route 20), as presented during the Public Hearing, and as described in Pages 15, 16, and 17 of the Applicant's project notebook.



(continued) **There were no public comments.**

**M 290 21**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to defer action**  
**Defer**            **on Change of Zone No. 1942 filed on behalf of Bay Developers, LLC (Twin**  
**Action on**        **Cedars, LLC).**

**CZ 1942**

**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/**  
**CZ 1922**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 (NEIGHBORHOOD BUSINESS DISTRICT), C-1 (GENERAL COMMERCIAL DISTRICT) AND CR-1 (COMMERCIAL RESIDENTIAL DISTRICT) TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.38 ACRES, MORE OR LESS” (Change of Zone No. 1922) filed on behalf of Baywood, LLC (Tax I.D. No. 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05) (911 Address: 32147 Long Neck Road, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 13, 2021 at which time action was deferred. On May 22, 2021, the Commission recommended approval with the following conditions:**

- A. The maximum number of residential units shall be 514.**
- B. All entrances, intersections, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DelDOT requirements.**
- C. The project shall be served by central sewer through the Inland Bays Preservation Company and Sussex County. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- D. The project shall be served by central water to provide drinking water and fire protection.**
- E. Interior street design shall meet or exceed the Sussex County street design requirements.**
- F. Construction, material deliveries and site work shall only occur on the property between 7:30 a.m. and 7:00 p.m. Monday through Friday. No Saturday or Sunday hours shall be permitted. A 24 inch by 36 inch “NOTICE” sign confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- G. Street naming and addressing shall be subject to the review and**

**Public  
Hearing/  
CZ 1922  
(continued)**

- approval of the Sussex County Mapping and Addressing Department.
- H. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.**
  - I. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - J. The Applicant shall coordinate with the Indian River School District to establish a school bus stop area which shall be shown on the Final Site Plan if required by the District.**
  - K. The Central Recreational Complex, including the community clubhouse, indoor and outdoor swimming pools, shall be completed prior to the issuance of the Certificate of Occupancy for the 161st multi-family unit.**
  - L. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
  - M. Lighted signs shall be permitted at each of the four entrances to the development. Those signs shall not exceed 32 square feet in size per side.**
  - N. As proffered by the Applicant, this HR-RPC rezoning was sought for the specific purpose of development of a 514-unit multi-family development depicted on the site plan submitted with this application. In the event the RPC is not developed and is declared null and void pursuant to Section 99-9B or 99-40A of the Sussex County Code, then Sussex County may initiate the rezoning process and schedule public hearings to consider whether to revert this land (currently Tax Map Parcel 2-34-23.00-270.00, 273.01, 273.02, 270.03 and 270.05) back to the zoning classification of the land in existence immediately prior to this HR-RPC rezoning.**
  - O. The Developer shall coordinate with DelDOT for safe and clearly marked pedestrian crossings at the intersection of Long Neck Road and School Lane for the two sections of this development. The Developer shall clearly indicate the means of safe crossing on the Final Site Plan and no apartments shall be constructed on the south side of Long Neck Road until those safety measures are installed.**
  - P. This recommendation is contingent upon an amendment to the Future Land Use Map in the Sussex County Comprehensive Plan revising the designation of a portion of the property from “Commercial Area” to the “Coastal Area” which otherwise surrounds it.**
  - Q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated May 13 and 22, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application and reported that 20 letters have been received in opposition to the application.

**Public  
Hearing/  
CZ 1922  
(continued)**

**Jim Fuqua, Attorney, and Robert Tunnell III were present on behalf of the Applicant with Betty Tustin of The Traffic Group, and Jason Palkewicz of Solutions IPEM. Mr. Fuqua reported that the application is to rezone a 54.38 acre parcel of land on both the north and south sides of Long Neck Road to a High Density Residential District (HR) with a Residential Planned Community (RPC) overlay; that the proposed use is a 514 unit multi-family rental/apartment community (Baywood Gardens); that the parcel on the north side of Long Neck Road contains 38.17 acres; that the parcel on the south side of Long Neck Road contains 16.21 acres; that 354 units would be on the north side and 160 units would be on the south side; that HR zoning permits a maximum density of 12 units per acre and the 514 units proposed would result in a density of 9.45 units per acre; and that no commercial uses or buildings are proposed.**

**Mr. Fuqua reviewed other uses in the area and the history of the Tunnell family's developments in the Long Neck Area over the past 60 years. He stated that a similar application (planned and approved) was filed by the Tunnell's in 2010; however, the development did not proceed due to the recession; that this application addresses a much needed housing type which is rental housing; that the properties are located in Investment Level Areas 1 and 2 according to the Strategies for State Policies and Spending; that this project will be a more affordable alternative to home ownership, providing more affordable housing to workers in eastern Sussex County; that the property is located in the Commercial Area and the Coastal Area according to the Comprehensive Plan, which are both Growth Areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal Area; that the project would be served by central water and sewer; that stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the site; that DelDOT required a Traffic Impact Study (TIS) and there were two studies completed, one for the north parcel and one for the south parcel; that in accordance with the TIS, the Applicant will be required to make certain roadway and traffic signal improvements and to dedicate a permanent easement along the site frontage for a shared path; that the entrance to the northern portion of the site will be on Long Neck Road across from Bayshore Drive with a secondary entrance from Greens Way; that the entrance to the southern portion of the site will be on Long Neck Road directly across from Greens Way with a secondary entrance from School Lane; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings will contain 40 units each and one building will have 34 units; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be 210 two-bedroom units and 304 three-bedroom units; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51 % of the development; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball and bocce courts, etc.; that the south parcel**

**Public  
Hearing/  
CZ 1922  
(continued)**

will have two open space gathering areas with playgrounds; that 602 parking spaces are required per County Code for the north parcel and 791 spaces will be provided; that 287 parking spaces are required per County Code for the south parcel and 320 are provided; that there will be an interior sidewalk system connecting to the shared use path on both the northern and southern portions of the development; that buffers and privacy fencing will be provided; that there is a signalized crosswalk on Long Neck Road at the intersection with Banks Road and School Lane which will allow pedestrians to cross safely between the north and south parcels; that the application will be in character with the area; and that the application is consistent with the Comprehensive Plan and the Zoning Code.

Mr. Fuqua noted that the Applicant voluntarily offered Condition N that if the approved RPC is voided for any reason listed in the Code, the underlying HR-1 zoning would revert back to the zoning in place on the date of approval.

Mr. Fuqua presented a request for a modification of Condition F regarding construction hours. He stated that the Applicant has no objection, in general, to Condition F except for one point: the Condition prohibits any Saturday construction hours. The Applicant is requesting that Condition F be modified so that the prohibition on Saturday hours would only be in effect from May 15 to September 15th (and could be limited to 8:00 a.m. to 5:00 p.m.).

Mr. Fuqua commented on some of the letters in the record relating to traffic, and fire and police needs. He stated that, based on the road and intersection improvements that DelDOT is requiring of the Applicant per the two Traffic Impact Studies, the Development's impact will be mitigated and the long term traffic function in the area will ultimately be improved once the improvements are completed.

Mr. Fuqua stated that the Tunnell Companies has its own safety division and they will be responding to a lot of the lesser involved issues instead of the State Police. He also noted a letter in the record from the Indian River Fire Company thanking the Tunnell Companies for their pledge of \$150,000 toward the purchase of equipment, which is ideally suited for situations involving multi-story condominium and apartment buildings.

Council questioned if there would be a sidewalk between Banks Road and Greens Way, referenced the proposal to widen the current pathway to 10 feet which would be made a part of the multi-modal pathway, and questioned if this should be included in the proposed conditions. Council also commented on traffic burden, adequate Level of Service, the cumulative effect of traffic, the schedule for the four-lane road development, and the need for a municipal police force in the area.

**Public  
Hearing/  
CZ 1922  
(continued)**

**In response to questions, the Applicant's representatives stated that this project will result in approximately 2,800 daily trips (which is spread out through the day); and that it is not peak hour traffic. Additionally, DelDOT has a significant number of projects on Route 24, mostly to the east; however, these projects will have a ripple effect and will improve traffic flow in this project area also.**

**Mr. Rieley requested a copy of the traffic schematic.**

**Public comments were heard.**

**There were no public comments in support of the application.**

**Paul Greenblath spoke in opposition to the proposed project and expressed concern about the additional number of vehicles this project will bring to the area; that traffic in Long Neck is already a bottleneck; that if they build 540 apartments, there will be 2,000 more cars; that the number of accidents will increase; that the area is over-crowded now; and that the County needs to put the brakes on development.**

**John Dill (representing the Bayshore Townhomes/Condo Owners Association) stated that he was not speaking in favor of nor against the application. He questioned what is actually going to happen at the intersection across from Bayshore Drive and Baywood Gardens – is it just going to be an intersection or will there be a traffic signal there; that they question how vehicles will enter and exit Bayshore Drive; that there is concern about vehicles taking a shortcut through their development; that children's safety is a concern; that he questions if there will be sidewalks on their side of the road to go to Beebe Medical Center; and he questions how the project will affect stormwater management in Bayshore.**

**Jean Bartlett (representing the Bayshore Condo Association) questioned the impact the apartment buildings will have on the schools and stated that she does not think the area will support 500 more people; that there are not enough jobs for the additional people; that she questions what the 20 foot buffers will look like between Bayshore and the Baywood Gardens apartment buildings that are proposed; and that they do not want construction to take place on Saturdays or Sundays, not even in the winter.**

**Joyce Jason stated that changing the zoning will set a precedent; that no additional development is needed; that emergency response is a concern; that traffic is a bottleneck; that there is a lengthy line-up of school traffic on School Street to Long Neck Road; that a State Police sub-station is needed in the area; that speed limits need to be enforced; and that more streetlights are needed in the area.**

**Eul Lee stated that there are no plans for DelDOT to dualize up to Love Creek Bridge on Route 24 until the Year 2045, so she does not know if DelDOT plans to dualize up to the location of the proposed project. Ms.**

**Public  
Hearing/  
CZ 1922  
(continued)**

Lee questioned the location of the amenities in the proposed project being located all on one side and she stated that the residents of the southern site would have to walk a total of .4 miles including crossing the road; that the area does not have affordable options and she questions what the rental rates will be for this project. Ms. Lee stated that she questions if Route 24 can handle the additional 2,800 daily trips generated by the Baywood Gardens project and asked Council to look at the cumulative impacts on the area.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 291 21  
Defer  
Action on  
CZ 1922**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to defer action on Change of Zone No. 1922 filed on behalf of Baywood, LLC.

**Motion Adopted: 5 Yeas.**

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

**M 292 21  
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to adjourn at 3:49 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,**

**Robin A. Griffith  
Clerk of the Council**

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

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 115, ARTICLE XX BY AMENDING SECTION 115-156 TO**  
3 **CLARIFY THAT THE LOT AREA WITHIN TABLES II AND III REFERS**  
4 **TO THE LOT AREA WITHIN EACH PARTICULAR ZONING DISTRICT.**

5  
6 WHEREAS, pursuant to the provisions of Title 9, Chapter 69 of the Delaware Code,  
7 Sussex County has been granted the power and authority to regulate zoning; and

8  
9 WHEREAS, the Sussex County Zoning Code currently provides that the density  
10 calculation for multifamily structures is determined based on an entire parcel of land  
11 and not the boundaries and area of the zoning district where those structures will be  
12 located; and

13  
14 WHEREAS, Sussex County wishes to amend the Zoning Code to clarify the  
15 calculation of density so that it is clear that only the area of land within a particular  
16 zoning district or within the area of a conditional use to allow such structures shall  
17 be used to calculate the density for multifamily structures; and

18  
19 WHEREAS, Sussex County Council believes that this legislation will promote the  
20 health, safety, morale, convenience, order, prosperity and/or welfare of its citizens.

21  
22 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

23  
24 **Section 1. The Code of Sussex County, Chapter 115, Article XX, §115-156**  
25 **“Requirements”, B thereof, is hereby amended by deleting the language in**  
26 **brackets and inserting the italicized and underlined language:**

27  
28 Section 115-156 Requirements.

29  
30 . . .

31  
32 B. The height, area and bulk requirements for multifamily structures when permitted  
33 in the MR, GR, UR, UB, M, [and] *B-1, B-2, B-3*, C-1, CR-1, C-2, C-3, C-4 and C-5  
34 Districts (as may be applicable) shall be as set forth in Tables *II and III.*, and in the  
35 B-1, B-2 and B-3 Districts (as may be applicable) shall be as set forth in Table III.]  
36 *The “Lot Area (square feet per dwelling unit)” calculation set forth in Tables II and*  
37 *III shall be determined using only the area of land within the zoning district or*  
38 *conditional use where the multifamily structures will be located within the*  
39 *development.*

**Introduced 06/15/21**

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD 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 an extension of sanitary sewer services to Lochwood (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; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the 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 \$4,723,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

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 costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

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 Lochwood extension.

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 40 years from the date of issue of the Bonds, 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 United States of America, Rural Utilities Service (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.

**SYNOPSIS:** This Ordinance provides for the issuance of up to \$4,723,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Lochwood (the "Project").

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. \_\_\_\_ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_\_ DAY OF JUNE, 2021.**

\_\_\_\_\_  
Robin A. Griffith  
Clerk of the Sussex County Council

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Zinzer Property (Estuary Phase 5) Expansion of the Sussex County Unified Sanitary Sewer District

### PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for a public hearing for an Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area) on May 25<sup>th</sup>, 2021
- The Engineering Department had received a request from George, Miles & Buhr, LLC on behalf of their client Estuary Development, LLC the owners/developers of a project known as The Estuary for parcel 134-19 .00-105.05.
- The project is proposed as 34 single family homes and is designated as Phase 5 of the project.
- The project will be responsible for System Connection Charges based on current rates.
- The Engineering Department posted notices on the property and surrounding area on June 22, 2021, added to the county website and advertised the weeks of June 28<sup>th</sup> and July 5<sup>th</sup>
- To date we have no correspondence either in support or opposition to the expansion.



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

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
ZINZER EXPANSION  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

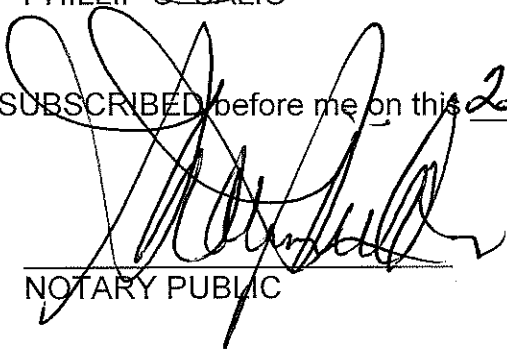
COUNTY OF SUSSEX )(

BE IT REMEMBERED That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On June 22, 2021 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 22, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post on the southwesterly property line of the expansion area 140'± southeast of the current end of Sea Spray Lane,
  - 2. On a post on the southwesterly property line of the expansion area 163'± southeast of the current end of Sea Spray Lane,
  - 3. On a post on the southwesterly property line of the expansion area 175'± southeast of the current end of Sea Spray Lane,
  - 4. On a post on the southwesterly property line of the expansion area 190'± southeast of the current end of Sea Spray Lane,
  - 5. On a post in front of a stop sign at the intersection of Double Bridges Road and Lutes Lane, The Woodlands at Bethany,
  - 6. On a post in front of a stop sign at the intersection of Double Bridges Road and Lindel Lane, The Woodlands at Bethany,
  - 7. On a post in front of a stop sign at the intersection of Camp Barnes Road and Estuary Boulevard, The Estuary subdivision.
  - 8. On a post in front of a stop sign at the intersection of Camp Barnes Road and Watch Hill Road, The Estuary subdivision

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 22<sup>nd</sup> day of June A.D., 2021

  
NOTARY PUBLIC

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

My Commission Expires 6/14/22

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE ONE LANDLOCKED PARCEL OF LAND AT THE CURRENT END OF SEA SPRAY LANE LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Miller Creek area and further described as follows:

**Beginning** at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being a shared property corner of lands Now-Or-Formerly of Donna M. Zinzer and Estuary Development LLC; thence proceeding by and with said SCUSSD boundary the following courses and distances 1) N60°38'45"W 719.53', (2) N44°30'07"W 38.98', (3) N26°26'09"W 31.03', (4) N13°34'23"W 30.79', (5) N10°07'12"W 35.23', (6) N02°26'38"W 74.71', (7) N 66°38'06"W 152.98', (8) S29°25'10"W 65.26', (9) N66°23'31"W 239.97', (10) N71°30'50"E 503.52', (11) N37°24'16"W 593.88, (12) N52°02'54"E493.86', (13) S39°23'34"E 857.86, (14) S51°35'59"W 470.29', (15) S46°43'15"E 1025.52' to a point, said point being a common property corner of lands N/F Camp Barnes Inc and State of Delaware; thence leaving said SCUSSD boundary and continuing by and with said Estuary Development lands the following three courses and distances (1) S45°54'51"E 584.38', (2) S31°10'36"W 324.67', (3) N50°45'15"W436.32' to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

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

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

# PUBLIC NOTICE

## PROPOSED ZINZER PROPERTY EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLER CREEK AREA)

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **May 25, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Miller Creek Area, to include the Zinzer Property at the end of Sea Spray Lane inside The Estuary, being situate in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

**Beginning** at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being a shared property corner of lands Now-Or-Formerly of Donna M. Zinzer and Estuary Development LLC; thence proceeding by and with said SCUSSD boundary the following courses and distances 1) N60°38'45"W 719.53', (2) N44°30'07"W 38.98', (3) N26°26'09"W 31.03', (4) N13°34'23"W 30.79', (5) N10°07'12"W 35.23', (6) N02°26'38"W 74.71', (7) N 66°38'06"W 152.98', (8) S29°25'10"W 65.26', (9) N66°23'31"W 239.97', (10) N71°30'50"E 503.52', (11) N37°24'16"W 593.88, (12) N52°02'54"E493.86', (13) S39°23'34"E 857.86, (14) S51°35'59"W 470.29', (15) S46°43'15"E 1025.52' to a point, said point being a common property corner of lands N/F Camp Barnes Inc and State of Delaware; thence leaving said SCUSSD boundary and continuing by and with said Estuary Development lands the following three courses and distances (1) S45°54'51"E 584.38', (2) S31°10'36"W 324.67', (3) N50°45'15"W436.32' to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records. The annexation contains 26.96 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

**The public hearing will be held on this issue at 10:30 a.m. on July 13, 2021 in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E.  
County Engineer



# Proposed Annexation Zinzer Property (Estuary Ph 5)

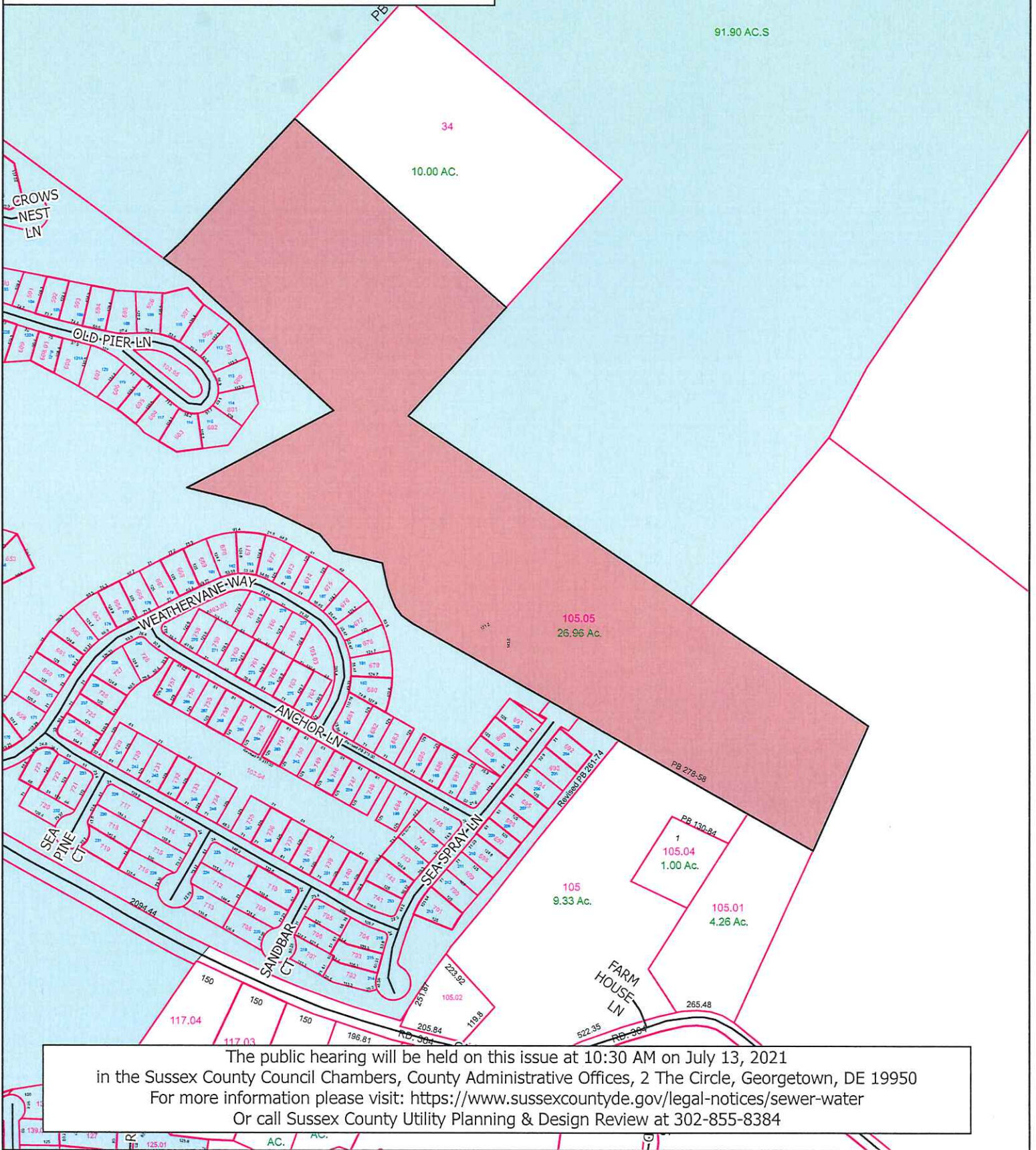
Existing SSD Parcel 134-19.00-105.05



0 130 260 520 Feet



6/2/2021



The public hearing will be held on this issue at 10:30 AM on July 13, 2021  
in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, DE 19950  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning & Design Review at 302-855-8384

## ENGINEERING DEPARTMENT

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

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

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Higgins Re/Max Expansion of the Sussex County Unified Sanitary Sewer District

### PUBLIC HEARING FACT SHEET

- County Council grant permission to prepare and post notices for a public hearing on the Expansion of the Sussex County Unified Sanitary Sewer District (Blades Area) on May 25<sup>th</sup>, 2021.
- The Engineering Department had received a request from the property owners of parcel 132-1.00-15.00.
- This is an existing business that would like to be included in our project currently being completed for the commercial properties along Route 13.
- The project will be responsible for System Connection Charges based on current rates.
- The Engineering Department posted notices on the property and in the surrounding area on June 24, 2021, added to the county website and advertised the weeks of June 28<sup>th</sup> and July 5<sup>th</sup>.
- To date we have received no correspondence either in support or opposition to the expansion.



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



## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCEL 132-1.00-15.00 ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Sussex Highway (Rt. 13), south of the Town of Blades, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the east side of Sussex Highway, south of the Town of Blades, as follows:

**Beginning** at a point, said point being on the SCUSSD boundary, said point also being a property corner of lands Now-Or-Formerly (N/F) of RO/AX LLC, said point further being on the southeasterly property line of lands N/F of SNL Farms LLC; thence leaving said SCUSSD boundary proceeding by and with said RO/AX LLC boundary and following the meanderings of a 14' ditch in a generally easterly direction a distance of 442'± to a point, said point being on the westerly Right-Of-Way (ROW) of Sussex Highway (Rt. 13); thence proceeding by and with said ROW in a northerly direction a distance of 223' to a point, said point being a boundary corner of the SCUSSD boundary; thence continuing with said ROW and SCUSSD boundary in a northerly direction a distance of 119'± to a point said point being a property corner of lands N/F of SNL Farms LLC; thence leaving said ROW and proceeding by and with said SCUSSD boundary in a southwesterly direction a distance of 531'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using the Sussex County Tax Map 132-1.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is in brown.

