



Sussex County Council Public/Media Packet

**MEETING:
November 1, 2016**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
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Sussex County Council

AGENDA

NOVEMBER 1, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Public Interview of Planning and Zoning Commission Nominee Keller Hopkins
2. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES"
3. Administrator's Report

Gina Jennings, Finance Director

1. Approval of Human Service Grants
2. Downtown Development Districts Proposal

10:15 a.m. Public Hearing

Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area)



10:30 a.m. Public Hearing

**“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72
 (“HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS, AFFORDABLY
 PRICED”), ARTICLE II (“AFFORDABLY PRICED RENTAL UNITS”)**

Hans Medlarz, County Engineer

1. Whitman, Requardt & Associates North Coastal Planning Area Base Contract
 - A. Amendment 8 - Herring Creek Aerial Mapping and Service Lateral Optimizations
2. Bridgeville Landfill Building Demolition, Project No. 17-08
 - A. Recommendation for Award

John Ashman, Director of Utility Planning

1. Proposed Resolution establishing Chapel Branch District

Grant Requests

1. The Christian Storehouse for repairs to their food pantry’s freezer

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 25, 2016 at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY
REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY
EMPLOYEES.

WHEREAS, Chapter 26 of the Code of Sussex County is known as the "Sussex County Employee Pension Plan Act" which governs pensions for Sussex County employees; and

WHEREAS, Sussex County desires to revise § 26-7 with respect to the computation of pension benefits for covered employment of Sussex County employees as set forth herein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 26, §26-7, is hereby restated in its entirety and is hereby amended by deleting the language in brackets and inserting the underlined language as follows:

“§ 26-7 Computation of benefits.

- A. The benefits shall be computed as follows: The wages or salary of the highest paid three years of Sussex County [service]covered employment shall be averaged by dividing the total by 36 months. This product shall be divided by a constant of 60. The product of these functions shall be multiplied by the number of years of covered employment[years’ service and] plus [fractions of years’ service]full months of covered employment divided by 12. The result shall be the monthly pension payment. The number of years of covered employment[years’ service] factored into the above calculations for those employees hired after July 1, 2000 and who retired before January 1, 2017, will be a maximum of 25 or 30 [years]in determining benefits provided pursuant to § 26-6B(3) and (4) above. For those covered employees **HIRED AFTER JULY 1, 2000 AND** who retire after December 31, 2016, the number of years of covered employment factored into the calculations of benefits, will be a maximum of 30 or 35 in determining benefits provided pursuant to § 26-6B(3) and (4) above. For purposes of computing benefits under this § 26-7A for those covered employees who retire after December 31, 2016, wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee’s highest hourly rate for the year by the number of regularly scheduled workweek hours and then multiplying the product thereof by 52 weeks. For a covered employee who is classified as a paramedic or emergency communications specialist and who works scheduled twelve-hour shifts, including management personnel who are required to maintain certifications necessary to relieve as a paramedic or emergency communications specialist who retires after December 31, 2016, wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee’s highest hourly rate for the year by 42 hours and then multiplying the product thereof by 52 weeks.

B. Notwithstanding the foregoing, the benefits shall be computed as follows for a covered employee, hired after July 1, 2001 and who retire before January 1, 2017, who is classified as a paramedic or emergency communications specialist and who works scheduled twelve-hour shifts, including management personnel who are required to maintain certifications necessary to relieve as a paramedic or emergency communications specialist: The wages or salary of the highest paid three years of Sussex County [service]covered employment shall be averaged by dividing the total by 36 months. This product shall be divided by a constant of 50. The product of these functions shall be multiplied by the number of years of [service]covered employment, which number shall not exceed 25. The result shall be the monthly pension payment. For such covered employee described in this § 26-7B hired after July 1, 2001 and who retires after December 31, 2016, for purposes of computing benefits under this § 26-7B, the number of years of covered employment shall not exceed 30, and wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee's highest hourly rate for the year by 42 hours and then multiplying the product thereof by 52 weeks."

Section 2. Effective Date. This Ordinance shall become effective on January 1, 2017.

Synopsis

This Ordinance amends Chapter 26, §26-7A. and B. of the Code of Sussex County to revise the computation of pension benefits for covered employment of Sussex County employees.

Deleted text is in brackets. Additional text is underlined.

GINA A. JENNINGS, MBA, MPA
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Sussex County

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MEMORANDUM:

TO: The Honorable Michael H. Vincent
 President, Sussex County Council

 The Honorable Samuel R. Wilson, Jr.
 Vice President, Sussex County Council

 The Honorable Robert B. Arlett
 Sussex County Councilman

 The Honorable George B. Cole
 Sussex County Councilman

 The Honorable Joan R. Deaver
 Sussex County Councilwoman

FROM: Gina A. Jennings
 Finance Director

RE: **2017 HUMAN SERVICE GRANTS**

DATE: October 28, 2016

Attached is a schedule of the 2017 Human Service Grants, as well as an overview of the program. On Tuesday, November 1, 2016, I will be recommending to Council that we approve those grants listed for payment.

Please call me if you would like to discuss further.

GAJ/nc

Attachments

FY2017 Human Service Grants

Name of Organization	Project Name	Last Year's Grant	Grant Request	Recommended Grant
Abbott's Mill Nature Center of the Delaware Nature Society	Delaware Nature Society's "New To Nature" Program	1,500	\$ 3,000	2,000
Agape Love Transitional Home	Step It Up	-	\$ 6,000	1,250
Alzheimer's Association Delaware Valley Chapter	Dementia-Specific Caregiver Support Services	1,000	\$ 2,000	1,250
American Legion Auxiliary, Department of Delaware	American Legion Auxiliary Delaware Girls State	1,000	\$ 1,000	1,000
Arc of Delaware	The Arc of Delaware, Case Advocacy	1,000	\$ 1,000	1,000
ARK Educational Consulting, Inc.	The ARK Educational Resource Center	1,500	\$ 5,000	1,500
Barbara K. Brooks Transition House, Inc.	Barbara K. Brooks Home	-	\$ 10,000	1,500
Best Buddies International, Inc.	Best Buddies Delaware	1,500	\$ 5,000	1,000
Big Brothers Big Sisters of Delaware, Inc.	Mentoring Program	-	\$ 2,000	1,775
Booker Street Church of God	House of Ruth	1,250	\$ 8,000	1,500
Boys & Girls Clubs of Delaware at Dagsboro	Power Hour	1,550	\$ 5,000	1,550
Boys & Girls Clubs of Delaware at Laurel	Power Hour	1,550	\$ 5,000	1,550
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale	Power Hour	1,550	\$ 5,000	1,550
Boys and Girls Clubs of Delaware at Georgetown	Power Hour	1,550	\$ 5,000	1,550
Boys and Girls Clubs of Delaware at Rehoboth	Power Hour	1,500	\$ 5,000	1,550
Boys and Girls Clubs of Delaware at Western Sussex	Power Hour	1,550	\$ 5,000	1,550
Bridgeville Senior Citizens Center Inc.	Nutrition Program Personnel	5,000	\$ 25,704	5,000
Cadbury Senior Lifestyles, Lewes	Did not submit this year	2,000	\$ -	-
Cancer Support Community Delaware	Cancer Support Services for Sussex Countians	1,500	\$ 1,000	1,000
Cape Henlopen Senior Center, Inc.	Cape Henlopen Senior Center	5,000	\$ 6,095	5,000
Catholic Charities, Inc.	Casa San Francisco	1,250	\$ 5,000	2,500
Cheer, Inc.	Cheer at Lewes	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheer at Georgetown	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheer at Greenwood	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheer at Milton	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheer at Ocean View	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheer at Roxana	5,000	\$ 5,000	5,000
Cheer, Inc.	Cheers at Long Neck	5,000	\$ 5,000	5,000
Church of God and Saints of Christ	Sussex County Free Thanksgiving Dinner	2,500	\$ 2,500	2,500
Clothing Our Kids	Clothing Acquisition	3,100	\$ 3,100	2,500
Delaware Adolescent Program, Inc. (DAPI)	DAPI Daughter Program	1,500	\$ 3,800	1,500
Delaware Center for Homeless Veterans, Inc.	DCHV Housing First	2,025	\$ 8,526	1,500
Delaware Community Reinvestment Action Council, Inc.	Low Income Tax Clinic	1,000	\$ 1,000	1,000
Delaware Crime Stoppers	Delaware Crime Stoppers Awareness Program	1,500	\$ 5,000	2,500
Delaware Financial Literacy Institute	The Money School	-	\$ 11,000	3,050
Delaware Guidance Services for Children and Youth, Inc.	Behavior Skill Building for At-Risk Children and Youth in Sussex	2,000	\$ 2,000	1,500
Delaware Helpline, Inc.	Delaware 2-1-1 Diaper Project	3,100	\$ 5,000	2,500
Delaware Hospice, Inc.	Transitions Program	1,775	\$ 3,000	2,025
Delaware Housing Coalition, Inc.	Sussex Housing Group Neighborhood Revitalization	1,500	\$ 5,000	2,025
Delaware Lions Foundation, Inc.	Grants for Community Service Projects	3,100	\$ 4,000	2,500
Delaware Police Chiefs' Council, Inc.	Did not submit this year	2,500	\$ -	-
Delaware SPCA	Wellness Veterinary Clinic	2,500	\$ 2,500	2,500
Delmarva Clergy United In Social Action Foundation	Griffin's Place of DCUSA	1,500	\$ 3,000	750
DFRC Inc.	DFRC Blue-Gold Hand-in-Hand Program	1,775	\$ 5,000	1,775
Easter Seals Delaware & Maryland's Eastern Shore	Community Experience Program	1,000	\$ 1,000	1,000
Everlasting Hope Ministries	Tony's House	2,525	\$ 3,000	1,000
Food Bank of Delaware	Sussex County Senior Community Supported Agriculture Program	1,775	\$ 25,000	1,775
Generations Home Care	Fall Prevention Program – Sussex County	1,500	\$ 5,000	1,500
Harry K Foundation	Harry K Foundation Halt Hunger Initiative	2,500	\$ 5,000	2,500
Immanuel Shelter Inc.	Winter Shelter Program	1,775	\$ 10,300	1,775
Indian River Senior Center, Inc.	Human Services	5,000	\$ 6,450	5,000
ITN Southern Delaware	Road Scholarship Program	3,050	\$ 10,000	3,025
Jefferson Awards Foundation	Student In Action Fall Conference	1,275	\$ 1,700	1,700
Joseph Patrick Fabber Memorial Foundation	Did not submit this year	3,050	\$ -	-
Junior Achievement of Delaware, Inc.	Junior Achievement for K-12 students in Sussex County	3,050	\$ 3,050	2,525

FY2017 Human Service Grants

Name of Organization	Project Name	Last Year's Grant	Grant Request	Recommended Grant
Just Us Cat Rescue	Did not submit this year	1,000	\$ -	-
Kent Sussex Community Services, Inc. (KSCS)	Improving Opiate Treatment Services	-	\$ 23,960	2,525
Kent-Sussex Industries, Inc.	Transportation for Employment	1,775	\$ 5,000	1,775
Kiwanis foundation of Rehoboth Beach	Hippotherapy and Service Programs (SLP)	1,250	\$ 2,000	1,250
La Esperanza	Family Empowerment	2,525	\$ 10,000	2,250
La Red Health Center, INC.	Cardiovascular Care	2,500	\$ 10,000	3,050
Laurel Lions Club Foundation, Inc.	Laurel Lions Club Recreation	1,000	\$ 1,000	1,000
Laurel Senior Center, Inc.	Meal Program	5,000	\$ 8,000	5,000
Lewes Historical Society	Education of Lewes	2,500	\$ 2,500	2,500
Lewes Senior Citizens Center, Inc.	Building Addition	5,000	\$ 22,500	5,000
Love INC of Mid-Delmarva	Community & Resource Occupational Service Station	2,500	\$ 25,000	2,800
Meals on Wheels of Lewes & Rehoboth, Inc.	Home Delivered Meal Program	6,000	\$ 10,000	6,000
Mental Health Association of Delaware	Community Education for Youth Mental Health and Suicide Prevention	1,775	\$ 5,000	1,775
Mid-Atlantic Symphony Orchestra	ABC Me Play! Instrumental Music Program	-	\$ 1,200	750
Milford Senior Center, Inc.	Building & Maintenance	5,000	\$ 5,000	5,000
Nanticoke Senior Center, Inc.	Homebound Meals and Equipment	5,000	\$ 11,656	5,000
New Hope Recreation and development Center	New Hope RDc - After School program	800	\$ 800	800
Our Youth Inc.	Nor Enterprises Turkey Drive & Give Away	1,000	\$ 2,500	2,025
People's Place II, Inc.	Transportation for Sussex County Veterans	1,000	\$ 5,000	1,000
Primeros Pasos Inc.	Early Learning Center Crisis Fund	1,250	\$ 2,000	1,250
Read Aloud Delaware	Bringing Literacy to the Children of Sussex County	2,500	\$ 5,000	2,000
Richard Allen Coalition, Inc.	Windows and door repairs	-	\$ 4,500	750
Reading Assist Institute	Did not submit this year	1,250	\$ -	-
Ronald McDonald House of Delaware	Housing Program for Sussex County Families	2,500	\$ 5,000	3,050
Shechinah Empowerment Center	Community Reinvestment	1,775	\$ 3,000	1,000
Southern Delaware Therapeutic and Recreational Horseback Riding	Scholarship for Sussex County Residents in Need	-	\$ 2,500	1,500
Sussex Community Crisis Housing Services , Inc.	Crisis House Emergency Shelter	1,500	\$ 4,000	1,000
Sussex County Habitat for Humanity, Inc.	Family Services Program	1,250	\$ 2,000	1,500
Sussex County RSVP Advisory Council	Nimble Fingers	850	\$ 1,500	1,500
Sussex Pregnancy Care Center, Inc.	Did not submit this year	1,000	\$ -	-
Sussex Family YMCA	Oowassis Scholarships	1,250	\$ 6,000	1,775
Teens In Perspective, Inc.	Sussex Girls Rock! Leaders Asset Development and Mentor Program	1,500	\$ 3,400	1,250
Thresholds of Delaware, Inc.	Program at Sussex Correctional Institution	-	\$ 600	600
United Way	My Very Own Library	2,500	\$ 5,000	3,050
Veterans Reentry Resources Alliance, Inc.	Veterans Service Unit	-	\$ 10,000	1,775
Vision To Learn	Did not submit this year	3,050	\$ -	-
Way Home, Inc.	Case Management Services Program	3,050	\$ 10,000	2,000
West Side New Beginnings, Inc.	Youth Program	1,000	\$ 2,000	1,000
YWCA Delaware	Youth Empowerment Program	2,500	\$ 5,000	2,000
		199,975	\$ 503,341	200,000

