



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

**MEETING:  
August 2, 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  
GEORGE B. COLE  
JOAN R. DEEVER



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# Sussex County Council

## A G E N D A

AUGUST 2, 2016

10:00 A.M.

\*\*AMENDED ON JULY 28, 2016 AT 11:00 A.M.<sup>1</sup>

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Consent Agenda

1. Wastewater Agreement No. 558-8  
Sussex County Project No. 81-04  
Peninsula Lakes – Phase 3 (Construction Record)  
Long Neck Sanitary Sewer District
2. Wastewater Agreement No. 558-9  
Sussex County Project No. 81-04  
Peninsula Lakes – Phase 4 (Construction Record)  
Long Neck Sanitary Sewer District

### Todd Lawson, County Administrator

1. Administrator's Report

### Joe Thomas, Director of Emergency Operations

1. Mobile Command Unit – Frontline Contract



**\*\*10:15 a.m. Public Hearing**

**Proposed Tidewater Landing Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)**

**Hans Medlarz, County Engineer**

1. Existing Infrastructure Use Agreement – Coastal Club
2. Improve Utilities (Airfield Lighting), Project 15-11
  - A. Balancing Change Order

**Joe Wright, Assistant County Engineer**

1. Summercrest Community Subdivision Completion, Project 12-30
  - A. Substantial Completion & Balancing Change Order

**John Ashman, Director of Utility Planning**

1. Proposed Resolution declaring the establishment of the Herring Creek Area of the Sussex County Unified Sanitary Sewer District

**Lawrence Lank, Director of Planning and Zoning**

1. Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC
  - A. Report on the recommendation of the Planning and Zoning Commission and on information requested and received

**Grant Request**

1. Bridgeville Apple-Scrapple Festival for festival expenses

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

**1:30 p.m. Reconvene**

**Old Business**

**Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”**

**Todd Lawson, County Administrator**

- 1. Proposed Amendment to Ordinance No. 2414 entitled “AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS”**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountypa.gov](http://www.sussexcountypa.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 26, 2016 at 5:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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<sup>1</sup> Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to add an additional item.

## **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 19, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 19, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**Councilman Robert Arlett was absent.**

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

**Call to  
Order**

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

**M 350 16  
Approve  
Agenda**

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

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Minutes**

**The minutes of June 28 and July 11, 2016 were approved by consent.**

**Beebe  
Health Care  
Presentation**

**Jeff Fried, President and CEO, and Richard Schaffner, COO, of Beebe Health Care were in attendance to give a presentation on plans to expand the size and services of its medical center in Lewes. The two-phase project, estimated to cost nearly \$200 million will include the construction of a 5-story patient wing to allow the medical center to provide more private rooms to its patients.**

**Public  
Hearing/  
Proposed  
McCabe  
Expansion  
of the  
SCUSSD**

**A Public Hearing was held to consider the Proposed McCabe Expansion of the Sussex County Unified Sanitary Sewer District. Aref Etemadi, Planning Technician, reported that the purpose of this Public Hearing is to consider the annexation of a vacant 1.4 acre property (Tax Map & Parcel # 233-7.00-29.00) to the district; the property is located along Piney Neck Road and is adjacent to The Marina at Peppers Creek subdivision. The developer/owner, Dennis R. McCabe, will be responsible for payment of all applicable fees to include system connection charge, and annual service and front footage assessments per EDU based on rates established for July 1,**

**Public  
Hearing/  
Proposed  
McCabe  
Expansion  
of the  
SCUSSD**

2015 through June 30, 2016. Additionally, the developer/owner will be responsible for making the connection to the existing main and extension of a lateral to the parcel. Mr. Etemadi reported that the parcel and the surrounding areas were posted with Public Hearing notices in accordance with State Law. To date, the County Engineering Department has received no comments in support of or in opposition to the proposed expansion.

There were no public comments and the Public Hearing was closed.

**M 351 16  
Adopt  
R 010 16**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 010 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCEL 233-7.00-29.00 OWNED BY MR. DENNIS R. MCCABE, SUSSEX COUNTY, DELAWARE".

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Consent  
Agenda**

**Consent Agenda**

**M 352 16  
Approve  
Consent  
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to approve the following items listed under the Consent Agenda:

**Wastewater Agreement No. 918-14  
Sussex County Project No. 81-04  
Bay Forest Club – Phase 4.3 (Construction Record)  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 918-15  
Sussex County Project No. 81-04  
Bay Forest Club – Phase 4.4 (Construction Record)  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 918-16  
Sussex County Project No. 81-04  
Bay Forest Club – Phase 5.1 (Construction Record)  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 990-1  
Sussex County Project No. 81-04  
Ocean View Beach Club – Phase 2A  
Bethany Beach Sanitary Sewer District**

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

**M 352 16**  
**(continued)**

**Vote by Roll Call:**     **Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                      **Mr. Arlett, Absent; Mr. Wilson, Yea;**  
                                      **Mr. Vincent, Yea**

**Public  
Comments**

**Public Comments**

**Paul Reiger commented on barbed wire fencing regulations and the definition of a farm.**

**Dan Kramer commented on Councilman Rob Arlett's absence.**

**John Welsh commented on problems in Herring Bay; he commented on some problems that County officials have helped to correct and he commented on a new issue involving ponds/wetlands in the development. Mr. Vincent asked Mr. Welsh to provide his questions to Mr. Lawson following the meeting.**

**Public  
Hearing/  
Proposed  
Route 13  
Commercial  
Expansion  
of the  
SCUSSD**

**A Public Hearing was held to consider the Proposed Route 13 Commercial Expansion of the Sussex County Unified Sanitary Sewer District. Hans Medlarz, County Engineer, reported that the purpose of the Public Hearing is to consider this extension of an existing district. He reported that a petition consisting of a total of 9 requests were received out of 16 parcels overall; that mostly all of the properties in the area are commercially zoned; and that this ties into the ongoing Concord Road Project. The expansion consists of approximately 120 acres. Mr. Medlarz noted that everyone within the area, if and when they are connected to sewer, will be subject to the sewer connection charges at the time.**

**There were no public comments and the Public Hearing was closed.**

**M 353 16**  
**Adopt**  
**R 011 16**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Resolution No. R 011 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS SITUATED ON THE EAST AND WEST SIDE OF STATE ROUTE 13, SUSSEX HIGHWAY, AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE".**

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

**Vote by Roll Call:**     **Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                      **Mr. Arlett, Absent; Mr. Wilson, Yea;**  
                                      **Mr. Vincent, Yea**

**Adminis-  
trator's  
Report**

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

**Administrator's  
Report  
(continued)**

**1. Sussex County Emergency Operations Center Call Statistics – June 2016**

Attached please find the call statistics for the Fire and Ambulance Callboard for June 2016. There were 10,093 total calls handled for the month of June. Of those 9-1-1 calls in June, 83 percent were made from wireless phones.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Warrington Creek – Phase 10 (a/k/a/ Sawgrass South) received Substantial Completion effective July 11<sup>th</sup>.

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

**Report  
on Time  
Extensions**

Lawrence Lank, Director of Planning and Zoning, provided an update on time extensions that were previously given consideration in January 2016. Mr. Lank reported that, of the applications approved for extensions, there were two applications for the purpose of confirmation both of which were Conditional Use applications that have active mitigation sites (brownfields). Additionally, there were thirty-five (35) subdivision, Conditional Use and RPC applications that requested extensions; of those, there are fourteen (14) under construction, five (5) that have expired, and four (4) that have been recorded. Mr. Lank noted that, on June 29th, three (3) projects were recorded. Mr. Lank reported that a total of 2,230 lots/units have been extended.

Mr. Lank reported that he has received five (5) requests for time extensions for projects. Four (4) of the extensions are for subdivision or residential planned community (RPC) projects, and one (1) is for confirmation on a Conditional Use project that has been in litigation for several years and has finally received a decision from the Court. Mr. Lank reported that the subdivision applications are for Ingram Point, Tidewater Landing (aka Love Creek Landing), Captain's Way (aka Captain's Run), and The Estates at Sandhill Valley; the Conditional Use application is for Oyster House Village (the application of Sunrise Ventures, LLC, Conditional Use No. 1642). Mr. Lank provided a short summary on each project. Mr. Lank referenced the project known as The Estates at Sandhill Valley and reported that it was to be substantially underway by September 16, 2016 and therefore, a six month time extension would result in an extension to March 16, 2016.