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

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

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
HIGGINS RE/MAX EXPANSION  
AFFIDAVIT FOR PUBLIC HEARING

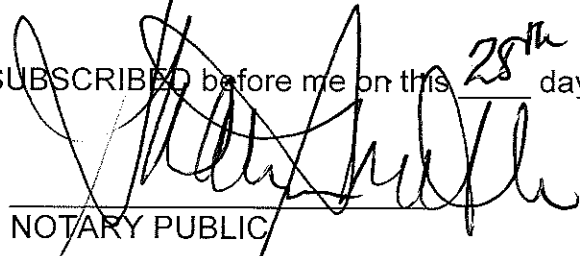
STATE OF DELAWARE )( :  
COUNTY OF SUSSEX )(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On June 24, 2021 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 24, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post in the westerly Right-Of-Way (ROW) of Sussex Highway, 1,568'± south of Brickyard Road;
  - 2. On a post in the westerly ROW of Sussex Highway, 1,624'± south of Brickyard Road, 1,737'± south of Brickyard Road;
  - 3. On a post in front of Delmarva Power Pole 47092/02875 in the westerly ROW of Sussex Highway, 1,737'± south of the intersection of Sussex Highway and Brickyard Road;
  - 4. On a post in front of Delmarva Power Pole 47094/02859 in the westerly ROW of Sussex Highway, 1,871'± south of Brickyard Road;
  - 5. On the Public Notice Board at the Blades Town Hall, 20 West Fourth Street, Blades Delaware;
  - 6. On a post in front of a stop sign at the exit of Royal Farms Store on Concord Road;
  - 7. On a post in front of a stop sign at the intersection of Meadow Drive and Concord Road, Little Meadows subdivision;
  - 8. On a post in front of Delmarva Power pole 47049/03096 in the easterly ROW of Brickyard Road, 201'± southeast of Concord Road.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 28<sup>th</sup> day of June A.D., 2021

  
NOTARY PUBLIC

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

My Commission Expires 6/14/22

# **PUBLIC NOTICE**

## **PROPOSED HIGGINS RE/MAX EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (BLADES AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on May 25, 2021 to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Blades Area, to include one parcel along the Sussex Highway (US Rt. 13) area, being situate in Broad Creek Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

**Beginning** at a point, said point being on the SCUSSD boundary, said point also being a property corner of lands Now-Or-Formerly (N/F) of RO/AX LLC, said point further being on the southeasterly property line of lands N/F of SNL Farms LLC; thence leaving said SCUSSD boundary proceeding by and with said RO/AX LLC boundary and following the meanderings of a 14' ditch in a generally easterly direction a distance of 442'± to a point, said point being on the westerly Right-Of-Way (ROW) of Sussex Highway (Rt. 13); thence proceeding by and with said ROW in a northerly direction a distance of 223' to a point, said point being a boundary corner of the SCUSSD boundary; thence continuing with said ROW and SCUSSD boundary in a northerly direction a distance of 119'± to a point said point being a property corner of lands N/F of SNL Farms LLC; thence leaving said ROW and proceeding by and with said SCUSSD boundary in a southwesterly direction a distance of 531'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 132-1.00 and Sussex County property assessment records. The annexation contains 1.3 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched and highlighted.

**The public hearing will be held on this issue at 10:30 a.m. on July 13, 2019 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E. County  
Engineer

# Proposed Annexation Higgins RE/MAX

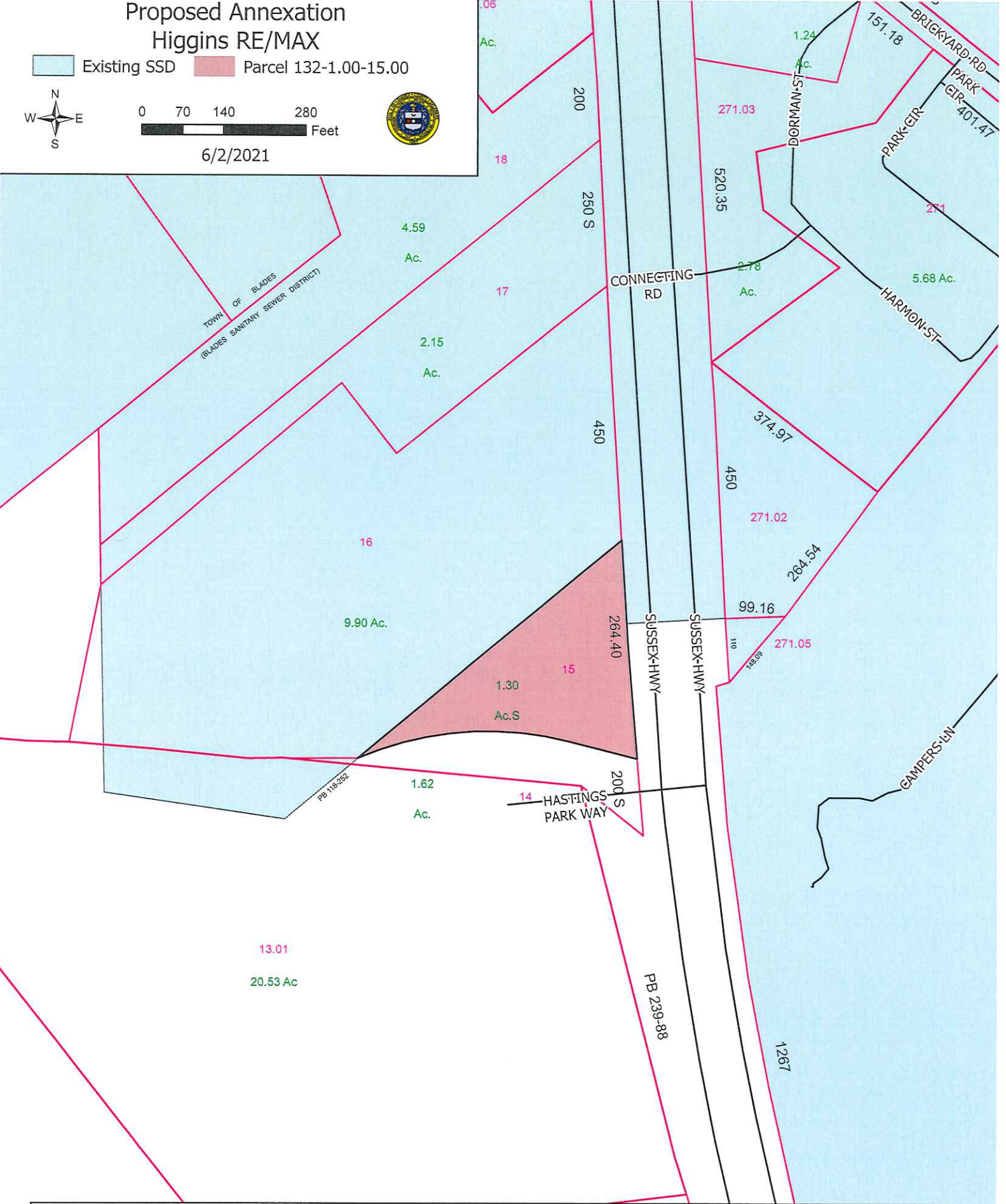
Existing SSD Parcel 132-1.00-15.00



0 70 140 280 Feet



6/2/2021



The public hearing will be held on this issue at 10:30 AM on July 13, 2021  
in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, DE 19950  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning & Design Review at 302-855-8384



## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
AIRPORT & BUSINESS PARK (302) 855-7774  
ENVIRONMENTAL SERVICES (302) 855-7730  
PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7773



# Sussex County

DELAWARE

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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

ROBERT L. BRYANT, A.A.E.  
AIRPORT MANAGER

## MEMORANDUM

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

**FROM:** Hans Medlarz, P.E., County Engineer &  
Robert L. Bryant, A.A.E., Manager, Airport & Business Park

**RE:** *Assignment of Hangar Lease*

**DATE:** July 1, 2021

Representatives from Seneca Flight, LLC and Schell Aviation LLC are seeking approval by the Sussex County Council for an Assignment of Commercial Lease Agreement. The current lease is held by Seneca Flight, LLC and will be assigned to Schell Aviation LLC.

There's quite a bit of history to this lease and the hangar building improvement(s) made upon the leased property:

- Original Lease made and entered into with Sean Carroll on May 16, 2006
- 30-year initial term, expires January 31, 2037
- Two 10-year extensions, with tenant and landlord approvals
- Lot Number 5 on Aviation Avenue – 21,658 sq ft.
- Improvement made with a 10,000 sq ft hangar
- Sussex County Council approved an Assignment of Lease in May 2008 from Sean Carroll to M&C Group.
- Sussex County Council approved an Assignment of Lease in August 2016 from M&C Group to Seneca Flight.
- Rent currently at \$10,224 per year, adjusted annually

Article 12, in the Agreement of Lease requires, ***“The Tenant shall not have the right to assign the Lease or enter into a sublease without Landlord’s prior written approval”.***



Additionally, Article 12 requires, ***“In the event Tenant seeks to sell the hangar constructed on the leased property, Tenant shall notify Landlord of its intentions, and the terms and conditions thereof. Tenant shall first offer to sell the hangar to Landlord upon the same terms and conditions.”***

The contents of Article 12 have been considered and it is the recommendation by Sussex County administration to approve the lease assignment from Seneca Flight LLC to Schell Aviation LLC.

Attachment 1 – Proposed Assignment of Lease / Request for Approval of Assignment

Attachment 2 – Assignment of Commercial Lease Agreement and Consent of Sussex County

Attachment 3 – Agreement of Lease, May 16, 2006



SENT VIA EMAIL AND OVERNIGHT COURIER

June 2, 2021

Todd F. Lawson, County Administrator  
Sussex County Administration Building  
2 The Circle, First Floor  
Georgetown, Delaware 19947

Re: Sussex County Airport / Lease (the "Lease") for Lot 5 / Known or Identified As:  
21785 Aviation Avenue, Georgetown, DE (the "Property") / Proposed  
Assignment of Lease / Request for Approval of Assignment

Dear Mr. Lawson:

As you may recall, the above-referenced Lease, which originated on May 16, 2006, was most recently assigned on July 11, 2016 by M & C Group, Inc. to Seneca Flight, LLC ("Seneca"). A true and correct copy of the Lease, and all subsequent assignments, are attached hereto.

Seneca now wishes to assign said Lease to Schell Aviation, LLC. Pursuant to Paragraph 12 of the Lease, any assignment of the Lease is required to be approved in writing by Sussex County before it is effectively binding on the parties. A proposed Assignment of Commercial Lease Agreement and Consent of Sussex County, Delaware Thereto (the "Assignment") is enclosed for your review and consideration. This document mirrors an assignment of the Lease previously approved by your office. I respectfully request that, upon review, the Assignment be presented to the Sussex County Council at its next available meeting, for its consideration and consent thereto in writing.

I appreciate your time, attention, and cooperation in addressing this request. As time is of the essence, please do not hesitate to contact me with any questions or concerns that may arise.

Sincerely,



Jonathan Horner, Esq.  
General Counsel

ATTACHMENT 1

**ASSIGNMENT OF COMMERCIAL LEASE AGREEMENT  
AND CONSENT OF SUSSEX COUNTY, DELAWARE THERETO**

**THIS ASSIGNMENT OF COMMERCIAL LEASE AGREEMENT AND CONSENT OF SUSSEX COUNTY, DELAWARE THERETO** (the "Assignment"), is made this \_\_\_ date of June, 2021 by and among SENECA FLIGHT, LLC, a Virginia limited liability company (the "Assignor"), SCHELL AVIATION LLC, a Delaware limited liability company (the "Assignee"), and Sussex County, Delaware, a county and political subdivision of the State of Delaware (the "County" or "Lessor"):

**WITNESSETH:**

**WHEREAS**, the County and Sean Carroll (the "Original Tenant") entered into an Agreement of Lease dated May 16, 2006 (the "Lease") whereby the Original Tenant leased Lot Number 5 from the County (the "Leased Property"), which Leased Property is known or identified by the address 21785 Aviation Avenue, Georgetown, Delaware 19947; and

**WHEREAS**, the Original Tenant and the County entered into an Assignment of Commercial Lease Agreement and Consent of Sussex County Delaware Thereto, dated May 1, 2008, whereby the Original Tenant and the County assigned the Lease for the Leased Property to M & C Group, Inc. ("M&C"); and

**WHEREAS**, Assignee and M&C agreed to transfer the business of the Leased Property to Assignee, whereupon M&C, Assignee, and the County entered into an Assignment of Commercial Lease Agreement and Consent of Sussex County Delaware Thereto, signed by M&C and Assignor on July 11, 2016, whereby the Original Tenant and the County assigned the Lease for the Leased Property to Assignor (a copy of the Lease and all assignments thereto are attached hereto as Exhibit A); and

**WHEREAS**, the Lease prohibits the transfer or assignment of the Lease without the written consent of the County; and

**WHEREAS**, the Assignor wishes to assign the Lease to the Assignee, and has requested that the County provide its written consent to such assignment as required by the Lease; and

**WHEREAS**, the County will consent to the Assignment, pursuant to the terms and conditions hereof;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Recitals: The above recitals are restated and incorporated herein by reference.
2. Conditions. In order for this Assignment to be effective, the Assignor must not be then in breach of any of the terms and conditions of the Lease.

3. Assignment of Lease. Provided the condition set forth in Paragraph 2 is met, the Assignor hereby assigns, sets over, and transfers to Assignee all of Assignor's right, title, and interest in, to, and under the Lease.

4. Assumption of Lease. Provided the condition set forth in Paragraph 1 is met, Assignee hereby assumes all liabilities and obligations of Assignor under the Lease arising from and after the date hereof.

5. Amendment to Notice Provisions. Notwithstanding anything to the contrary contained in the Lease, the address for notice under the Lease for the Tenant shall be:

Schell Aviation, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971  
Attn: Dustin Berlinger  
Email: Dustin@SchellBrothers.com

Schell Aviation, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971  
Attn: Jonathan Horner, Esq.  
Email: Jon.Horner@SchellBrothers.com

6. Reaffirmation of Right of First Refusal. The parties hereto confirm that Lessor's right of first refusal as set forth in Paragraph 12 of the Lease shall survive this Assignment and that said right of first refusal shall not be extinguished, terminated, or waived by Lessor's consent to this Assignment. Assignee expressly agrees to be bound by that right of first refusal.

7. Indemnity. Assignor agrees to indemnify, defend, and hold harmless Assignee and Lessor from any loss, cost, claim, liability, judgment, damage, expense, or demand of whatsoever nature under the Lease that arose or accrued prior to the date hereof. Assignee agrees to indemnify, defend, and hold harmless Assignor and Lessor from any loss, cost, claim, liability, judgment, damage, expense, or demand of whatever nature under the Lease arising or accruing on or after the date hereof.

8. Enforceability. The Assignor and Assignee each covenant that the execution and delivery of this Assignment, and all documents related thereto, are valid and legally binding upon the Assignor and Assignee, and are enforceable in accordance with their respective terms, subject to applicable bankruptcy, insolvency, reorganization, moratorium, fraudulent conveyance and other similar state or federal debtor relief laws from time-to-time in effect; general principles of equity, and general principles of commercial reasonableness and good faith.

9. Counterparts. This Assignment may be executed in counterparts, each of which shall be an original, and all of which counterparts, when assembled as a whole, shall constitute one and the same agreement.

10. Miscellaneous. This Assignment shall be interpreted in accordance with the laws of the State of Delaware, except for its conflicts of laws provisions, without reference to the party causing the same to be prepared. Where used herein, the plural shall refer to the singular, the singular to the plural, and one gender to the other or the neuter, where the context so requires. No modification to this Assignment shall be binding unless in writing and signed by the party against whom such modification is sought to be enforced.

[Remainder of this Page is Intentionally Left Blank]



**ASSIGNOR:**

SENECA FLIGHT, LLC, a Virginia limited liability company

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ [Seal]  
Name:  
Title

**ASSIGNEE:**

SCHELL AVIATION LLC, a Delaware limited liability company

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ [Seal]  
Name:  
Title

**SUSSEX COUNTY CONSENT HERETO:**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ [Seal]  
Name:  
Title

**APPROVED AS TO FORM:**

\_\_\_\_\_ [Seal]  
County Attorney

Date: \_\_\_\_\_

2-4

**EXHIBIT A**

Lease and Assignments

THIS IS AN AGREEMENT OF LEASE, Made and entered into this 16<sup>th</sup> day of MAY, A. D. 2006, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, party of the first part, hereinafter referred to as "Landlord",

-AND-

SEAN CARROLL, having an address of Kimble's Aviation, 21513 Rudder Lane, Georgetown, Delaware 19947, party of the second part, hereinafter referred to as "Tenant".

WITNESSETH:

IN CONSIDERATION of the mutual covenants hereinafter expressed, the parties hereto agree as follows:

1. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, subject to the conditions hereinafter expressed, that certain airplane hangar site situate upon the lands of the Sussex County Airport, Sussex County, Delaware, (the "Leased Property") identified as **Lot Number 5**, and having a **physical address of 21785 Aviation Avenue, Georgetown, Delaware 19947**, as shown on a drawing identified as "Lot, Hangar Layouts" dated August, 2004 prepared by Delta Airport Consultants and attached hereto as Exhibit A, and being more particularly described as follows:

SEE EXHIBIT B

2. Landlord agrees that the Tenant, its servants, employees, agents and invitees shall have at all times the free and uninterrupted right of access to the said Leased Property.

3. It is mutually agreed by the parties hereto that the term of this Lease shall be for a period of thirty (30) years, prorated to commence on the 16<sup>th</sup> day of MAY, A. D. 2006, and

terminating on the 31st day of January, A. D. 2007, both dates inclusive, unless sooner terminated as provided herein; provided, however, that the term of this Lease may be extended for two (2) additional ten (10) year periods, unless written notice is given either by Landlord or the Tenant hereto to the other party, at its last known address, that this Lease shall not be so extended by Registered or Certified Mail with return receipt requested, on or before the 15<sup>th</sup> day of August, A.D. ~~2036~~<sub>2031</sub>, or similar date not less than one hundred eighty (180) days prior to the expiration of any extension period, if this Lease is extended for any additional period.

4. Tenant agrees to pay to Landlord monthly rental at the rate of Seven Hundred Fifty Dollars (\$750.00) per month, said rental payments are due in advance on or before the 1<sup>st</sup> day of each month of said year's of this Lease for an annual base rental of Nine Thousand Dollars (\$9,000.00). Payments made after the 15<sup>th</sup> day of the month in which monthly rental payment is due shall be subject to a late fee of 5% of total amount outstanding. Tenant agrees to pay the rental payments to the **Sussex County Council, Attention: Director of Accounting, at the Sussex County Administrative Office Building, 2 The Circle, P.O. Box 589, Georgetown, Sussex County, Delaware, 19947**, or at such other place or places as the Landlord may designate in writing. Failure of the Tenant to pay to Landlord the monthly rental referred to herein shall be construed as a default of Lease, and this Lease may be terminated by Landlord by reason of said default (paragraph 23). No rent shall be due and owing from Tenant to Landlord during first 24 months of this Lease.

Beginning with the sixth (6th) year of this Lease and continuing throughout any renewal periods, the annual rental charge shall escalate by a percentage increase equal to the most recent Consumer Price Index for All Items, All Urban Consumers, U.S. City Average (CPI-U Table A,



unadjusted as published monthly by the United State Department of Labor, Bureau of Labor Statistics. If the CPI-U should be discontinued, then another index generally recognized as authoritative shall be substituted under this Lease as selected by Landlord. In no event shall the annual rental amount decrease from the amount paid during the preceding year.

5. Tenant agrees, in addition to the fixed rental provided for herein, to pay all lawful taxes levied upon the buildings and improvements erected or to be erected upon the leased property which are lawfully assessed during the term of this Lease or any renewal or extension thereof.

6. Tenant shall erect a hangar of <sup>As</sup> 10,000 square feet with a hangar door of at least 22 feet in height upon the leased property and to install thereon associated equipment as shall be appurtenant and necessary thereto. Such improvements shall be at Tenant's sole cost and expense, including all necessary fees and permits. Construction of any and all improvements on the leased property shall be subject to approval by the County Engineer and shall be in compliance with all governmental requirements. Construction of said hangar shall commence within one hundred eighty (180) days of the execution of this Lease and shall be completed within eighteen (18) months after the date of execution of this Lease. The construction and use of the leased property and the hangar to be constructed thereon shall at all times comply with all laws, orders, ordinances, regulations, and requirements of any governmental authority having jurisdiction. Use of the leased property shall also comply with National Fire Protection Associated Standard 409 relating to aircraft hangars. Tenant shall retain title to such improvements during the term hereof and until the termination or expiration of this Lease. Tenant or its successors shall deliver up to the Landlord such improvements as may then be upon

the demised leased property, except removable trade fixtures. Tenant shall maintain the leased property, including any improvements thereon in good, clean condition, free from noxious activities or appearance and in accordance with any current or future Airport guidelines or policies.

In addition, Tenant shall be responsible for all sitework, excavation, underlayment, paving, and construction of the vehicle parking area and apron connecting the hangar to Landlord's taxilane. Site Plans showing the specifications and location of said parking areas and apron shall be submitted to the County Engineer for review and approval.

7. Use of the leased property shall be limited to active aviation purposes only, and the Tenant agrees to supply to Landlord information as to the type and identifying number of the aircraft using the property. Currently, the Aircraft Identifying Number is: N 6373Y <sup>100</sup>

The storage of non-aviation related equipment and materials is strictly prohibited.

8. Landlord agrees that Tenant may, with approval of the Airport Manager, place or erect on any part of the said Leased Property a flat sign of reasonable size bearing the trade name of Tenant.

9. The Landlord shall at all times under the terms hereof maintain the Sussex County Airport as an active airport facility in compliance with the regulations of the Federal Aviation Administration.

10. Tenant agrees that Landlord shall not be required to furnish to Tenant any facilities or services of any kind, such as, but not limited to, steam, heat, gas, hot water, trash removal, electricity, light or power, except as otherwise provided specifically in this Lease. Landlord represents, however, that telephone, electricity, sanitary sewers and water are available

within Airport and will initially be brought to the boundary of the Tenant's site at no expense to Tenant. Landlord shall be responsible for "Water and Sewer Tap" fees and "Impact" fees.

11. Tenant agrees during the term of this Lease or any renewal or extension thereof, to comply with all laws, ordinances, lawful orders and regulations issued by the Federal Aviation Administration or any other governmental authority which affect or have jurisdiction over the said Leased Property.

12. The Tenant shall not have the right to assign this Lease or enter into a sublease without Landlord's prior written consent. In the event Tenant seeks to sell the hangar constructed on the leased property, Tenant shall notify Landlord of its intentions, and the terms and conditions thereof. Tenant shall first offer to sell the hangar to Landlord upon the same terms and conditions.

13. Landlord shall have the right to enter the Leased Property at any time for inspections or to make repairs, additions or alterations as may be necessary for the safety, improvement or preservation of the Leased Property.

14. Tenant agrees to accept all facilities on the Leased Property and at the Airport on an "as-is" basis. Further, Landlord disclaims and Tenant accepts the disclaimer, of any warranty, either express or implied, of the condition, use, or fitness of any tie downs, ropes, and chains used to secure Tenants' airplanes or the airplanes of other airport users, and Tenant assumes full responsibility to furnish any equipment to properly secure Tenant's aircraft. Further, Tenant accepts and recognizes that Tenant and Tenant's agents are responsible for setting parking brakes, placing chocks, and tying down and checking the aircraft.

15. Tenant further agrees that Tenant will not hold Landlord and/or any of its agents,

employees, directors, officers, volunteers, consultants and elected or appointed officials responsible or liable for any loss occasioned by fire, theft, rain, windstorm, hail or from any other cause whatsoever, whether the cause be the direct, indirect or merely a contributing factor in producing the loss or damage to any airplane, automobile, the hangar and associated equipment as shall be appurtenant and necessary thereto, or any other personal property, parts or surplus that may be located in or stored outside of the hangars, or upon the apron, field, runways, taxiways or other location at the airport; and Tenant agrees that the airplane(s) and their contents are stored, whether on the field or in a hangar, at Tenant's own risk. To the fullest extent permitted by law, Tenant waives any right of recovery from Landlord for any loss of or damage to its real or personal property, improvements and aircraft, regardless of the cause of origin, including the negligence of the Landlord and its agents, employees, directors, officers, volunteers, consultants and elected or appointed officials. Tenant shall advise its property insurer(s) of the foregoing and such waiver shall be permitted under any insurance policies maintained by Tenant. And further, to the fullest extent permitted by law, Tenant agrees to hold harmless, indemnify and defend the Landlord, and its agents, employees, directors, officers, volunteers, consultants and elected or appointed officials from and against any and all claims, damages, liability and defense costs arising from the Tenant's occupancy of the Leased Property or operations incidental thereto or its obligations under the Agreement, unless such claims, damages, liability and defense costs results directly from the sole negligence of the Landlord.

16. Landlord agrees, covenants and represents as follows:

(a) That the Tenant, its volunteers, servants, employees, agents and invitees shall at all times during the term of this lease and any renewal thereof, have free and uninterrupted non-



exclusive right of access in common with others (over paved roadways) to the leased property herein relevant for all varieties and types of vehicular traffic and movement. And, Tenant shall have the right in common with others so authorized, to use the common areas of the airport, including runways, taxiways, taxilanes, aprons, roadways, and other conveniences for the ground movement, take-off, flying and landing of aircraft. Landlord agrees, at no expense to Tenant to provide and maintain all roadways required to afford such access to the Leased Property from nearby public highways and roads. Provided, however, that Landlord shall not be obligated to provide snow removal services or any other maintenance on Tenant's Leased Property in the hangar area.