The seal of the County of Sussex, Delaware, is a circular emblem. The outer ring contains the text "COUNTY OF SUSSEX" at the top and "DELAWARE" at the bottom, separated by small circles. Inside this ring is a blue band with the word "WILLIAM" at the top and "AND" at the bottom. The center of the seal features a shield with a landscape scene, including a tree and a building. The shield is flanked by ornate golden scrollwork. Below the shield is a banner with the text "FISCAL YEAR 2017".

Sussex County Human Service Grant Program

Fiscal Year 2017

1683

Human Service Grant Purpose

Grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.



Process

- Organizations submitted application online
- Finance reviewed
 - Non-profit status
 - Scope of request
- Finance created a formula, based on number of beneficiaries and need, to best utilize the grant funds



Process – additional requirements

- All organization must agree to the program guidelines for submittal and an affidavit of understanding
 - Organizations acknowledge that the funding shall be used exclusively for secular purposes and shall not be used to advance or inhibit religious activities
- For organizations with religious affiliation, they must provide supporting documentation of the expenditure before funds will be released
- All applications that were submitted by an organization with a religious affiliation were required to submit a description of its religious components and demonstrate the funds will not be utilized for religious purposes. All of these applications were reviewed by the County attorney.



Formula to Distribute (Budget of \$200,000)

Sussex County Beneficiary Criteria	Base Grant Amount	Additional Amount if need is greater than \$10,000	Maximum Grant Amount
99 or less Beneficiaries	\$1,000	\$500	\$1,500
100 through 249 Beneficiaries	\$1,250	\$525	\$1,750
250 through 399 Beneficiaries	\$1,500	\$525	\$2,025
400 through 999 Beneficiaries	\$2,000	\$525	\$2,525
1,000 or more Beneficiaries	\$2,500	\$550	\$3,050

All organizations were capped at their demonstrated need and request

All Boys & Girls Clubs \$1,550

All CHEER & Senior Centers \$5,000

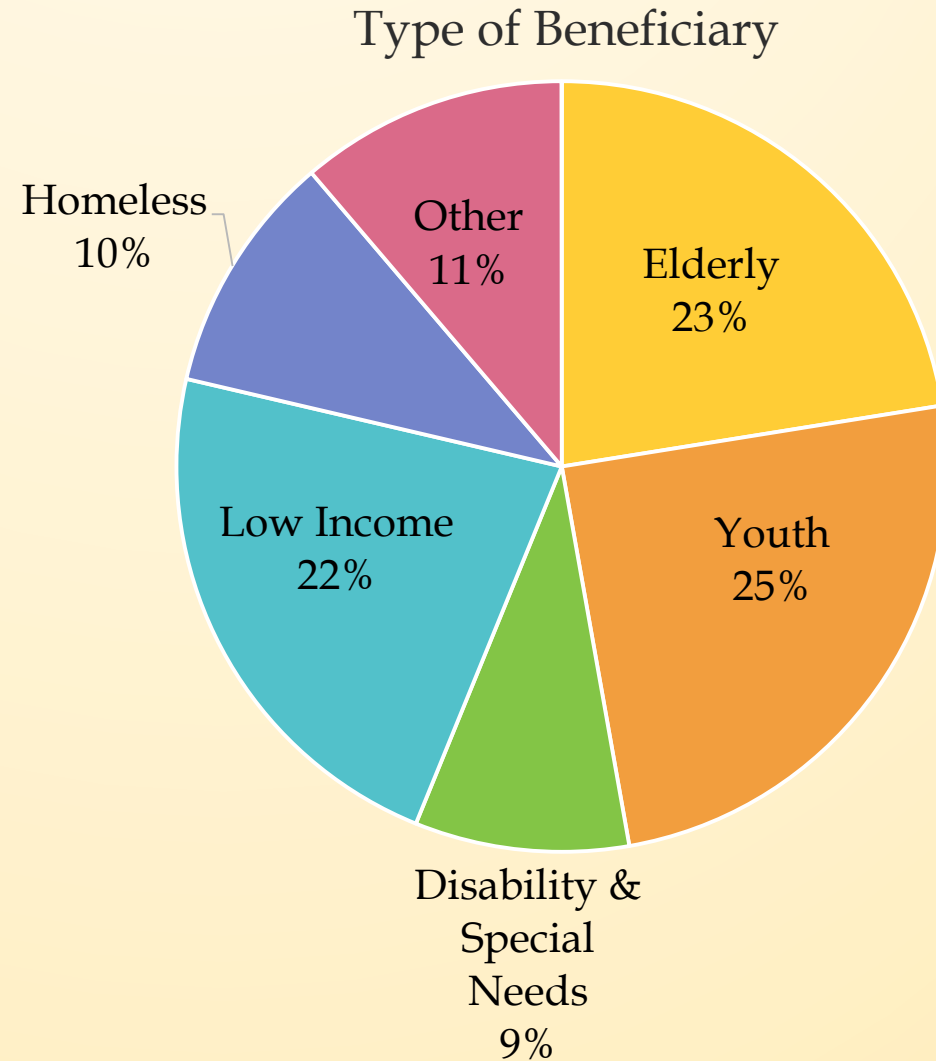
Meals on Wheels \$6,000



If another County grant was awarded within the last 12 months, \$250 was subtracted from the eligible amount

Application Statistics

- Received \$503,341 in requests from 87 qualified organizations
- 173,720 Sussex County beneficiaries
- Organizations raise approximately \$17 million of other types of support for these projects



Fiscal Year 2017 Recipients

Abbott's Mill Nature Center of the Delaware Nature Society
Agape Love Transitional Home
Alzheimer's Association Delaware Valley Chapter
American Legion Auxiliary, Department of Delaware
Arc of Delaware
ARK Educational Consulting, Inc.
Barbara K. Brooks Transition House, Inc.
Best Buddies International, Inc.
Big Brothers Big Sisters of Delaware, Inc.
Booker Street Church of God
Boys & Girls Clubs of Delaware at Dagsboro
Boys & Girls Clubs of Delaware at Laurel
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale
Boys and Girls Clubs of Delaware at Georgetown
Boys and Girls Clubs of Delaware at Rehoboth
Boys and Girls Clubs of Delaware at Western Sussex
Bridgeville Senior Citizens Center Inc.
Cancer Support Community Delaware
Cape Henlopen Senior Center, Inc.
Catholic Charities, Inc.
Cheer, Inc.
Cheer, Inc.
Cheer, Inc.
Cheer, Inc.
Cheer, Inc.
Cheer, Inc.
Church of God and Saints of Christ
Clothing Our Kids
Delaware Adolescent Program, Inc. (DAPI)

Delaware Center for Homeless Veterans, Inc.
Delaware Community Reinvestment Action Council, Inc.
Delaware Crime Stoppers
Delaware Financial Literacy Institute
Delaware Guidance Services for Children and Youth, Inc.
Delaware Helpline, Inc.
Delaware Hospice, Inc.
Delaware Housing Coalition, Inc.
Delaware Lions Foundation, Inc.
Delaware SPCA
Delmarva Clergy United In Social Action Foundation
DFRC Inc.
Easter Seals Delaware & Maryland's Eastern Shore
Everlasting Hope Ministries
Food Bank of Delaware
Generations Home Care
Harry K Foundation
Immanuel Shelter Inc.
Indian River Senior Center, Inc.
ITN Southern Delaware
Jefferson Awards Foundation
Junior Achievement of Delaware, Inc.
Kent Sussex Community Services, Inc. (KSCS)
Kent-Sussex Industries, Inc.
Kiwanis foundation of Rehoboth Beach
La Esperanza
La Red Health Center, INC.
Laurel Lions Club Foundation, Inc.
Laurel Senior Center, Inc.
Lewes Historical Society

Lewes Senior Citizens Center, Inc.
Love INC of Mid-Delmarva
Meals on Wheels of Lewes & Rehoboth, Inc.
Mental Health Association of Delaware
Mid-Atlantic Symphony Orchestra
Milford Senior Center, Inc.
Nanticoke Senior Center, Inc.
New Hope Recreation and development Center
Our Youth Inc.
People's Place II, Inc.
Primeros Pasos Inc.
Read Aloud Delaware
Richard Allen Coalition, Inc.
Ronald McDonald House of Delaware
Shechinah Empowerment Center
Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.
Sussex Community Crisis Housing Services , Inc.
Sussex County Habitat for Humanity, Inc.
Sussex County RSVP Advisory Council
Sussex Family YMCA
Teens In Perspective, Inc.
Thresholds of Delaware, Inc.
United Way
Veterans Reentry Resources Alliance, Inc.
Way Home, Inc.
West Side New Beginnings, Inc.
YWCA Delaware

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Sussex County
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MEMORANDUM:

TO: The Honorable Michael H. Vincent
President, Sussex County Council

The Honorable Samuel R. Wilson, Jr.
Vice President, Sussex County Council

The Honorable Robert B. Arlett
Sussex County Councilman

The Honorable George B. Cole
Sussex County Councilman

The Honorable Joan R. Deaver
Sussex County Councilwoman

FROM: Gina A. Jennings
Finance Director

RE: **DOWNTOWN DEVELOPMENT DISTRICT PROPOSAL**

DATE: October 28, 2016

Attached is a Downtown Development District Grant proposal for Council's consideration along with a summary sheet of the State of Delaware's DDD Grant Program.

Please call me if you would like to discuss further.

GAJ/nc

Attachments

The background of the slide features the official seal of the County of Sussex. The seal is circular with a gold border. The outer ring contains the text "COUNTY OF SUSSEX" at the top and "1683" at the bottom. Inside this, a smaller ring says "WILLIAM PENN" at the top and "AND PROPRIETOR" at the bottom. The center of the seal depicts a landscape with a tree and a building, flanked by ornate scrollwork. A yellow horizontal band is superimposed over the center of the seal.

Downtown Development District Program

Proposal

Overview of the Downtown Development District Act

- Created to leverage state resources in designated areas in Delaware's cities and towns
- Created to spur private investment in commercial business districts and other neighborhoods
- Created to improve commercial vitality
- Created to build a stable community



State's Downtown Development District Grant

- Qualified Real Property Investments (QRPI) made to commercial, industrial, residential, and mixed-use building or facilities within the designated district
- QRPI are capital improvements that rehabilitates, expands or constructs depreciable real property such as:
 - Mechanical and electrical improvements
 - Excavations
 - Grading and paving
 - Installing driveways
 - Landscaping or land improvements
 - Demolition
- Small project grants – projects under \$250,000
 - 20 percent of the QRPI
 - \$50,000 maximum for State Grant
- Large project grants
 - Minimum investment threshold of \$25,000
 - 20 percent of the QRPI
 - \$1.5 million maximum for State Grant



State's Downtown Development District Grant – Large Project

EXAMPLE:

Investor spends \$350,000 to rehabilitate an existing commercial building. \$300,000 of the investment is classified as Qualified Real Property Investment (QRPI).