**M 354 16  
Grant  
Extension/  
Ingram  
Point  
Subdivision**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Ingram Point Subdivision shall be granted a six month time extension until December 31, 2016 (Subdivision



**M 354 16  
(continued)**

**No. 2005-18, an application of JLC, LLC).**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 355 16  
Grant  
Extension/  
Tidewater  
Landing  
(aka Love  
Creek  
Landing)**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Tidewater Landing (aka Love Creek Landing) Subdivision shall be granted a six month time extension until December 31, 2016 (Subdivision No. 2008-8, an application of VESCO, LLC.)**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 356 16  
Grant  
Extension/  
Captain's  
Way (aka  
Captain's  
Run)**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that Captain's Way (aka Captain's Run) Subdivision shall be granted a six month time extension until December 31, 2016 (Change of Zone No. 1721, an application of Captain's Way Development, LLC).**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 357 16  
Grant  
Extension/  
Sandhill  
Valley  
Subdivision**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Estates at Sandhill Valley Subdivision shall be granted a six month time extension from the September 16, 2016 date until March 16, 2017 (Subdivision No. 2006-73, an application of Anthony Sposato).**

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

**M 357 16**  
**(continued)**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Time**  
**Extension**  
**Request/**  
**Oyster**  
**House**  
**Village**

Mr. Lank commented on the time extension request for Oyster House Village, the application of Sunrise Ventures, LLC (Conditional Use No. 1642). He noted that this project was previously granted a confirmation in March 2016. He noted that the application has been involved in pending litigation for several years and the Courts required recordation of certain documents and easements which were just recently recorded. Mr. Moore advised that the time of the start of the extension should be the date of recordation of the required documents.

**M 358 16**  
**Grant**  
**Extension/**  
**Oyster**  
**House**  
**Village**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Oyster House Village multi-family project shall be granted a three year time extension from the date of the recordation of the documentation required by the Court.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Air**  
**Methods**  
**Corporation**  
**Lease**  
**Extension**

Jim Hickin, Director of Airport and Industrial Park Operations, presented for the Council's consideration a Lease Extension for Air Methods Corporation. He reported that Air Methods is the parent company of LifeNet and operates an air ambulance service, with flight and medical crews on duty 24 hours a day; they have leased Lot A-2 at the Airport since September 2007, which includes a 2,500 square foot County-owned hangar. They are requesting to exercise the third and final three-year extension allowed under the lease. If approved, the rent amount will increase by 3 percent, to \$19,607 annually, in accordance with the lease.

**M 359 16**  
**Approve**  
**Lease**  
**Extension/**  
**Air**  
**Methods**  
**Corporation**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Third Extension to the Lease Agreement with Air Methods Corporation for Lot A2 at Delaware Coastal Airport, dated September 5, 2007.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Justin  
Tanks  
Lease  
Agreement**

**Jim Hickin, Director of Airport and Industrial Park Operations, presented for the Council's consideration a Lease Agreement with Justin Tanks, LLC for Lots 15 and 16 at the Industrial Park. Mr. Hickin reported that Justin Tanks (originally Justin Fiberglass) is one of the original tenants in the Industrial Park; their lease expired in 2014 after 40 years in the Park. Mr. Hickin reviewed the terms of the proposed lease including the following: term would be five years, with three five-year options; rent would be \$4,500 per year with a 10 percent increase each option period; permitted uses would be manufacturing and maintaining equipment for the fiberglass industry and other uses as permitted by the County; no assignment or sublease without County approval, etc.**

**M 360 16  
Execute  
Lease  
Agreement/  
Justin  
Tanks**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council authorizes the Council President to execute the Lease Agreement with Justin Tanks, LLC for Lots 15 and 16 in the Sussex County Industrial Park, as presented.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**WRSSD  
Irrigation  
Rigs  
Replace-  
ment/  
Cancellation  
of Bid  
Award**

**Hans Medlarz, County Engineer, presented a recommendation for the cancellation of an award for the West Rehoboth Sanitary Sewer District Irrigation Rigs Replacement Project (Contract 15-18). Mr. Medlarz reported that the bid was awarded to Sussex Irrigation Company on March 1, 2016 and, while within budget, they were the only bidder for the project. Mr. Medlarz advised that events led to a complete reanalysis of the system at Wolfe Neck to a conclusion that the facility would be much better served with a number of smaller irrigation rigs which would be more efficient and more environmentally friendly. Mr. Medlarz reported that they tried to negotiate with the low bidder to extend the contract, keep the price in line, and work with the bonding requirements under the contract. The low bidder was unable to meet the three conditions. Mr. Medlarz recommended declaring the award in default and removing the award from the contractor, and authorizing the engineers to redesign and re-advertise. Mr. Medlarz stated that the work will be planned in the Fall after the crops have been harvested.**

**M 361 16  
Cancel  
Bid and  
Rebid/  
WRSSD  
Irrigation  
Rigs  
Replace-  
ment**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the award for Contract 15-18, West Rehoboth Sanitary Sewer District Irrigation Rigs Replacement Project, be cancelled and that the project be redesigned and rebid at a later date.**

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

**M 361 16**  
**(continued)**

**Vote by Roll Call:**    **Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Absent; Mr. Wilson, Yea;**  
                                 **Mr. Vincent, Yea**

**Award  
Recommen-  
dation/  
Appraisal  
Services**

**Hans Medlarz, County Engineer, reported that a Request for Proposals (RFP) was advertised in June for appraisal services to be provided on an as needed basis for a one year period. The services include, but are not limited to, inspecting and investigating properties to provide certified appraisal reports for fee simple land acquisitions and any type of easement in support of engineering projects. Three proposals were received; only two of the responses received met the advertised criteria. The Appraisal Committee interviewed the qualified bidders and recommended that the Engineering Department negotiate a contract with W.R. McCain & Associates.**

**M 362 16**  
**Approve**  
**Contract**  
**for**  
**Appraisal**  
**Services**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Appraisal Committee, that the Sussex County Council approves the Engineering Department to initiate a contract with the top ranking firm, W.R. McCain & Associates, to provide appraisal services, as needed, for a one year period, effective August 1, 2016.**

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

**Vote by Roll Call:**    **Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Absent; Mr. Wilson, Yea;**  
                                 **Mr. Vincent, Yea**

**IBRWF**  
**Effluent**  
**Disposal &**  
**Treatment**  
**Expansions**

**Hans Medlarz, County Engineer, gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades accordingly. Mr. Medlarz explained that the Inland Bays Regional Wastewater Facility (IBRWF) and the Wolfe Neck Regional Wastewater Facility (WNRWF) serve the North Coastal Planning Area. The proposed transmission system, currently under construction, will tie the two treatment facilities together allowing a diversification of wastewater treatment options including utilization of other existing wastewater service providers in addition to the County facilities. The plan detailed the anticipated expansion of wastewater treatment and treated wastewater disposal at IBRWF. In addition to the treatment and disposal upgrades, a Regional Biosolids Drying Facility and a central septage receiving facility are envisioned. Mr. Medlarz reviewed the proposed schedule and estimated costs of all the projects at the IBRWF.**

**M 363 16**  
**IBRWF**  
**Design**  
**Engineering/**  
**Effluent**  
**Disposal**  
**Expansion**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 6A for design engineering of the Inland Bays Regional Wastewater Facility effluent disposal expansion in an amount not to exceed \$408,128.00 be approved, effective July 19, 2016.**

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

**M 363 16**  
**(continued)**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**M 364 16**  
**IBRWF**  
**Central**  
**Septage**  
**Receiving**  
**Facility**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of Sussex County Engineering Department, that the Sussex County Council approves the development of one central septage receiving facility at the Inland Bays Regional Wastewater Facility under a self-supporting rate with associated customer outreach; final rate determination to be presented at a later date for Council's approval.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**M 365 16**  
**IBRWF**  
**Treatment**  
**Capacity**  
**Expansion**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department that Council authorizes the negotiation of Amendment No. 7 with Whitman, Requardt & Associates to the North Coastal base contract for the design of the Inland Bays Regional Wastewater Facility treatment capacity expansion, the regional bio-solids, and the septage receiving facilities; Amendment No. 7 to be presented to the Council on August 13, 2016 for the Council's consideration.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**M 366 16**  
**Approve**  
**Negotiations**  
**for the**  
**Utilization**  
**of**  
**Seasonally**  
**Available**  
**Existing**  
**Wastewater**  
**Treatment**  
**Capacity**