(b) That the leased property herein relevant is owned in fee simple by the Landlord and that the leased property herein relevant is free from any encumbrances of any type.

(c) That the Landlord has the right to make this Lease and that it will execute or procure any further assurances of title that may be required by the Tenant.

(d) That telephone and electric services are and will be available to the Tenant from facilities installed to the general proximity of the boundary line of the leased property described herein by Landlord or parties other than Tenant. Tenant shall solely be responsible for connecting to and for paying all such utilities during the term of this Lease.

17. Landlord reserves the right to further develop or improve the landing and ground movement areas of the airport as it sees fit, regardless of the view or desires of the Tenant and without Tenant's interference or hindrance. If the development at the airport requires the relocation of the Tenant, the Landlord agrees to provide a compatible location and agrees to relocate all buildings or provide similar facilities for Tenant at no cost to Tenant. In addition, it

is specifically agreed that this Lease is non-exclusive and that Landlord reserves the right to lease other property at the facility for identical or similar uses.

18. Tenant agrees during the term of this Lease or any renewal or extension thereof, that any destruction or damage to any building or improvement on the said Leased Property by fire, windstorm or any other casualty shall not entitle Tenant to surrender possession of the said Leased Property or to terminate this Lease or to violate any of its provisions or to cause any rebate or abatement in rent then due or thereafter becoming due under the terms hereof.

19. It is mutually agreed by the parties hereto that any notice under this Lease shall be in writing and must be sent by Registered or Certified Mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. Landlord hereby designates its address as Sussex County Administrative Office Building, Attention: Director of Economic Development, 2 The Circle, P O Box 589, Georgetown, Delaware 19947. Tenant hereby designates its address as Kimble's Aviation, 21513 Rudder Lane, Georgetown, Delaware 19947.

20. It is mutually agreed by the parties hereto that the terms "Landlord" and "Tenant" shall refer to and bind not only the parties hereto but also their respective successors, heirs and assigns.

21. Statutory Lien - Landlord hereby claims any and all statutory or other liens which it may have upon the equipment, furniture, fixtures, and personal property of any Tenant or a Sub-Tenant placed upon the Leased Property, and Tenant agrees that Landlord has such a lien. Landlord agrees to subordinate its lien right to the lien of any mortgage, deed of trust, security instrument given by Tenant for the construction of the improvements and purchase of the

equipment, fixtures and personal property placed upon the leased property. Tenant shall furnish the Landlord copies of all such security instruments.

22. (a) Property Insurance – Tenant shall secure and maintain, at its own expense, all risk (special form) property insurance that insures against direct physical loss of or damage to Tenant's real and personal property located at or upon the Leased Property, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of all such property. Tenant shall also secure all risk (special form) business income and extra expense insurance in amounts satisfactory to protect its interests for loss of income or extra expense that result from direct physical loss of or damage to covered property located at or upon the Leased Property. The Landlord shall be an insured on Tenant's property and business income insurance as its interests may appear. Any deductible amount(s) selected by Tenant shall be the sole responsibility of the Tenant.

(b) Commercial General or Property Liability Insurance - Tenant shall secure and maintain, at its own expense, commercial general or property liability insurance which insures against bodily injury, personal and advertising injury and property damage claims arising from the Tenant's occupancy of the Leased Property or operations incidental thereto, with a combined single limit of \$1,000,000 per occurrence. Such insurance shall be endorsed to name Landlord, it's agents, employees, directors, officers, volunteers, consultants and elected or appointed officials as additional insureds.

(c) Aircraft Liability Insurance - Tenant shall secure and maintain, at its own expense, aircraft liability insurance which insures against bodily injury and property damage claims arising from Tenant's ownership, maintenance or use of aircraft while stored at or being

operated to or from the Leased Property, with a combined single limit of \$1,000,000 per occurrence.

(d) Aircraft Physical Damage Insurance - Tenant shall secure and maintain, at its own expense, aircraft physical damage insurance which insures against physical loss of or damage to owned and non-owned aircraft while stored at or being operated to or from the Leased Property by Tenant. Such physical damage insurance must be in an amount satisfactory to protect Tenant's interests in or liability for such aircraft. Any deductible amount(s) selected by Tenant shall be the sole responsibility of Tenant.

(e) Workers Compensation & Employers Liability - Tenant shall secure and maintain, at its own expense, workers compensation insurance and employers liability insurance with statutory benefits as required by any State or Federal law, including standard "other states" coverage and employers liability insurance with minimum limits of \$100,000 each accident for bodily injury by accident, \$100,000 each employee for bodily injury by disease and \$500,000 policy limit for bodily injury by disease.

(f) Evidence of Insurance/Insurers - Tenant shall furnish certificates of insurance, acceptable to Landlord, evidencing all policies required above at execution of this Agreement and prior to each renewal thereafter. Such insurance shall be written with insurers licensed to do business in Delaware, with a current Best's Financial Strength Rating of "A-" or better, and a financial size category of "VII" or better, unless otherwise approved by the Landlord. Such policies shall be endorsed and such certificates shall provide that no cancellation, non-renewal or material reduction in coverage can take effect unless 30 days prior written notice by registered mail is furnished to Landlord. Liability policies required herein may



not be written on a "claims made" basis without the prior written approval of Landlord. If Tenant shall fail, refuse or neglect to secure and maintain any insurance required of Tenant or to furnish satisfactory evidence of insurance, premiums paid by Landlord shall be recoverable by Landlord from Tenant, together with interest thereto, as additional rent promptly upon being billed therefore.

(g) All policy limits as stated herein shall be adjusted every five (5) years in accordance with increases in the consumer price index to levels satisfactory to Landlord.

23. (a) Events of Default Defined. The following shall be "events of default" under this Lease and the terms "event of default" or "default" shall mean, whenever they are used in this Lease any one or more of the following events:

(1) failure by the Tenant to pay the rents required to be paid at the times specified herein and continuing for a period of thirty (30) days after notice by mail is given to the Tenant that the rental payment referred to in such notice has not been received;

(2) failure by the Tenant to observe and perform any covenant, condition or agreement of this Lease on its part to be observed or performed, other than as referred to in subsection (1) of this Section, for a period of sixty (60) days after written notice, specifying such failure and requesting that it be remedied, given to the Tenant by Landlord, unless the Landlord shall agree in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the applicable period, the Landlord will not unreasonably withhold its consent to an extension of such time if it is possible to correct such failure and corrective action is instituted by the Tenant within the applicable period and diligently pursued until the default is corrected; or

(3) the dissolution or liquidation of the Tenant or the filing by the Tenant of a voluntary petition in bankruptcy, or failure by the Tenant promptly to lift or bond (if legally permissible) any execution, garnishment or attachment of such consequences as will impair its ability to carry on its operation, or the commission by the Tenant of any act of bankruptcy, or adjudication of the Tenant as bankrupt or assignment by the Tenant for the benefit of its creditors, or the entry by the Tenant into an agreement of compromise with its creditors, or the approval by a court of competent jurisdiction of a petition applicable to the Tenant in any proceedings for its reorganization instituted under the provisions of the Federal Bankruptcy Statutes, as amended, or under any similar act which may hereafter be enacted. The term "dissolution or liquidation of the Tenant", as used in this subsection, shall not be construed to include the cessation of the corporate existence of the Tenant resulting from a merger or consolidation of the Tenant into or with another corporation or of a dissolution or liquidation of the Tenant following a transfer of all or substantially all its assets.

(b) Remedies of Default. Whenever any event of default referred to in subsections (1) through (3) above shall have happened and be subsisting, Landlord may take any one or more of the following remedial steps:

(1) Apply any money or property of Tenant's in Landlord's possession to discharge in whole or in part any obligation or covenant to be observed or performed by Tenant hereunder.

(2) Perform any obligation or covenant to be performed by Tenant hereunder and charge Tenant therefore.

(3) Terminate the Lease.

(4) Enter the leased property and take possession of the same and hold Tenant liable for the rent thereafter accruing and due until such time as Landlord can obtain another suitable Tenant of the leased property under the same terms hereof.

(5) Enter the leased property and without notice immediately proceed by distress and sale of the goods there found to recover all rent then due and all costs and officers' commissions, including a reasonable constable's commission which costs and officers' commissions shall become part of the claim for rent. Tenant waives any limitation as to the goods upon which, or the time within which, distress and sale, may be made, waives any necessity for identifying the goods involved, and authorizes the sale of such goods at any time without any appraisal or condemnation thereof.

(c) No remedy herein conferred upon or reserved to Landlord or Tenant shall exclude any other remedy herein or by law provided, but each shall be cumulative and in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

24. Tenant agrees that any waiver by Landlord of the performance of any one of the conditions of this Lease shall not be deemed to constitute a waiver of the right of Landlord to proceed against Tenant upon any subsequent breach of the same or other conditions of this Lease.

25. Tenant shall pay to Landlord, Landlord's reasonable attorney's fees if Landlord employs an attorney or requires the use of an attorney, including appointed County Attorneys, to protect the interest of Landlord if Tenant is adjudged bankrupt, or legal process is levied upon the interest of the Tenant in the Lease or the Leased Property, or if Tenant violates any of the

terms of this Lease or Landlord is otherwise required, in Landlord's exclusive judgment, to protect and defend the interests of Landlord under this Lease.

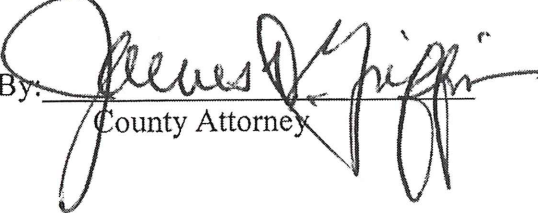
26. The terms, conditions, covenants and provisions of this Lease shall be deemed to be severable. If any clause or provisions herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect. The Landlord may pursue the relief or remedy sought in any invalid clause, by conforming the said clause with the provisions of the statutes or the regulations of any governmental agency in such case made and provided as if the particular provisions of the applicable statute or regulations were set forth herein at length.

27. In all reference herein to any parties, person, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require. All the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties hereto, and their heirs, executors, administrators, personal or legal representatives, successors and assigns.

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

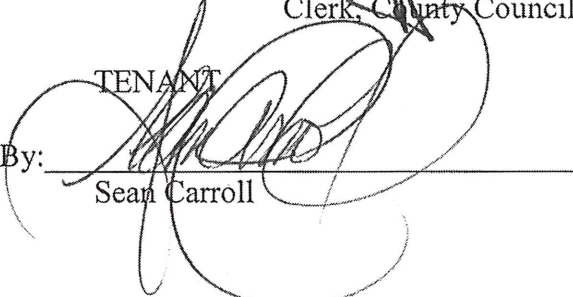
SUSSEX COUNTY

APPROVED AS TO FORM:

By:   
County Attorney


By:   
President of County Council

Attest:   
Clerk, County Council

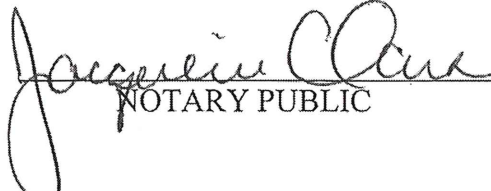
TENANT  
By:   
Sean Carroll



STATE OF DELAWARE :  
: ss.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 30<sup>th</sup> day of May, A. D. 2006,  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
 \_\_\_\_\_, President of Sussex County Council, a political subdivision of  
the State of Delaware, party to this Indenture, known to me personally to be such, and  
acknowledged this indenture to be his act and deed and the act and deed of the said political  
subdivision; that the signature of the President is in his own proper handwriting; that the seal  
affixed is the common and corporate seal of the said political subdivision, duly affixed by its  
authority; and that the act of signing, sealing, acknowledging and delivering the said indenture  
was first duly authorized by resolution of the members of Sussex County Council.

GIVEN under my hand and Seal of Office, the day and year aforesaid.

  
NOTARY PUBLIC

**Jacqueline D. Clark**  
**Notary Public**  
**State of Delaware**  
**Commission Expires 6/20/07**

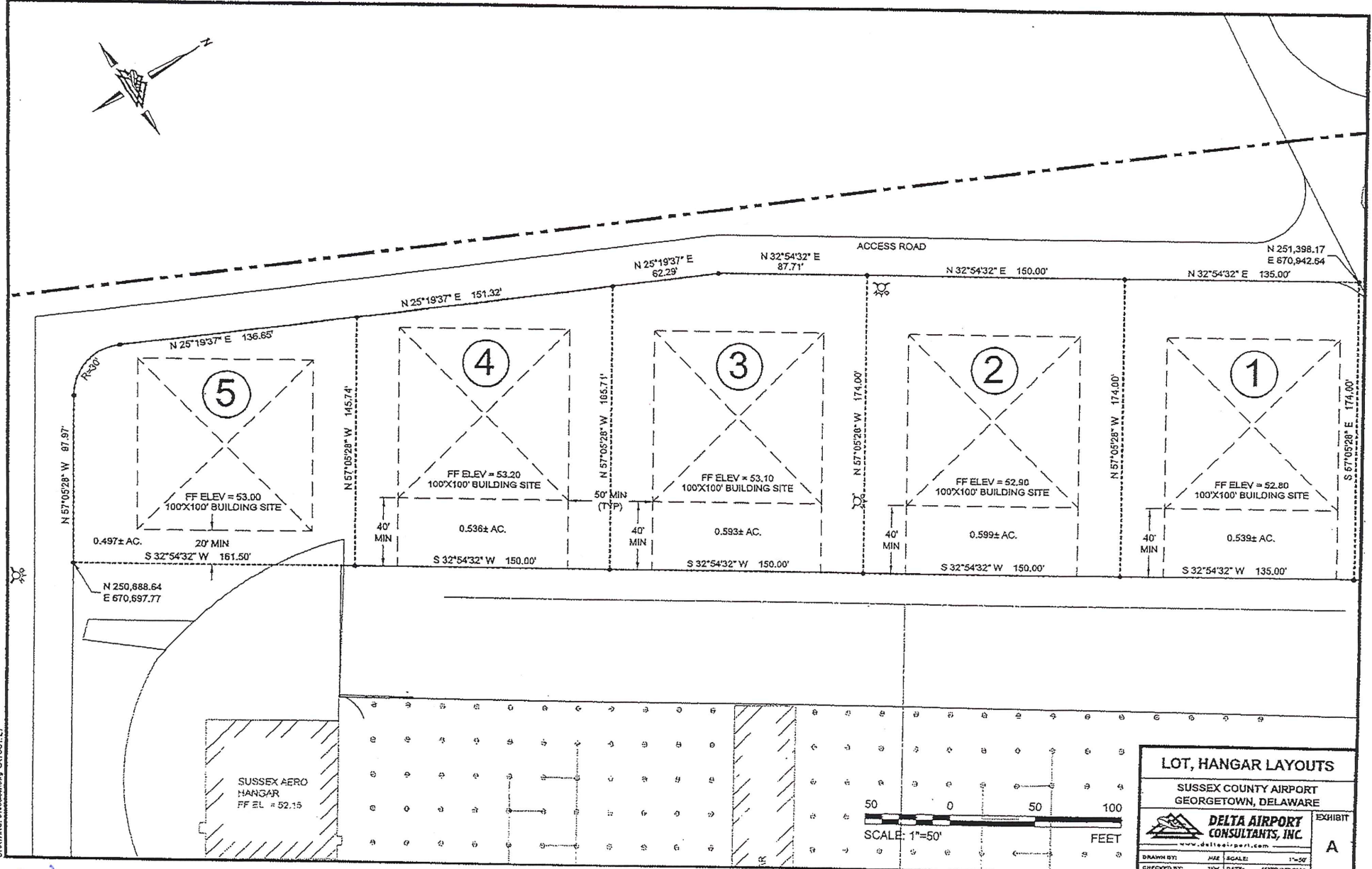
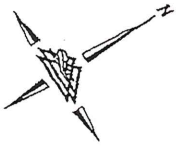
STATE OF DELAWARE :  
: ss.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 30<sup>th</sup> day of May, A. D. 2006  
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Sean Carroll, Tenant, party to this Indenture, known to me personally to be  
such, and acknowledged this indenture to be his act and deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid.

Susan A Smart Wise  
NOTARY PUBLIC

Susan A. Smart Wise  
Notary Public  
State of Delaware  
Commission Expires 8/1/08



DRAWING: 010555-003 LAYOUT.L

3-18

<b>LOT, HANGAR LAYOUTS</b>	
SUSSEX COUNTY AIRPORT GEORGETOWN, DELAWARE	
 <b>DELTA AIRPORT CONSULTANTS, INC.</b> <small>www.delto-airport.com</small>	EXHIBIT <b>A</b>
<small>DRAWN BY: AMZ</small>	<small>SCALE: 1"=50'</small>
<small>CHECKED BY: JCV</small>	<small>DATE: SEPTEMBER 2005</small>



SUSSEX AERO  
HANGAR  
FF EL = 52.15



EXISTING AIRPORT PROPERTY LINE  
N 25°18'33" E

CURVE DATA  
L=43.16'  
R=30.00'  
Δ=82°25'47"  
C LEN=39.53'  
BRG=N 15°54'21" W

N:250,730.165  
E:670,601.278

N:250,768.119  
E:670,590.042

LOT 5  
21658.1 SQ. FT.  
0.497 ACRES

EXISTING WELL

EXISTING ELEC. TRANS.

161.50'

S 32°52'46" W

N:250,676.914  
E:670,683.153

EXISTING PAVING  
351.38'

N 25°18'33" E

151.32'

136.64'

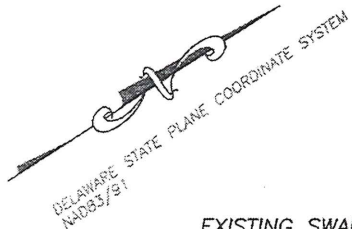
LOT 4

N 57°07'14" W  
145.71'

EXISTING ELEC. TRANS.

WM  
WM  
WV

150.00'



EXISTING SWALE

LEGEND:

- ◆ PK MAG NAIL SET IN PAVEMENT
- IRON BAR SET
- CONCRETE MONUMENT FOUND

UTILITIES, ETC. SHOWN FOR INFORMATIONAL PURPOSES BASED ON VISUAL REVIEW OF FIELD CONDITIONS ONLY

*Charles E. Adams, Jr.*

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699

CORPORATE HANGER LOTS  
PREPARED FOR  
SUSSEX COUNTY AIRPORT

SITUATED IN  
GEORGETOWN HUNDRED, SUSSEX COUNTY  
STATE OF DELAWARE  
AREA: AS SHOWN  
SCALE: 1" = 40'  
DATE: 10-17-2005

3-19

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District

### UPDATED PUBLIC HEARING FACT SHEET

- County Council granted permission to prepare and post notices for a Public Hearing to establish a boundary on April 27, 2021.
- The Engineering Department added to the County website, posted the notices on May 17, 2021 and advertised the weeks of June 2<sup>nd</sup> & 9<sup>th</sup>.
- We held the Public Hearing on June 15<sup>th</sup> at which time we had (2) property owners question the boundary.
- The one was not included in the boundary and that was acceptable to them.
- The second was in the proposed boundary and questioned why, the department recommended deferring on the boundary until able to discuss.



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

# Proposed Annexation Proposed North Georgetown Area

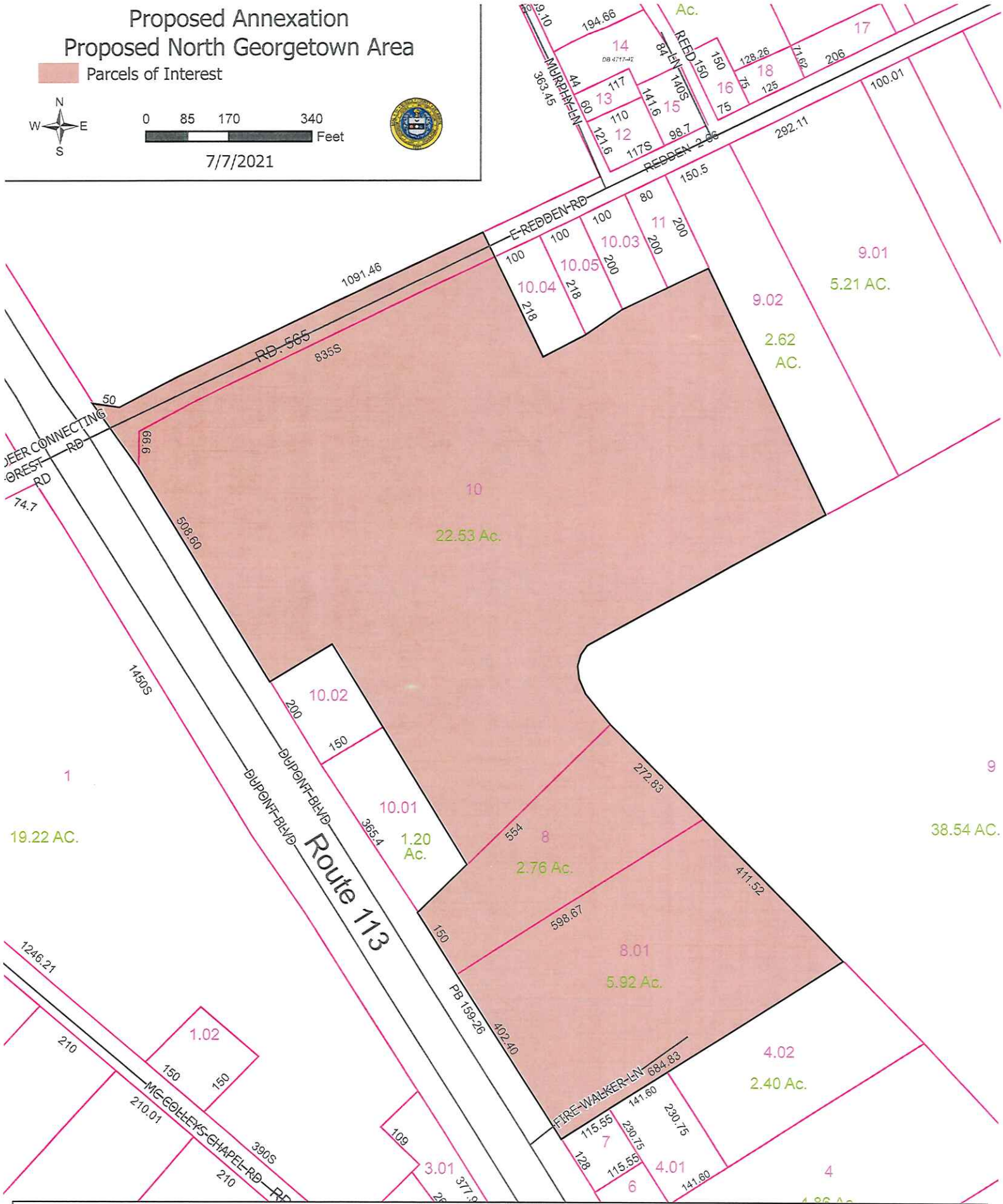
 Parcels of Interest



0 85 170 340  
Feet



7/7/2021



The proposed annexation is scheduled to be discussed June 15, 2021 at 10:30 AM  
at the regularly scheduled Sussex County Council meeting.  
For more information please visit: <https://www.sussexcountype.gov/legal-notice/ sewer-water>  
Or call Sussex County Utility Planning at 302-855-1299



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Proposed Chappell Farm Expansion of the Sussex County Unified Sanitary Sewer District

### PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- The Engineering Department has received a request from Becker Morgan Group, Inc. on behalf of their client Chappell Farm, LLC the owners/developers of a project known as Chappell Farm on parcel 235-23.00-1.02.
- The project is proposed as a mixed-use development. (156 apartments & 48,000 Sq. Ft. Commercial)
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative Public Hearing is currently scheduled for August 31, 2021 at the regular County Council meeting.