QRPI	\$300,000
Minimum Threshold	<u>- \$25,000</u>
Grant Eligible	\$275,000
Factor	<u>X .20</u>
State Grant	\$55,000



State's Downtown Development District Grant – Small Project

EXAMPLE:

Investor spends \$50,000 to rehabilitate an existing commercial building. \$40,000 of the investment is classified as Qualified Real Property Investment (QRPI).

QRPI	\$40,000
Minimum Threshold	<u>- 0</u>
Grant Eligible	\$40,000
Factor	<u>X .20</u>
State Grant	\$8,000



Designated Cities/Towns in Sussex

January 2015

Seaford

August 2016

Georgetown

Laurel

Milford

* Designation is for 10 years



Sussex County's Downtown Development District Grant

- Provide as a match where the State of Delaware grant has been approved by DSHA
- Sussex County matches \$.50 for every \$1.00 in grant award up to \$10,000

Small Project

QRPI	\$40,000
Minimum Threshold	- 0
Grant Eligible	\$40,000
Factor	X .20
State Grant	\$8,000
County Factor	X .50
County Grant	\$4,000

Large Project

QRPI	\$300,000
Minimum Threshold	- \$25,000
Grant Eligible	\$275,000
State Factor	X .20
State Grant	\$55,000
County Factor	X .50
	\$13,750
County Grant	\$10,000



Sussex County's Downtown Development District Grant

Details:

1. Modeled off of Kent County's program
 - Granted approximately \$60,000 this year
2. Realty Transfer Tax Reserves will be used
3. Any FY17 awards will come out of contingency
4. Capped at \$100,000 for this fiscal year (10 - \$10,000 awards)
5. Funds are awarded only after successful project completion.
6. No separate application process is needed since it is a defined match through the State's DDD program
7. Supported by the Office of State Planning
 - Our program will be linked to the State's DDD website



Sussex County's Downtown Development District Grant

Motion:

Be it moved that Sussex County Council, authorize the Sussex County Finance Director to administer a Downtown Development District Grant program that pays \$.50 per \$1.00 of State grant, up to \$10,000, per qualified State awarded DDD project. Total allocation in FY17 is limited to \$100,000.





Downtown Development Districts (DDD)

DDD Round 4, Fall 2016,(FY17)

Fall 2016 Funding Round

At A Glance: DDD Grant Program

THE DOWNTOWN DEVELOPMENT DISTRICTS ACT

The Downtown Development Districts Act was created to leverage state resources in a limited number of designated areas in Delaware's cities and towns to:

- spur private capital investment in commercial business districts and other neighborhoods;
- stimulate job growth and improve the commercial vitality of our cities and towns; and
- help build a stable community of long-term residents in our downtowns and other neighborhoods.

Under this Act, funding was allocated through the General Assembly to DSHA for the purpose of establishing and administering the DDD Grant Program.

DESIGNATED DISTRICTS

- Dover, Seaford, and Wilmington Designated January 11, 2015
- Georgetown, Harrington, Laurel, Milford and Smyrna Designated August 10, 2016

IMPORTANT DATES

- **September 19, 2016** Finalized DDD Grant Program information posted to the DSHA website
- **December 12, 2016** Large Project Reservation applications due to DSHA by **4:00** p.m.

AVAILABLE FUNDING AND AWARD LIMITS

- DSHA has established two funding set-asides for DDD Grant awards, the **Small Project Set-Aside** and the **Large Project Set-Aside**, to ensure a variety of projects have ample access to the DDD funding.
- The Large Project Set-Aside has been further divided into a General Pool and a District Pool to ensure all Districts have reasonable access to the DDD funding. As with the initial round of funding for the first three designated Districts, DSHA has allocated 50% of the Large Project Set-Aside to each of the pools.
- District allocations are based on the populations of each District.

FUNDING SET-ASIDE	AVAILABLE	MQIT	MIN. QRPI	MAXIMUM AWARD
LARGE Project Set-Aside *	\$ 6,758,575	\$ 25,000 ⁽¹⁾	> \$ 250,000	\$1,500,000 per building or facility ⁽³⁾
SMALL Project Set-Aside	\$ 1,000,000	\$ 0 ⁽²⁾	\$ 15,000	\$50,000 per building or facility
TOTAL FUNDING	\$ 7,758,575			

* BREAKDOWN OF LARGE PROJECT SET-ASIDE		
General Pool		\$ 3,379,287
District Pool		\$ 3,379,288
Dover	\$ 469,721	
Seaford	\$ 118,275	
Wilmington	\$ 1,551,093	
Georgetown	\$ 395,377	
Harrington	\$ 131,792	
Laurel	\$ 118,275	
Milford	\$ 334,550	
Smyrna	\$ 260,205	
TOTAL LARGE PROJECT		\$ 6,758,575

⁽¹⁾ The Minimum Qualified Investment Threshold (MQIT) for Large Projects is the minimum amount of Qualified Real Property Investments (QRPI) required to be made by an Investor to qualify for a Large Project DDD Grant. The MQIT for Large Projects is treated similarly to a deductible and is **not** eligible for a Grant.

⁽²⁾ There is **no** MQIT (deductible) for Small Projects; however, there is minimum QRPI of \$15,000 required to be considered eligible for the program.

⁽³⁾ DDD Grants are limited to \$1,500,000 per building or facility within a five-consecutive-year period, starting with the year in which a grant is first awarded or reserved. A \$1,500,000 Grant requires a QRPI greater than \$41,000,000.

MINIMUM THRESHOLD REQUIREMENTS

- The QRPI must be made within the boundary of a designated DDD.
- The QRPI must be made in conformance with the approved District plan.
- The QRPI must be in excess of the required MQIT (deductible) and minimum QRPI for the specific set-aside.
- The QRPI must be made **after** the date the real property location is officially incorporated within the boundary of a designated District.
- The Investor must meet site control requirements (e.g. legal title, sales agreement, or owner's consent).

ELIGIBLE APPLICANTS

- Investors that meet minimum threshold requirements are eligible to apply for a DDD Grant. Eligible applicants include: property owners (occupant or non-occupant), tenants, for-profit developers, nonprofit organizations, businesses, and homeowners.
- Please note that **state and local governments** are **NOT** eligible for DDD Grants.

ELIGIBLE EXPENSES

- Capital investments **necessary** for the **rehabilitation, expansion, or new construction** of commercial, industrial, residential (including multi-family), or mixed-use buildings or facilities located within the boundary of a District.
- Only expenses that are properly chargeable to a capital account and incurred **after** the date the real property location is officially incorporated within the boundary of a designated District are eligible for grant consideration. Eligible costs are generally considered part of the building and building envelope only. Soft costs are considered ineligible.

Examples: exterior, interior, structural, mechanical, electrical and accessibility **improvements to the building or facility**; excavations; grading and paving; installing driveways; landscaping or land improvements; and demolition (resulting in the new construction of a building). (As defined by DSHA.)

- Depending on building use, some projects may be required to include accessibility improvements. Please contact your local municipality's inspection and planning department for accessibility requirements.
- The State's Division of Revenue requires all contractors working in Delaware to be licensed in Delaware. In the event that work is performed by someone other than a DE licensed third-party contractor, materials up to \$500 may be considered eligible if the work performed is a qualified expenditure.
- Cash transactions are highly discouraged and require documentation, as requested by DSHA. Reimbursement of such transactions will be determined solely by DSHA.

INELIGIBLE ACTIVITIES AND EXPENSES

- 'Adult Entertainment establishments' as defined in *24 Del. C. 16*, check cashing facilities, gambling facilities, liquor stores*, pawn or gun shops, tanning salons, or tattoo parlors.

Appraisal, architectural, engineering, bids and interior design	Rent Loss
Land or building acquisition	Utilities, utility hookup or access fees
Temporary facilities	Outbuildings, if ancillary to function of the main building
Legal, realtor and other professional fees	Signage
Loan fees, capitalized interest, bonding, closing costs, insurance	Roads, sidewalks
Machinery, tools or other equipment	Blinds or other window treatments
Permits, user, zoning, impact and inspection fees	Furnishing and equipment

Please contact DSHA if you have questions regarding the eligibility of an activity or expense.

LARGE PROJECT SET-ASIDE

- The Large Project Set-Aside is for program eligible Investors that make a QRPI in excess of the MQIT that **exceed** \$250,000 (\$275,000 minus \$25,000 MQIT).
- Investors are entitled to a DDD Grant in an amount equivalent to 20% of the QRPI in excess of the MQIT (\$25,000) up to \$500,000 per building or facility. Grants in excess of \$500,000 will be calculated at a lower rate up to an additional \$1,000,000 for a maximum allowed Grant of \$1,500,000.

INVESTMENT RANGE			DDD GRANT
\$2,525,000	-	\$3,500,000	\$500,000
\$3,500,001	-	\$4,500,000	\$528,000
\$4,500,001	-	\$5,500,000	\$557,000
\$5,500,001	-	\$6,500,000	\$585,000
\$6,500,001	-	\$7,500,000	\$614,000
\$7,500,001	-	\$8,500,000	\$642,000
\$8,500,001	-	\$9,500,000	\$671,000
\$9,500,001	-	\$10,500,000	\$700,000
\$10,500,001	-	\$11,500,000	\$728,000
\$11,500,001	-	\$12,500,000	\$757,000
\$12,500,001	-	\$13,500,000	\$785,000
\$13,500,001	-	\$14,500,000	\$814,000
\$14,500,001	-	\$15,500,000	\$843,000
\$15,500,001	-	\$16,500,000	\$871,000
\$16,500,001	-	\$17,500,000	\$900,000
\$17,500,001	-	\$18,500,000	\$928,000
\$18,500,001	-	\$19,500,000	\$957,000
\$19,500,001	-	\$20,000,000	\$986,000
\$20,000,001	-	\$21,500,000	\$1,000,000
\$21,500,001	-	\$22,500,000	\$1,024,000

INVESTMENT RANGE			DDD GRANT
\$22,500,001	-	\$23,500,000	\$1,048,000
\$23,500,001	-	\$24,500,000	\$1,072,000
\$24,500,001	-	\$25,500,000	\$1,096,000
\$25,500,001	-	\$26,500,000	\$1,120,000
\$26,500,001	-	\$27,500,000	\$1,144,000
\$27,500,001	-	\$28,500,000	\$1,168,000
\$28,500,001	-	\$29,500,000	\$1,192,000
\$29,500,001	-	\$30,500,000	\$1,216,000
\$30,500,001	-	\$31,500,000	\$1,240,000
\$31,500,001	-	\$32,500,000	\$1,264,000
\$32,500,001	-	\$33,500,000	\$1,288,000
\$33,500,001	-	\$34,500,000	\$1,312,000
\$34,500,001	-	\$35,500,000	\$1,336,000
\$35,500,001	-	\$36,500,000	\$1,360,000
\$36,500,001	-	\$37,500,000	\$1,384,000
\$37,500,001	-	\$38,500,000	\$1,408,000
\$38,500,001	-	\$39,500,000	\$1,432,000
\$39,500,001	-	\$40,500,000	\$1,456,000
\$40,500,001	-	\$41,000,000	\$1,480,000
\$41,000,001	-	and over	\$1,500,000

- Large Project Investors **must** apply for a Reservation in order to be considered for a DDD Grant. DSHA accepts applications for Large Projects once per fiscal year; however, if funding permits DSHA may offer additional application rounds.
- In the event DSHA receives Reservation requests that **exceed** the amount of available funding, applications that address established priorities will receive special consideration.
 - ◆ Identified in District Plan as Priority Project
 - ◆ Readiness to Proceed
 - ◆ Creates Permanent Jobs
 - ◆ Creates or Sustains Mixed-Use Development
 - ◆ Expands Housing Opportunities
 - ◆ Protects Historic Resources
 - ◆ Adaptively Reuses Existing Structures
 - ◆ Promotes Sustainable Practices
- Large Projects that have completed **more than 35%** of the estimated QRPI **prior** to the date the real property location is officially incorporated within the boundary of a designated District are **not** eligible for grant consideration.
- Large Projects that will place in service within **60 days** of application deadline are **not** eligible for consideration.
- Large Projects **must** be 15% substantially commenced within 12 months and completed within three (3) years from the date of Reservation.
- An Attestation of Costs by a Certified Public Accountant (CPA) is required for all Large Projects. Costs associated with the Attestation are **not** eligible for a DDD Grant.

Please refer to the DDD Grant Program guidelines for more specific information regarding project priorities and scoring.