A Motion was made Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the negotiation of contracts with other regional wastewater service providers for the utilization of seasonally available existing wastewater treatment capacity as well as one regional bio-solids handling facility at Inland Bays Regional Wastewater Facility; Agreements to be presented to Council for consideration no later than September 2016.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Grant**  
**Requests**

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

**M 367 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to Historic Georgetown Association for fencing around the First Fire House.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 368 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the Police Department's National Night Out.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 369 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Arlett's Councilmanic Grant Account to the Greater Millsboro Chamber of Commerce for event expenses.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 370 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$3,000.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Laurel for the Police Department's K-9 Program.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 371 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to Autism Delaware for summer camp expenses.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 372 16**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give**  
**Countywide**      **\$1,000.00 from Countywide Youth Grants to Trap Pond Partners for the**  
**Youth**            **Healthy Kids Day Event.**  
**Grants**

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

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;**  
                                 **Mr. Arlett, Absent; Mr. Wilson, Yea;**  
                                 **Mr. Vincent, Yea**

**Introduction**      **Mrs. Deaver introduced the Proposed Ordinance entitled “AN**  
**of Proposed**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**Zoning**            **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE**  
**Ordinances**      **AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING**  
                         **AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING**  
                         **AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,**  
                         **CONTAINING 5.7 ACRES, MORE OR LESS” (Conditional Use No. 2055)**  
                         **filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman (Tax**  
                         **I.D. No. 330-8.00-46.00 (Part of) (911 Address: Not Available).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN**  
**ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE,**  
**STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF**  
**EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND**  
**LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX**  
**COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional**  
**Use No. 2056) filed on behalf of Raynol E. Garcia (Tax I.D. No. 330-15.00-**  
**20.01) (911 Address: 7411 Marshall Street, Lincoln).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN**  
**ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**  
**DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR**  
**A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST**  
**FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES,**  
**MORE OR LESS” (Change of Zone No. 1806) filed on behalf of WYWJ**  
**Ventures, LLC (Tax Map I.D. No. 530-14.00-21.00) (911 Address: 14392**  
**Sussex Highway, Bridgeville).**

**Mr. Vincent introduced the Proposed Ordinance entitled “AN**  
**ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**  
**DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR**  
**A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST**  
**FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES,**  
**MORE OR LESS” (Change of Zone No. 1807) filed on behalf of WYWJ**  
**Ventures, LLC (Tax Map I.D. No. 131-19.00-4.00) (911 Address: None**  
**Available).**

**Introduction of Proposed Zoning Ordinances (continued)**      **Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS” (Change of Zone No. 1808) filed on behalf of William T. Peden III (Tax Map I.D. No. 235-30.00-63.00 and 63.01) (911 Address: 26526 Lewes Georgetown Highway, Harbeson).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council Members’ Comments**      **Council Members’ Comments**  
**Mrs. Deaver complimented the new signs in the building.**

**Mr. Cole stated that he would not be in attendance at the July 26th Council meeting as he will be attending a NACo Conference.**

**M 373 16 Recess Regular Session/ Go Into Executive Session**      **At 12:06 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to Job Applicants’ Qualifications, Personnel, Pending Litigation, and Land Acquisition.**

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

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Executive Session**      **At 12:10 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Job Applicants’ Qualifications, Personnel, Pending Litigation, and Land Acquisition. The Executive Session concluded at 1:25 p.m.**

**M 374 16 Reconvene**      **At 1:42 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

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

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Rules**      **Mr. Moore read the Rules of Procedure for Public Hearings.**

**Public Hearing**      **A Public Hearing was held on the Proposed Ordinance entitled “AN ON ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR**



**Public  
Hearing/  
CU 2051  
(continued)**

**BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.236 ACRES, MORE OR LESS” (Conditional Use No. 2051) filed on behalf of Dale Thaxton (Tax I.D. No. 234-12.14-54.00) (911 Address: 22874 Cypress Drive, Lewes).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 9th at which time action was deferred for further consideration.**

**(See the minutes of the Planning and Zoning Commission dated June 9, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**The Council found that Dale Thaxton was in attendance on behalf of his application and he stated that he has owned a computer business for 16+ years; that he moved the business to his home; that he travels to work sites; that he does not have any employees; that a complaint was made and he filed an application for a Conditional Use to come into compliance; that there is little traffic associated with his business; that he uses his existing driveway for the few drop-offs and deliveries that occur; and that he has not heard any complaints from his neighbors.**

**A discussion was held regarding whether or not this proposed use qualifies as a home occupation. Mr. Lank stated that it does not in accordance with the existing Code and that the Code relating to home occupations needs to be brought up to date as it has been in existence since 1970. Mr. Lank noted that the Commission is also looking at the issue of home occupation and is one of the reasons the Commission deferred action.**

**In response to questions raised, Mr. Lank stated that there are no deed restrictions on the parcel or in the development.**

**Public comments were heard.**

**Dan Kramer of Greenwood stated that there is no reason that this Applicant should have had to file a Conditional Use application; that the process is costly; that the Council could fix it; that the Council should have an ordinance written and introduced to change the ordinance so the Applicant can continue his business; and that the Council should not wait for the Land Use Plan to make the necessary ordinance changes.**

**There were no additional public comments and the Public Hearing was closed.**

**Mr. Cole suggested deferring action for the purpose of looking into the home occupation classification in the Sussex County Code.**

**M 375 16  
Defer  
Action/  
CU 2051**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to defer action on Conditional Use No. 2051 filed on behalf of Dale Thaxton.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2052**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS” (Conditional Use No. 2052) filed on behalf of Delaware Electric Cooperative, Inc. (Tax I.D. No. 530-14.00-13.00, 14.00, 16.00 and 18.01) (911 Address: 14198 Sussex Highway, Greenwood).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 9, 2016 at which time the Commission recommended that the application be approved with the following condition: The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated June 9, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**Mr. Lank distributed an Exhibit Book that was previously provided by the Applicant.**

**The Council found that Barratt Edwards, Attorney, was present on behalf of the Applicant. Also in attendance were several representatives from Delaware Electric Cooperative (DEC), including Bill Andrew, President and CEO. Mr. Edwards described the intent of the application, described the history of the site; described the uses of surrounding parcels which are largely zoned C-1 Commercial. Mr. Edwards stated that the Applicant is proposing a 20,000+ square foot warehousing expansion on the site; that they propose that all four parcels be consolidated into one parcel; that DEC is running out of storage space and needs increased supplies on hand; and that they intend to combine all of the parcels into one parcel. Mr. Edwards reviewed a site plan of the building and a preliminary floor plan depicting the layout of the interior of the building.**

**There were no public comments and the Public Hearing was closed.**

**M 376 16  
Adopt  
Ordinance  
No. 2458/  
CU 2052**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt Ordinance No. 2458 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS" (Conditional Use No. 2052) filed on behalf of Delaware Electric Cooperative, Inc., with the following condition:

1. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Absent; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 377 16  
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 2:16 p.m.

**Respectfully submitted,**

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

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

## **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 26, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 26, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>David N. Rutt</b>	<b>Assistant County Attorney</b>

Councilman George Cole was absent.

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 378 16  
Approve  
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes" and "Introduction of Proposed Zoning Ordinances"; and to approve the Agenda, as amended.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Corre-  
spondence**

Mr. Rutt read the following correspondence:

**BAYHEALTH, DOVER, DELAWARE.**

**RE:** Letter in appreciation of Council's support of Bayhealth's new health campus project.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on diversification of members on the Planning and Zoning Commission.

**Adminis-  
trator's  
Report**

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

1. **Free Shot Clinic**

**Administrator's  
Report  
(continued)**

The Office of Animal Welfare will be hosting a free shot clinic on Saturday, August 6<sup>th</sup>, from 10:00 a.m. to 12:00 noon at their office located at 26351 Patriots Way in Georgetown. Free vaccinations and microchips will be available. For more information, please contact the Georgetown office at 302-516-1004.

Mr. Vincent recused himself from the discussion and possible vote on the Agenda item entitled "Mobile Command Unit – Frontline Contract".

**Pass  
Gavel**

Mr. Vincent passed the gavel to Mr. Wilson.