# Permission to Prepare and Post Notices Chappell Farm – 235-23.00-1.02

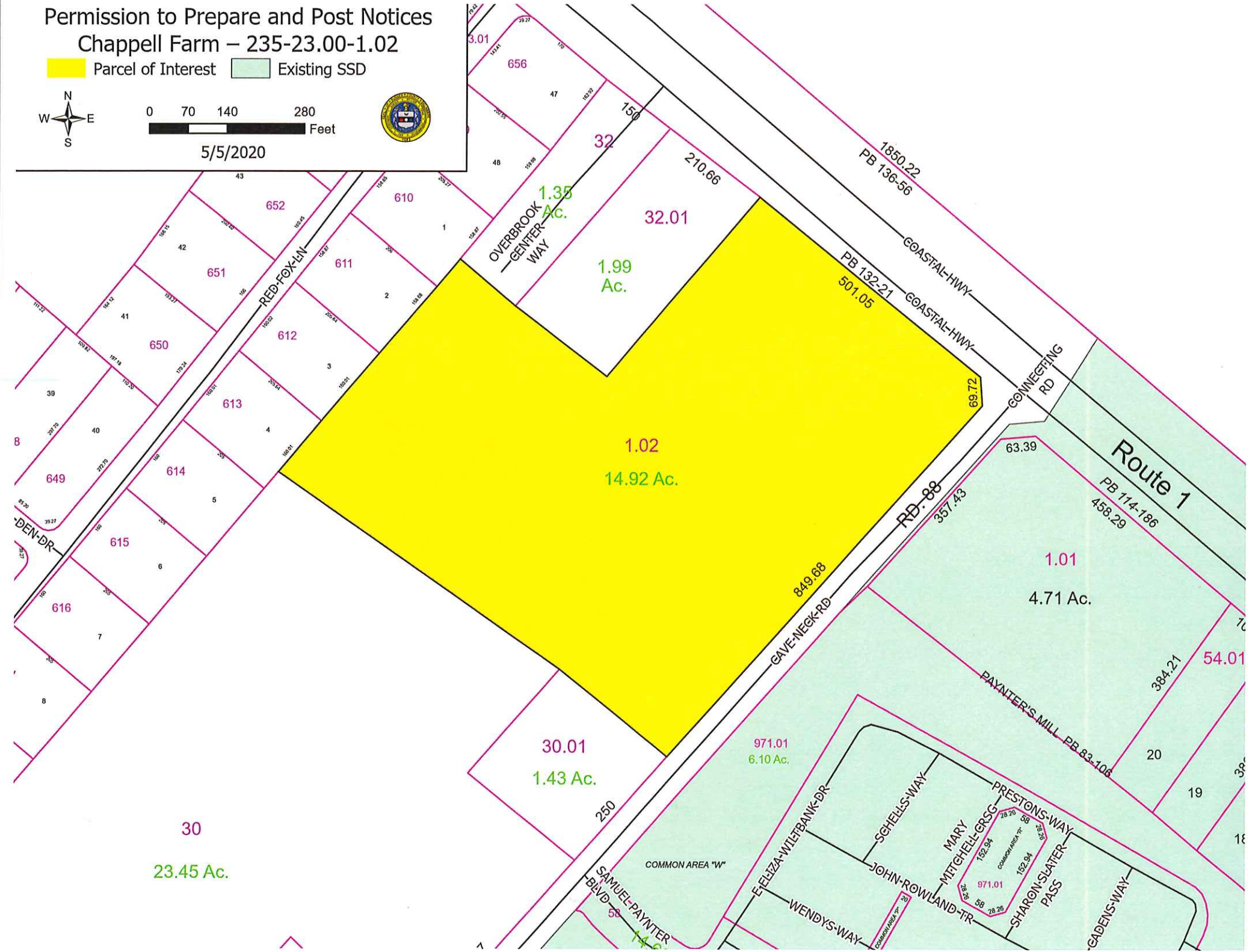
 Parcel of Interest     Existing SSD



0 70 140 280  
Feet



5/5/2020



## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

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

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



# Sussex County

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

## Memorandum

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

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. General Construction, Project C19-11 Change Order No. 12***

DATE: July 13, 2021

### Overall South Coastal Project Summary:

In summary, the South Coastal WRF Treatment Process Upgrade No.3 encompasses the following components and statuses:

- a. Effluent Forcemain Relocation/Replacement; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;  
The construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.
- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc.

On March 10, 2020 Council awarded Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.





On May 12, 2020 Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.

On July 28, 2020 Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of surplus materials from other County projects.

Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth's wastewater treatment plant oxidation ditch systems was also approved on July 28, 2020. Since then M.F. Ronca & Sons, Inc. completed the scope in late May and the County increased the flow contribution to the City's plant.

On December 15, 2020 County Council approved Change Order No. 6 for steel framing repairs in the first oxidation ditch on a time & material basis up to \$10,500.00. This is in addition to the concrete repairs which are being conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 addressing modifications to the interior headworks piping the second one and RFP-023 covering the addition of a cross connection between the existing 14-inch process drain header for Aeration Tank Nos. 1-4 and the new header for the Aeration Tank Nos. 5-8. On September 22, 2020 Council approved Change Order No.5 in the combined amount of \$32,991.66.

GHD issued RFP-031 for the installation of plug valves on each of the 12-inch recycle influent pipes to be connected to the existing Aeration Tank Nos. 1-4 and to the new Aeration Tank Nos. 7-8. On December 15, 2020, Change Order No. 7 was approved for said shut off valves in the amount of \$31,974.51.

The new South Coastal aeration basin must be connected to the existing large diameter sludge return piping requiring a forward flow stoppage. Minimizing the joint risk M. F. Ronca proposed a line stop approach under Change Order No. 8. Since it also gained construction efficiency, they offered to only charge for the subcontractor work.

In the spring of 2021, the Rehoboth Beach WTP oxidation ditch rehabilitation was receiving expansive attention including:

- Contingent Unit Price Concrete Repairs, Bid Items F-19 & F-20
- Steel Repairs authorized under Change Order No. 6
- Steel Coatings authorized as part of Change Order No. 4

In addition, all of leaking expansion joints have been repaired under a time & material approach. On March 9, 2021 County Council approved

Change Order Nos. 8 and 9 in the respective amounts of \$34,765.50 and \$45,600.00.

New piping will be installed in the headworks pipe gallery. Only one of the two remaining influent pipes has a shut off valve. Under RFP-036 we requested a new 20" valve in the second vertical influent pipe. Observations made during the headworks bypass event have identified that two of the existing headworks slide gates were compromised in need of replacement. RFP- 034 covers the replacement of the gates. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-039 addressing modifications to slide gates WG-530 and WG-539 to avoid conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16.

The design team initiated RFP-038 for exhaust duct modifications associated with the new turbo blowers. In order to create a competitive bidding environment, the projects had a dual design basis for two different and unique manufacturers. The basis of design was an indirect ventilation system for temperature control but in the shop drawing review process the team learned that the selected, lower price unit requires a directly connected duct to vent heat from the blowers to the building exterior. The contract documents reflect a headworks arrangement where the new screen channel matches the existing channel on the other side, hence connecting to the cross channel at the same elevation. It turns out, the cross channel is lower, and the existing channels have steps incorporated, which differs from the as built information available. RFP-041 proposes to construct the Screen Channel No. 3 at the same elevation incorporating modifications to the proposed Screen SCN-103.

The Engineering Department recommends approval of the associated Change Order No. 12 to M.F. Ronca & Sons in the amount of \$14,700.07.

- e. Electrical Construction Project C19-17; awarded on December 17, 2019 to BW Electric, Inc.

On February 4, 2020 Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit change order was approved on March 10, 2020 in the amount of (\$6,800.00) for ductbank modifications.



On April 7, 2020 Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020 Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room accommodating a longer motor control center.

On July 28, 2020 Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020 Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the Return Sludge Building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020 Council approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City of Rehoboth's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and required an increase of \$6,582.80. Council approved the modification to Change Order No. 7 on November 10, 2020.

On November 10, 2020 Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016.

On December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).

On February 9, 2021 Council approved Change Order No. 9 in the aggregate amount of \$30,554.00 coffering RFPs-032 & 033. The first RFP provided upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs while the second dealt with a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.

- h. The Rehoboth Beach WTP was built on a municipal landfill and the design anticipated removal, but the actual amount trash encountered exceeded expectations. Therefore, Council approved a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020. The work is complete, and the screening was effective reducing the cost by over 60%.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program; Phase 2 are summarized in the attached spreadsheet.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No.           C19-11
3. Change Order No.           12
4. Date Change Order Initiated -           7/13/21
5.
  - a. Original Contract Sum           \$39,526,400.00
  - b. Net Change by Previous Change Orders           \$1,294,717.44
  - c. Contract Sum Prior to Change Order           \$40,821,117.44
  - d. Requested Change           \$14,700.07
  - e. Net Change (No. of days)           0
  - f. New Contract Amount           \$40,835,817.51
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

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

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

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**  
Exhaust duct modifications for two new turbo blowers.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes  No

**E. APPROVALS**

1. M.F. Ronca & Sons, Inc., Contractor

  
\_\_\_\_\_  
Signature Date 7/8/2021

Scott Wachinski

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

  
\_\_\_\_\_  
Signature Date 7/8/21

3. Sussex County Council President

\_\_\_\_\_  
Signature Date

Michael F.  
**RONCA**  
& Sons, Inc.

TELEPHONE 610/759-5100  
FACSIMILE 610/746-0974



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

June 24, 2021

Mr. Steven Clark, P.E.  
GHD  
16701 Melford Boulevard, Suite 330  
Bowie, MD 20715

Re: Sussex County  
SCRWF-RBWWTP CIP Phase 2 Upgrades  
Proposed Change Order Request No. 554-017  
SCRWF Blower BOV & Motor Cooling Exhaust Ducts

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Twelve Thousand Five Hundred Ninety-Five Dollars and 57 Cents.....(\$12,595.57).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

*Scott Wachinski*

Project Manger

cc: HO file 554  
Hans M. Medlarz, P.E. – Sussex Co.  
David A. Ronca – M.F. Ronca

**Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades**

PCOR 554-017 SCRWF Blower BOV & Motor Cooling Exhaust Ducts

6/24/2021

**CHANGE ORDER SUMMARY**

Item 1 Modify Turbo Blower BOV/Motor Cooling Exhaust and Installation of 10" SS Exhaust Duct per GHD RFP-038 to Include Credit for Spare VFDs.

<b>Labor</b>	\$1,548.00
<b>Materials</b>	(\$16,050.00)
<b>Equipment</b>	\$125.28
<b>Subcontract</b>	\$26,372.50
<b>Subtotal</b>	\$11,995.78
<b>Contractor Overhead &amp; Profit @ 5% (Credit)</b>	(\$718.84)
<b>Contr. Overhead &amp; Profit on Subcontr. @ 5%</b>	\$1,318.63
<b>Item Total</b>	<b>\$12,595.57</b>
<b>Change Order Total</b>	<b>\$12,595.57</b>



**Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades**

PCOR 554-017 SCRWF Blower BOV & Motor Cooling Exhaust Ducts

6/24/2021

<u>Item</u>	<u>Description</u>					
Item 1	Modify Turbo Blower BOV/Motor Cooling Exhaust and Installation of 10" SS Exhaust Duct per GHD RFP-038 to Include Credit for Spare VFDs.					
	<b>Labor:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Mechanic/Fitter	8.00	MH	\$122.18	\$977.44	
	Laborer	8.00	MH	\$71.32	\$570.56	
						Labor Total: \$1,548.00
	<b>Materials:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Blower Mods for BOV and Motor Cooling Exhaust	1.00	LS	\$3,600.00	\$3,600.00	
	Credit - Delete Spare Blower VFDs	-1.00	LS	\$20,000.00	(\$20,000.00)	
	Misc. Link Seals, Grout, etc for Duct Penetrations	1.00	LS	\$350.00	\$350.00	
						Material Total: (\$16,050.00)
	<b>Equipment:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	STS	8.00	HR	\$15.66	\$125.28	
						Equipment Total: \$125.28
	<b>Subcontract:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	HVAC Subcontractor (SS Duct/Insulation Install)	1.00	LS	\$23,872.50	\$23,872.50	
	Core Drill Subcontractor	1.00	LS	\$2,500.00	\$2,500.00	
						Subcontract Total: \$26,372.50
						Item Total: \$11,995.78

	<b>Aerzen USA Corporation</b> 108 Independence Way – Coatesville, PA 19320 Tel: (610) 380-0244 Fax: (610) 380-0278 Service Hotline (800) 444-1692 e-mail: Aerzen@AerzenUSA.com website www.aerzenusa.com	<b>Change Order Request</b>		
		<b>Date</b>	<b>Request #</b>	<b>Page #</b>
		<b>06-22-21</b>	<b>002</b>	<b>1</b>

<b>SELLER:</b>	<b>REQUESTER:</b>	<b>PO #:</b>	PO# 554
AERZEN USA	Margie Jarrow	<b>REV #:</b>	A
<b>CUSTOMER:</b>	<b>ATTENTION OF:</b>	<b>SO #:</b>	<b>SO-20-00019</b>
Michael Ronca & Sons	Scott Wachinski		

**CUSTOMER REQUEST:**  
Per RFP-038 #2. Turbo Bower manufacturer to modify the BOV and Motor Cooling exhaust lines on each blower package and supply (1) combination BOV & Motor Cooling Exhaust connection on each of the (2) G5Plus AT200-0.8S Turbo Blower Packages and (1) Motor Cooling Exhaust Connection on each of the (2) G5 AT400-08T Turbo Blower Packages.

**DESCRIPTION OF CHANGE TO THE PROJECT:**  
Aerzen will modify the BOV and Motor Cooling exhaust lines on each blower package and will supply (1) combination BOV & Motor Cooling Exhaust connection on each of the (2) G5Plus AT200-0.8S Turbo Blower Packages.  
Aerzen will modify (1) Motor Cooling Exhaust Connection on each of the (2) G5 AT400-08T Turbo Blower Packages.

**COST IMPACT:**  
1. Blower modifications and materials: \$3,100.00  
2. Engineering: \$500.00  
**TOTAL: \$3,600.00**

**SCHEDULE IMPACT:**  
N/A

**DOCUMENTS/DRAWINGS/BOMs/VENDORS/ITEM NUMBERS AFFECTED:**  
General Arrangement Drawing  
Bill of Material  
Component Cut Sheets  
  
\*TO BE UPDATED UPON RECEIPT OF BUYER APPROVAL OF CHANGE ORDER.

**QUALITY IMPACT:**  
N/A

**CUSTOMER DECISION REQUIRED BY: (AFTER THIS DATE, PROJECT WILL BE PUT ON HOLD)**  
6-25-21



**Aerzen USA Corporation**  
108 Independence Way – Coatesville, PA 19320  
Tel: (610) 380-0244 Fax: (610) 380-0278  
Service Hotline (800) 444-1692  
e-mail: Aerzen@AerzenUSA.com website  
www.aerzenusa.com

**Change Order Request**

Date	Request #	Page #
06-22-21	002	2

**APPROVAL:**

**SELLER'S APPROVAL (REQUIRED)**

- APPROVED  
 REJECTED

*Margie Jarrow*                      Margie Jarrow                      6-22-21  
Signature                                      Print Name                                      Date

**BUYER'S APPROVAL (REQUIRED)**

- APPROVED  
 REJECTED

\_\_\_\_\_  
Signature                                      Print Name                                      Date

	<b>Aerzen USA Corporation</b> 108 Independence Way – Coatesville, PA 19320 Tel: (610) 380-0244 Fax: (610) 380-0278 Service Hotline (800) 444-1692 e-mail: Aerzen@AerzenUSA.com website www.aerzenusa.com	<b>Change Order Request</b>		
		<b>Date</b>	<b>Request #</b>	<b>Page #</b>
		<b>06-22-21</b>	<b>003</b>	<b>1</b>

<b>SELLER:</b>	<b>REQUESTER:</b>	<b>PO #:</b>	PO# 554
AERZEN USA	Margie Jarrow	<b>REV #:</b>	
<b>CUSTOMER:</b>	<b>ATTENTION OF:</b>	<b>SO #:</b>	<b>SO-20-00019</b>
Michael Ronca & Sons	Scott Wachinski		

**CUSTOMER REQUEST:**

GHD Review Comments Submittal #11371-01.02 dated Jan. 11, 2021: *In consideration of the Manufacturer’s concerns about shelf life of spare VFDs, the Owner requests a credit. A RFP will be issued separately.*

RFP-038 #1 (dated 6-15-21): *Turbo Bower manufacturer to provide a credit in lieu of the spare, fully programmed and configured, 200 HP and 400 HP VFDs (one of each) required by Section 11371.1.06.A.9.*

**DESCRIPTION OF CHANGE TO THE PROJECT:**

Aerzen to provide a credit in lieu of providing the (2) spare inverters.

Inverter Assy-SPARE 400 HP

Inverter Assy-SPARE 200 HP

**COST IMPACT:**

TOTAL Credit due to Customer: **\$20,000.00**

**SCHEDULE IMPACT:**

N/A

**DOCUMENTS/DRAWINGS/BOMs/VENDORS/ITEM NUMBERS AFFECTED:**

N/A

**QUALITY IMPACT:**

N/A

**CUSTOMER DECISION REQUIRED BY: (AFTER THIS DATE, PROJECT WILL BE PUT ON HOLD)**

6-25-21



**Aerzen USA Corporation**  
108 Independence Way – Coatesville, PA 19320  
Tel: (610) 380-0244 Fax: (610) 380-0278  
Service Hotline (800) 444-1692  
e-mail: Aerzen@AerzenUSA.com website  
www.aerzenusa.com

**Change Order Request**

Date	Request #	Page #
06-22-21	003	2

**APPROVAL:**

**SELLER'S APPROVAL (REQUIRED)**

- APPROVED
- REJECTED

Margie Jarrow                      Margie Jarrow                      6-22-21  
Signature                                      Print Name                                      Date

**BUYER'S APPROVAL (REQUIRED)**

- APPROVED
- REJECTED

\_\_\_\_\_  
Signature                                      Print Name                                      Date

CHANGE ORDER NO. 1 HVAC  
**T.E. Smith & Son, Inc.**  
**Mechanical Contractors**  
**2043 Northwood Drive**  
**Salisbury Maryland 21801**  
PHONE 410-749-4232 Fax 410-548-5419

---

**Date: 6/21/21**  
**Submitted To: Kevin Shehab**  
**From: Joe Mildon**  
**Project: RFP No. 038**  
**Pages: 1**

---

**HVAC**

We propose to modify the contract value in accordance with the following:  
Change order is developed from RFP No. 038 dated Jun.14,2021W/ Attached sketch.

1. Supply and install round stainless steel, low pressure, sheet metal ductwork in 4 locations in accordance with the requirements of section 15890.
2. Supply and install 4 round backdraft dampers.
3. Supply and install ductwork insulation and jacket in accordance with section 15290.

NOTE: Wall penetration will be by G.C.

Furnish Labor and Material as follows:

MATERIAL-----	\$12352.50
LABOR-----	\$3840.00
INSULATION SUB-----	<u>\$7680.00</u>
	\$23,872.50

**FOR A TOTAL ADD SUM AMOUNT TO CONTRACT OF: \$23872.50**

---

**Payment Terms: In Full As Invoiced**

Authorized Signature

Joe Mildon Plumbing Manager

**Acceptance of Work Proposal:**

I/ we accept this work proposal as listed above,  
as well as the payment schedule.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



Michael F.  
**RONCA**  
& Sons, Inc.

TELEPHONE 610/759-5100  
FACSIMILE 610/746-0974



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

July 8, 2021

Mr. Steven Clark, P.E.  
GHD  
16701 Melford Boulevard, Suite 330  
Bowie, MD 20715

Re: Sussex County  
SCRWF-RBWWTP CIP Phase 2 Upgrades  
Proposed Change Order Request No. 554-018  
SCRWF Infl. Screen Elv. Change

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Two Thousand One Hundred Four Dollars and 50 Cents.....(\$2,104.50).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

*Scott Wachinski*

Project Manger

cc: HO file 554  
Hans M. Medlarz, P.E. – Sussex Co.  
David A. Ronca – M.F. Ronca

**Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades**

PCOR 554-018 SCRWF Infl. Screen Elv. Change

7/8/2021

**CHANGE ORDER SUMMARY**

Item 1 Adjust SCWRF Influent Screen Invert Elv. to 25.95' per GHD 07.08.21 Email Directive.

<b>Labor</b>	\$0.00
<b>Materials</b>	\$1,830.00
<b>Equipment</b>	\$0.00
<b>Subcontract</b>	\$0.00
<b>Subtotal</b>	\$1,830.00
<b>Contractor Overhead &amp; Profit @ 15%</b>	\$274.50
<b>Contr. Overhead &amp; Profit on Subcontr. @ 5%</b>	\$0.00
<b>Item Total</b>	<b>\$2,104.50</b>
<b>Change Order Total</b>	<b>\$2,104.50</b>

**Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades**

PCOR 554-018 SCRWF Infl. Screen Elv. Change

7/8/2021

<u>Item</u>	<u>Description</u>						
Item 1	Adjust SCWRF Influent Screen Invert Elv. to 25.95' per GHD 07.08.21 Email Directive.						
	<b>Labor:</b>	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	<b>Materials:</b>	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	Influent Screen Invert Adjustment	1.00	LS	\$1,830.00	\$1,830.00	Material Total:	\$1,830.00
	<b>Equipment:</b>	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
	<b>Subcontract:</b>	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Subcontract Total:	\$0.00
						Item Total:	\$1,830.00



Headworks International Inc.

11000 Brittmoore Park Drive

Houston, TX 77041 USA

(P) +1 713-647-6667

(F) +1 713-647-0999

## Change Order Request

Date: 6/25/21

HW Project No. B-2017-00442

Company Name: M. F. Ronca & Sons

PO No. 554-015

RE: SCRWF Upgrade No. 3 – Channel Depth Increase

COR No. B-2017-00442-COR-1

Change(s) to be made:

Item	Unit Price	Qty	Price
1. Increase Screen Depth to accommodate revised Channel Floor Elevation of 26.95. Includes drawing revision.	\$1,830.00	1	\$1,830.00
Total			\$1,830.00

Reason for Change(s):

As requested

Scope modification

Design change

Other \_\_\_\_\_

REMARKS:

Issued By: Seth Haber



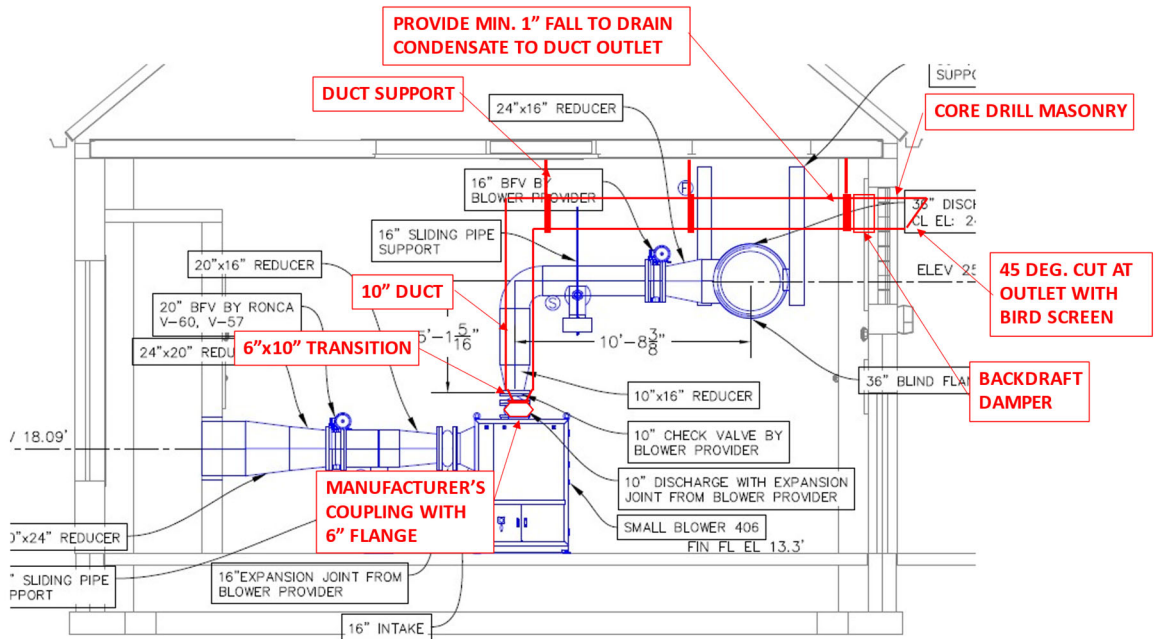
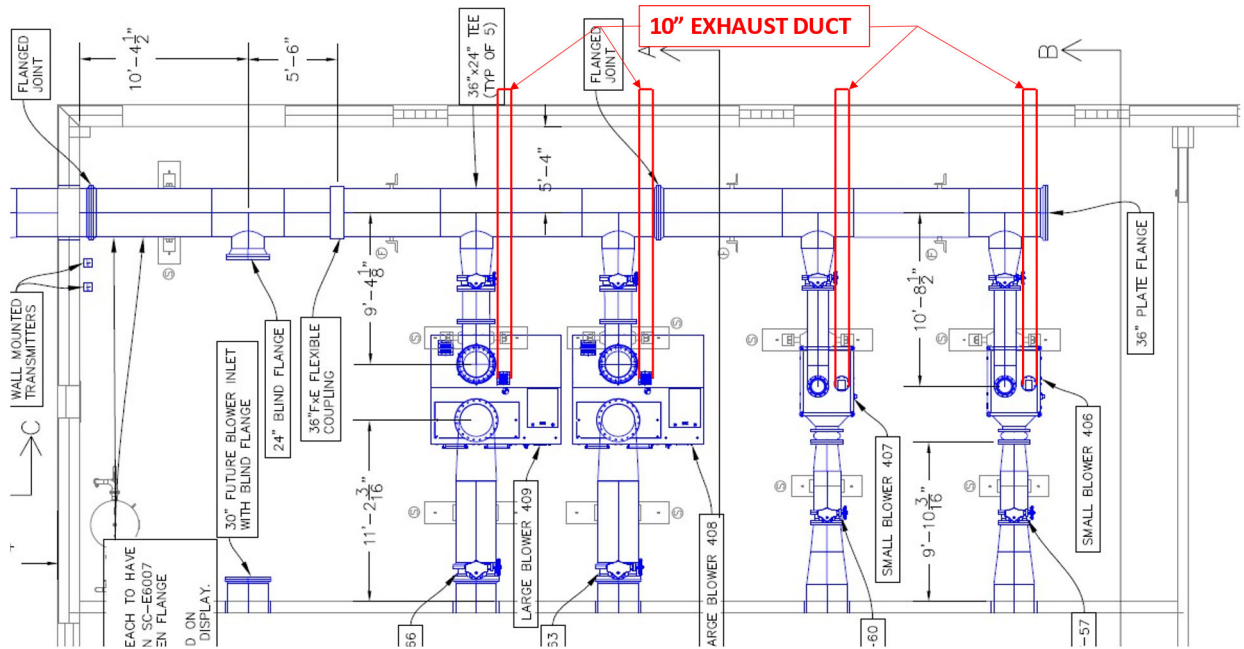
# Request for Proposal

<b>Project Title</b>	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
<b>Owner</b>	Sussex County, Delaware		
<b>Contract No.</b>	C19-11: General Construction	<b>GHD Project No.</b>	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
<b>RFP No.</b>	038		
<b>RFP Subject</b>	Turbo Blower Scope of Supply and Exhaust Vents		
<b>Issued By</b>	S. Clark	<b>Issue Date</b>	Jun. 14, 2021

### Description of proposed changes:

The scope of supply for the Turbo Blowers specified in Section 11371 is being varied as described below, and additional exhaust ducts are required to vent heat from the blowers to the building exterior. Please submit a proposal for the following changes:

1. Turbo Bower manufacturer to provide a credit in lieu of the spare, fully programmed and configured, 200 HP and 400 HP VFDs (one of each) required by Section 11371.1.06.A.9.
2. Turbo Bower manufacturer to modify the BOV and Motor Cooling exhaust lines on each blower package and supply (1) combination BOV & Motor Cooling Exhaust connection on each of the (2) G5Plus AT200-0.8S Turbo Blower Packages and (1) Motor Cooling Exhaust Connection and (1) BOV exhaust connection on each of the (2) G5 AT400-08T Turbo Blower Packages.
3. Contractor to provide exhaust duct for each turbo blower as shown in the following markups and described herein. The section markups below are typical for large and small blowers:
  - a. Ductwork shall be round, stainless steel, low pressure, sheet metal ductwork in accordance with the requirements of Section 15890
  - b. Provide ductwork insulation and jacket in accordance with Section 15290 for round ductwork (refer to Schedule at end of Section 15290). Provide aluminum jacket in lieu of canvas jacket. Insulation shall be rated for at least 250 degrees F.
  - c. Duct outlet shall be cut at 45 degrees as shown and provided with a stainless steel bird screen
  - d. Backdraft dampers at duct outlets shall be in accordance with the requirements of Section 15910.
  - e. Duct supports shall be in accordance with the requirements of Section 15140.
  - f. Wall penetrations shall be core drilled. Elevation of penetrations shall be determined in the field to suit process air piping and architectural systems/components. Provide fire caulking to seal the penetrations.
  - g. Contractor to review dimensional information for blowers, process air piping and proposed exhaust ducts and confirm no conflict between vertical pipe and ducts above large blowers. Eccentric transition could be provided if required.