SMALL PROJECT SET-ASIDE

- The Small Project Set-Aside is for program eligible Investors that make a QRPI of \$15,000 to \$250,000. Investors that make a QRPI above this limit may also apply; however, the award will be based on a capped QRPI of \$250,000 with a maximum Grant of \$50,000.
- Investors that make a \$15,000 or greater QRPI are entitled to a Grant in an amount equivalent to 20% of the QRPI up to \$50,000 per building or facility.
- DSHA will accept applications for Small Projects throughout the year, *as long as funding is available*.
- Investors have the option to apply for a Lite-Reservation **or** wait to apply for a Grant after the project is fully completed and placed in service.
- To apply for a Lite-Reservation the Investor must meet minimum threshold, and Building Permit requirements. The Lite-Reservation provides the Investor assurance that funding will be available upon completion of the project. Based on estimated project costs, DSHA will reserve up to \$50,000 for up to **six** months. If the project is **not** completed within **six** months from date of the Lite-Reservation the funds will be returned to the Small Project set-aside. However, Investors will still have the opportunity to apply within **60** days of the building or facility being completed and placed in service, *as long as funding is available*.
- If applying at project completion, Investors must apply within **60** days from the placed-in-service date.

Calculation Example		
QRPI	\$ 100,000	\$ 300,000
Max. QRPI	N/A	\$ 250,000
Multiplier	.20	.20
DDD Grant	\$ 20,000	\$ 50,000

The placed-in-service date is the date in which the **final** approved Certificate of Occupancy or Building Inspection is issued for work done to the respective building or facility, as required by local jurisdiction.

DISBURSEMENT OF GRANT AWARDS FOR SMALL AND LARGE PROJECTS

- Awards will be disbursed upon successful completion of the project and the following:
 - ◆ Receipt of Disbursement Request within **60** days from completion and being “**placed in service**”.
 - ◆ Receipt of all required support documentation, including the CPA’s Attestation of Costs, if required.
 - ◆ DSHA Compliance Review and Property Inspection.

ADDITIONAL INVESTOR INCENTIVES

- **NEW!** DSHA has recently received a Strategic Opportunity Fund for Adaptation (SOFA) Grant from the Delaware Department of Natural Resources and Environmental Control (DNREC) to assist DDD Investors with fees associated with energy/sustainability certifications.
- State Historic Preservation Tax Credits
- District managed incentives
- Kent County - DDD Grant Match Program up to \$10,000 per building.
- Energize Delaware
- Bridge Loans for DDD Large Projects with Reservations - Cinnaire and NCALL

Investors should contact their District to find out what incentives besides the DDD Grant may be available to them.

DSHA CONTACT FOR PROGRAM QUESTIONS AND TECHNICAL ASSISTANCE

Penny Pierson, DDD Program Manager
Delaware State Housing Authority
18 The Green
Dover, DE 19901

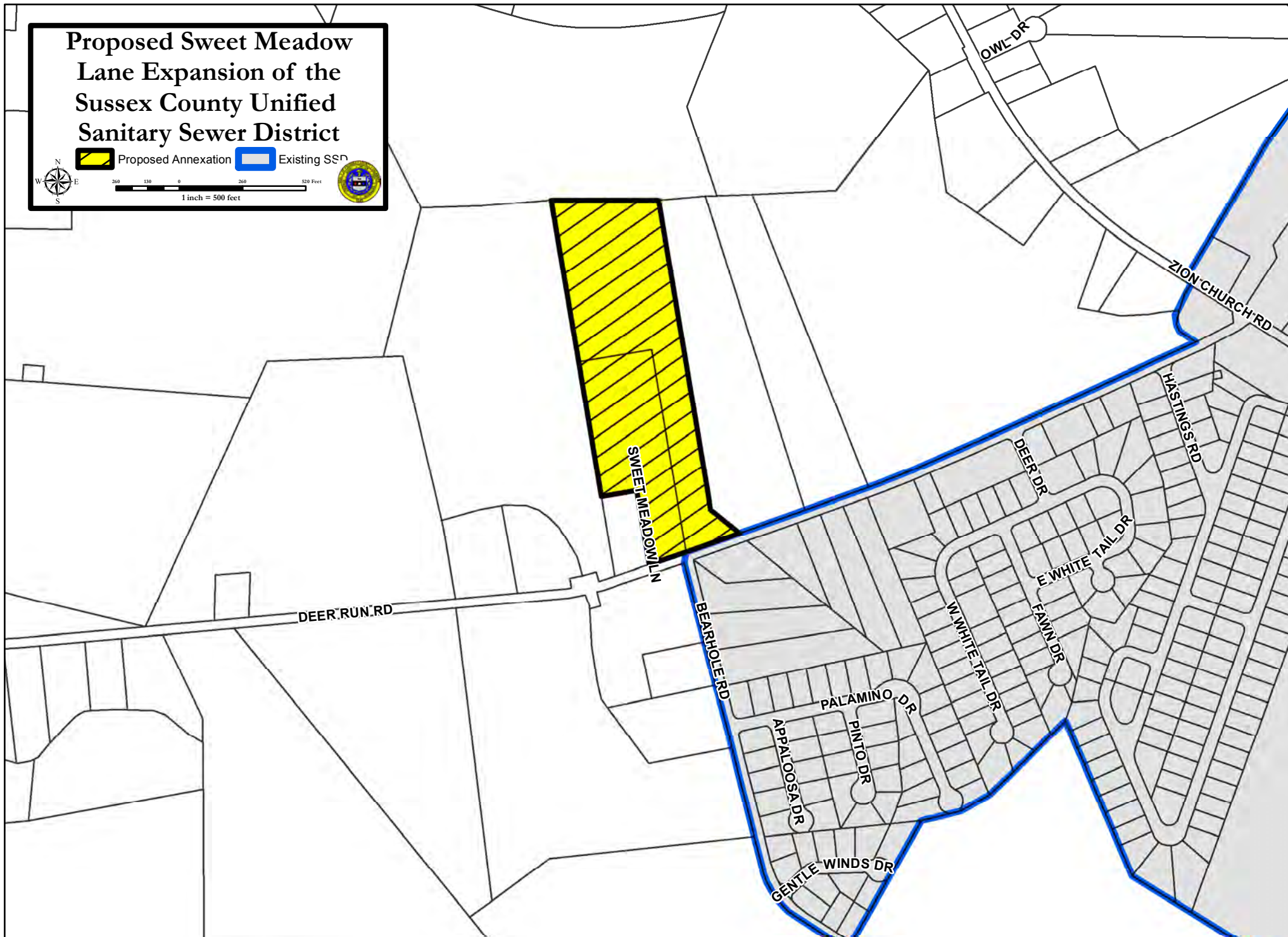
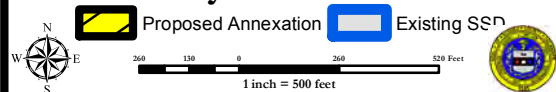
Email: Penny@destatehousing.com
Phone: 302.739.4263, extension 246

For more detailed information about the program including program guidelines, links to District websites, maps, applications and forms, please visit DSHA’s website at <http://destatehousing.com/DDD>.

Sweet Meadow Lane Expansion Fact Sheet

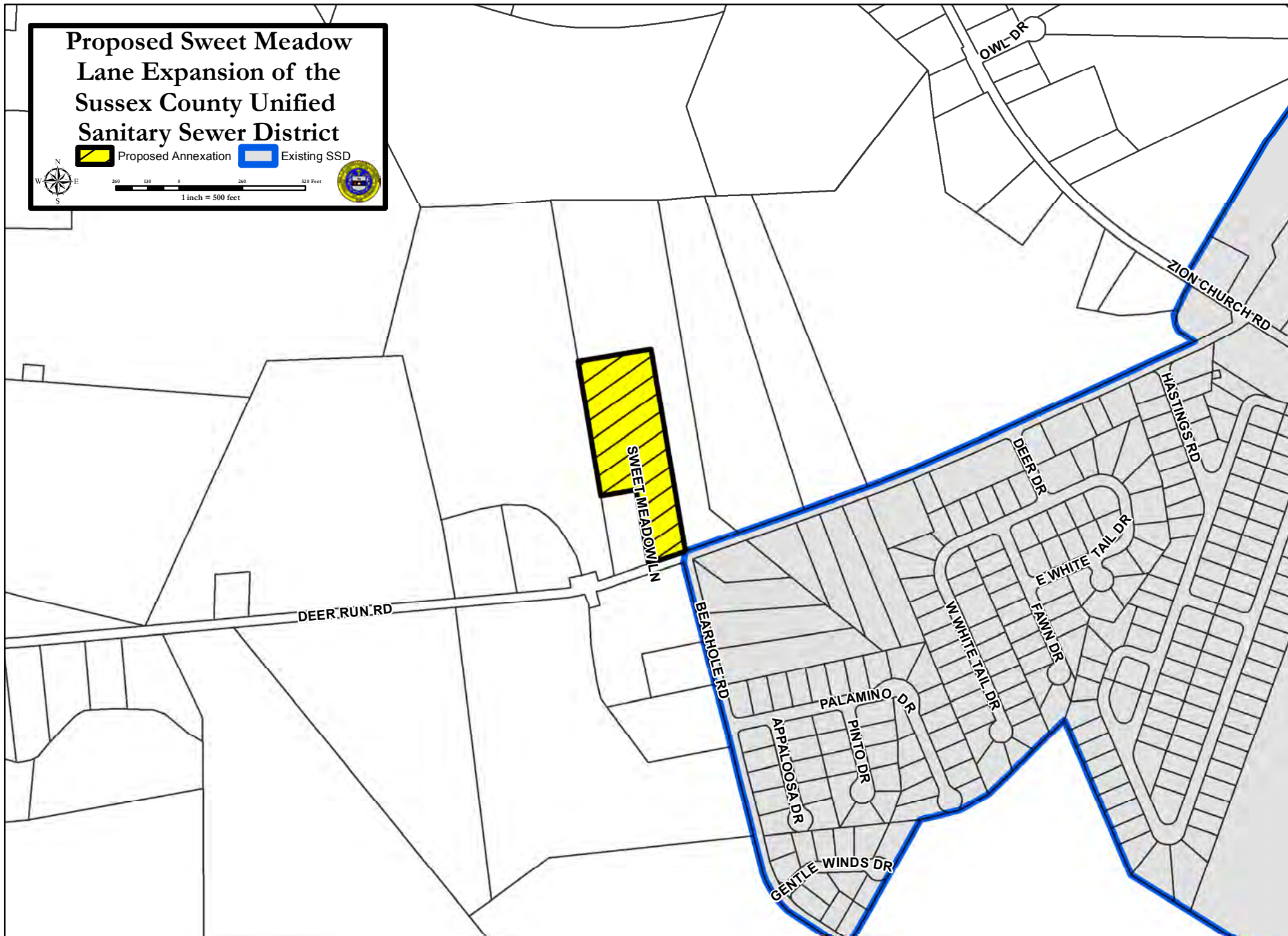
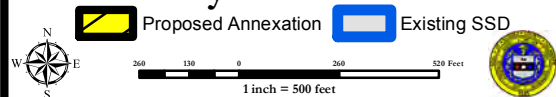
- Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area).
- The district expansion was requested by the property owner of 533-11.00-27.04, Shelley Lynn Wright.
- The property owner has submitted a letter requesting annexation along with the appropriate funds.
- The expansion will consist of 5.00± acres.
- The parcel will be responsible for System Connection Charges of \$5775 based on current rates.
- Parcel was posted on October 17th, we have had no calls "for" or "against" the annexation.

Proposed Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District



A public hearing to discuss the proposed boundary is scheduled November 1, 2016 at 10:15 AM, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947. For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

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PUBLIC NOTICE
EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
SWEET MEADOW LANE EXPANSION – JOHNSON’S CORNER AREA
FILE NUMBER: OM 24.02.A

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 4, 2016, to consider expanding the boundary of the Johnson’s Corner Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include a property situated on the north side of County Road 388 (Deer Run Road). The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate at the intersection of the northerly right of way (ROW) of Deer Run Rd, a point on the existing boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), and southwesternmost property corner of lands now or formerly of (N/F) of Samuel & Malea Daughton; thence following said lands of Daughton the following directions and distances: northeasterly 233± feet, northwesterly 150± feet, northerly 1290± feet, westerly 440± feet, southerly 675± feet to a point, said point being the northwesternmost corner of lands N/F of Shelly Lynn Wright; thence following said lands of Wright in the following directions and distances: southerly 560± feet, easterly 150± feet, southeasterly 310± feet, northeasterly 160± to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 13.97 acres, more or less. The boundary description has been prepared using Sussex County tax map numbers 533-11.00.

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

The public hearing will be held on this issue at 10:15 am on November 1, 2016 in the Sussex County Council Chambers. 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

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE A PARCEL ON THE NORTH SIDE OF COUNTY ROAD 388 (DEER RUN ROAD) THE PARCEL IS 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 intersection of Deer Run Road and Bearhole Road, 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 Aref Etemadi, 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 north side of Deer Run Road, as follows:

BEGINNING at a point, situate at the intersection of the northerly right of way (ROW) of Deer Run Rd, a point on the existing boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), and southeasternmost property corner of lands now or formerly of (N/F) of Shelly Lynn Wright; thence following said lands of Wright in the following directions and distances: northwesterly 845± feet, southwesterly 305± feet,

southeasterly 560± feet, northeasterly 148±, southeasterly 308±, northeasterly 160± to a point, said point being that of the **BEGINNING**.