**Mobile  
Command  
Unit**

Joe Thomas, Director of Emergency Operations, presented a Proposed Agreement and Contract to purchase a new Mobile Command Unit. He explained the uses of the Mobile Command Unit (MCU) and noted that the current MCU is 15 years old with outdated technology. Mr. Thomas reported that the purchase would be made through a State contract vendor; Government Support Services, Office of Management and Budget has entered into a cooperative agreement with Houston-Galveston Area Council of Governments (HGACBUY) and Frontline is the vendor awarded in the HGACBUY agreement. Mr. Thomas reviewed the cost of the equipped MCU (\$1,640,200) and the grants that will help fund the purchase (DEMA/FEMA grant funding in the amount of \$945,400); total cost to the County would be \$694,800. It was noted that there may be the opportunity to sell the current MCU to another agency.

**M 379 16  
Agreement/  
Mobile  
Command  
Unit/  
Motions**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves the Director of Emergency Operations Center to move forward with an Agreement with Frontline Communications to purchase a Mobile Command Unit in the amount of \$1,369,736.60.

**Withdrawn**

Mrs. Deaver and Mr. Arlett withdrew their Motions.

**M 380 16  
Defer  
Action  
on Mobile  
Command  
Unit**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to defer action on "Mobile Command Unit – Frontline Contract" for one week.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Pass  
Gavel**

Mr. Wilson passed the gavel to Mr. Vincent.

**County  
Rental  
Program**

Brandy Nauman, Fair Housing Compliance Officer, discussed modifying the Sussex County Rental Program (SCRIP) to encourage the development of more affordable rental housing. She noted that the

**Proposed  
Modifi-  
cations to  
County  
Rental  
Program  
(continued)**

need in the County has shifted from home ownership to rentals and the County's Rental Program needs to be updated so it reflects current market conditions. Mrs. Nauman reported that the Community Development & Housing Department held an initial meeting with stakeholders for some preliminary input on potential changes to the SCRPP. Following are some proposed modifications to the SCRPP that were discussed:

- Changing the current affordable unit set-aside requirements
- Setting fixed rental rates based on bedroom size
- Eliminating the 25-unit minimum project size
- Developer/Property Manager to determine tenant eligibility
- Floating unit concept to accommodate increases in tenant income

Mrs. Nauman presented information on household incomes and rental costs and advised that, with Council's approval, the Community Development & Housing Department will work with Legal to prepare a proposed amendment to the existing ordinance for Council's consideration.

**Lease  
Amend-  
ment/  
Deli  
Days,  
LLC**

Jim Hickin, Director of Airport and Industrial Park, presented a Lease Amendment with Deli Days, LLC for the restaurant space at the Airport. Deli Days, LLC has operated Arena's at the Airport since March 2013. Mr. Hickin reported that the Lease Amendment will do the following:

- Extends the initial term of the lease from March 31, 2018 to March 31, 2022
- Changes the rent structure from a percent of sales (with cap) to a fixed rent
- Transfers ownership of the restaurant equipment and furniture to Deli Days
- County to loan Deli Days up to \$25,000 for new furniture and equipment; loan to be repaid over five years

Mr. Hickin noted that the Lease Amendment will maintain Arena's as a tenant for four additional years, as well as assist in a much needed upgrade to the facility.

**M 381 16  
Execute  
Lease  
Amendment  
for Deli  
Days, LLC**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council authorizes the Council President to execute a Lease Amendment with Deli Days, LLC for the restaurant and banquet room space in the Airport Terminal Building, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

[illegible]

**M 382 16** At 10:40 a.m., a Motion was made by Mr. Arlett, seconded by Mr.  
**Recess** Wilson, to recess and go into Executive Session to discuss matters  
**and Go** relating to Pending Litigation and Land Acquisition.

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

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Executive Session**      **At 10:45 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to Pending Litigation and Land Acquisition. The Executive Session concluded at 11:50 a.m.**

**M 383 16** At 11:57 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett,  
**Reconvene** to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 3 Yeas, 2 Absent.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Absent;  
Mr. Vincent, Yea

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

**M 384 16** At 11:57 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett,  
**Recess** to recess until 1:30 p.m.

**Motion Adopted: 3 Yeas, 2 Absent.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Absent;  
Mr. Vincent, Yea**

**M 385 16      At 1:33 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson,  
Reconvene      to reconvene.**

**Rules**                      **Mr. Rutt read the Rules of Procedure for Public Hearings.**

<b>Public Hearing/ CZ 1801</b>	<b>A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN</b>
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**Public  
Hearing/  
CZ 1801  
(continued)**

**RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS” (Change of Zone No. 1801) filed on behalf of Long Neck Road, LLC (Tax Map I.D. No. 234-23.00-307.02) (911 Address: 32549 Long Neck Road, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 23, 2016 at which time the Commission recommended that the application be approved.**

**(See the minutes of the Planning and Zoning Commission dated June 23, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**Mr. Lank distributed Exhibit Booklets provided by the Applicant.**

**The Council found that Dennis Schrader, Attorney, was present on behalf of the application with Chris Kalil, a Principal of Long Neck Road, LLC. They stated that the property is owned by Long Neck Road, LLC; that the property is located on the existing thoroughfare for the Long Neck area, an area of significant residential and commercial growth; that the site is presently improved with a dwelling, detached garage, and outbuildings; that the site is virtually surrounded by properties that are zoned for commercial and business activities; that DelDOT has reviewed the project and did not require a Traffic Impact Study; that the proposed project is in character with the area; that the proposed project complies with the County’s Comprehensive Plan and the Environmentally Sensitive Development District Overlay Zone requirements; that the Applicant proposes to develop the property for retail; that there will be security lighting and screening for privacy; and that the rezoning is an infill parcel surrounding by other business and commercial zonings; and that the proposed project will not negatively impact the value of properties in the area.**

**Public comments were heard.**

**Debra Harmon stated that she is an adjacent property owner and that she questions the type of retail store that is proposed due to traffic concerns.**

**In response, the Applicant stated that the limited availability of parking spaces (18) will limit the retail use of the property.**

**There were no additional public comments and the Public Hearing was closed.**

**M 386 16  
Adopt  
Ordinance  
No. 2459**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2459 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN**



**M 386 16  
Adopt  
Ordinance  
No. 2459/  
CZ 1801  
(continued)**

**AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS” (Change of Zone No. 1801) filed on behalf of Long Neck Road, LLC.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2049**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.5052 ACRES, MORE OR LESS” (Conditional Use No. 2049) filed on behalf of Blue Claw, LLC (Tax I.D. No. 234-34.00-298.01 & 292.00) (911 Address: 30842 Downs Landing Road, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2016 at which time action was deferred. On June 23, 2016 the Commission recommended that the application be denied.**

**(See the minutes of the Planning and Zoning Commission dated May 26 and June 23, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and recommendation of denial.**

**Mr. Lank reported that a total of 18 letters of support and 19 letters of opposition have been received.**

**The Council found that John VanCleve was present on behalf of his application. He explained that he purchased the property from Blue Claw, LLC; that Blue Claw, LLC no longer exists; and that his Attorney mis-filed the application under the name of Blue Claw, LLC. Mr. VanCleve stated that that he is a resident of Gull Point; that a lot of false information has been presented regarding his application, including in a petition and in a letter from the law office of Robert J. Valihura. Mr. VanCleve stated that his application is for a limited use of a boat storage lot - a parking lot only for the parking of boats on trailers or parking of boat trailers; that there will not be a boat lift; that no repair work would be done on the site with the exception of changing tires; that the proposal is for the back lot only although the application was required to consist of both portions of the lot; that a barn exists on the property; that there will be no increase in traffic as a result of this application; that there have been no reports of vagrants on the property; that it is only speculation that the proposed use will**

**Public  
Hearing/  
CU 2049  
(continued)**

depreciate the value of homes in the area; that the 6 foot fence on the property does not belong to him; that the fence runs the property line; that all the trees bordering Gull Point have been removed and tree replacement is an issue for Gull Point to address on the other side of the fence; that he has applied to DelDOT for a 40 foot right-of-way area for an easement on the opposite side of the house in question; that there is a 40 foot expanse between his property line and the house, which is sufficient to get in and out of the lot and to allow an access road to come in off of Downs Landing Road; that the lot is covered by surveillance; that he has cleared and cleaned the site; that there is no sewer, water or electric available on the lot to be used for parking but there is for the house and the garage on the lot; that it is a parking lot only; that there has not been any increase in road traffic on Downs Landing Road; that his intention for the Conditional Use was to start a small business to allow friends and residents in the community to park boats/boat trailers on the lot (approximately 30-40 trailers; 40-50 would be capacity); that boats will not be washed on the lot; that the entire lot is outside of the Gull Point property; that the lot is a continuation of his property (30842 Downs Landing Road) and that he rents the house on the property (front lot); that every trailer is currently tagged, with the exception of one that is from North Carolina and North Carolina does not require that it be tagged; that all trailers and boats currently on the lot are owned by residents of Gull Point; and that there are currently 13 units on the site, one of which he owns.