# Request for Proposal

<b>Project Title</b>	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
<b>Owner</b>	Sussex County, Delaware		
<b>Contract No.</b>	C19-11: General Construction	<b>GHD Project No.</b>	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
<b>RFP No.</b>	041		
<b>RFP Subject</b>	SCRWF Headworks Screen Channel Elevation		
<b>Issued By</b>	S. Clark	<b>Issue Date</b>	Jul. 8, 2021

## Description of proposed changes:

Contractor has field verified that screened effluent channel (perpendicular collection channel downstream of screen channels) is at 26.95 EL.

Submit a proposal to construct Screen Channel No. 3 at the same elevation, that is, with matching slab elevations. Proposal shall include the additional costs for Screen SCN-103.

# South Coastal RWF & Rehoboth Beach WTF Upgrade

3/9/2021

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	40,835,817.51
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,815,875.00
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		• 75,078,048.31

## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

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

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



# Sussex County

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

## Memorandum

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

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

**RE:** *Davis, Bowen & Friedel, Inc. – 2019 Miscellaneous Engineering Base Contract*  
*A. Approval of Amendment No. 4 for Flood Mitigation Project*

**DATE:** July 13, 2021

The Delaware Emergency Management Agency (DEMA) has been soliciting eligible projects to be submitted through sub-applicants i.e. local governments for the Hazard Mitigation Grant Program. DEMA reviews all pre-applications for eligibility and determines which projects will move forward in the application process. Eligible project sub-applications will be required to be submitted to FEMA for further review and concurrence. In April of 2010, County Council approved the FEMA Flood Mitigation Program in principle.

The Wien application for tax parcel 234-25.00-2.00 with an address of 25867 Berry Street was originally submitted to FEMA in April of 2017 with a 25% applicant cost share. In August of 2017, FEMA designated the property in the Severe Repetitive Loss category. The application was amended in January 2020 and accepted by FEMA with a Federal Cost Share of 100% not to exceed \$165,000.00.

On June 15, 2021, County Council approved sponsorship of the FEMA Mitigation Grant for 25867 Berry Street under the 100% Federal cost share agreement.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. The proposed scope of Amendment No. 4 covers design, bidding, construction documents and construction administration services for completion of tax parcel 234-25.00-2.00 property improvements, in accordance with FEMA regulations. The Engineering Department now requests approval of Amendment No. 4, on an hourly basis with rates approved under the base contract in the not to exceed amount of \$37,500.00.



This is **EXHIBIT K**, consisting of **[3]** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 08/13/2019.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 4**

**The Effective Date of this Amendment is: July 13, 2021**

Background Data

Effective Date of Owner-Engineer Agreement: 08/13/2019

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

**Project: Berry Street – Flood Mitigation Project**

Nature of Amendment:

- Additional Services to be performed by Engineer
- ~~Modifications to services of Engineer~~
- ~~Modifications to responsibilities of Owner~~
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

***This Amendment includes modifications to Exhibit A – Engineer’s Services, to include work per DBF Proposal dated June 21, 2021, and the selection and use of Exhibit C, Compensation Packet AS-1, for Standard Hourly Rates.***

Agreement Summary:

Original Agreement Amount:	\$ <u>0</u>
Net Change for prior amendments:	\$ <u>69,500.00</u>
This amendment amount:	\$ <u>37,500.00</u>
Adjusted Agreement amount:	\$ <u>107,000.00</u>

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

PREVIOUSLY APPROVED FORM

ATTEST:

\_\_\_\_\_  
Ms. Robin Griffith  
Clerk of the County

June 21, 2021

Hans M. Medlarz, P.E.  
Sussex County Engineer  
Sussex County Community Development & Housing  
2 The Circle, P.O. Box 589  
Georgetown, Delaware 19947

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.*

Re: 25867 Berry Street – Flood Mitigation Project  
25867 Berry Street  
Long Neck, Delaware 19966  
P1897B21.038

Dear Mr. Medlarz:

We are pleased to provide you with this proposal for structural engineering services for the preparation of construction documents and other services for the above referenced flood mitigation project. Based upon your RFP, the project shall consist of designing foundations and supports to allow for raising of the single-story portion of the home, while maintaining the two-story portion in place. We understand that the home is located within the Flood Zone Designation V and will require helical piles, concrete pile caps, and concrete/masonry piers. a description of our proposed scope of services are outlined below:

**I. Site Investigation: Hourly, not to exceed - \$6,000.00**

- a. Provide structural observations of the existing building, crawlspace, and connection between the single-story and two-story portions.
- b. Field measure the building including the perimeter, height, floor framing (where accessible), exits, stairs, and deck.
- c. Photograph the existing building and site.
- d. Interview the Owner regarding underground utility locations.

**II. Construction Documents: Hourly, not to exceed - \$21,000.00**

- a. Develop plans in accordance with FEMA Mitigation Policy Nos. 205-080-01 and 203-074-1 and other applicable grant policies, terms, and conditions, as identified by the county. These plans shall include:
  - i. Foundation Plan showing location of proposed piles, pile caps, and piers.
  - ii. Structural details of the above foundation elements.
  - iii. Anchorage details of the existing structure to the new foundation elements.
  - iv. Structural specifications and loading criteria, including wind.
  - v. Architectural Plans, details, and specifications required to reconnect the two building portions and to retrofit the two-story portion with Code compliant flood vents.
  - vi. Mechanical and Electrical plans to elevate mechanical and electrical improvements in the two-story building portion above base flood elevation and to reconnect to the



single-story portion.

**III. Bidding:** **Hourly, not to exceed - \$3,000.00**

- a. Assist in the bidding process.
- b. Respond to requests for information.
- c. Provide recommendations regarding bid award.

**IV. Construction Administration:** **Hourly, not to exceed - \$7,500.00**

- a. Respond to requests for information.
- b. Review shop drawings and material certification submittals.
- c. Provide limited field observations during construction.

We propose to accomplish these services for an estimated hourly fee, not to exceed a total of **\$37,500.00**.

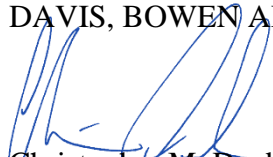
Please note that these services do not include wetland delineation, geotechnical investigations, materials testing, full-time inspection services, and preparation of an elevation certificate. These services can be provided or arranged per your request.

Payment terms, additional services, direct and reimbursable expenses will be handled in accordance with the attached Schedule of Rates and General Conditions.


This proposal is valid for a period of 30 days. If this is acceptable, please sign and return a copy for our files. Receipt of this signed proposal will serve as our notice to proceed. Do not hesitate to call at (410) 543-9091 should you have any questions.

Thank you for the opportunity to furnish you with this proposal. We look forward to working with you.

Sincerely,  
DAVIS, BOWEN AND FRIEDEL, INC.



Christopher M. Daube, P.E.  
Senior Structural Engineer



Andrew E. Welch, P.E.  
Associate

Enclosures

**Accepted By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
CMD/aew

## 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 Douglas B. Hudson  
The Honorable Cynthia C. Green  
The Honorable Mark G. Schaeffer

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

**RE:** ***FY 2022 GENERAL LABOR & EQUIPMENT CONTRACT  
A. Recommendation to Award***

**DATE:** July 13, 2021

Before FY 2017, Sussex County followed a traditional design, bid and build approach. However, the increased capital project load associated with aging infrastructure required a more efficient delivery system. In response, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment Contract for FY 2017 was awarded to George & Lynch, Inc., on June 21, 2016, and was renewed on June 13, 2017, for an additional one-year period based on performance. Throughout this initial two (2) year timeframe, a significant workload was completed with considerable cost and time savings. Therefore, the Engineering Department re-advertised the contract in the spring of 2018 again using the “best value” approach. On April 24, 2018, Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc. This contract award was valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

On June 11, 2019, Council approved the first one-year contract extension through June 30, 2020 and on May 19, 2020, Council exercised the second one-year extension option under the unit prices previously bid expiring on June 30, 2021.

The bid schedule for the FY 2022 General Labor & Equipment Contract was structured on the actual hours spent on labor and equipment over the immediately preceding 12-months. The contract was publicly advertised using the “best value” approach by consideration of the following weighted factors:



- Unit Bid Pricing 75 points
- Qualification of Staff 5 points
- Scheduling Response Times 10 points
- Equipment & Labor Availability by Bidder 10 points

Eleven (11) entities requested contract documents, four (4) qualified utility contractors attended the mandatory pre-bid meeting and on May 13, 2021, three (3) bids were received.

During evaluation of the weighted factors, it was determined that some submission of the schedule and response times appeared to be not justifiable, and verification could pose liability exposure to the County. This makes an accurate best value decision under the advertised approach unattainable.

On May 25, 2021, County Council approved to reject all bids for the FY 2022 General Labor & Equipment Contract, re-advertise using a modified best value approach and to extend the current contract by 30 days for emergency work and completion of all open task orders.

The Engineering Department broke the anticipated task list into two bid packages. Bid Package A contained the standard type work items while Bid Package B contained the specialized drilling and boring items. The modified contract was publicly advertised using the following “best value” categories for each package:

- Unit Bid Pricing 80 points
- Qualification of Staff 7.5 points
- Equipment & Labor Availability 12.5 points

In addition, bidders had to demonstrate emergency response capabilities via mobilization tests to qualify for Bid Package A. The project was re-advertised and three (3) qualified utility contractors attended the mandatory pre-bid meeting on June 10, 2021. All three contractors were invited to participate in the test mobilization but only two responded and satisfactorily met these requirements.

On July 2, 2021, bids were received from JJID, Inc. and George & Lynch, Inc. The contract documents allow for a “best value” award of Bid Package A & B. In addition, the documents reserve the right to award the Bid Packages, in the sole discretion of the County, individually or jointly as it appears in the best interest of the County.

George & Lynch, Inc. submitted a bid with a significantly higher point score for Bid Package B. Therefore, the Engineering Department recommends award of Bid Package B to George & Lynch, Inc. in the amount of \$1,140,617.00. The point spread is much closer for either an individual award of Bid Package A or a joint award of both packages with JJID, Inc. slightly ahead in the individual award and George & Lynch, Inc. slightly ahead in a possible joint award. Therefore, the Engineering and Finance Departments recommend to award approximately 50% of the average Bid Package A, in the amount of \$2,250,000, to both companies.

## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

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

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



# Sussex County

DELAWARE  
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## Memorandum

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

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

RE: ***Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main, Project S20-08***  
***A. Recommendation to Award***

DATE: July 13, 2021

On August 2, 2016, County Council created the Herring Creek Area Expansion of the Sussex County Unified Sewer District. On October 2, 2018, County Council approved WRA Associates, Inc.'s professional services Amendment No. 1 under the Herring Creek base contract for the final design followed by an approval on November 19, 2019 for the contract administration and inspection of Project S20-06 exclusively. The Department is still in negotiations with the consultants on the scope of services required during construction for Project S20-07.

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. Due to the size of the project USDA requested a phasing plan. Phase 1 encompasses the pump stations and pressure mains, Phase 2 provides the sewer collection system off Sloan Road, Phase 3 provides the collection system for all minor and major subdivisions off Banks Road and Phase 4 includes the collection system in the Winding Creek Village subdivision.

On October 8, 2019, the Herring Creek Sanitary Sewer District Phase I project was awarded to Chesapeake Turf, LLC in the amount of \$5,256,760.00. On August 11, 2020, JJID, Inc. was awarded the Phase II portion in the amount of \$5,091,000.00.

On May 28, 2021, invitations to bid for the South Gravity Sewer and Force Main, Project S20-08 were publicly advertised, forwarded directly to contractors and made available on the County website. Eight (8) plan holders attended the pre-bid and on July 1, 2021, seven (7)



bids were received. Teal Construction, Inc. of Dover, Delaware submitted the lowest responsive base bid of \$4,242,738.00.

The bid is within the budget and the contractor has performed well for the County on numerous prior projects. Therefore, the Engineering Department recommends awarding the project to Teal Construction, Inc. in the amount of \$4,242,738.00, contingent upon USDA concurrence.



July 2, 2021

Mr. Hans Medlarz  
Sussex County Engineering Department  
#2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Re: Herring Creek Sanitary Sewer District (HCSSD) South Gravity Sewer and Force Main: Sussex County  
Contract S20-08

Dear Mr. Medlarz:

We have reviewed the bid documents received by the Sussex County Council on July 1, 2021 for the above referenced project. Teal Construction Inc. of Dover, DE is the apparent low bidder at \$4,242,738.00 for the total project bid. Enclosed is a tabulation of bids, as well as a summary of the bid review performed.

Based on our review of the bid submission, in our professional opinion, the Teal Construction Inc's. bid represents the lowest responsive bid under the terms of the invitation to bid.

Please do not hesitate to contact us if you should have questions.

Very truly yours,

Whitman, Requardt & Associates, LLP

A handwritten signature in blue ink that reads 'Will F. Hinz'.

Will F. Hinz, P.E.  
Vice President

Enclosures

cc: Kaycee Widen  
Dennis Hasson  
File 14256-031



**Herring Creek Sanitary Sewer District (HCSSD) South Gravity Sewer and Force Main  
Contract No. S20-08 Bid Review**

Contractor	Addenda Acknowledged	Delaware License Listed	Bid Form Math Errors	List of Sub-Contractors	Affadavit of Employee Drug Testing Program	Certification for Equal Opportunity Employment	USDA Form RD 400-6	Certification of Non-segregated Facilities	USDA form AD-1048	Certification for Contracts, Grants and Loans	Bid Bond (10%)
Teal Construction Inc	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pact Construction Inc.	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Notes: Complete Bid review for two lowest bidders was performed.

**Herring Creek Sanitary Sewer District (HCSSD):  
South Gravity Sewer and Force Main  
Contract S20-08 Bid Results**

<b>BID SCHEDULE</b>	<b>Pact One, LLC Ringoos, NJ</b>	<b>George &amp; Lynch Dover, DE</b>	<b>A-Del Construction Newark, DE</b>	<b>Zack Excavating, Inc. Smyrna, DE</b>
<b>PART A SUBTOTAL</b>	<b>\$4,110,150.00</b>	<b>\$4,452,582.00</b>	<b>\$4,895,150.00</b>	<b>\$4,545,990.00</b>
<b>PART B SUBTOTAL</b>	<b>\$161,900.00</b>	<b>\$161,900.00</b>	<b>\$161,900.00</b>	<b>\$161,900.00</b>
<b>PART C SUBTOTAL</b>	<b>\$402,500.00</b>	<b>\$337,375.00</b>	<b>\$418,000.00</b>	<b>\$275,500.00</b>
<b>Project Base Bid Total</b>	<b>\$4,674,550.00</b>	<b>\$4,951,857.00</b>	<b>\$5,475,050.00</b>	<b>\$4,983,390.00</b>

<b>BID SCHEDULE</b>	<b>JJID, Inc. Bear, DE</b>	<b>Chesapeake Turf, LLC Salisbury, MD</b>	<b>Teal Construction, Inc. Dover, DE</b>
<b>PART A SUBTOTAL</b>	<b>\$5,811,500.00</b>	<b>\$6,616,529.00</b>	<b>\$3,851,343.00</b>
<b>PART B SUBTOTAL</b>	<b>\$161,900.00</b>	<b>\$161,900.00</b>	<b>\$161,900.00</b>
<b>PART C SUBTOTAL</b>	<b>\$375,600.00</b>	<b>\$118,125.00</b>	<b>\$229,495.00</b>
<b>Project Base Bid Total</b>	<b>\$6,349,000.00</b>	<b>\$6,896,554.00</b>	<b>\$4,242,738.00</b>



## 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 Douglas B. Hudson  
The Honorable Cynthia C. Green  
The Honorable Mark G. Schaeffer

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

RE: ***Mulberry Knoll Pump Station & Force Main, Project S20-14:  
Change Order No. 1***

DATE: July 13, 2021

Council adopted Resolution R 011 17 on June 6, 2017, expanding the Unified Sanitary Sewer District to include the Mulberry Knoll Area. On August 13, 2019, Council conducted a public hearing for an offer of Project funding through the Clean Water State Revolving Fund. Ordinance No. 2672 was adopted, providing issuance of a General Obligation Bond up to \$3,135,379 to finance design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$1,941,000 to reduce the principle amount to \$1,194,379 upon Project completion.

On October 22, 2019, Council authorized Amendment No. 2 of the KCI Technologies Base Agreement for design and bidding phase services associated with the Mulberry Knoll Sewer Expansion Project. Design efforts progressed and based on Department direction, KCI separated the Project into two (2) distinct contracts to focus construction disciplines and improve Project timing and bidding: Project S20-14 would construct a pump station and force main for sewer conveyance, and Project S20-22 the gravity and low pressure systems for sewer collection.

Contract Documents for Project S20-14, Mulberry Knoll Pump Station & Force Main were assembled and advertised on September 25, 2020. Seven (7) bids were received on October 28, 2020. The Department reviewed the bids received along with KCI's evaluation of the apparent lowest three bids. Project financing was evaluated against the pump station bids in combination with estimates for the sewer collection contract. The Department believed bid results indicated strong competition for the S20-14 contract, however the construction market and pricing reflected a need for additional funds to maintain overall project financing.

On November 17, 2020, Council award Project S20-14 to the lowest responsible bidder, Teal Construction Inc, of Dover, DE, in the amount of \$1,368,000.00, and contingent upon concurrence of DNREC to ensure the State's commitment to the overall project financing. On



March 26, 2021, DNREC notified the Department there was no objection to proceeding with the construction of the Mulberry Knoll Pump Station and Force Main Project. A supplemental funding request was understood to have DNREC's support when necessary.

Teal Construction was given Notice to Proceed effective June 1, 2021 and work at the pump station site began in mid-June. Original Contract Documents proposed a gravity sewer layout with several stubs affording options to coordinate final easements and "handshake points" with the sewer collection system contract.

With the design of the second collection system contract now in permitting and the applicable easements secured, a revised sewer layout was presented to Teal Construction. The proposal consolidates two sewer stubs and extends work to more ideal locations for connections with the collection system contract. Additionally, the consolidation allowed for an alignment improvement that shortened a sewer path and shifted facilities outside the limits of the DelDOT entrance to be constructed with the pump station.

Proposed Change Order No. 1 increases the estimated quantity of gravity sewer pipe and adds one sewer manhole, at a total value of \$ 89,840.00. The Engineering Department recommends approval of Change Order No. 1, at the value of \$89,840.00, increasing the Contract Price to a new total of \$1,457,840.00.

The Department expects advertisement of the collection system project, contract S20-22 within a month.

Date of Issuance: 6/28/2021	Effective Date:
Owner: Sussex County	Owner's Contract No.: S20-14
Contractor: Teal Construction	Contractor's Project No.:
Engineer: KCI Technologies	Engineer's Project No.: 13157731.S20-14
Project: Mulberry Knoll Pump Station and Force Main	Contract Name: Mulberry Knoll Pump Station and Force Main

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

CO1 is changing the location of and adding quantities to contract items 6 and 7. Item 6 is increasing to a new quantity of 382 LF of gravity sewer pipe (adding 142 LF) and item 7 is increasing to a new quantity of 4 manholes (adding 1 manhole).