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

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

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 ("HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS, AFFORDABLY PRICED"), ARTICLE II ("AFFORDABLY PRICED RENTAL UNITS").

WHEREAS, Sussex County Code ("County Code") currently addresses the development of affordable rental housing for residents with low and moderate incomes under Chapter 72, Article II, of the County Code known as the "Sussex County Rental Program;" and

WHEREAS, no affordable rental housing has been developed under the provisions of the current Sussex County Rental Program; and

WHEREAS, Sussex County Council views the development of affordable rental housing as an important housing issue affecting the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions regarding the Sussex County Rental Program do not sufficiently address its concerns regarding the development of affordable rental housing in Sussex County; and

WHEREAS, Sussex County has held discussions with stakeholders involved in providing rental housing in Sussex County and the results of those discussions have been presented to Sussex County Council; and

WHEREAS, Sussex County Council wishes to encourage the development of affordable rental housing by implementing suggestions obtained from the discussion with stakeholders as encapsulated within this legislation; and

WHEREAS, Sussex County Council believes that these amendments to the Sussex County Rental Program will promote the public health, safety and welfare of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 72, Article II, Section 72-16 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-16. Intent.

This chapter seeks to better protect the health, safety and welfare of Sussex County's residents and workforce by stimulating the provision of affordable rental housing for residents with low and moderate incomes and is hereafter known as the Sussex County Rental Program or "SCR" or "program".

Section 2. Sussex County Code, Chapter 72, Article II, Section 72-17 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-17. Governmental findings.

The Sussex County Council hereby finds that a shortage exists within the County for housing for residents with low and moderate incomes. Specifically, the Council finds that:

A. It is well known that Sussex County rents have inflated far beyond the ability of an average wage earner to pay. It is also known that federal rental assistance programs, such as the state-administered Public Housing and Section 8 Housing Choice Voucher Programs, are unable to completely satisfy the need for affordable rental housing. [The waiting list for Kent and Sussex Counties for affordable rental housing programs exceeds 5,000 residents, and the average waiting time for placement in one of these rental units is 18 months.]

[B. The Delaware Housing Coalition reports that the housing affordability wage for Delaware is now \$16.61 per hour. This is the hourly wage that a family must earn to afford to pay rent. In addition, the same study concluded that there are 13,422 extremely poor rental households throughout the state due to the lack of affordability of units, or lack of income.

C. The Delaware Statewide Housing Needs Assessment for 2008-2012 reports that there were 13,661 cash-paying renters in Sussex County in 2005, with a corresponding median gross monthly rent of \$671. Forty percent of those 13,661 renters were paying more than \$750 per month on rent. Also included in the assessment is an analysis of cost-burdened renter households, indicating a increase of 5.4% from 2000, with the majority of those households making less than \$20,000 annually. The assessment defines "at-risk renter households" as those "existing extremely low-income renter households with annual incomes of less than \$20,000 who are paying more than 30% of household income for housing costs. Many, but not all, of the at-risk households are housed in a substandard unit." In Sussex County alone there are 3,621 at-risk renter households making below \$20,000.

D. Based on the most recent Department of Labor data, the fastest growing jobs are in the lowest paying sector, the service industry. It is necessary that the County help provide affordable rental housing for residents employed in this industry, as well as using affordable housing to attract residents to the more lucrative jobs of the professional sector.]

B.[E.] Council finds that new development is not adequately addressing the rental housing needs of the County's low- and moderate-income residents and workforce. Without influencing this trend, local employers will have a difficult time maintaining an ample workforce.

C.[F.] Without an adequate supply of affordable rental housing in close proximity to employment and Town Centers, the County's workforce must commute a great distance for work. Not only do long commutes have a negative[affect] effect on the environment and transportation, but commuting also comes with high fuel expenses.

[G. Projections suggest that the high level of demand for higher priced housing will continue, driven by macro-population factors, low County taxes and the proximity of the resort areas in eastern Sussex, discouraging developers from offering a more diverse range of housing in areas where the

demand for higher priced housing is strong. The production of affordable rental housing is further deterred by the high cost of materials and labor.]

D.[H.] Given the proper incentives, the private sector possesses the necessary resources and expertise to provide the type of affordable rental housing needed in Sussex County.

Section 3. Sussex County Code, Chapter 72, Article II, Section 72-18 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-18. Declaration of public policy.

The Sussex County Council hereby declares it to be the public policy of the County to:

A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.

B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.

C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.

D. Encourage developments in [Town Centers, Developing Areas, Environmentally Sensitive Developing Areas, and land that lies in a town's growth and future annexation area] Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority [with 25 or more total dwelling units] to include a minimum percentage [number] of affordable rental units on public water and sewer systems.

E. Provide incentives for developers to construct affordable rental units through tools such as the density incentive and expedited review (defined below).

Section 4. Sussex County Code, Chapter 72, Article II, Section 72-19 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-19. Definitions

The following words and phrases have the following meanings:

APPLICANT

Any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities owning or controlling via contract qualifying land (defined below) and any

transferee or successor in interest of all or part of the qualifying land pursuing the development of affordable rental housing under the SCRP that:

A. Submits to the County for approval or extension of approval a plan of housing development for any type of site plan review, subdivision plan or development approval (hereinafter, a “site plan”) that provides for the development of [at least 25 dwelling] affordable rental units on qualifying land in one or more subdivisions, parts of subdivisions, resubdivisions, or [stages]phases of development under the terms and conditions as set forth in this Article. [that includes a specified minimum number of affordable rental units.]

B. With respect to land in zones not subject to subdivision approval or site plan review, applies for building permits for the construction of [25 or more dwelling units]affordable rental units on qualifying land under the terms and conditions as set forth in this Article.

AREA MEDIAN INCOME

The midpoint family income for [a nonmetropolitan county] Sussex County, calculated each year by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

AT ONE LOCATION

All land of the applicant if:

- A. The property lines are contiguous; [and/] or
- B. The property lines are separated only by a public or private right-of-way at any point; [and/] or
- C. The property lines are separated only by other land of the applicant and not subject to this section at the time of the submission of an application or development plan by the applicant.

CERTIFICATE OF ELIGIBILITY

A certificate valid for a period of time, which is issued to eligible tenants by the [Department (defined below)] landlord (defined below) and supplied to the Department (defined below) as further set forth within this Article. [to eligible tenants that places them on an eligibility list for SCRP units maintained by the Department.] This certificate must be issued before a tenant will be permitted to sign a lease agreement.

CONTROL PERIOD

The time a SCRP unit is subject to rental controls and occupancy requirements. The control period is 30 years and begins on the date of the lease (defined below).

DATE OF LEASE

The date of the initial lease agreement signing of an approved eligible tenant for a SCRP unit.

DENSITY INCENTIVE

Any increase pursuant to §72-21 that allows a residential development to achieve a density greater than would have been possible under the applicable provisions of the current and future zoning ordinances and the County subdivision regulations then in effect.

DEPARTMENT

The Sussex County Department of Community Development and Housing or its successors.

DEPARTMENT-DESIGNATED ENTITY (DDE)

Any agency, authority or political subdivision of the State of Delaware or any other public housing development agency or nonprofit housing corporation, land trust or similar entity designated by the Department and approved by the County Administrator.

DIRECTOR

The head of the Department of Community Development and Housing or head of a DDE, as applicable.

DWELLING [UNIT]

[A building or part of a building that provides a complete living facility for one family, including, at a minimum, facilities for cooking, sanitation, bathing and sleeping.] Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence; and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. "Dwelling" shall not include hotels, motels, motor lodges, boarding and lodging houses, tourist houses, or similar structures.

ELIGIBLE INCOME

The levels of income designated by the County Administrator which prohibit or severely limit the financial ability of persons to rent a dwelling unit in Sussex County. Eligible income is low- to moderate-income, defined as 30% to 80% of the area median income for Sussex County adjusted for household size as defined by the U.S. Department of Housing and Urban Development (HUD). Income includes gross salary, wages, dividends, interest and all other sources recognized by HUD from the eligible tenant and all other adults (age 18 and older) who will occupy the SCRP unit. Income will be verified by a copy of the filed income tax returns from the previous year and any other personal and financial information requested by the [Department] landlord in order to accurately verify the [applicant's] potential tenant's qualifications and income [including, but] which may include but is not limited to, a credit history report and a criminal background report on the proposed adult tenants, so long as these are requirements for all leases in the housing development.

A. Assets include all liquid (cash or investment) assets and real estate. Assets exclude dedicated college accounts, retirement funds, or the value of personal property (i.e., vehicles). Such assets may not exceed \$25,000.

ELIGIBLE TENANT

Person(s):

- A. Whose household is of low or moderate income;
- B. Who has been found eligible to participate in the Sussex County Rental Program ; and
- C. Who holds a valid certificate of eligibility from [the Department]the landlord.

EXPEDITED REVIEW

A project entering the SCRP will receive priority in the County's planning and zoning process, with the Director of Planning and Zoning and the County Administrator to determine the applicant's placement in the list of pending applications. The expedited review is provided to the applicant to assist the applicant in managing, to the extent possible, the risk of changes to cost, interest rates, schedule and other factors that the applicant is taking on by virtue of participation in the SCRP. If an applicant at any time during processing elects to withdraw from the SCRP, any approvals granted for the development through the date of withdrawal will be vacated and the applicant will have to resubmit the project through the normal County process. A project receiving expedited review does not exempt the project from the County's planning and zoning process, nor guarantee approval through that process.

FORECLOSURE EVENT

A foreclosure, deed-in-lieu of foreclosure or other court-ordered sale of the rental unit or of the subdivision or development in which the unit is located, subject to rental restrictions continuing in force after foreclosure sale or disposition.

LANDLORD

The owner of the property that contains SCRP units or an entity designated by the owner to manage and lease dwelling units.

[MINIMUM STANDARD OF ELIGIBILITY]

The criteria required to obtain a certificate of eligibility as enumerated in § 73-23 below.]

QUALIFYING LAND

All land that:

- A. Is owned by or under contract to the applicant; and

B. Is located within a [town center, developing area or Environmentally Sensitive Developing Area and zoned for any type of residential development to which s density provision applies; or land that is designated on a town's comprehensive plan as lying within the town's growth and future annexation area] Growth Area as defined within the County's most current comprehensive plan or within an Area of Opportunity as defined by the Delaware State Housing Authority; and

C. Requires the submission and approval of a site plan or, where a site plan is not required, one or more building permits; and

D. Is served by a public water and sewer system; and

E. Is at one location as defined above.

SUSSEX COUNTY RENTAL PROGRAM UNIT (SCRP UNIT)

A dwelling [unit] which is:

A. Offered for lease to eligible tenants through or pursuant to the provisions of this Article and any regulations promulgated thereunder by the Department and approved by the County Administrator; or

B. Leased under another government program designated by the County Administrator designed to assist in the construction or occupancy of affordable rental housing.

Section 5. Sussex County Code, Chapter 72, Article II, Section 72-20 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-20. Minimum standards of eligibility for [eligible] tenants.

A. Eligible tenants must:

(1) Have proof of citizenship.

(2) Be of eligible income, as defined in § 72 19 above, and be able to pay the first month's rent and any required security deposit.

(3) Be employed and live in Sussex County for at least one year preceding application to the SCR. Sussex County employers may seek waivers to this restriction from the Director and County Administrator. Waivers are evaluated on a case-by-case basis and are not guaranteed.

(4) Provide proof that adult tenants have not been convicted of a felony and have a satisfactory credit and criminal history, so long as these are requirements of all leases within the proposed housing development.

(5) Occupy the SCRP unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the SCRP unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.

B. Where necessary or advisable to achieve the objectives of this chapter or to comply with state or federal housing laws, the Department may propose changes to these standards for approval by the County [Administrator], including changes to eligibility requirements for tenants as recommended by the Department.

Section 6. Sussex County Code, Chapter 72, Article II, Section 72-21. There are no amendments to this section, but it is repeated in this ordinance in order to provide information to the reader about what otherwise would seem to be a missing section of the SCRP ordinance for review.

§ 72-21. Density and expedited review incentives.

A. Density incentive. Subject to meeting the requirements outlined in § 72-22, a proposed development on qualifying land at one location may receive a density bonus of 20%. The project entering the SCRP with the execution of a SCRP agreement will be allowed to utilize the density permitted by the zoning district in which the property is located, provided that the total density, including any SCRP density bonus, shall not exceed 12 units per acre.

B. Expedited review. A project entering the SCRP through execution of an SCRP agreement will receive expedited review, as defined in § 72-19 above, through the County's Planning and Zoning process.