Mr. Lank explained that the application had to include both lots because the only access to the rear lot is through the front lot.

The Applicant submitted Exhibits 1 through 7 consisting of photos and a survey.

Mr. Rutt questioned the filing of the application under Blue Claw, LLC and stated that he thinks it creates a problem and that he would like time to look into it.

Mr. Lank stated that the application was originally filed by James Fuqua, Attorney, on behalf of Blue Claw, LLC; that after the application was introduced, the Applicant clarified it was his property and that he wanted it to continue through the process; and that the application was left under the name of Blue Claw, LLC since that was the original application reference and it had already been introduced.

Public comments were heard.

Richard Robichaud and Dr. Brian Rebisz spoke in support of the application. They stated that the proposed use is in line with the adjacent marina community (Gull Point); that the proposed use offers an additional amenity in the area; that it will provide a service to area residents – a place where they can store their boats, especially in storm situations; that the area is a boating community and there is a boat ramp nearby; that the proposed

**Public  
Hearing/  
CU 2049  
(continued)**

use will not negatively impact the area; that the Applicant cleaned up a “dump” and improved the property and quality of life for Gull Point; that there are other business/commercial uses in the area, some of which are not in compliance; and that someone lives on the site which will provide more security.

Robert J. Valihura, Attorney, spoke on behalf of the Gull Point Homeowners Association in opposition to the proposed Conditional Use. He stated that there is no Applicant present on this date; that there is only a paper record of someone who made application; that the Applicant is not before the Council at this Public Hearing; that the person in attendance on this date is the landowner; that it is unknown if there is any authority to move forward with this application; and that for this reason, the application cannot go forward until the real party applies; that if the application is approved, it is unknown if the application can be transferred to the current owner; that this is unprecedented; that the proposed use would be a commercial establishment in the middle of a residential development; that the Applicant wants to expand the facility; that in regard to access to the site, it is unknown if DelDOT has granted access; that there is no need for this facility; that the proposed use should be placed on a site that is properly zoned; that there are already existing facilities to meet boat storage needs in the area; and that if he receives approval, he could expand the use to include multiple layer stacks of boats which the 6 foot high fence will not sufficiently screen. Mr. Valihura’s letter was made a part of the record.

Alfred Haynes, Wolfgang von Baumgart, George Oakjones, and Teresa Townsend spoke in opposition to the application. They commented on how the proposed use will impact the community and stated that none of the residents in the community are boaters; that it would be a convenience for Gull Point residents but not for the six area residents; that there are other boat storage businesses in close proximity; that it is a departure from the County’s Land Use Plan; that the proposal is for a marine use in an Agricultural Residential District; that the application is not properly or legally filed; that there are overriding safety considerations; that the proposed use is a security concern; and that they have a petition with 44 signatures and a letter opposing the proposed boat yard.

The Opposition submitted Exhibits 1 – 4 consisting of letters, a petition, and photos.

The Public Hearing was closed.

Mr. Rutt advised that he will look into the matter of whether or not the application can move forward as filed under Blue Claw, LLC and Council discussed deferring action on the application for the opinion of the County’s Legal Counsel.

**Public  
Hearing  
(continued)**

**It was noted that this application is located in Councilman Cole's District and that since he was absent for the Public Hearing, he may wish to listen to the recording of the Hearing and participate in the vote on the application.**

**M 387 16  
Defer  
Action  
CU 2049**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2049 filed on behalf of Blue Claw, LLC.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 388 16  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 3:22 p.m.**

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

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

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

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

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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

July 25, 2016

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
PENINSULA LAKES - PHASE 3 (CONSTRUCTION RECORD)  
AGREEMENT NO. 558 - 8

#### **DEVELOPER:**

John Canuso, Jr  
Peninsula Lakes, LLC  
Bldg. 1, 1st Floor  
1010 Kings Highway South  
Cherry Hill, NJ 08034

#### **LOCATION:**

Bay Farm Road and Legion Road

#### **SANITARY SEWER DISTRICT:**

Long Neck Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

8 single family lots

#### **SYSTEM CONNECTION CHARGES:**

\$46,200.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/20/15

Department Of Natural Resources Plan Approval  
04/01/14

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 30  
Construction Admin And Construction Inspection Cost – \$4,994.40  
Proposed Construction Cost – \$33,296.00



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

## ENGINEERING DEPARTMENT

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

DELAWARE

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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

July 25, 2016

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
PENINSULA LAKES - PHASE 4 (CONSTRUCTION RECORD)  
AGREEMENT NO. 558 - 9

#### **DEVELOPER:**

John Canuso, Jr  
Peninsula Lakes, LLC  
Bldg. 1, 1st Floor  
1010 Kings Highway South  
Cherry Hill, NJ 08034

#### **LOCATION:**

Bay Farm Road and Legion Road

#### **SANITARY SEWER DISTRICT:**

Long Neck Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

35 single family lots and the clubhouse

#### **SYSTEM CONNECTION CHARGES:**

\$207,900.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
07/20/15

Department Of Natural Resources Plan Approval  
04/01/14

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 90  
Construction Admin And Construction Inspection Cost – \$16,098.75  
Proposed Construction Cost – \$107,325.00



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

# Mobile Command Unit

- Used during weather related incidents
- Utilized as a back-up 9-1-1 service to citizens
- Provides Continuity of Operation to critical County functions
- Utilized by the fire service during large incidents such as forest fires, mass causality incidents, and hazardous materials spills
- Utilized during large events such as Apple-Scrapple Festival, July 4<sup>th</sup> Fireworks, Punkin Chunkin, and Return Day



Current Mobile Command Unit is 15 years old with outdated technology



# Mobile Command Unit

- The purchase is being made through a state contract vendor.
- Government Support Services, Office of Management and Budget has entered into a cooperative agreement Houston-Galveston Area Council of Governments (HGACBUY)
- Frontline is the vendor awarded in the HGACBUY agreement.



Frontline Communications Mobile Command Unit



# Mobile Command Unit

Mobile Command Unit	Equipment	Total Cost
\$1,369,800	\$250,600	\$1,620,400

	DEMA/FEMA Funding	Sussex County Funding	Total Funding
FY2013 leftover EMPG	\$51,000	\$51,000	\$102,000
FY2014 EMPG	\$316,950	\$316,950	\$633,900
FY2015 EMPG	\$316,950	\$316,950	\$633,900
FY2014 Homeland Security	\$175,600		\$175,600
FY2015 Homeland Security	\$75,000		\$75,000
<b>Total</b>	<b>\$935,500</b>	<b>\$684,900</b>	<b>\$1,620,400</b>



**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract  
No.:

AM10-14

Date  
Prepared:

07/22/16

***This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.***

Buying Agency:	Sussex County Government (DE)	Contractor:	Frontline Communications
Contact Person:	Joseph Thomas	Prepared By:	Brian F. Bashista
Phone:	302-855-7801	Phone:	302-736-3616
Fax:	302-855-7805	Fax:	
Email:	<a href="mailto:thomas@sussexcountyde.gov">thomas@sussexcountyde.gov</a>	Email:	<a href="mailto:bbashista@atlanticemergency.com">bbashista@atlanticemergency.com</a>
Product Code:	IC-08	Description:	C-40 Freightliner M2-106 54,000 GVWR