Attachments: Schedule of Values, Updated Construction Plan Sheets

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 1,368,000.00</u>	Original Contract Times: Substantial Completion: <u>210</u> Ready for Final Payment: <u>300</u> days
[Increase] [Decrease] from previously approved Change Orders No. <u>  </u> to No. <u>  </u> : <u>\$ 0</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>  </u> to No. <u>  </u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price prior to this Change Order: <u>\$ 1,368,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>210</u> Ready for Final Payment: <u>300</u> days
Increase of this Change Order: <u>\$ 89,840.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price incorporating this Change Order: <u>\$ 1,457,840.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>210</u> Ready for Final Payment: <u>300</u> days

<b>RECOMMENDED:</b>	<b>ACCEPTED:</b>	<b>ACCEPTED:</b>
By: <u>J. [Signature]</u>	By: _____	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: _____	Title _____	Title <u>Secretary / Treasurer</u>
Date: _____	Date _____	Date <u>7/6/21</u>

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_



**Mulberry Knoll Pump Station and Force Main  
Schedule of Values**

Item #	Base Item	Unit	Unit Price	As-Bid Quantity	As-Bid Total Price	Revised Quantity	Revised Total Price
1	Mobilization and Demobilization	LS	\$ 43,598.00	1	\$ 43,598.00	1	\$ 43,598.00
2	DelDOT Entrance	LS	\$ 38,000.00	1	\$ 38,000.00	1	\$ 38,000.00
3	Maintenance of Traffic and Pedestrians	LS	\$ 28,320.00	1	\$ 28,320.00	1	\$ 28,320.00
4	Site Restoration	LS	\$ 111,000.00	1	\$ 111,000.00	1	\$ 111,000.00
5	Furnish and Install Pump Station	LS	\$ 715,000.00	1	\$ 715,000.00	1	\$ 715,000.00
6	Furnish and Install Gravity Sewer Pipe (8" and 10")	LF	\$ 520.00	240	\$ 124,800.00	382	\$ 198,640.00
7	Furnish and Install Gravity Sewer Manholes	EA	\$ 16,000.00	3	\$ 48,000.00	4	\$ 64,000.00
8	Furnish and Install Force Main	LF	\$ 39.00	6,213	\$ 242,307.00	6,213	\$ 242,307.00
	<b>Subtotal</b>				\$ 1,351,025.00		\$ 1,440,865.00
	<b>Contingent Items</b>						
9	Unclassified Excavation	CY	\$ 30.00	50	\$ 1,500.00	50	\$ 1,500.00
10	Borrow Material, Borrow Type "C" (Backfill)	Ton	\$ 50.00	50	\$ 2,500.00	50	\$ 2,500.00
11	Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	Ton	\$ 50.00	50	\$ 2,500.00	50	\$ 2,500.00
12	Porous Fill Material, Coarse Aggregate No. 57 Stone	Ton	\$ 50.00	50	\$ 2,500.00	50	\$ 2,500.00
13	Furnish and Place 5,000 PSI Concrete	CY	\$ 295.00	25	\$ 7,375.00	25	\$ 7,375.00
14	Silt Fence	LF	\$ 6.00	100	\$ 600.00	100	\$ 600.00
	<b>BASE PRICE:</b> Total Including Contingency Items				\$ 1,368,000.00		\$ 1,457,840.00

Hudson  
OK

<b>Council Grant Form</b>	
<b>Legal Name of Agency/Organization</b>	<b>CONTRACTORS FOR A CAUSE FOUNDATION LLC</b>
<b>Project Name</b>	<b>Purchase aluminum ramps for Helping Hands Program</b>
<b>Federal Tax ID</b>	<b>010914228</b> OK
<b>Non-Profit</b>	<b>Yes</b>
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	<b>No</b>
<b>Organization's Mission</b>	<b>Provide home repair services to Sussex County low income residents such as ramps, disable accessible bathrooms and other home repairs free of charge, under our Helping Hands Program. <a href="http://www.contractorsforacause.org">www.contractorsforacause.org</a></b>
<b>Address</b>	<b>P O Box 1282</b>
<b>Address 2</b>	
<b>City</b>	<b>Ocean View</b>
<b>State</b>	<b>DE</b>
<b>Zip Code</b>	<b>19930</b>
<b>Contact Person</b>	<b>Nick Kypreos</b>
<b>Contact Title</b>	<b>Treasurer</b>

Contact Phone Number	302-245-6654
Contact Email Address	<u>contractorsforacause@gmail.com</u>
Total Funding Request	20,000.00
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)	Fair Housing
Program Category Other	
Primary Beneficiary Category	Low to Moderate Income

**Beneficiary Category**

**Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** **25**

**Scope**

**We have an increase need for ramps. Due to lumber material supply issues, we need to purchase removable aluminum ramps, as we cannot respond timely with lumber build ramps, as we traditionally have done. Our coverage area is eastern and southern Sussex county between Fenwick Island to Lewes and East of 113. We are an all volunteer organization and we have no overhead expenses. Every dollar raised goes to fill needs in our local community**

**Religious Components**

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

**Description** **4 Aluminum ramps at \$3000 each straight**

**Amount** **12,000.00**

**Description** **2 Aluminum ramps at \$4,000 each back switch**

**Amount** **8,000.00**

<b>Description</b>	
<b>Amount</b>	
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<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL</b>	<b>20,000.00</b>
<b>EXPENDITURES</b>	
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-20,000.00</b>
<b>Name of Organization</b>	<b>Contractors for a cause Foundation</b>
<b>Applicant/Authorized Official</b>	<b>Nick Kypreos</b>
<b>Date</b>	<b>06/09/2021</b>

## **Council Grant Form**

**Legal Name of Agency/Organization**      **Town of Delmar, Delaware**

**Project Name**      **Memorial Stone Marker in Honor of Cpl. Keith Heacock**

**Federal Tax ID**      **52-6002077**

**Non-Profit**      **No**

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

**No**

**Organization's Mission**      **The Town of Delmar is committed to protect and enrich the quality of life by providing a high level of services in an effective and approachable manner for all the citizens of Delmar.**

**Address**      **100 S. Pennsylvania Avenue**

**Address 2**

**City**      **Delmar**

**State**      **DE/MD**

**Zip Code**      **21875**

**Contact Person**      **Sara Bynum-King**

**Contact Title**      **Town Manager**

Contact Phone Number	(302) 846-2664
Contact Email Address	<a href="mailto:townmgr.delmar@verizon.net">townmgr.delmar@verizon.net</a>
Total Funding Request	\$6,000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	33
Program Category (choose all that apply)	Other
Program Category Other	Memorial
Primary Beneficiary Category	Other



<b>Beneficiary Category</b> Other	<b>Fallen Police Officer</b>
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	<b>1609</b>
<b>Scope</b>	<b>On April 28, 2021 Cpl. Keith Heacock succumbed to injuries sustained on April 25, 2021 when he was assaulted after responding to a domestic call. This horrific tragedy has devastated the community of Delmar and in an effort to remember and honor Keith's life and service to the Town of Delmar, the Mayor and Council desires to install a Monument that includes a carving of Cpl. Keith Heacock's face along with an engraved biography. The Monument is proposed to be placed in the Delmar State Street Park.</b>
<b>Religious Components</b>	<b>N/A</b>
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	<b>18,000.00</b>
<b>Description</b>	<b>Delmar, Delaware Cost Share</b>
<b>Amount</b>	<b>6,000.00</b>
<b>Description</b>	<b>Delmar, Maryland Cost Share</b>

<b>Amount</b>	<b>6,000.00</b>
<b>Description</b>	
<b>Amount</b>	
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<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	<b>12,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>6,000.00</b>
<b>Name of Organization</b>	<b>Town of Delmar</b>
<b>Applicant/Authorized Official</b>	<b>Michael T. Houlihan</b>

Date	06/23/2021
Affidavit Acknowledgement	Yes

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## **Council Grant Form**

**Legal Name of Agency/Organization** Town of Blades

**Project Name** Blades Night Out

**Federal Tax ID** 51-6001393

**Non-Profit** Yes

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

**Organization's Mission** Annual Police Department National Night Out event.

**Address** 20 W Fourth St

**Address 2**

**City** Blades

**State** DE

**Zip Code** 19973

**Contact Person** Karen Raines

**Contact Title** Admin Asst

**Contact Phone Number** 3026297366

<b>Contact Email Address</b>	<a href="mailto:karenraines@townofblades.com">karenraines@townofblades.com</a>
<b>Total Funding Request</b>	600.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	15
<b>Program Category (choose all that apply)</b>	Other
<b>Program Category Other</b>	Community
<b>Primary Beneficiary Category</b>	Other
<b>Beneficiary Category Other</b>	Community event benefitting everyone

<p><b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b></p>	<p>100</p>
<p><b>Scope</b></p>	<p>Blades Night Out is an annual event planned by the Blades Police Department. Building partnerships between community and police to help prevent crime. Food is provided, educational materials, entertainment for children.</p>
<p><b>Religious Components</b></p>	<p>N/A</p>
<p><b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b></p>	<p>4,000.00</p>
<p><b>Description</b></p>	
<p><b>Amount</b></p>	
<p><b>Description</b></p>	
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<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	4,000.00
<b>Name of Organization</b>	Town of Blades
<b>Applicant/Authorized Official</b>	Karen Raines
<b>Date</b>	06/30/2021
<b>Affidavit Acknowledgement</b>	Yes



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## **Council Grant Form**

**Legal Name of Agency/Organization** ITN Southern Delaware, Inc

**Project Name** ITN - Back on the Road

**Federal Tax ID** 46-4801700

**Non-Profit** Yes

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

**Organization's Mission** MISSION: ITN Southern Delaware (Independent Transportation Network), the nonprofit cooperative, strives to provide economically viable and consumer-oriented, community based, community supported, quality transportation services that are safe, reliable, and affordable for seniors 55+ and adults with visual impairments throughout Sussex County Delaware by building a cooperative network, promote lifelong safety, mobility, and quality of life, and give family members peace of mind.  
PROMISE: ITN promises to offer dignified arm-through-arm, door-through-door transportation services in private vehicles that enable access to healthcare and wellness services, daily living needs, social and recreational events, worship activities, and civic duties that will positively impact the local economy, ease strain on medical practices and emergency medical services, keep area highways safer, and allow older adults to age in place.

**Address** ITN Southern Delaware

<b>Address 2</b>	26412 Broadkill Road
<b>City</b>	Milton
<b>State</b>	Delaware
<b>Zip Code</b>	19968
<b>Contact Person</b>	Janis Hanwell
<b>Contact Title</b>	Vice President, Board of Directors
<b>Contact Phone Number</b>	(302) 396-4824
<b>Contact Email Address</b>	<a href="mailto:janis.hanwell@itnsoutherndelaware.org">janis.hanwell@itnsoutherndelaware.org</a>
<b>Total Funding Request</b>	3000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	3750
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the</b>	5

**project's funding does the Council grant represent?**

**Program Category (choose all that apply)** Health and Human Services, Other

**Program Category Other** Transportation

**Primary Beneficiary Category** Elderly Persons (62 +)

**Beneficiary Category Other**

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

500

**Scope**

BACKGROUND: ITN has been providing services since 2015, and just prior to the COVID pandemic, ride income had increased over a 5 year period to make up about 35% of ITN's revenue, and new and renewal memberships almost 15%. To meet our goals and cover operational costs, the remaining income was brought in through strong partner memberships with local businesses, subsidies and service agreements with local and state organizations, private and corporate donations, and foundation and civic grants. At that time, ITN's goals for fiscal sustainability were being met.

The aim has always been to serve a diverse older adult population regardless of socioeconomic status or any other protected class, so to keep rides affordable, provide

scholarships, and cover operating costs, the nonprofit must rely on exceptional volunteers and local business partnerships, as well as funding and support from Sussex County Council, DelDOT, State Legislators, corporate sponsorships, and various large and small grants and private donations. Over the years, these organizations have included Beebe Medical Foundation, Sussex County Council, Longwood Foundation, USDA, Highmark Delaware, Regeneron Pharmaceutical, Village Improvement Association, several area Lions Clubs, a handful of local church organizations, medical and non-medical in-home care providers, physical therapy agencies, the American Association for the Blind, CHEER Delaware, Delaware Volunteer 50+, and several local philanthropists. For those served, it is ITN's dedicated and caring volunteers, superior customer service, personalization, no limitations on purpose or day and time of rides (scheduled in advance), reliability and convenience, reasonable rates, and most of all, strong relationships that have been key to the nonprofit's successful recruitment and retention of over 300 active member-riders and almost 350 member-supporters. By providing a service akin to having a close friend picking up a member to run errands, attend appointments, perform personal business, or attend social or recreational events, ITN and its members and volunteers establish partnerships and maintain collaborative relationships with well over 350 Sussex County medical and healthcare related practices, retail establishments, places of worship, grocery stores, pharmacies, restaurants, salons, recreational locations and events, and many other types of small businesses throughout lower Delaware. By bringing ITN members to their doorsteps, Sussex County's older adults remain physically and mentally healthy citizens and socially active consumers connected to their community. In turn, ITN continues to have a positive impact on the local economy, ease the strain on medical and EMS services, keep area roadways safer, give family members peace of mind, and improve quality of life across the area.

**CORONAVIRUS EFFECT ON ITN:** At the start of ITN's 4th year in business (July 2019), the organization was no longer

operating at a loss and on track to meeting its annual goals. When the pandemic was declared, no one dreamed it would last an entire year and serving a population mostly 65+ with underlying health conditions in the midst of it immediately made it impossible for ITN to maintain fiscal sustainability. Add to that the fact that a majority of ITN volunteers are also 65+, and service delivery even for the most critical medical appointments also became a challenge. As Delawareans were forced to shelter in place, ride numbers and new memberships continued to decline and subsidies from local business partnerships became scant. Prior to the availability of the vaccine, only a small number of ITN riders and drivers remained comfortable even when ITN put safety measures in place and services were limited to critical medical appointments and acute need errand services.

Now that limitations have been eased and it appears that the emergency declaration will be lifted in July, the increase in ride requests and new memberships are growing much more swiftly than the return of volunteer drivers. Everyone is ready to get out of the house and reconnect with friends, families, neighbors, and local establishments, especially those who were most isolated.

USE OF FUNDS: To keep up with demand, ITN must –

- hire at least one paid driver,
- embark on an intense volunteer recruitment campaign,
- provide employees and volunteers with education, support, and assistance in learning and following new and ongoing safety protocols,
- disseminate materials and supplies, informational brochures to staff, volunteers, business partners, medical facilities, local businesses and Chambers of Commerce, community organizations, etc., and
- inform the public that safe, affordable services are back in operation as well as two new programs that were added during the height of the pandemic: ITN Errand Runs and ITN Friendly Connections (phone call service).

Given that public transit options for area seniors are limited, costly, inconvenient, and impersonal, ITN needs to safely

resume transportation services to the fullest extent and make a permanent shift to provide additional services for those who remain reticent to return to public outings and day-to-day routines.

ITN will alleviate fears while filling a niche that other public transit systems, taxi services, and web-based transportation companies throughout Sussex County cannot by providing personalized, safe, affordable transportation via dedicated, caring drivers who offer arm-through-arm, door-through-door outstanding customer service, support, and friendship to seniors 55+ and adults with visual impairments. To do all this, we need your support.

<b>Religious Components</b>	N/A
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	45,000.00
<b>Description</b>	Salary & Contracted Services (Driver, Outreach, Training, Office Asst.)
<b>Amount</b>	30,000.00
<b>Description</b>	Equipment & Software (Web based emergency system & phone line/phone)
<b>Amount</b>	3,500.00
<b>Description</b>	Printing & Advertising (Training, Presentations, Outreach)
<b>Amount</b>	9,000.00



<b>Description</b>	Maintenance (2 Fleet cars, technology)
<b>Amount</b>	3,000.00
<b>Description</b>	Material & Supplies (PPE's, Cleaning Supplies, Office Supplies. Postage)
<b>Amount</b>	5,000.00
<b>Description</b>	Recruitment, Job Fairs
<b>Amount</b>	2,000.00
<b>Description</b>	Presentations & Traded Shows (Registration & Travel)
<b>Amount</b>	1,500.00
<b>Description</b>	Member Ride Scholarships & Subsidies
<b>Amount</b>	6,000.00
<b>TOTAL EXPENDITURES</b>	60,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-15,000.00
<b>Name of Organization</b>	ITN Southern Delaware, Inc
<b>Applicant/Authorized Official</b>	Janis Hanwell
<b>Date</b>	06/25/2021

**Affidavit**

Yes

**Acknowledgement**

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## **Council Grant Form**

**Legal Name of Agency/Organization** Nanticoke Little League inc

**Project Name** Pitching machine replace stolen

**Federal Tax ID** 51-6017956

**Non-Profit** Yes

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

**Organization's Mission** Little League provide a community sports opportunity with a international opportunity at affordable costs. allowing many in low income community the ability to play baseball and softball that might not other wise be able to

**Address** p.o box 274

**Address 2** 1004 Norman Eskridge hwy

**City** Seaford

**State** de

**Zip Code** 19973

**Contact Person** Craig Dimes

**Contact Title** Treasurer

<b>Contact Phone Number</b>	443-359-0208
<b>Contact Email Address</b>	<a href="mailto:ckdimes@gmail.com">ckdimes@gmail.com</a>
<b>Total Funding Request</b>	1500.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Other
<b>Program Category Other</b>	community sports
<b>Primary Beneficiary Category</b>	Youth

**Beneficiary Category**

Other

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

300

**Scope**

Nanticoke Little League recently had its Pitching machine stolen and it's not part of the yearly expenditure. This loss has created an inability for the level of youth to be able to practice effectively for tournaments they still are registered to play during the summer.

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

2,500.00

**Description**

tournaments registration

**Amount**

2,000.00

**Description**

uniforms

**Amount**

500.00

**Description****Amount**

<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	2,500.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	0.00
<b>Name of Organization</b>	Nanticoke Little League
<b>Applicant/Authorized Official</b>	Craig Dimes
<b>Date</b>	06/30/2021
<b>Affidavit Acknowledgement</b>	Yes

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## **Council Grant Form**

**Legal Name of Agency/Organization** Bridgeville Apple Scrapple Festival, Inc

**Project Name** 2021 Apple Scrapple Festival

**Federal Tax ID** 510399198

**Non-Profit** Yes

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

**Organization's Mission** Encourage tourism in western Sussex County, actively involve all community organizations, promote local agri-business, and provide fundraiser opportunity for non-profit organizations.

**Address** P.O. Box 206

**Address 2** 600 South Cannon Street

**City** Bridgeville

**State** Delaware

**Zip Code** 19933

**Contact Person** Karen Johnson

**Contact Title** Executive Chair



<b>Contact Phone Number</b>	302-245-2038
<b>Contact Email Address</b>	<a href="mailto:karen.johnson@lib.de.us">karen.johnson@lib.de.us</a>
<b>Total Funding Request</b>	6,000.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	10
<b>Program Category (choose all that apply)</b>	Cultural
<b>Program Category Other</b>	
<b>Primary Beneficiary Category</b>	Other

<b>Beneficiary Category</b> Other	All
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	20000
<b>Scope</b>	<p>Our festival is an open-air street festival that promotes agri-business and western Sussex County tourism. We provide fundraising opportunities to hundreds of vendors that participate. To encourage attendance at our festival, we provide free transportation, free parking, and free entertainment; ensuring all organization and businesses benefit from a well-attended festival. Sponsorship funds are crucial to offset the cost of these important free services. The festival accommodates attendees with disabilities with three parking lot areas and two buses available throughout the day. Additionally, twelve buses are contracted to transport festival attendees from the north and south parking lots. We are requesting funding to offset the cost of advertising, bus service, and entertainment. Additional advertising will be necessary for our festival to encourage participation and attendance, since our 2020 hiatus due to COVID restrictions. The expenses include: parking lot attendants to assist with parking, bus and bus driver costs, advertising, bands, and stage expenses.</p>
<b>Religious Components</b>	
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	20,000.00

<b>Description</b>	Parking Attendants
<b>Amount</b>	3,000.00
<b>Description</b>	Entertainment/Bands
<b>Amount</b>	3,000.00
<b>Description</b>	Advertising
<b>Amount</b>	10,000.00
<b>Description</b>	Buses and Bus Drivers
<b>Amount</b>	5,000.00
<b>Description</b>	Stage Expenses
<b>Amount</b>	5,400.00
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	26,400.00

<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-6,400.00
<b>Name of Organization</b>	Bridgeville Apple Scapple Festival
<b>Applicant/Authorized Official</b>	Karen Johnson
<b>Date</b>	07/01/2021
<b>Affidavit Acknowledgement</b>	Yes

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# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: West Side New Beginnings Inc.  
PROJECT NAME: West Side New Beginnings Inc.  
FEDERAL TAX ID: 51-0350410 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: To establish a cohesive network to address the needs and concerns of the community as they relate to alcohol, tobacco and other drugs, self-esteem, housing, education and recreation. To promote literacy, learning and health by providing wholesome after-school and summer enrichment activities and programs for the children of Rehoboth and surrounding communities.

ADDRESS: West Side New Beginnings Inc  
19801 Norwood Street  
Rehoboth Delaware 19971  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Diaz J. Bonville  
TITLE: President  
PHONE: 302-528-2265 EMAIL: Diaz122455@aol.com

**TOTAL FUNDING REQUEST: \$8,929.00**

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? \$5,500.00

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? 100%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

120

## SECTION 3: PROGRAM SCOPE

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

West Rehoboth is a historic and predominately African American neighborhood in the heart of coastal Sussex County. With pride and determination, it desires to treasure its past, preserve its character, provide new affordable housing, create a clean and healthy environment, foster economic development for jobs and growth and provide a bright future for its residents. West Rehoboth is a predominantly residential, single-family, low-density neighborhood with deep roots. It is a story of courageous people since the early years of the 19th century. The funds being requested are used primarily to provide for community safety. Without the Sussex County support for the community would not have street lights. The funds are also used in support of the community center which is used as a cultural center for the community. It is used for after-school, cultural, and educational programs, a place for community meetings and the kitchen is used to prepare food for the homeless, single families, multi-families, senior citizens in need. The funds being requested will used to pay the center's sewage, trash and building security bills. We thank the Sussex County Council for its past support of the West Rehoboth community.

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

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	0.00
<b>EXPENDITURES</b>	
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. <b>(Put amounts in as a negative)</b>	
Street Lights	-\$ 3,540.00
Security System	-\$ 850.00
Sussex Sewer	-\$ 1,069.00
Trash	-\$ 720.00
Accounting Services	-\$ 2,000.00
Board Insurance	-\$ 750.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 8,929.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 8,929.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

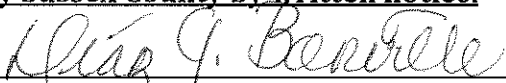
If this grant application is awarded funding, the West Side New Beginnings Inc agrees that:  
(Name of Organization)

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



**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
Applicant/Authorized Official Signature

6-28-2021

Date

  
Witness Signature

6-28-2021

Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto: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.

*Lisa G. Beauville*  
Applicant/Authorized Official Signature

6-28-2021  
Title

*Linda Beauville*  
Witness Signature

6/28/2021  
Date

**To Be Introduced 07/13/21**

**Council District 5 - Rieley  
Tax I.D. No. 533-5.00-47.00  
911 Address: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 72.00 ACRES, MORE OR LESS**

**WHEREAS, on the 1st day of June 2021, a conditional use application, denominated Conditional Use No. 2288 was filed on behalf of Broom Solar Partners, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2288 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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 115, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2288 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Frankford School Road (S.C.R 92) approximately 0.55 mile west of Pyle Center Road (Route 20), and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC, said parcel containing 72.00 acres, more or less**

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

**To Be Introduced 07/13/21**

**Council District 4 - Hudson**

**Tax I.D. Nos. 334-13.20-21.00 & 334-13.19-79.00 (p/o)**

**911 Addresses: 19897 Hebron Rd. & 19826 Central Ave., Rehoboth Beach**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MARKETPLACE WITH SIMILAR ACTIVITIES AND OFF-SITE PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.247 ACRES AND 0.327 ACRES, MORE OR LESS**

**WHEREAS, on the 18th of May 2021, a conditional use application, denominated Conditional Use No. 2289 was filed on behalf of Leah Beach; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2289 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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 115, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2289 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwestern side of Canal Crossing Road and Central Avenue, approximately 100 feet east of Hebron Road (Rt. 273), and being more particularly described in the attached survey by Coast Survey Inc., dated July 25, 2006, said parcel containing 0.248 acre, more or less; and also, a portion of a certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred,**

**Sussex County, Delaware, and lying on the northeastern corner of Rehoboth Avenue Extended (Rt. 1A) and Hebron Road (Rt. 273), and being more particularly described in the attached deed prepared by Wilson, Halbrook, Bayard, Bunting & Marshall, containing 1.98 acres, more or less.**

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

TO BE INTRODUCED

**To Be Introduced 07/13/21**

**Council District 3 - Schaeffer  
Tax I.D. No. 235-30.00-6.21 (part of)  
911 Addresses: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS**

**WHEREAS, on the 7th of June 2021, a conditional use application, denominated Conditional Use No. 2290 was filed on behalf of Toback Development, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2290 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2290 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R 254), and more particularly described in the attached legal description prepared by Scaled Engineering, containing 7.12 acres, more or less.**

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

**To Be Introduced 07/13/21**

**Council District 3 - Schaeffer  
Tax I.D. Nos. 230-7.00-47.01 & 47.03  
911 Address: 8272 Brick Granary Road, Lincoln**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF AN EXISTING CAMPGROUND TO INCLUDE AN AMENITIES AREA FOR THE STORAGE OF KAYAKS, CANOES AND EQUIPMENT AND FOR A CAMPGROUND SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES AND 3.08 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of June 2021, a conditional use application, denominated Conditional Use No. 2291 was filed on behalf of Blue Camp DE, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2291 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2291 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Brick Granary Road (S.C.R. 244) approximately 800 feet southwest of Coastal Highway (Route 1) and being more particularly described in the attached legal descriptions prepared by Pennoni Associates, Inc., said parcels containing 1.33 acres and 3.08 acres, more or less.**

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

**To Be Introduced 07/13/21**

**Council District 3 - Schaeffer**

**Tax I.D. Nos. 234-6.00-26.00, 26.01, 26.02, 26.03, 26.05, and 59.19**

**911 Addresses: 20440, 20452, and 20464 Wil King Road, Lewes**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1/MR-RPC AGRICULTURAL RESIDENTIAL DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.07 ACRES, MORE OR LESS**

**WHEREAS, on the 29th day of December 2020, a zoning application, denominated Change of Zone No. 1937 was filed on behalf of Double DB, LP; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1937 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and GR General Residential District and adding in lieu thereof the designation of AR-1/MR-RPC Agricultural Residential District and Medium Density Residential District-Residential Planned Community as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of Wil King Rd. (Route 288) approximately 0.89 miles north of Conleys Chapel Road (Route 280B) and being more particularly described in the attached legal descriptions prepared by Betts & Schrader, Brown, Shields, Beauregard & Chasanov, and Hugh A. George Co., said parcels containing 29.07 ac., 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.**



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DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 9, 2021

RE: County Council Report for CU 2252 filed on behalf of Delaware Electric Co-Op

---

The Planning and Zoning Department received an application (CU 2252 filed on behalf of Delaware Electric Co-Op) for a Conditional Use for parcel 334-12.00-2.00 for a substation at 34139 Cedar Grove Rd, Lewes. The property is within the Medium Density Residential (MR) Zoning District. The parcel size is 9.1 acres +/-.