C. Incentives will only be granted to projects submitted for new development that meet all requirements of this program.

D. To the extent necessary, Council shall amend the provisions of the County's Zoning Ordinances as needed to achieve the density incentives and the specific design elements (e.g., minimum lot sizes, setbacks, building heights, parking requirements, etc.) of approved SCRP projects.

Section 7. Sussex County Code, Chapter 72, Article II, Section 72-22 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-22. Minimum standards of eligibility for SCRP developments.

A. Applicants [with proposals of 25 to 64 total units] must contribute [40%]12.5% of all units to SCRP inventory[. Applicants with 65 or more units must contribute 15% of all units to SCRP inventory with a minimum of 26 SCRP units]. In applying and calculating the number of [moderately priced]affordable units within a proposed development, any decimal fraction less than or equal to 0.50

may be disregarded and any decimal fraction greater than 0.50 shall be constructed as one unit. In the case where the total number of units being constructed is four (4) or less, the minimum number of SCRP units must be one (1) unit.

B. All parcels in the proposed project must be on qualifying land, as defined in § 72 19.

C. All units contributed as SCRP units will remain at the affordable rental rates specified herein for the remainder of the control period. SCRP units shall never be leased as market-rate units during the control period, regardless of vacancy[.] except in accordance with § 72-23.N(1).

D. SCRP units must be fully integrated into the communities of which they are a part and shall not be substantially different in external appearance from market-rate units. SCRP units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer[, as market rate units are equipped with].

Section 8. Sussex County Code, Chapter 72, Article II, Section 72-23 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-23. SCRP agreements.

To participate in the SCRP and secure any incentives provided for herein, an applicant must execute an SCRP agreement prepared by the Department and the County Attorney. Each agreement must include, at a minimum, the following information and/or evidence the following agreements and any others deemed necessary by the Department and the County Attorney to properly implement the chapter:

A. The specific number of SCRP units to be constructed in the project. If a final site plan has not been approved when the SCRP agreement is executed, an amendment to the SCRP agreement will be made to incorporate the approved final site plan.

B. The schedule pursuant to which the SCRP units will be constructed, marketed, and delivered and explaining the relationship between the delivery of market-rate units and the delivery of SCRP units (i.e., a stated number of SCRP units to be created for each market-rate unit created).

1) Applicants should affirmatively market the SCRP units to diverse populations, and meet with the surrounding residents early in the development approval process.

C. Any economic risk created by changes, whether within or outside of the applicant's control, in development and construction costs, interest rates, processing and construction schedules, permitting and any other factor impacting the applicant's costs and development obligations are borne solely by the applicant.

D. Building permits, performance bonds and letters of credit.

(1) No building permits shall be issued in any subdivision or housing development where SCRP units are included until the applicant executes a valid SCRP agreement which applies to the entire subdivision.

(2) If an applicant does not build the SCRP units in accordance with the construction schedule along with or before other dwelling units the County Administrator may withhold building permits[,] or call in any performance bond [and] or letter[s] of credit from the applicant until the SCRP units contained in the construction schedule are built and contributed to SCRP rental inventory to the satisfaction of the Department.

E. Be signed by the applicant and all other parties having an interest in the property whose signatures are required for the effective and binding execution of contracts conveying real property. SCRP agreements must be executed in a manner that will enable them to be recorded in the land records of the County. If the applicant is a corporation or limited liability company, the principal officers of the entity must sign the agreements individually and on behalf of the corporation pursuant to a duly adopted resolution.

F. Partnerships, associations, corporations and other entities may not evade the requirements of the SCRP agreement through voluntary dissolution, bankruptcy, or the sale or transfer of qualifying land.

G. The SCRP agreement may only be assigned with the prior written approval of the Department and only if the proposed assignee demonstrates the financial ability to fulfill all of the applicant's obligations under the SCRP agreement.

H. [Applicants] Landlords are responsible for marketing, [and] leasing, and determining tenant eligibility for the SCRP units. [The Department will screen eligible tenants and issue a certificate of eligibility. Upon availability of a vacant SCRP unit, the eligible tenant will be sent to the landlord to sign the lease agreement.] A lease agreement shall not be signed unless validated by a certificate of eligibility. A landlord shall not be permitted to refuse to rent a unit to an eligible tenant without providing the Department with just cause, to the Department's satisfaction, for the refusal.

I. If the applicant is not also the builder, the relationship between the applicant and the builder shall be fully disclosed to the Department's satisfaction, as soon as the relationship is established.

J. SCRP units must be fully integrated into the communities of which they are a part (not separated geographically from the market rate units and not grouped together) and shall not be substantially different in external appearance from non-SCRP units. When the SCRP units are a part of a phased development, a proportionate number or percentage of said units will be placed within each phase and/or constructed within each housing type appearing in the development. The planning and design of individual SCRP units must be consistent with the planning and design of market-rate units within a single project.

(1) The ratio of SCRP units by type must reflect the ratio by type of market rate units, to the extent feasible. For instance, if a development has 200 two-bedroom dwelling units and 100 one-bedroom dwelling units, the ratio of two-bedroom to one-bedroom SCRP units should also be 2:1.

K. The applicant will execute and record covenants confirming that:

(1) The covenants will bind the applicant, any assignee, mortgagee, or buyer and all other parties that receive title to the property. In the event the mortgagee acquires the property through a foreclosure or acceptance of deed-in-lieu of foreclosure, the SCRP agreement covenants will continue in effect. The covenants must be senior to all instruments securing financing.

(2) In any deed or instrument conveying title by the applicant, the property shall remain subject to all of the terms and conditions contained in the SCRP agreements by the applicant required under the chapter during the control period. The source of the SCRP agreements and any deed restrictions related thereto must be included in the public land records so that they are readily identifiable in a routine title search.

L. Where the applicant is a DDE, agreements will be negotiated between the Department and the DDE so as to be consistent with the mission, strategies, business plans and operating procedures of the DDE and may, with Council approval, deviate from the requirements of this chapter.

M. The SCRP agreement requires that the landlord ensure that the SCRP units are occupied only by tenants whose monthly income levels do not exceed the eligible income limit, and shall prohibit tenants from subletting or subleasing the units. The agreement shall also require the landlord to submit a copy of the initial and all renewal leases to the Director within 30 days of signing the lease. In addition, the landlord must supply the information listed below in a format acceptable to the Director on an annual basis:

(1) the number of SCRP units, by bedroom count, that are leased to eligible tenants and those that are vacant, and the monthly rent charged for each SCRP unit;

(2) for each SCRP unit, the tenant's name, household size, and total household income as of the date of the lease, and the effective date of the lease;

(3) a statement that to the best of the landlord's information and knowledge, that tenants who are leasing the SCRP units meet the eligibility criteria; and

(4) a copy of each new or revised certificate of eligibility obtained since the last annual report.

[an annual report to the Director, which includes, but is not limited to, a listing of all affordable rental units within the project; the monthly rents charged; vacancy information for the prior year; and the household size and monthly income for tenants of each affordable unit throughout the prior year.] The

Department shall audit the report and may require such additional information needed to evaluate and accept the annual report.

N. The tenant must vacate the SCRP unit if the tenant's household income exceeds 80% of the area median income by 20%. The applicant must take the necessary action to have the tenant vacate the SCRP unit within six months of receiving information that the tenant's household income exceeds the eligible income limit.

(1) Notwithstanding the provisions of § 72-23.N above, if the applicant immediately designates an additional comparable unit as an affordable dwelling unit to be leased under the controlled rental price and requirements of the SCRP program, the tenant of such SCRP unit referenced in § 72-23.N above may continue to lease such unit at the market value rent.

Section 9. Sussex County Code, Chapter 72, Article II, Section 72-24 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-24. SCRP units.

A. Rent.

(1) Rent shall be established and updated annually by the Department based upon 25% of Household income for 50% of the Area Median Income adjusted for Household size and unit size and shall not include trash services, parking, water and sewer utilities and any other charges to be paid by the tenant.

[(1) The SCRP unit rental price shall be determined on a case-by-case basis for each eligible tenant.]

(2) The eligible tenant must provide to the landlord income tax returns (and proof of payment of any taxes owed) from the previous year for all members of the household who were required to file such returns. If an eligible tenant was not required to file tax returns or if the landlord believes that information from the previous tax returns is insufficient to determine income, the landlord [Department] is authorized to request such information as it deems necessary to confirm the income levels of the proposed tenants.

[(3) The SCRP unit rental rate shall be 25% of the total gross monthly income of the household. The rental rate shall include trash services, parking, water and sewer utilities and any other charges to be paid by the tenant.]

B. Unit and household size. Households must [will] be placed in units according to the following distribution:

Unit Size

(number of bedrooms)

Household Size

Efficiency	1 [to 2]
1	1 to 2
<u>1 + Den</u>	<u>2 to 4</u>
2	2 to 4
<u>2 + Den</u>	<u>2 to 4</u>
3	4 to 6
4	5 to 8

Section 10. Sussex County Code, Chapter 72, Article II, Section 72-25 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-25. Leasing of SCRP units.

A. Leases to eligible tenants.

(1) Every SCRP unit constructed under this program must be offered to all eligible tenants for lease as the eligible tenant's principal residence. Notification to the public of SCRP unit availability will be made by the landlord and is recommended to be made by advertising on DelawareHousingSearch.org. [through the Department's website and notices in area publications.] The Department may, but is not obligated to, provide notice of SCRP unit availability through the Department's website.

(2) The landlord [Department will screen initial applications for SCRP units from the public to] will determine SCRP tenant eligibility under § 72-20 and [using program guidelines and maintaining a waiting list of eligible tenants. The landlord will communicate with the Department when a SCRP unit is available for lease. L] lease agreements shall not be signed until the tenant has received a certificate of eligibility from the landlord. [Department.]

(3) Annually, the Department will [submit] provide updated income guidelines and rental rates [rent formulas] to the landlord for use in leasing the SCRP units. [establishing rental rates that comply with SCRP requirements.]

(4) Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under this Article.

(5) All lease agreements of SCRP units shall cover a period of one year.

(6) An eligible tenant already occupying a SCRP unit has first-option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as an eligible tenant. The Department shall be notified by the landlord of the intent to evict and the reasons therefor at the same time the landlord first provides notice to the tenant.

B. Tenants of SCRP units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.

C. In the event the tenant of an SCRP unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within thirty (30) days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within thirty (30) days of written notice from the landlord.

Section 11. Sussex County Code, Chapter 72, Article II, Section 72-26. There are no amendments to this section, but it is repeated in this ordinance in order to provide information to the reader about what otherwise would seem to be a missing section of the SCRP ordinance for review.

§ 72-26. Foreclosure or default.

A. The landlord must provide the Department with a copy of any mortgage default notification immediately upon receipt and a written explanation of how the default will be remedied.

B. If a foreclosure event occurs during the control period, the covenants endure through the transfer of property until the end of the control period.

C. If the foreclosure event occurs after the thirty-year control period, then all binding restrictions of this chapter will dissolve.

Section 12. Sussex County Code, Chapter 72, Article II, Section 72-27 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-27. [Phased i]Implementation.

A. [In order to provide a means to determine whether the rental housing program is achieving its desired objectives and an opportunity to test the effectiveness of this article, there shall be a test period of 36 months.] Improvements to concepts, processes and rules and regulations of the SCRP program [identified during the test period] will be incorporated into future amendments of [the article] this Article. Council views this [a]Article as a living document that will be modified as needed to respond to economic, housing, development, land use and other trends in the County and to best practices in affordable rental programs. [The article will not be fully implemented until the test period is completed and the article hereafter amended to include any additional provisions Council determines are needed prior to the expiration of the test period.]

B. This section further establishes a request for proposal (RFP) process to select program participants. The RFP process will:

(1) Allow the County to manage the number of potential development projects participating in the program until program guidelines related to administration, land use, zoning and public processing are tested and finalized.

(2) Allow the County to manage the number of potential SCRP units created until the actual market for SCRP units is better understood and quantified and until program guidelines related to marketing and leasing are tested and finalized.

(3) Allow applicants to present alternative approaches to housing types, density incentives, good community design, and other program features to encourage better overall land use, creation of SCRP units in high land cost areas or similar potentially desirable outcomes. Alternative approaches deemed successful by the Council will be incorporated into future amendments to the chapter.

(4) Ensure that the letter of the chapter produces results that are consistent with the spirit of the chapter by allowing Council to amend the chapter as needed based on actual experience prior to final promulgation and full adoption.]

Section 13. Sussex County Code, Chapter 72, Article II, Section 72-28 shall be amended by the addition of the underlined language and deletion of the bracketed language as follows:

§ 72-28. Government regulations; enforcement.

A. The Department [must] will maintain a list of all SCRP units constructed and leased under this program, and the Council hereby authorizes the County Administrator to promulgate and adopt regulations and approve the various agreements/documents necessary to administer this program.

B. The Director may, with Council approval, waive or modify the provisions of the [SCRP] program if the Director finds the program in conflict with state or federal housing laws.