**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** \$400,032.79

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
4.7 20x30 stationary window	\$730.00	6.16 Kussmaul	\$705.00
3.11 Medium Slide-Out <b>TOTAL 4</b>	\$132,100.00	9.4 Whelen PFP2 <b>TOTAL 6</b>	\$11,905.02
3.3 Zico 3096 Quick Ladder	\$2,830.00	10.1 Whelen Freedom Light Bar	\$2,836.67
2.1 Frontline Conventional Chassis Single Clor Paint	\$7,483.33	11.2 Wilburt Light Mast	\$13,121.67
1.3 4 Quadra Mfg Bigfoot Stabilizer System	\$8,700.00	11.4 Custom Aluminum Mast Cover	\$2,020.00
1.19 NFPA Striping Package	\$4,166.67	14.7 20' Electric Awning <b>TOTAL 2</b>	\$15,073.34
4.1 I/O compartment for external cable connections	\$2,093.33	15.25 Sidewinder PTZ Camera	\$12,370.00
4.2 LCD Display Compartment	\$2,260.00	15.12 MVSAT Antenna	\$30,306.67
4.3 Slide-Out Tray	\$1,070.00	15.14 Block up Converter	\$6,523.33
15.3 Systems Package C	\$673,360.48		
5.4 BARD Compressor Upgrade	\$15,013.33	<b>Subtotal From Additional Sheet(s):</b>	
6.2 Liebert UPS Backup	\$4,035.00	<b>Subtotal B:</b>	\$948,703.84

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Upgraded Rear Air Conditioning	\$46,000.00		
Credit for Customer Supplied Systems in Package C	-\$51,000.00	<b>Subtotal From Additional Sheet(s):</b>	\$0.00
		<b>Subtotal C:</b>	-\$5,000.00

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 0%

**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)**

Quantity Ordered:	1	X Subtotal of A + B + C:	1343736.63	=	<b>Subtotal D:</b>	\$1,343,736.60
<b>E. H-GAC Order Processing Charge (Amount Per Current Policy)</b>						<b>Subtotal E:</b> \$1,000.00

**F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation**

Description	Cost	Description	Cost
Training	\$8,000.00	Delivery & PDI	\$5,000.00
Inspection Trips	\$12,000.00		
		<b>Subtotal F:</b>	\$25,000.00

**Delivery Date:** 1-May-17 **G. Total Purchase Price (D+E+F):** \$1,369,736.60

**CERTIFICATION REGARDING COMPLIANCE WITH EQUAL OPPORTUNITY  
REQUIREMENTS**

The undersigned Contractor\_\_\_\_\_ (has, has not) previously performed work subject to the Presidents Executive Order Nos. 10925, 11114 or 11246.

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR  
CERTIFICATION OF NON-SEGREGATED FACILITIES**

A certification of Non-Segregated Facilities, as required by the May 9, 1967 order (32 F.R. 7439, May 19, 1967), on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000, which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

**NOTE:** The penalty for making false statements in orders is prescribed in 18 U.S.C. 1001.

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

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Address (Including Zip Code)

---

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

---

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspensions, 34 C.F.R. Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

Name and Title of Authorized Representative

---

Signature

---

Date

## INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-- Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

The Vendor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

**7.06 CERTIFICATE REGARDING DEBARMENT AND SUSPENSION (BIDDER OR OFFEROR)**

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that at the time the bidder or offeror submits its proposal that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

**7.07 NON-DISCRIMINATION**

Vendor agrees to comply with any applicable statutorily-imposed non-discrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d); the Victims of Crime Act (42 U.S.C. 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 2000d); the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-34); the Education Amendments of 1972 (42 U.S.C. 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

**7.08 Equal Opportunity Requirements:**

Vendor shall comply with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

**7.09 Restrictions on Lobbying**

Vendor shall comply with Restrictions on Lobbying (Public Law 101-121, Section 319) as supplemented by applicable regulations. This law applies to the recipients of contracts of \$100,000 or more. If applicable, Vendor must complete a certification form on lobbying activities related to a specific Federal loan or grant that is funding source for this Contract. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 USC 1352. Each tier shall disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Certifications and disclosures are forwarded from tier to tier up to the Owner.

END OF SECTION

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS SITUATED ON THE NORTH AND SOUTH SIDE OF ROBINSONVILLE ROAD IN THE VICINITY OF GOSLEE MILL POND AND BEING IN LEWES & REHOBOTH HUNDRED, 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 Goslee Mill Pond, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north and south side of Robinsonville Road, as follows:

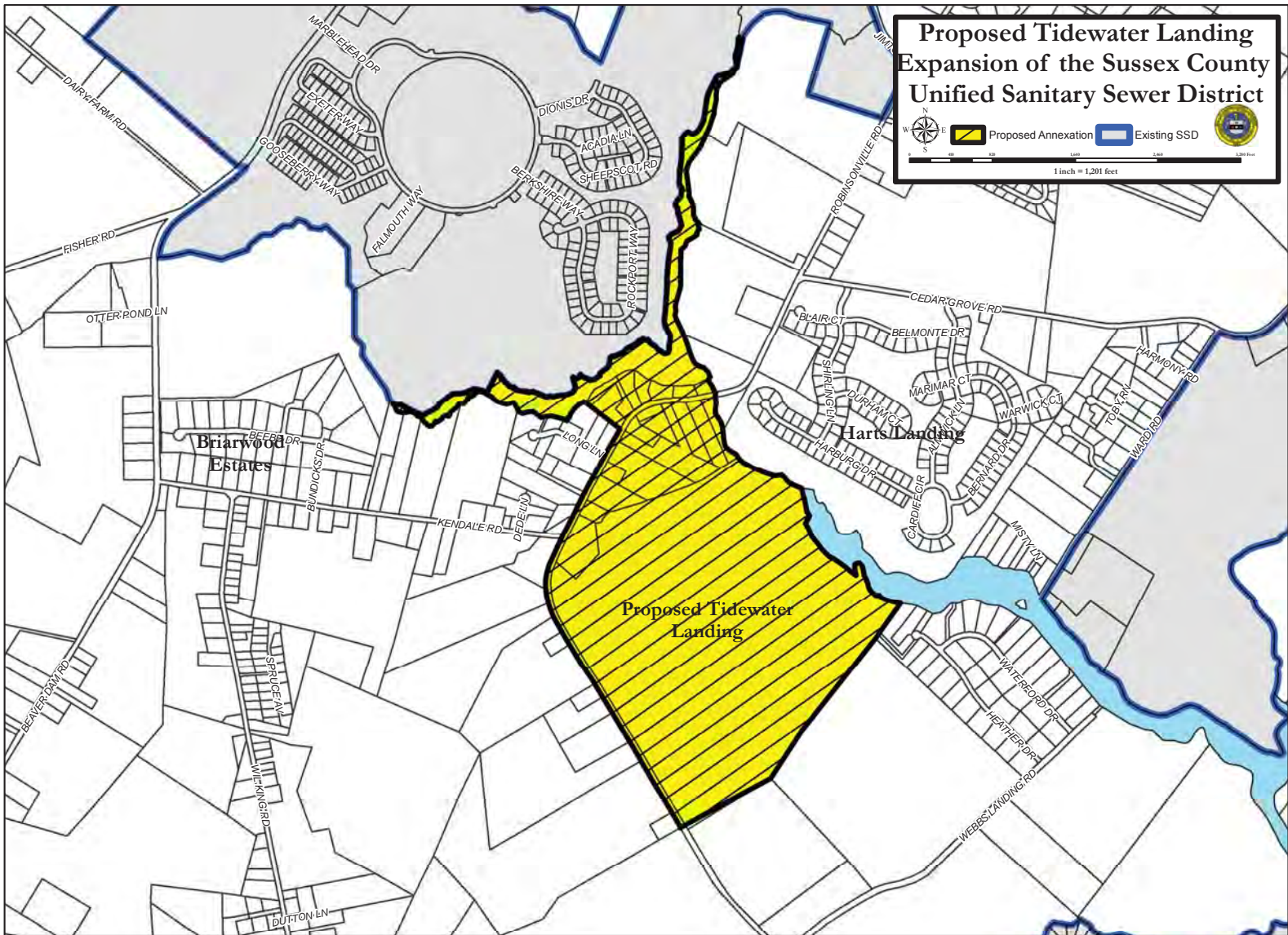
**BEGINNING** at a point, situate on the northerly right of way (ROW) of County Road 277 (Robinsonville Rd), said point being 1625± feet northwest of County Road 277B (Webbs Landing Rd) and the southeasternmost corner of lands N/F of Vessels; thence following said lands of Vessels the following directions and distances: northeasterly 960± feet, northeasterly 2160± feet, northwesterly 2615± feet to a point, said point being the southeasternmost corner of lands N/F of Keith Whiteman; thence following said lands of Whiteman in a northwesterly direction 680± feet to a point, said

point being the northeasternmost corner of said lands of Whiteman and a point on the southerly ROW of Robinsonville Rd; thence crossing said ROW in northerly direction 50± feet to a point, said point being the southeasternmost corner of lands N/F of William Bayard; thence following said lands of Bayard northerly 150± feet to a point, said point being the southeasternmost corner of other lands N/F of William Bayard also known as Mill Pond; thence following Mill Pond the following directions and distances: northerly 3830± feet, southerly 3560± feet, southwesterly 4075± feet, 2375± feet to a point, said point being the northwesternmost corner of lands N/F of State of Delaware; thence following said lands of State of Delaware in a southeasterly direction 75± feet to a point, said point being the northwesternmost corner of other lands N/F of State of Delaware; thence following said lands of State of Delaware in a southeasterly direction 370± feet to a point, said point being a point located on the westerly boundary of the ROW of Robinsonville Rd; thence following said ROW in a southwesterly direction 5750± feet to a point, said point being a point on the northwesterly boundary line of lands N/F of John & Linda Novosel and a point on said ROW of Robinsonville Rd; thence crossing said ROW in a northeasterly direction 50± feet 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.