The Planning and Zoning Commission held a public hearing on May 27, 2021. At the meeting of May 27, 2021, the Commission recommended approval of the application for the 4 reasons and subject to the 5 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of May 27, 2021.

[Approved Minutes of the May 27, 2021 Planning & Zoning Commission Meeting](#)

### **C/U 2252 Delaware Electric Co-Op**

**An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for a substation to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.1 acres, more or less.** The Property is lying on the southwest corner of Plantations Rd. and Cedar Grove Road (S.C.R. 283). 911 Address: 34139 Cedar Grove Road, Lewes. Tax Parcel: 334-12.00-2.00

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's conceptual site plan, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and there were no letters in support or opposition and zero mail returns.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

Mr. Robertson stated that he would not participate in this hearing.

The Commission found that Mr. Mark Nielson, Senior Vice-President with Delaware Electric Co-op was present on behalf of the Application. Mr. Nielson stated that the subject property was chosen for a proposed substation because of its proximity to transmission lines and also proximity to the load that it will serve; that the load growth has increased in Eastern Sussex County but particularly in the area of Lewes and Rehoboth Beach; that this substation would serve all of the area along Gill's Neck Road, east of Route 1, and also Plantations Road and west of Plantations Road; that Bay Health Hospital will also be served by this substation; and that he introduced Mr. Alex Schmidt, Project Manager with Century Engineering.

Mr. Schmidt stated that this project will have no impact on traffic; that during construction there will be approximately 20 vehicles traveling to the site and following construction there will be one vehicle per month for maintenance of the site; that stormwater management will be an infiltration system at the rear of the site; that the soil testing has been completed for the infiltration system; that sewer, water or gas will not be needed for this project; that the site will be screened by Arborvitae trees; and that there will not be any clearing of trees on the site.

Ms. Stevenson asked if there is any proposal for the use of the remainder of the site.

Mr. Schmidt stated that there was some talk of subdividing the property.

Mr. Nielson stated that there are no plans at this time for the remainder of the property and it will be a grass area.

Ms. Wingate asked about the proposed fence.

Mr. Schmidt stated that the fence will be around the perimeter of the substation and not the entire property.

Mr. Mears if there would be noise associated with the use that may be offensive to the neighbors.

Mr. Nielson stated there will be a slight hum but no loud sounds from the substation.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use #2252 for DELAWARE ELECTRIC COOPERATIVE based on the record made during the public hearing and for the following reasons:

1. The Conditional Use for an electrical substation is of a public nature, and it will promote the health, safety and welfare of the residents of Sussex County.

2. The Co-op has stated that the substation is necessary to maintain and improve its electrical service to current and future residents of Sussex County.
3. The construction and use of an electrical substation on this site will not adversely affect neighboring properties or roadways.
4. No parties appeared in opposition to this application.
5. This Conditional Use is subject to the following conditions:
  - a. The perimeter of the substation shall be fenced.
  - b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
  - c. Any security lighting shall be shielded and downward-screened so that it does not shine on neighboring properties and County Roads.
  - d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.
  - e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2252 for Delaware Electric Cooperative, for the reasons and conditions stated in the motion. Motion carried 4 – 0.

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 27<sup>th</sup>, 2021

Application: CU 2252 Delaware Electric Co-Op

Applicant: Delaware Electric Co-Op, Troy Dickerson  
4198 Sussex Hwy.  
Greenwood, DE 19950

Owner: Delaware Electric Co-Op, Troy Dickerson  
4198 Sussex Hwy.  
Greenwood, DE 19950

Site Location: 34139 Cedar Grove Rd.  
Lewes, DE 19958

Current Zoning: Medium Residential (MR) Zoning District

Proposed Use: Electrical Substation

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Sussex County

Site Area: 9.1 acres +/-

Tax Map ID.: 334-12.00-2.00



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Sussex County

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## Memorandum

To: Sussex County Planning Commission Members  
From: Nicholas Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 5th, 2021  
RE: Staff Analysis for CU 2252 Delaware Electric Co-Op

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2252 Delaware Electric Co-Op to be reviewed during the May 27, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 334-12.00-2.00 to allow for a Conditional Use of land in a Medium Density Residential (MR) Zoning District for an electrical substation. The parcel is located on the southeast corner of Cedar Grove Rd and Plantations Road in Lewes, Delaware. The area of the site is approximately 9.1 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of the "Coastal Area." All neighboring properties are also designated as "Coastal Area."

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is within a Medium Density Residential (MR) Zoning District. The parcel to the west and the northeast across Plantations Rd are also within an MR Zoning District. The parcels to the south and northeast across Plantations Rd are zone Agricultural Residential District AR-1. The parcel to the east across Cedar Grove Road is zoned Neighborhood Business B-1.

Since 1971, there have been 27 Conditional Use applications within a one-mile radius of the application site. Of the 27 Conditional Use applications within a one-mile radius, 18 have been approved, 4 have been denied, 3 were withdrawn, and 3 are currently pending applications.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for an electrical substation, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





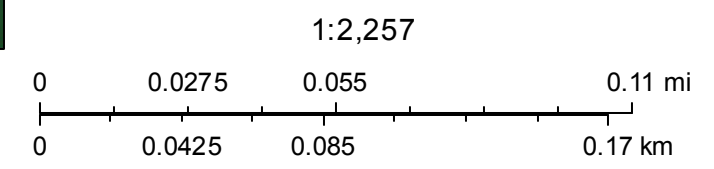


# Sussex County



<b>PIN:</b>	334-12.00-2.00
<b>Owner Name</b>	SAYERS EDWARD G TRUSTEE
<b>Book</b>	0
<b>Mailing Address</b>	28 GLOVER CIRCLE
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	RD.GEORGETOWN TO
<b>Description 2</b>	REHO. 12.46 AC.S.
<b>Description 3</b>	WITH IMP.
<b>Land Code</b>	

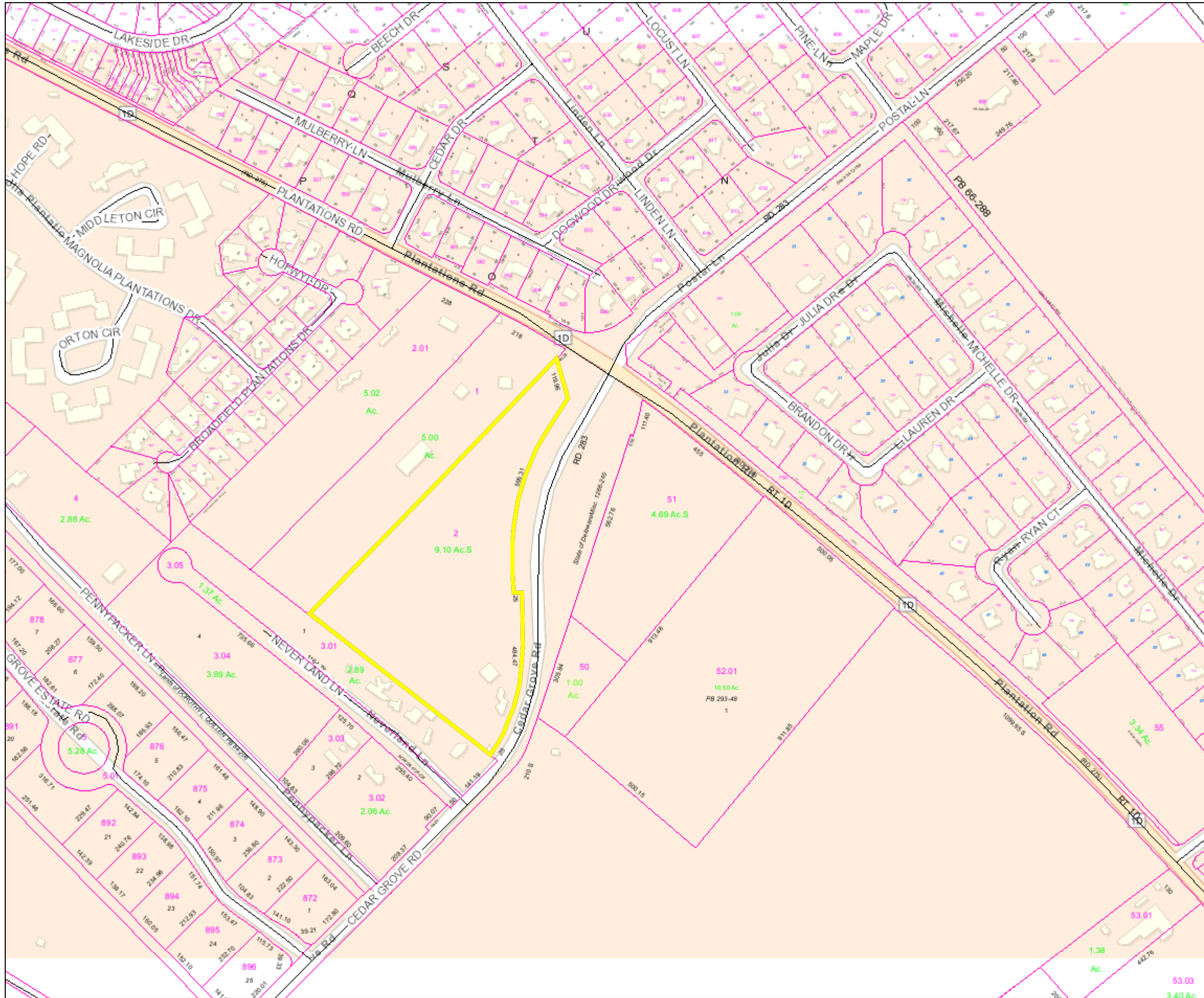
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- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries







# Sussex County



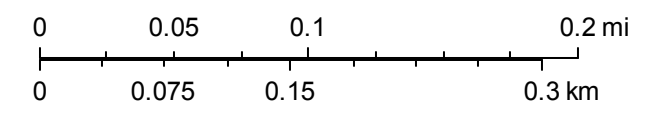
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<b>Owner Name</b>	SAYERS EDWARD G TRUSTEE
<b>Book</b>	0
<b>Mailing Address</b>	28 GLOVER CIRCLE
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	RD.GEORGETOWN TO
<b>Description 2</b>	REHO. 12.46 AC.S.
<b>Description 3</b>	WITH IMP.
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries

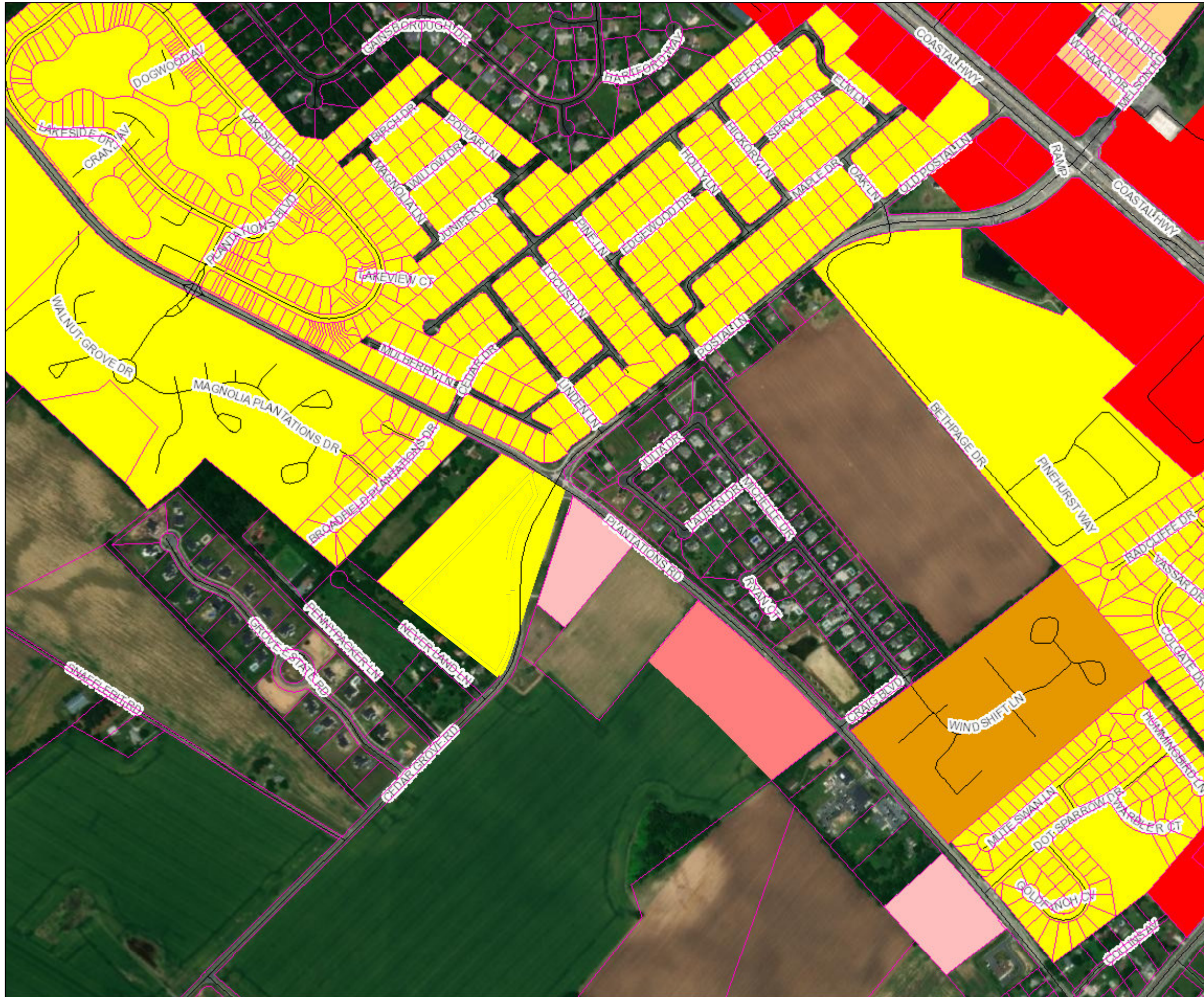
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# Sussex County



<b>PIN:</b>	334-12.00-2.00
<b>Owner Name</b>	SAYERS EDWARD G TRUSTEE
<b>Book</b>	0
<b>Mailing Address</b>	28 GLOVER CIRCLE
<b>City</b>	WILMINGTON
<b>State</b>	DE
<b>Description</b>	RD.GEORGETOWN TO
<b>Description 2</b>	REHO. 12.46 AC.S.
<b>Description 3</b>	WITH IMP.
<b>Land Code</b>	

**polygonLayer**

Override 1

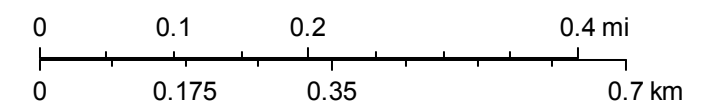
**polygonLayer**

Override 1

Tax Parcels

Streets

1:9,028





**Council District 3: Schaeffer  
Tax I.D. No. 334-12.00-2.00  
911 Address: 34139 Cedar Grove Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS**

**WHEREAS, on the 8th day of December 2020, a conditional use application, denominated Conditional Use No. 2252 was filed on behalf of Delaware Electric Co-Op; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2252 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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, Subsections 115-31, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2252 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Plantations Road and Cedar Grove Road (S.C.R. 283) and being more particularly described in the attached legal description prepared by Century Engineering, Inc., said parcel containing 9.1 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.**

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DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 9, 2021

RE: County Council Report for CU 2260 filed on behalf of Ronald Lee Wisseman II

---

The Planning and Zoning Department received an application (CU 2260 filed on behalf of Ronald Lee Wissenman II) for a Conditional Use for parcel 430-11.00-70.00 for gunsmithing at 10213 Fawn Road, Greenwood. The property is within the Agricultural Residential (AR-1) Zoning District. The parcel size is 0.96 acres +/-.

The Planning and Zoning Commission held a public hearing on May 27, 2021. At the meeting of June 10, 2021, the Commission recommended approval of the application for the 8 reasons and subject to the 6 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of May 27, 2021 and the approved minutes from the Planning & Zoning Commission meeting of June 10, 2021.

Approved Minutes of the May 27, 2021 Planning & Zoning Commission Meeting

### **C/U 2260 Ronald Lee Wisseman II**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for gunsmithing to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 0.96 acre, more or less.** The property is lying on the northwest side of Fawn Road (S.C.R 600) approximately 0.5-mile northeast of Sugar Hill Road (S.C.R 599). Address: 10213 Fawn Road, Greenwood. Tax Parcel: 430-11.00-70.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, a letter and a sketch plan from the Applicant, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and there were no letters in support or opposition and two mail returns.



Chairman asked if there is a reason that the use would not fall under a Home Occupation use.

Mr. Whitehouse stated that a determination was made to treat this as a Conditional Use as customers will be coming and going to the property, material will be brought to the property as part of the gunsmithing process and is not manufactured on premises.

The Commission found that Scott Rust was present on behalf of the Applicant, Ronald Lee Wisseman, II, that also present is Ronald Wisseman. Mr. Rust stated that the conditional use is more of a hobby than a business; that the process involves disassembling the firearm, removing the coating, putting a new coating, reassembling the firearm and returning it to the owner; that a Federal Firearms License (FFL) is required for this process; that to get the FFL approval, the Applicant must also have County approval; that there may be 1 -2 customers dropping off firearms daily; that the application is not just for firearms but for other items such as tumblers; there are no employees; that all supplies will be stored indoors; there are no odors or noise associated with the process that could affect adjoining properties; that the hours of operation would be 5:00 pm – 7:00 pm Monday through Friday and 8:00 am – 5:00 pm on weekends; there will be no shooting of the firearms on the property;

Ms. Wingate asked if the process is for guns that have rusted.

Mr. Rust stated that the process is for both guns that have gotten scratched while hunting and also for gun owners who want a custom finish for their firearm.

Mr. Mears asked if gun repair would also be offered.

Mr. Rust stated that Mr. Wisseman does not repair guns and that Mr. Wisseman works with a gunsmith to complete any repairs necessary.

Mr. Robertson asked if the Applicant is requesting a sign for the business.

Mr. Wisseman stated that he had not thought about getting a sign as this is more of a hobby and his business is by word of mouth mostly.

Chairman Wheatley asked Mr. Wisseman if Mr. Rust is authorized to speak on behalf of the Application.

Mr. Wisseman affirmed that Mr. Rust is authorized to speak on his behalf.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

In relation to Application C/U 2260 Ronald Lee Wisseman II. Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 4 -0.

Approved Minutes of the June 10, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 27, 2021.

Ms. Wingate moved that the Commission recommend approval of Conditional Use 2260 for RONALD LEE WISSEMAN, II for a professional gunsmithing business based on the record made during the public hearing and for the following reasons:

1. The use is for a gunsmithing business located on the property where the applicant resides.
2. The gunsmith process also involves the application of coating material to the surface of guns, rifles and other items.
3. The use is small in nature and is very nearly a home occupation which would be a permitted use on this property.
4. The Applicant has stated that there will be very little interaction with the public except for appointments made for drop-off or pick-up of a firearm that is left at the business for the application of the coating material.
5. The use will not adversely affect neighboring properties or roadways.
6. The Applicant has stated that there will not be a firing range located on the premises and firearms will not be discharged on the premises.
7. The use provides a needed service for residents of Sussex County who own firearms. As a result, the use has a public or semi-public character.
8. No parties appeared in opposition to the application, and one neighbor appeared in support of it.
9. This recommendation is subject to the following conditions:
  - a. The use shall be professional gunsmithing, and the application of coatings to the surface of firearms and other items.
  - b. The Applicant must comply with all Federal and State licenses and regulations for the use.
  - c. As stated by the Applicant, no firearms shall be discharged on the site.
  - d. As stated by the Applicant, the use shall occur within the Applicant's existing building on the site. No gunsmithing activities shall occur outdoors.
  - e. One unlighted sign, no larger than 4 feet by 4 feet in size, shall be permitted.
  - f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to recommend approval of C/U 2260 Ronald Lee Wisseman, II for the reasons and conditions stated in the motion. Motion carried 4 – 0.

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 27<sup>th</sup>, 2021

Application: CU 2260 Ronald Lee Wisseman II

Applicant: Ronald Lee Wisseman II  
10213 Fawn Road  
Greenwood, DE 19950

Owner: Ronald Lee Wisseman II  
10213 Fawn Road  
Greenwood, DE 19950

Site Location: 10213 Fawn Road  
Greenwood, DE 19950

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Gunsmithing

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Ms. Green

School District: Woodbridge School District

Fire District: Bridgeville Fire Department

Sewer: Private (septic system)

Water: Private (well)

Site Area: 0.96 acres +/-

Tax Map ID.: 430-11.00-70.00



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Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Nicholas Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 6th, 2021  
RE: Staff Analysis for CU 2260 Ronald Lee Wisseman II

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2260 Ronald Lee Wisseman II to be reviewed during the May 27, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 430-11.00-70.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for gunsmithing. The parcel is located on the west side of Fawn Rd (S.C.R. 600) in Greenwood, Delaware. The area of the site is approximately 0.96 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of the "Low Density." All neighboring properties are also designated as "Low Density."

The primary uses envisioned in "Low Density Areas" are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in "Low Density Areas" should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is within an Agricultural Residential (AR-1) Zoning District. All surrounding properties are also zoned AR-1.

Since 1971, there have been 5 Conditional Use applications within a one-mile radius of the application site. Of the 5 Conditional Use applications within a one-mile radius, four have been approved and one was denied.

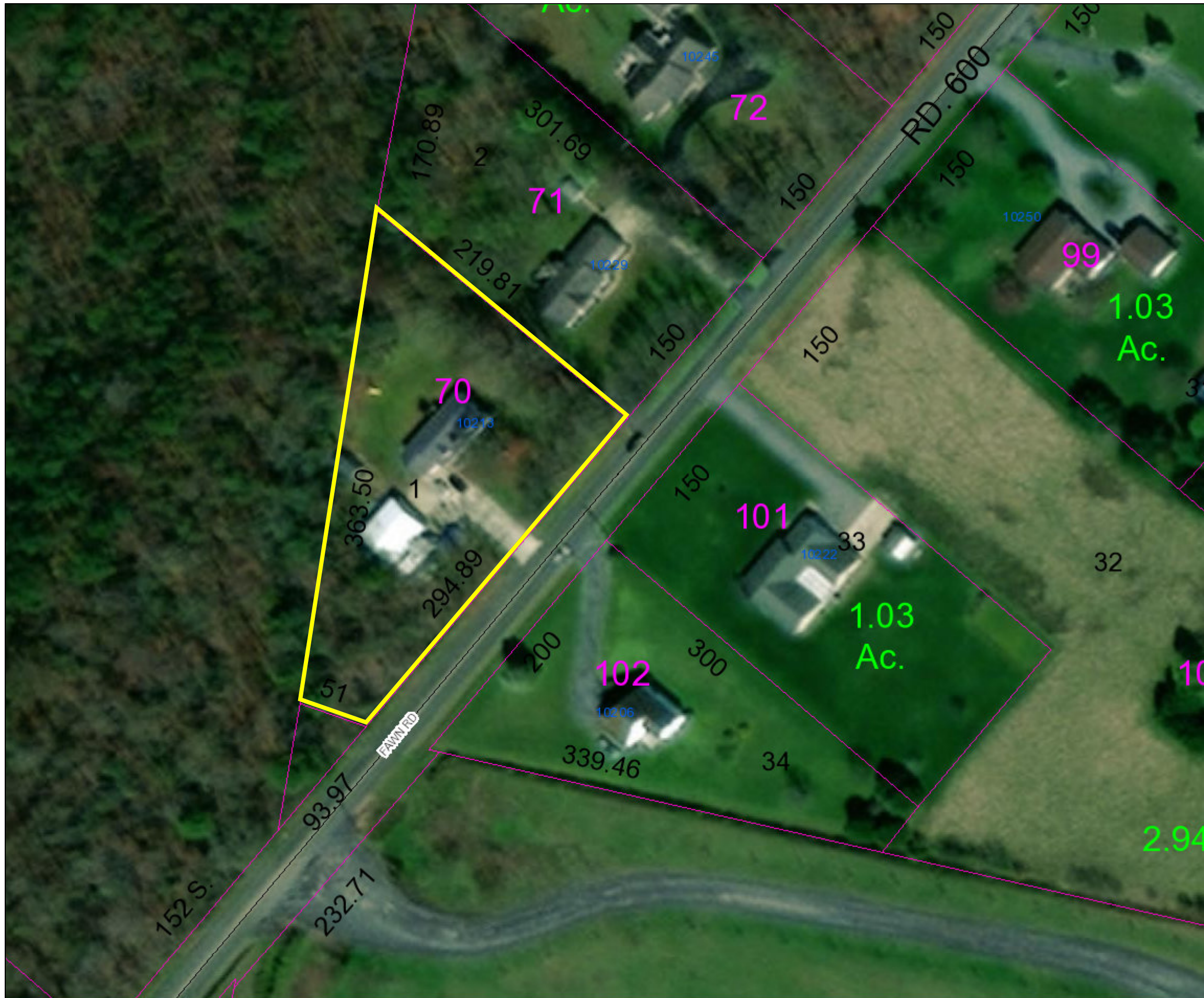
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for gunsmithing, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.