C. This program applies to all agents, successors, and assigns of an applicant. A building permit shall not be issued and a preliminary plan of subdivision, development plan, or site plan shall not be approved for a development that will contain affordable rental units to be submitted to [SCRP] this program unless it meets the requirements of this program. The County Administrator may deny, suspend, or revoke any building or occupancy permit upon finding a violation of this program. Any prior approval of a preliminary or final plan of subdivision, development plan or site plan may be suspended or revoked upon the failure to meet any requirement of this chapter. An occupancy permit shall not be issued for any building to any applicant, or a successor, or assign of any applicant, for any construction that does not comply with this program. The County Administrator may also withhold or call in performance bond funds, letters of credit, and certificate s of compliance or occupancy from the applicant for any violation of this program.

D. The Director is authorized to pursue any available remedy, legal or equitable in nature, to enforce the requirements of this program or to prevent or abate a violation of this program.

E. The Director may take legal action to stop or cancel any lease of an SCRP unit if any party does not comply with all requirements of this program. The Director may recover any funds improperly obtained from the rental of a SCRP unit in violation of this chapter.

F. In the event of litigation to enforce the terms and conditions of this chapter or any agreement or obligation under the SCRP program, [it]the Department shall be entitled to an award of legal costs and fees to be collected from the party who is determined to be in violation of such agreements and obligations.

Section 14. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.

Synopsis

This Ordinance revises Chapter 72, Article II, of the County Code known as the "Sussex County Rental Program" in order to encourage the development of affordable rental housing in Sussex County.

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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Robert B. Arlett

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

RE: ***North Coastal Planning Area – Herring Creek SSD Area
Aerial Mapping & Environmental Assessment Related Issues
Professional Services WRA Associates, Inc. Amendment No.8***

DATE: November 1, 2016

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then, Council utilized the contract by approving seven (7) amendments totaling \$4,400,174.00 in value. The latest amendment was approved on August 30, 2016 for a 2.0 million gallons per day expansion of the IBRWF treatment facilities design.

On August 2, 2016, County Council approved the addition of the Herring Creek area to the Unified Sewer District. WRA has completed the preliminary engineering report which must accompany the State and Federal funding applications. The Department is presenting a request for the approval of the attached Contract Amendment No.8 in a “not to exceed” amount of \$102,649.00 for aerial mapping and issues surrounding the environmental assessment such as archeological services and wetland delineations. In addition, we will be jointly approaching the “service lateral optimizations” of the entire Herring Creek expansion area.

Once this phase concludes we will seek Council’s approval for professional engineering services through the bid process. With a number of projects moving forward in the same area at the same time we prefer not to include the contract administration or on-site inspection at that time, but rather revisit the staffing later on. In our negotiation with WRA we expressed the County’s desire to have in house staff play a larger role in the administration and tracking of the improvements as they are constructed. This will require the allocation of cost in future budget years for the staffing of these in house functions.



NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 8

This contract amendment, **Contract Amendment No. 8** dated _____, **2016** amends our original contract dated January 14, 2014 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, hereinafter referred to as CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231 (Original Contract). Except as specifically amended herein, the provisions of the Original Contract dated January 14, 2014, as thereafter amended, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 7** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Herring Creek Aerial Mapping and Environmental Assessment Issues** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **One Hundred and Two Thousand Six Hundred and Forty Nine Dollars (\$102,649.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

14.1.2 **Attachment A: Consultant's Scope of Services, Herring Creek Aerial Mapping and Environmental Assessment Issues** with Man-hour Spreadsheets. **(Contract Amendment No. 8).**

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 8 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

STANDARD FORM
PREVIOUSLY APPROVED:

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

WHITMAN, REQUARDT and ASSOCIATES, LLP

Dennis J. Hasson, P.E., BCEE, Partner

WITNESS:



SCOPE OF WORK FOR HERRING CREEK AERIAL MAPPING AND ENVIRONMENTAL ASSESSMENT ISSUES IN SUSSEX COUNTY, DELAWARE

WRA will perform the services as described below, for the proposed Herring Creek Sanitary Sewer District in Sussex County, Delaware.

Part A: Aerial Mapping

1. **Provide Project Management** Solicit three prices from aerial companies, coordinate all aerial companies access for surveys, etc, execute subcontracts with, and review and approve all subcontract invoices. Final product will be obtaining Aerial Mapping for area designated on attached figure. Work effort will include preparing and implementing HD-Lidar flight plan for approximately 1,160 acres, producing 1" =50' mapping with 1' contours. Included is all needed field surveying to set controls, flight, and data processing by the sub-contractor.

Part B: Optimization of Lateral Connections

1. **Field Reviews:** Assist the County in performing field reviews within existing subdivisions to evaluate the potential locations of lateral service connections in the project area. It is assumed that WRA will provide a project inspector for an average of 10 hours /week for a 4 month duration. WRA will also provide engineering assistance for any work items required by the County.
2. **Project Management:** Provide general project management for the optimization of lateral connections.

Part C: Environmental Assessment Issues- Archeological/Historical Surveys

Whitman Requardt and Associates, LLP will provide:

1. **Project Management:** Administer the Archeological Contract. WR&A will coordinate all contractual efforts with the subconsultant.
2. **Report Review:** Review all reports submitted by the subconsultant

The County's Historic Preservation Planner will:

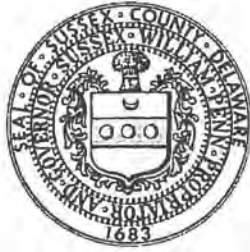
1. Prepare archaeological sensitivity maps for the Delaware State Historic Preservation Office, Sussex County Engineering Department, Delaware Parks and Recreation and Whitman, Requardt and Associates, LLP.
2. Review and monitor field work.
3. Review products produced as a result of field work.

Assumptions:

- *A Phase I archaeological survey will only be required (essentially determining presence or absence of archaeological materials). Evaluation of National Register eligibility will not be required.*
- *Archeology services will be limited tasks necessary to complete a Phase I survey to DE State standards. Tasks include background research, field survey, artifact analysis and cataloging, report preparation, and contract administration.*

ENGINEERING DEPARTMENT

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Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E.
County Engineer

RE: ***SUSSEX COUNTY BRIDGEVILLE LANDFILL
BUILDING DEMOLITION
PROJECT NO. 17-08***

DATE: November 1, 2016

Sussex County is actively managing the six (6) legacy landfills in accordance with the DNREC approved Operation & Maintenance Plans as well as the Environmental Covenants. As part of the effort, the County acquires adjacent properties protecting the established Groundwater Management Zones. The Consalo property located adjacent to the Bridgeville Landfill was acquired in 2008 in that manner. It was a former poultry operation improved with a number of agricultural structures. The majority of the structures are in poor repair and the openness of the site creates an extensive liability for the County warranting demolition.

A contract for the demolition of twenty-seven structures, located on said property was advertised and bids were taken on October 21, 2016. Six (6) vendors submitted bids, providing a wide range of prices. Clean Venture, Inc. was the lowest bidder at \$71,700.00 being well below the estimated amount. In consultation with the Finance Director we established that the disposal costs would exceed the numbers bid making it unbalanced. An offer was extended to Clean Venture, Inc. to withdraw, which they accepted.

The next lowest, responsive and responsible bidder was Brightfields, Inc., with a total base bid amount of \$132,362.50. Valuation of their bid proved to be fair and reasonable. Sufficient funds are budgeted and the Engineering Department recommends awarding the project.



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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BRIDGEVILLE LANDFILL BUILDING DEMOLITION BID OPENING, 2:30 p.m., Friday, October 21, 2016

BIDDER	BID AMOUNT
Clean Venture, Inc. **	\$71,700.00
Brightfields, Inc. *	\$132,362.50
John Macklin & Son, Inc.	\$151,083.00
Geotech LLC	\$178,035.00
MadCorp	\$209,427.00
Gateway Construction, Inc.	\$394,000.00

*Apparent Low Bidder

**Unbalanced Bid



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

Hans Medlarz

From: Scott Whitt <swhitt@cleanventure.com>
Sent: Wednesday, October 26, 2016 9:24 AM
To: Hans Medlarz
Subject: Bridgeville Landfill Demo request for bid withdrawal

Hanz,

Per our conversation yesterday it appears an error was made on my foreman's part in estimating the quantity of material to be disposed of on this project, this error has made our bid not balanced as it would not be possible to cover the disposal costs. We would like to request that our bid be deemed unbalanced and withdrawn from the process. I sincerely regret this unfortunate event and assure you this is not typical for our companies estimating and bidding procedures.

Thank you.

Scott Whitt
Operations Manager
Clean Venture, Inc.



Operations Branch
23655 Royal Oak Road
Quantico, MD 21856
Phone: 410-677-6720 x1404
Cell: 443-880-3165
Fax: 410-677-6723
swhitt@cleanventure.com
<http://www.cleanventure.com>

"Professionalism is knowing how to do it, when to do it, and doing it" - Frank Tyger

CONFIDENTIALITY NOTICE: This e-mail communication, including any attachments, may contain privileged or confidential information for specific individuals and is protected by law. If you are not the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited and you should delete this message and its attachments from your computer without retaining any copies. If you have received this communication in error, please reply to the sender immediately. We appreciate your cooperation.

Kaycee Widen

To: Hans Medlarz
Subject: RE: Bid results Bridgeville demo

From: Josh Sobelman [<mailto:JSobelman@brightfieldsinc.com>]
Sent: Friday, October 21, 2016 3:38 PM
To: Patti Deptula <pdeptula@sussexcountyde.gov>
Subject: Bid results Bridgeville demo

Patti

I heard we came in second place today and Clean Ventures was at \$71,700. That low of a bid was a bit shocking to me, so that is why I am emailing you now.

So you know, my raw costs alone had top soil at \$20,000 and waste disposal at \$48,000. That does not even include labor and equipment to handle everything else. So how Clean Ventures can do this job at that bid amount is something I cannot figure out.

So you know- I budgeted 3 men for 3 weeks and 3 pieces of machinery to complete the project. I'm sure you and Hans will be doing a thorough review of the bid results.

In the event that Clean Ventures decides they don't want it or you throw them out, I am ready to perform this scope for Sussex County. Please let me know if I can assist in any way.

thanks

Josh Sobelman, CHMM
Remediation Program Manager



www.brightfieldsinc.com

Office: (302) 656-9600

Fax: (302) 656-9700

Cell: (302) 420-6911

Please don't print this e-mail unless absolutely necessary

SAVE PAPER. THINK BEFORE PRINTING

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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Sussex County

DELAWARE
sussexcountyde.gov

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Chapel Branch Sanitary Sewer District

FACT SHEET

- In May the Engineering Department gave presentations to the two communities of Chapel Green and Oak Crest Farms
- Petitions were made available at the meetings on the question of establishing a Sanitary Sewer District for the area.
- In July the Engineering Department held a Public Hearing on the Boundaries
- On August 9th County Council adopted the proposed Boundary.
- On October 14th the Engineering Department held the Referendum.
- The results of the referendum;

(311) "in favor"

(11) "against"

- The 2 communities are currently operating their own on-site facilities.
- Both will require serious upgrades by 2021 for permit renewal.