A public hearing to discuss the proposed boundary is scheduled **August 2, 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-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

## ENGINEERING DEPARTMENT

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## Sussex County

DELAWARE

[sussexcountype.gov](http://sussexcountype.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: **USE OF EXISTING INFRASTRUCTURE AGREEMENT  
COASTAL CLUB**

DATE: August 2, 2016

On July 19, 2016 the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. The presentation generally addressed planning and construction of regional transmission system(s) linking the sewer planning areas as well as existing/future development(s) to available treatment capacity. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Department is now presenting a request for the approval of an agreement for the Use of Existing Infrastructure with Coastal Club, LLC. This arrangement does not modify the underlying land use decision in any form. It allows the wastewater originating from the approved 686 on-site as well as off-site equivalent dwelling units (Ordinance No. 2413) be conveyed through the transmission system constructed by the County.

Under this arrangement most of the Coastal Club development will be connected to regional Pump Station 207 while Phase 7 of Coastal Club and parcels along Jimtown Road will be served via a local pump station. Both stations will be connected to the 24 inch transmission system. In return, Coastal Club, LLC will contribute \$270,762.00 for the perpetual use of these transmission facilities.



## USE OF EXISTING INFRASTRUCTURE AGREEMENT

THIS AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the "County," and;

**COASTAL CLUB, LLC**, a Limited Liability Company and developer of a project known as Coastal Club, hereinafter called the "Developer."

### WITNESSETH:

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 3-34-11.00-5.00, 5.01, 5.02, 5.03, 334-11.00, 394.00, 395.00 and 396.00, to be known as Coastal Club ("Project") and;

**WHEREAS**, the Project has previously been annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and;

**WHEREAS**, County has determined by study known as Goslee Creek Planning Study, that the Project can be served by the regional infrastructure and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by County in accordance with the terms of the Project approvals including Ordinance No. 2413 and associated legislation.

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

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to 686 equivalent dwelling units to County's existing transmission system and to utilize the existing capacity in said system, Developer agrees to contribute \$270,762.00 for the perpetual use of said transmission facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.



- (4) Payment of the contribution is due on May 22, 2017 or upon County's final acceptance of the sewer infrastructure associated with the Jimtown Road improvements contemplated pursuant to Sussex County Ordinance No. 2413 as amended, whichever occurs first. This Agreement does not modify in any form the conditions of Ordinance No. 2413 or any terms of the Project's approval.
- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.

- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of County

is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of Developer is 20184 Phillips Street, Rehoboth Beach, Delaware, 19971.

[signature page follows]

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

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_  
(DATE)

ATTEST:

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

APPROVAL TO FORM:


  
\_\_\_\_\_  
Assistant County Attorney

**FOR COASTAL CLUB, LLC**

By:  \_\_\_\_\_ (Seal)  
Preston Schell

7-14-2016 (DATE)

WITNESS:

  
\_\_\_\_\_



July 13, 2016

John Ashman  
Sussex County Engineering Department  
#2 The Circle  
Georgetown, DE 19947

Re: Coastal Club

Dear Mr. Ashman:

As requested, we reviewed the potential connection for the Coastal Club connection into the regional 24-inch force main. Per correspondence received, the design conditions for this station has been established at 80 gpm with a tie-in pressure of 45 psi at the 24-inch tie-in point. We have incorporated the following on-site information into the County's hydraulic model:

- 1,680 l.f of 4-inch PVC FM as received from DBF
- Static Elevation of 20.7' from wetwell to 24" FM as received from DBF (Pump Off at -8' +/-)
- Assumed minor loss coefficient of 6 for station losses.
- 11 HP Flygt NP 3127 248 imp (155 mm) as received from DBF (attached to correspondence)

From the model run performed, the following was the model output:

Competing Head (All stations operating through the 24-inch):

- 25 gpm
- 149 ft.

Non-Competing Head (Only Coastal Club PS operating through the 24-inch FM)

- 233 gpm
- 99 ft.

From the above, the operating conditions assuming all pumps are operating does not meet the minimum 80 gpm design flowrate. However, it is our understanding that this is acceptable to the County as the 45 psi design condition at the 24-inch connection assumes all pumps are not simultaneously operating.

Regarding the non-competing head conditions, the operating point appears to be reasonable, with no anticipated NPSH issues. Our only comment on the pump selection is that the speed of the pump selected is 3500 rpm. This is higher than typical for submersible stations, but is likely required due to the low flow, high head conditions. A quick review of available Flygt options did not produce a lower speed selection given the required design conditions.

Please contact us if you have any questions regarding this information.

Very truly yours,

Whitman, Requardt & Associates, LLP

Will F. Hinz, P.E.  
Vice President

801 South Caroline Street

Baltimore, Maryland 21231



## 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  
[sussexcountype.gov](http://sussexcountype.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

August 2, 2016

Please see the attached balancing change order, (change order no. 3) for Improve Utilities (Airfield Lighting), Sussex County Project No. 15-11.

Previously, change order no. 1 increased the contract price by \$9,335.00 and brought the wiring for two direction signs on Runway 4-22 into compliance with FAA requirements.

Additionally, change order no. 2 increased the price by \$16,387.50 and corrected the low resistance readings on the lighting system for Runway 4-22. This change order was entirely paid for by local funds.

Change Order 3 adjusts all quantities to their final amounts and reduces the contract amount by \$6,051.77 to \$282,051.23.

Hans Medlarz

Sussex County Engineer



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

CONTRACT CHANGE ORDER NO. 3

or

SUPPLEMENTAL AGREEMENT NO. n/aAIRPORT DELAWARE COASTAL  
AIRPORTDATE 7/20/2016LOCATION GEORGETOWN, DEAIP PROJECT NO. 3-10-0007-031-2015CONTRACTOR TUDOR ELECTRIC

You are requested to perform the following described work upon receipt of an approved copy of this document or as directed by the engineer:

Item No.	Description	Unit	Unit Price	Quantity	Amount
L-108	Remove ex. Dir. Bur. Cables & Counterpoise, as-built quantity	LF	\$5.50	(454)	(\$2,497.00)
L-108	1/C No. 8, Type C, 5kV, Series Ltg. Cable in Con. or duct, as-built quantity	LF	1.35	856	1,155.60
L-108	1/C No. 6, 600 V, Ground cable for Lighting, as-built quantity	LF	1.40	(484)	(677.60)
L-108	#6 Bare Counterpoise Wire, as-built quantity	LF	2.65	(1,154)	(3,058.10)
L-110	1-Way, 2" PVC Duct, Direct Buried, as-built quantity	LF	4.28	(1,841.50)	(7,881.62)
L-110	1 Way, 2" HDPE, Dir. Bore., as Specified, as-built quantity	LF	13.35	(150)	(2,002.50)
L-125	Remove Ex. Elev. Edge Fixtures, Stake Mounted, as-built quantity	EA	135.00	(12)	(1,620.00)
T-901	Seeding, as-built quantity	SY	0.95	2,000	1,900.00
T-905	Topsoil, as-built quantity	SY	6.00	1,600	9,600.00
T-908	Mulching, as-built quantity	SY	0.40	2,000	800.00
L-110	CO1: Supply/ install 2" PVC Conduit, as-built quantity	LF	4.60	(103)	(473.80)
L-108	CO1: Supply/ install 5 kV Cable, as-built quantity	LF	1.40	(110)	(154.00)
L-108	CO1: Supply/ install #6 Ground Cable, as-built quantity	LF	1.40	(55)	(77.00)
L-108	CO1: Supply/ install #6 Bare Counterpoise, as-built quantity	LF	2.65	(105)	(278.25)

L-823	CO1: Supply/ install Connector Kits, as-built quantity	EA	275.00	(6)	(1,650.00)
	CO2: Replace Splice Kits; as-built quantity (* NON-AIP Eligible*)	EA	172.50	5	862.50
<b>This Change Order Total</b> \$(6,051.77)					
<b>Previous Change Order(s) Total</b> \$25,722.50					
<b>Revised Contract Total</b> \$282,051.23					

The time provided for completion in the contract is (unchanged) (decreased) (increased) by 0 working days. This document shall become an amendment to the contract and all provisions of the contract will apply. Changes are shown on Drawing(s) No. \_\_\_\_\_ dated \_\_\_\_\_, three copies attached.