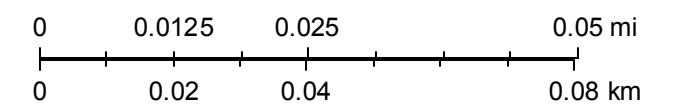
# Sussex County



<b>PIN:</b>	430-11.00-70.00
<b>Owner Name</b>	WISSEMAN RONALD L II
<b>Book</b>	4954
<b>Mailing Address</b>	10213 FAWN RD
<b>City</b>	GREENWOOD
<b>State</b>	DE
<b>Description</b>	FAWN GROVE
<b>Description 2</b>	LOT 1
<b>Description 3</b>	NW/RT 600
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE
- Extent of Right-of-Way
- Municipal Boundaries

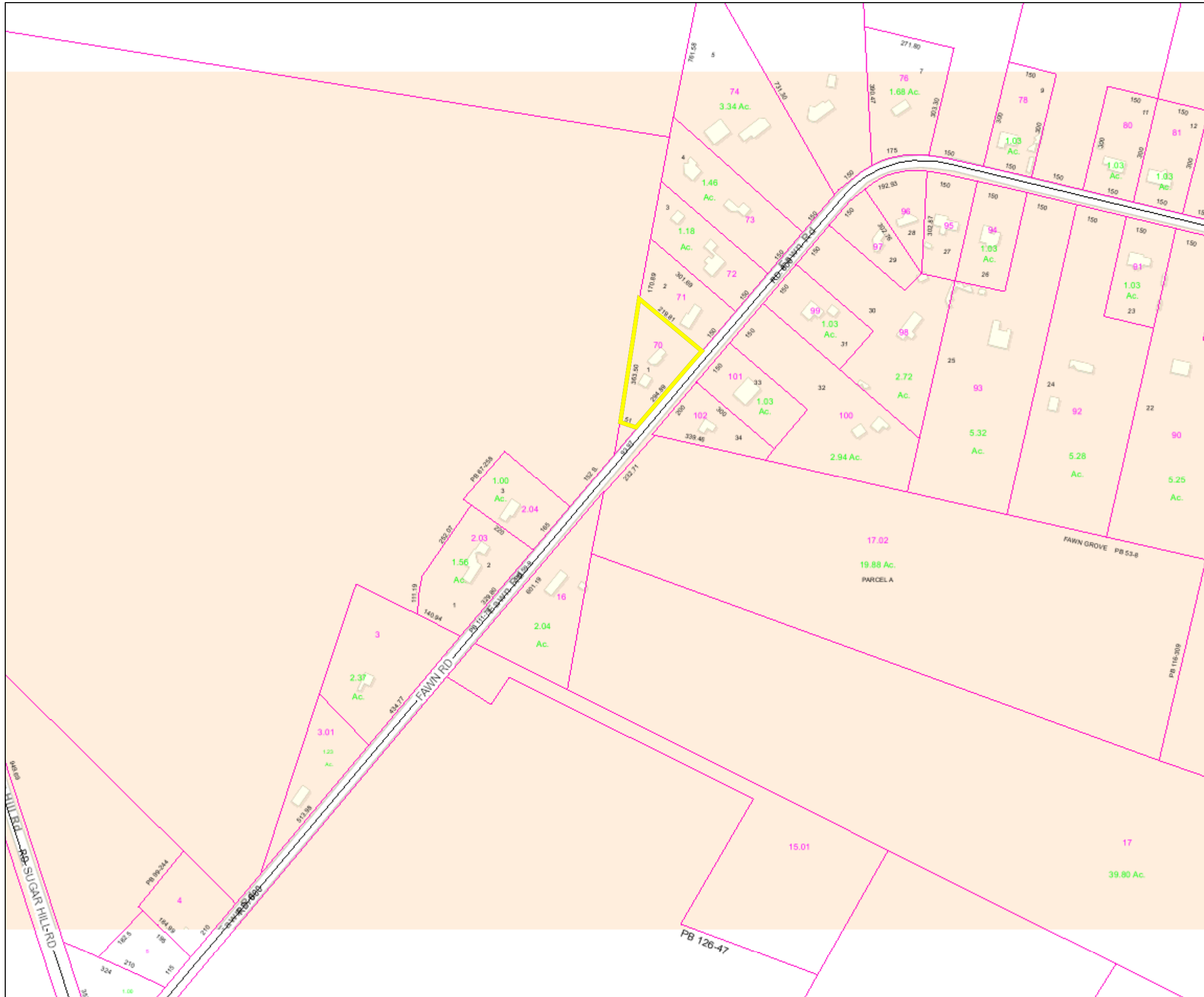
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# Sussex County



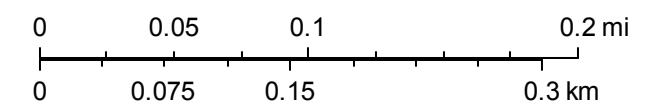
<b>PIN:</b>	430-11.00-70.00
<b>Owner Name</b>	WISSEMAN RONALD L II
<b>Book</b>	4954
<b>Mailing Address</b>	10213 FAWN RD
<b>City</b>	GREENWOOD
<b>State</b>	DE
<b>Description</b>	FAWN GROVE
<b>Description 2</b>	LOT 1
<b>Description 3</b>	NW/RT 600
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514







# Sussex County



<b>PIN:</b>	430-11.00-70.00
<b>Owner Name</b>	WISSEMAN RONALD L II
<b>Book</b>	4954
<b>Mailing Address</b>	10213 FAWN RD
<b>City</b>	GREENWOOD
<b>State</b>	DE
<b>Description</b>	FAWN GROVE
<b>Description 2</b>	LOT 1
<b>Description 3</b>	NW/RT 600
<b>Land Code</b>	

**polygonLayer**

Override 1

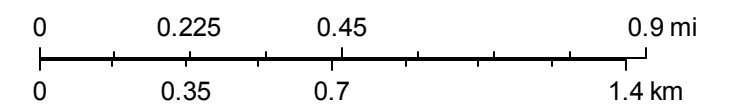
**polygonLayer**

Override 1

Tax Parcels

Streets

1:18,056





**To Be Introduced 03/23/21**

**Council District 2: Green  
Tax I.D. No. 430-11.00-70.00  
911 Address: 10213 Fawn Road, Greenwood**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS**

**WHEREAS, on the 7th day of January 2021, a conditional use application, denominated Conditional Use No. 2260 was filed on behalf of Ronald Lee Wisseman II, and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2260 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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, Subsections 115-22, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2260 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying on the northwest side of Fawn Road (S.C.R 600) approximately 0.5 mile northeast of Sugar Hill Road (S.C.R 599) and being more particularly described in the attached legal description prepared by Old Republic National Title Insurance Company, said parcel containing 0.96 acre, more or less.**

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

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

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sussexcountyde.gov

## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 9, 2021

RE: County Council Report for CU 2280 field on behalf of Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

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The Planning and Zoning Department received an application (CU 2280 filed on behalf of Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)) for a Conditional Use for parcel 334-10.00-69.01) for an events venue for a parcel lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road. The property is within the Agricultural Residential (AR-1) Zoning District. The parcel size is 98.6 acres +/-.

The Planning and Zoning Commission held a public hearing on May 27, 2021. At the meeting of June 10, 2021 the Commission recommended approval of the application for the 9 reasons and subject to the 3 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of May 27, 2021 and the approved minutes of the Planning & Zoning Commission meeting of June 10, 2021.

[Approved Minutes of the May 27, 2021 Planning & Zoning Commission Meeting](#)

### **C/U 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an events venue to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 98.60 acres, more or less.** The property is lying on the south side of Fisher Rd., approximately 0.38 mile west of Hopkins Rd. 911 Address: N/A. Tax Parcel: 334-10.00-69.01

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's conceptual site



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GEORGETOWN, DELAWARE

plan including some elevation drawings, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of a letter from the State Fire Marshal, and there were no letters in support or opposition and zero mail returns. Mr. Whitehouse noted an error to the Staff Analysis that there is a Conditional Use 2177 for an Events Venue approved by County Council on July 30, 2019.

The Commission found that Ingrid Hopkins and Amy Hopkins were present on behalf of their Application.

Ms. Ingrid Hopkins stated that the request is to expand the Covered Bridge Inn to a second event venue; that there is now a 911 address for this location; that the Covered Bridge Inn on agricultural preserved land has grown into a business on preserved land without developing the land; that business is growing and a second location is necessary.

Ms. Amy Hopkins stated that there is a barn on her property that can be modified to accommodate the event venue.

Ms. Stevenson asked if the conditions for this conditional use would be the same as the previous conditional use.

Ms. Ingrid Hopkins stated that there is a difference, the Covered Bridge Inn is a 3-day rental and this venue will be a one-day venue with no overnights.

Ms. Stevenson asked about hours of operation.

Ms. Ingrid Hopkins stated that a 10:00 pm end time is strictly enforced.

Ms. Stevenson asked about an adjacent property that appears to be landlocked and if the property owner needs to gain access through the subject property.

Ms. Amy Hopkins stated that the owner has access through Hermitage Lane.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

In relation to Application C/U 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC). Motion by Ms. Stevenson to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 4 -0.

Approved Minutes of the June 10, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since May 27, 2021.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use #2280 for COVERED BRIDGE INN, LLC (HOPKINS HENLOPEN HOMESTEAD, LLC) for an events venue based on the record made during the public hearing and for the following reasons:

1. The site is part of a 98.6-acre parcel of land owned by the applicant. It is in an area where other farmland is owned by the family applying for this Conditional Use.
2. The use will occur within renovated agricultural buildings and the areas surrounding those buildings.
3. The use will be part of the existing Covered Bridge Inn Event Venue that was approved by Conditional Use # 2177 and Ordinance # 2670.
4. This use is an extension of the prior agricultural use of the property. It is also consistent with the agricultural uses that occur on the surrounding farmland.
5. The Applicant intends to hold events that include weddings, birthday parties and similar functions in conjunction with events that occur at the Covered Bridge Inn.
6. The site will have sufficient areas for parking.
7. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.
8. The use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
9. No parties appeared in opposition to the Application.
10. This recommendation is subject to the conditions imposed upon Conditional Use # 2177 and Ordinance # 2670, as well as the following:
  - a. This approval is contingent upon an approval for the use issued by the Delaware Agricultural Lands Preservation Foundation.
  - b. The Final Site Plan shall depict the area within the larger 98.6-acre parcel where this Conditional Use shall occur.
  - c. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) for the reasons and conditions stated in the motion. Motion carried 4 – 0.

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 27<sup>th</sup>, 2021

Application: CU 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

Applicant/Owner: Covered Bridge Inn, LLC (c/o Ingrid Hopkins)  
30249 Fisher Road  
Lewes, DE 19958

Site Location: On the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles east of Cool Spring Rd. (S.C.R. 290)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Events Venue

Comprehensive Land Use Plan Reference: Low Density

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 98.60 Acres +/-

Tax Map ID.: 334-10.00-69.01





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(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 20, 2021  
RE: Staff Analysis for CU 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2280 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) to be reviewed during the May 27, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-10.00-69.01 to allow for an events venue. The size of the property is 98.60 acres +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at on the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles east of Cool Spring Rd. (S.C.R. 290).

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be for providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all also zoned AR-1.

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

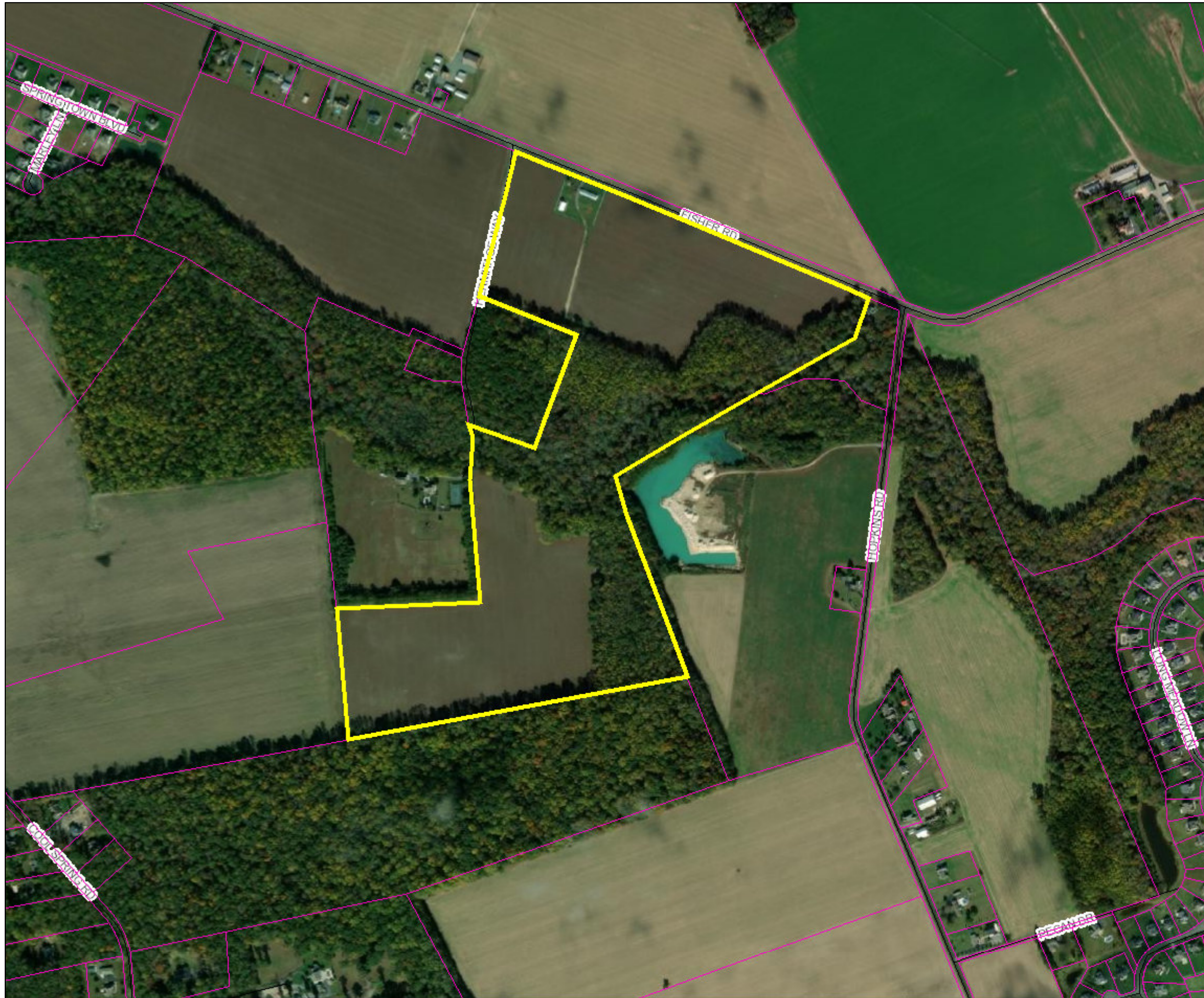


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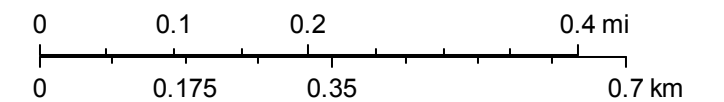
# Sussex County



<b>PIN:</b>	334-10.00-69.01
<b>Owner Name</b>	HOPKINS HENLOPEN HOMESTEAD LLC
<b>Book</b>	4229
<b>Mailing Address</b>	18186 DAIRY FARM ROAD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	S/RT 262
<b>Description 2</b>	136' W/RT 286
<b>Description 3</b>	FP
<b>Land Code</b>	

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- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries

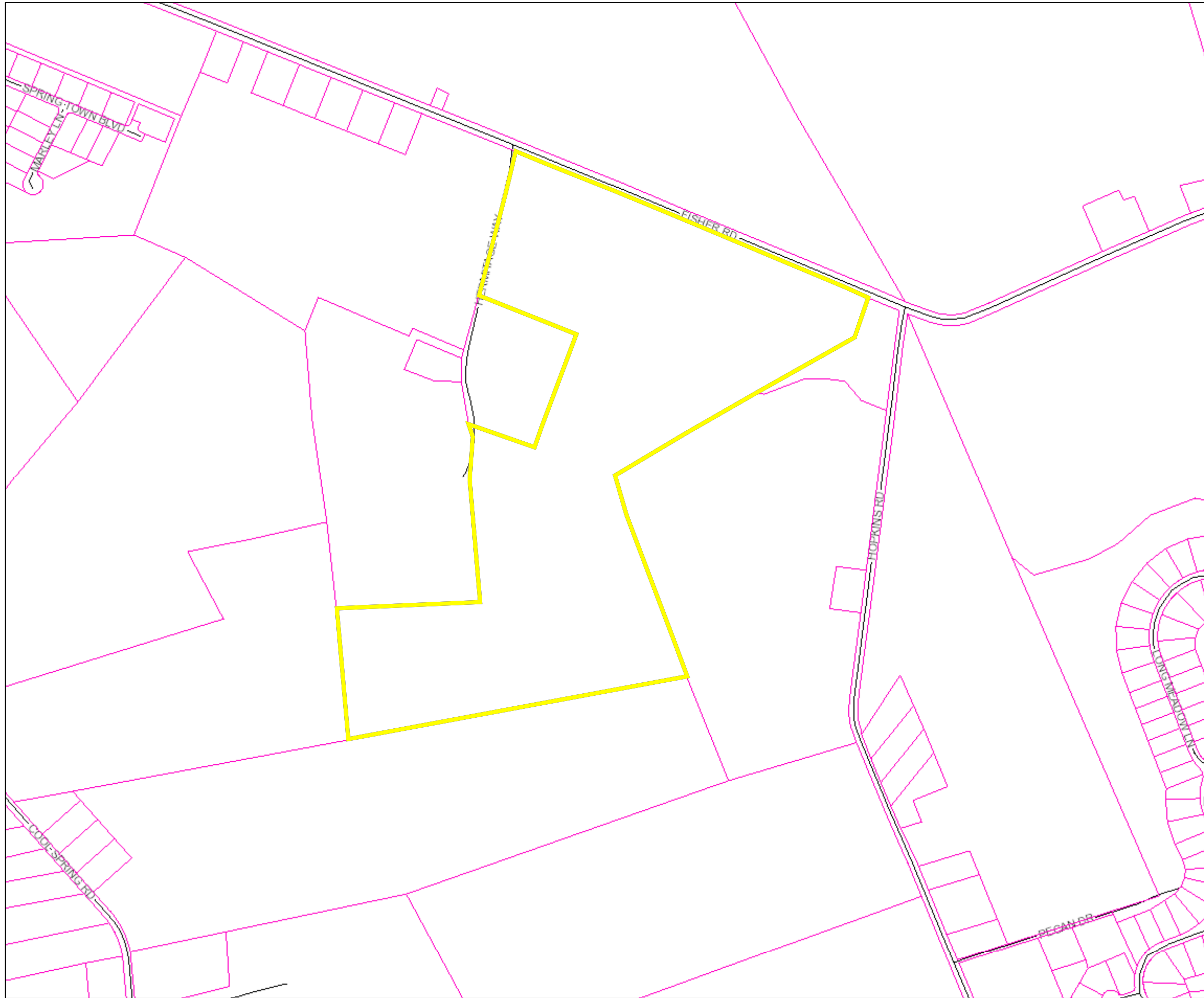
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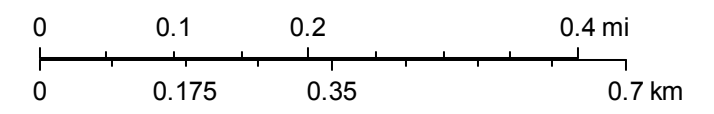
# Sussex County



<b>PIN:</b>	334-10.00-69.01
<b>Owner Name</b>	HOPKINS HENLOPEN HOMESTEAD LLC
<b>Book</b>	4229
<b>Mailing Address</b>	18186 DAIRY FARM ROAD
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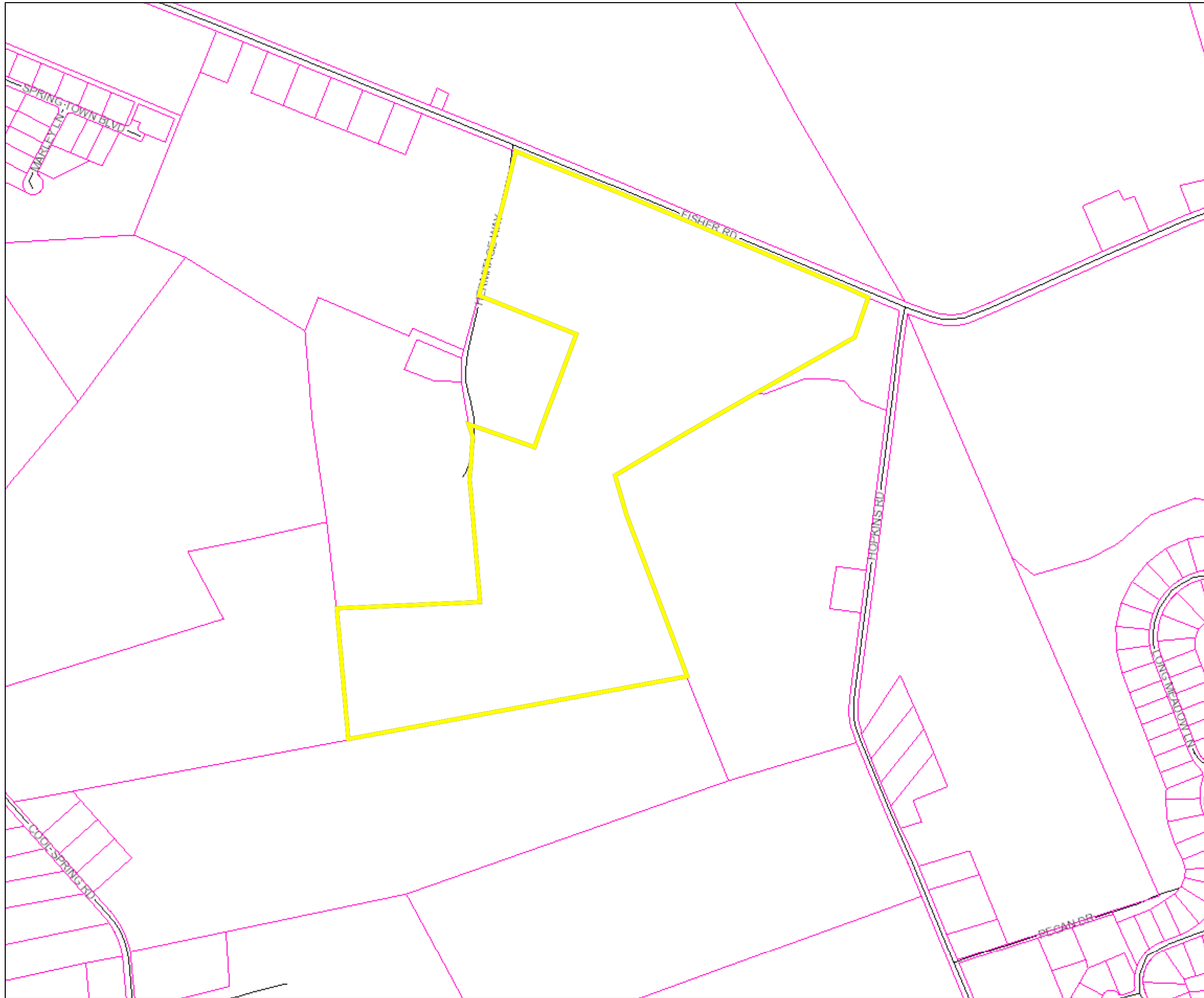
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Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
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- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries

1:9,028







# Sussex County



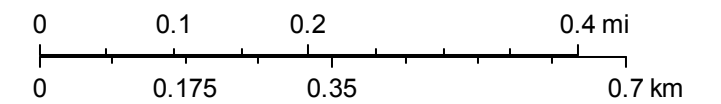
<b>PIN:</b>	334-10.00-69.01
<b>Owner Name</b>	HOPKINS HENLOPEN HOMESTEAD LLC
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<b>Description 3</b>	FP
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

Override 1
-  Tax Parcels
-  Streets

1:9,028



**Introduced 04/27/21**

**Council District 3: Schaeffer  
Tax I.D. No. 334-10.00-69.01  
911 Address: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS**

**WHEREAS, on the 22nd day of April 2021, a conditional use application, denominated Conditional Use No. 2280 was filed on behalf of Covered Bridge Inn, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2280 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2280 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road and being more particularly described in the attached legal description prepared by Thompson Mapping Systems, said parcel containing 98.60 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.**