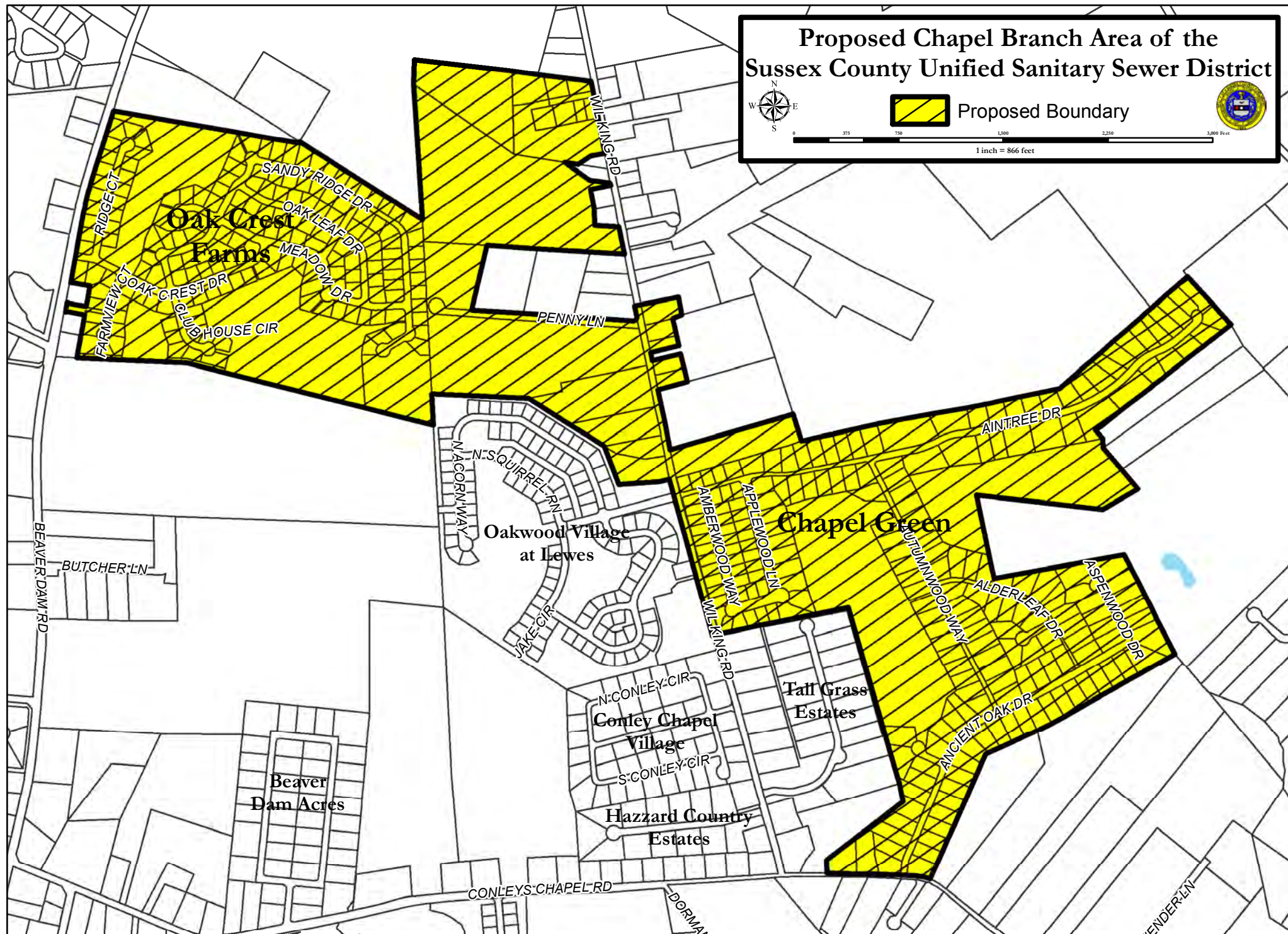
Proposed Chapel Branch Area of the Sussex County Unified Sanitary Sewer District



Proposed Boundary



0 375 750 1,500 2,250 3,000 Feet
1 inch = 866 feet



A referendum on establishing the district is scheduled **October, 14, 2016 at 4:00-8:00 PM**, at Conley's United Methodist Church, 33106 Jolyn's Way, Lewes, DE 19958 .
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

RESOLUTION NO. R_____

CHAPEL BRANCH AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE

WHEREAS, the eligible voters of the proposed Chapel Branch Area approved the creation of the sewer district by a vote of **311** to **11** in an election held on October 14, 2016; and

WHEREAS, Title 9, Delaware Code, Section 6507 requires the County Council to issue a determination of the sewer district within thirty days of its approval by the eligible voters;

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District have approved the creation of said district, that the description of the Chapel Branch Area is described in Exhibit "A"; and that the said district is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code.

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 rights-of-way by purchase, agreement or condemnation in accordance with the existing statutes.

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

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the sanitary sewer district.

Exhibit "A"

Description of the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District

BEGINNING at a point located on the northerly right-of-way (ROW) of County Road 280B (Conleys Chapel Rd) said point being the southwesternmost corner of lands N/F of Christopher Borris; thence following said lands of Borris the following directions and distances: northeasterly 980± feet, northeasterly 405± feet to a point, said point being the northwesternmost corner of lands N/F of Tyndall Bishoff; thence following said lands of Bishoff in a northeasterly direction 1130± feet to a point, said point being the southeasternmost corner of lands N/F of Alfred Lawrence, and a point on the southwesterly ROW of lands N/F of Frederick & Doris Tana; thence following said lands of Tana the following directions and distances: northwesterly 800± feet, westerly 945± feet, northerly 610± feet, southeasterly 910± feet, northeasterly 290± feet, northwesterly 180± feet, to a point, said point being the southeasternmost corner of lands N/F of Adam Gelof; thence following said lands of Gelof in a northwesterly direction 205± feet to a point, said point being the southeasternmost corner of lands N/f of Frederick & Doris Tana; thence following said lands of Tana the following directions and distances: northerly 65± feet, northwesterly 80± feet, northeasterly 1230± feet to a point, said point being the northeasternmost corner of lands N/F of Bartolomeo & Vincenza Camarca; thence following said lands of Camarca in a northwesterly direction 185± feet, to a point, said point being the lands N/F of Alan Waldron; thence following said lands of Waldron northwesterly 260± feet to a point, said point being a point on the southeastern boundary of lands N/F of John & Linda Novosel; thence following said lands of Novosel in a southwesterly direction 350± feet to a point, said point being a point on the southerly boundary of lands N/F of The Adkins Co.; thence following said lands of Adkins in a southwesterly direction 2755± feet to a point, said point the southeasternmost corner of lands N/F of Diane Loekle; thence following said lands of Loekle in the following directions and distances: northwesterly 202± feet, southwesterly 915± feet to a point, said point being a point on the easterly ROW of Country Road 288 (Wil King Rd); thence following said ROW in a northerly direction 392± feet to a point, said point being the southwesternmost corner of lands N/F of William King Sr.; thence following said lands of King in a northeasterly direction 215± feet to a point, said point being the northeasternmost corner of said lands of King and a point on the boundary of other lands N/F of William King Sr.; thence following said lands of King in the following directions and distances: northwesterly 200± feet, southwesterly 210± feet, northwesterly 60± feet, northeasterly 210± feet, northwesterly 205± feet, northeasterly 70± feet to a point, said point being the easternmost corner of lands N/F of Brenda Hastings; thence following said lands of Hastings the following directions and distances: northwesterly 130± feet, southwesterly 270± feet to a point, said point being the northwesternmost corner of said lands N/F of Hastings and a point on the easterly ROW of Wil King Rd; thence crossing said ROW in a westerly direction 50± feet to a point, said point being located on the easterly boundary of lands N/F of Helen Wert; thence following said lands of Wert in a southeasterly direction 95± feet to a point, said

point being located on the northerly side of a private ROW known as Penny Ln; thence following said ROW in a northwesterly direction 1200± feet to a point, said point being the southeasternmost corner of lands N/F of Gary & Kathy Kaier; thence following said lands of Kaier in a northeasterly direction 475± feet to a point, said point being a point on the southerly property line of lands N/F of Sarah C Harmon, Heirs; thence following said lands of Harmon the following directions and distances: southeasterly 983± feet, northwesterly 197± feet, westerly 175± feet, northerly 260± feet, northeasterly 148± feet, northerly 20± feet, westerly 150± feet, northwesterly 216± feet to a point, said point being a point on the southerly boundary of lands N/F of Janet Linton; thence following said lands of Linton in the following directions and distances: southeasterly 98± feet, northeasterly 109± feet, easterly 100± feet to a point, said point being located on the westerly ROW of Wil King Rd, thence following said ROW in a northwesterly direction 525± feet to a point, said point being the southeasternmost corner of lands N/F of Elmer Norwood; thence following said lands of Norwood in a northwesterly direction 350± feet to a point, said point being the southeasternmost corner of lands N/F of Jacqueline McGrellis Trustee; thence following said lands of McGrellis the following directions and distances: northwesterly 890± feet, southerly 175± feet, southeasterly 971± feet, northwesterly 1040± feet to a point, said point being the easternmost corner of lands N/F of Kris Knutsen; thence following said lands of Knutsen the following directions and distances: southwestly 13± feet, westerly 1345± feet to a point, said point being the southwesternmost corner of said lands of Knutsen and a point on the easterly boundary of Beaver Dam Rd; thence following said ROW in a southerly direction 1270± feet to a point, said point being located on the northerly property boundary of lands N/F of Diana Butler; thence following said lands Butler the following directions and distance: southwestly 140± feet, 155± feet, northwesterly 140± feet to a point, said point being the northwesternmost corner of lands N/F of Oak Crest Farms Property Owners Association; thence following said lands of Oak Crest Farms the following directions and distances: southwestly 70± feet, southeasterly 140± feet to a point, said point being the northeasternmost corner of lands N/F of Joseph Choma; thence following said lands of Choma southwestly 150± feet to a point, said point being the northwesternmost corner of lands N/F of Mathew Cottrell; thence following said lands of Cottrell southwestly 165± feet to a point, said point being a point on the northerly boundary of lands N/F of Hilda Norwood, Trust; thence following said lands of Norwood the following directions and distances: easterly 790± feet, southeasterly 1820± feet to a point, said point being a point on the westerly boundary of lands N/F of Oakwood Village at Lewes, LLC; thence following said lands of Oakwood Village the following directions and distance: northerly 225± feet, easterly 695± feet, southeasterly 640± feet to a point, said point being the northwesternmost corner of lands N/F of Oswaldo & Zully Echevery; thence following the said lands of Echevery the following directions and distances: southeasterly 221± feet, easterly 140± feet to a point, said point being the southeasternmost corner of said lands of Echevery and a point on the westerly ROW of Wil King Rd; thence following said ROW in a southeasterly direction 1330± feet to a point, said point being a point on the easternmost boundary line of lands N/F of Joseph & Teresa Mocci; thence leaving said lands of Mocci crossing said ROW of Wil King Rd in a northeasterly direction 50± feet

to a point, said point being the northwesternmost corner of lands N/F of Charles & Gladys Smith; thence following said lands of Smith in a northeasterly direction 300± feet, to a point said point being the northwesternmost corner of lands N/F of Tall Grass Estates, LLC; thence following said lands of Tall Grass the following directions and distances: northeasterly 645± feet, southeasterly 1080± feet to a point, said point being the northeasternmost corner of lands N/F of Linda Wardrup; thence following said lands of Wardrup southeasterly 230± feet to a point, said point being the northeasternmost corner of lands N/F of Michael Hazzard; thence following said lands of Hazzard the following directions and distances: southeasterly 135± feet, southwesterly 695± feet, southerly 97± feet to a point, that being the point of the BEGINNING.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-6.00.

The Chapel Branch Area of the Sussex County Unified Sanitary Sewer District is within these boundaries. A map drawn to scale indicating the boundaries of the area is attached.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: The Christian Storehouse, Inc.

PROJECT NAME: 3-door Treemur

FEDERAL TAX ID: 51-0340553 NON-PROFIT: ☒ YES ☐ NO

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

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

ORGANIZATION'S MISSION: The Christian Storehouse is a Christ centered outreach representing numerous denominations and various churches in and beyond the town of Millsboro. Our mission is to minister to those in need of clothing, furniture, housewares, emergency food, and emergency financial assistance. In this regard, we operate as a Thrift Store and are an extension of each churches "helps" ministry.

ADDRESS:

P.O. Box 239

Millsboro

(CITY)

DE

(STATE)

19966

(ZIP)

CONTACT PERSON:

Irish Nelson

TITLE:

Treasurer

PHONE:

934-8151

EMAIL: CSH215@verizon.net

TOTAL FUNDING REQUEST: \$200 or more.

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? _____

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?

approx 7%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services

☒ Other *Food & Emergency*

- ☐ Cultural
☐ Educational

BENEFICIARY CATEGORY

- ☒ Disability & Special Needs
☒ Elderly Persons
☒ Minority

- ☒ Victims of Domestic Violence
☒ Low to Moderate Income²
☐ Other

- ☒ Homeless
☒ Youth

BENEFICIARY NUMBER

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

from 6/15 - 6/16 4266+ families have received food from our Pantry.

SECTION 3: PROGRAM SCOPE

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

The Christian Storehouse is seeking \$3000 to repair our 3-door freezer utilized in our food pantry. This enables us to store frozen meats donated to us so we can distribute to our needy in the community. We have sent out 8 letters seeking \$200 or more from local resources as we have about \$1000 to put toward the project ourselves. Without this repair, we are limited in the amount of meats we can store.

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.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious 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

Our organization is supported by all denominations.
Our pantry is open to all peoples without
discrimination. We don't ask about clients
religious affiliation. We are under the DE.
Food Bank umbrella.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<i>We have not received any help</i> TOTAL REVENUES	\$
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
<i>Purchase & installation of a new condensing unit for a 3 door freezer.</i>	- 3000.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Christian Steehouse 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.**



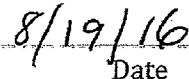
Applicant/Authorized Official



Date



Witness



Date

26

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

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

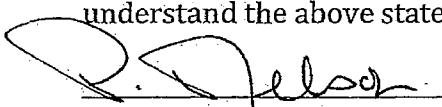
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

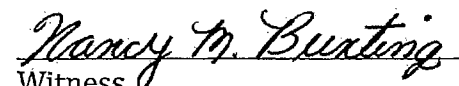
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

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

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



Applicant/Authorized Official



Witness



Treasurer



Date