**Recommended by:**

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

**Approved by:**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

**Accepted by:**

\_\_\_\_\_  
Contractor

7-26-2016  
Date

**Concurred by:**

\_\_\_\_\_  
State Aeronautics (if applicable)

\_\_\_\_\_  
Date

**Approved by:**

\_\_\_\_\_  
Federal Aviation Administration

\_\_\_\_\_  
Date

**NOTE:** Change Orders and Supplemental Agreements require FAA approval prior to construction, otherwise no Federal participation can be granted. State Aeronautics concurrence is required when state participation is anticipated.

Page 2 of 3 pages

**AIP PROJECT NO.** 3-10-0007-031-2015

**CHANGE ORDER NO.** 3

(Supplemental Agreement)

**AIRPORT** DELAWARE COASTAL AIRPORT **LOCATION** GEORGETOWN, DE.

#### JUSTIFICATION FOR CHANGE

1. Brief description of the proposed contract change(s) and location(s).  
Adjust the contract price to reflect actual quantities used.

2. Reason(s) for the change(s) *(Continue on reverse if necessary)*

Change is based on as-built quantities which results in a reduced contract price.

3. Justifications for unit prices or total cost.

The change in proposed quantities reflects the amounts actually provided to complete the project.

4. The sponsor's share of this cost is available from:

Local funds

5. If this is a supplemental agreement involving more than \$2,000, is the cost estimate based on the latest wage rate decision? Yes ☐ No ☐ Not Applicable ☒.

6. Has consent of surety been obtained? Yes ☐ Not Necessary ☒.

7. Will this change affect the insurance coverage? Yes ☐ No ☒.

8. If yes, will the policies be extended? Yes ☐ No ☐.

9. Has this **(Change Order)** (~~Supplemental Agreement~~) been discussed with FAA officials?

Yes ☒ No ☐ When \_\_\_\_\_ With Whom Brian Gearhart, HADO

Comment \_\_\_\_\_

Submit 4 copies to the FAA



Improve Utilities (AIRFIELD LIGHTING)

Sussex County Project 15-11 - TUDOR ELECTRIC, INC.

Balancing Change Order (C. O. #3)

WORK ITEMS				As Bid		As-Built			
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE	FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE	OVER/UNDER TOTAL ITEM PRICE
L-108	REMOVE EX. DIR. BUR. CABLES & COUNTERPOISE	LF	6,500	\$ 5.50	\$ 35,750.00	6,046	\$ 5.50	\$ 33,253.00	\$ (2,497.00)
L-108	1/C No. 8, Type C, 5kV, Series Ltg. Cable in Con. or duct	LF	8,500	\$ 1.35	\$ 11,475.00	9,356	\$ 1.35	\$ 12,630.60	\$ 1,155.60
L-108	1/C No. 6, 600 V, Ground cable for Lighting	LF	8,500	\$ 1.40	\$ 11,900.00	8,016	\$ 1.40	\$ 11,222.40	\$ (677.60)
L-108	#6 Bare Counterpoise Wire	LF	8,500	\$ 2.65	\$ 22,525.00	7,346	\$ 2.65	\$ 19,466.90	\$ (3,058.10)
L-110	1-Way, 2" PVC Duct, Direct Buried	LF	8,000	\$ 4.28	\$ 34,240.00	6158.5	\$ 4.28	\$ 26,358.38	\$ (7,881.62)
L-110	1 Way, 2" HDPE Dir. Bore, for Taxiway A	LF	75	\$ 39.00	\$ 2,925.00	75	\$ 39.00	\$ 2,925.00	\$ -
L-110	1 Way, 2" HDPE, Dir. Bore., as Specified	LF	1,130	\$ 13.35	\$ 15,085.50	980	\$ 13.35	\$ 13,083.00	\$ (2,002.50)
L-115	ELECTRIC HANDHOLE	EA	9	\$ 1,525.00	\$ 13,725.00	9	\$ 1,525.00	\$ 13,725.00	\$ -
L-125	REMOVE EX. ELEV. EDGE FIXTURES, Stake Mounted	EA	52	\$ 135.00	\$ 7,020.00	40	\$ 135.00	\$ 5,400.00	\$ (1,620.00)
L-125	LED Elevated Taxiway Edge Lights	EA	49	\$ 575.00	\$ 28,175.00	49	\$ 575.00	\$ 28,175.00	\$ -
L-125	L-867 Base Cans w/Cover Plate for L-861T (L)	EA	49	\$ 995.00	\$ 48,755.00	49	\$ 995.00	\$ 48,755.00	\$ -
T-901	SEEDING	SY	1,500	\$ 0.95	\$ 1,425.00	3500	\$ 0.95	\$ 3,325.00	\$ 1,900.00
T-905	TOPSOIL	SY	500	\$ 6.00	\$ 3,000.00	2100	\$ 6.00	\$ 12,600.00	\$ 9,600.00
T-908	MULCHING	SY	1,500	\$ 0.40	\$ 600.00	3500	\$ 0.40	\$ 1,400.00	\$ 800.00
M-110	MAINTENANCE AND PROTECTION OF AIRFIELD TRAFFIC	LS	1	\$ 13,780.00	\$ 13,780.00	1	\$ 13,780.00	\$ 13,780.00	\$ -
M-120	MOBILIZATION	LS	1	\$ 12,000.00	\$ 12,000.00	1	\$ 12,000.00	\$ 12,000.00	\$ -
									\$ -
L-115	CO1: Supply/ install Pull Boxes	EA	2	\$ 1,466.25	\$ 2,932.50	2	\$ 1,466.25	\$ 2,932.50	\$ -
L-110	CO1: Supply/ install 2" PVC Conduit	LF	250	\$ 4.60	\$ 1,150.00	147	\$ 4.60	\$ 676.20	\$ (473.80)
L-108	CO1: Supply/ install 5 kV Cable	LF	500	\$ 1.40	\$ 700.00	390	\$ 1.40	\$ 546.00	\$ (154.00)
L-108	CO1: Supply/ install #6 Ground Cable	LF	250	\$ 1.40	\$ 350.00	195	\$ 1.40	\$ 273.00	\$ (77.00)
L-108	CO1: Supply/ install #6 Bare Counterpoise	LF	250	\$ 2.65	\$ 662.50	145	\$ 2.65	\$ 384.25	\$ (278.25)
L-108	CO1: Supply/ install 10' Ground Rods	EA	2	\$ 120.00	\$ 240.00	2	\$ 120.00	\$ 240.00	\$ -
L-823	CO1: Supply/ install Connector Kits	EA	12	\$ 275.00	\$ 3,300.00	6	\$ 275.00	\$ 1,650.00	\$ (1,650.00)
								\$ -	\$ -
	CO2: Replace Splice Kits	EA	95	\$ 172.50	\$ 16,387.50	100	\$ 172.50	\$ 17,250.00	\$ 862.50
TOTAL BID					\$ 288,103.00	FINAL PRICE		\$ 282,051.23	(\$6,051.77)

Contract price Including Change Orders 1 & 2

\$ 288,103.00

Balancing Change Order (C. O. #3) Amount

Final Contract Price

\$ 282,051.23

(\$6,051.77)



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **Summercrest Community Subdivision Completion**
2. Sussex County Contract No. 12-30
3. Change Order No. 1
4. Date Change Order Initiated - June 30, 2016
5.
  - a. Original Contract Sum \$255,672.00
  - b. Net Change by Previous Change Orders N/A
  - c. Contract Sum Prior to Change Order \$255,672.00
  - d. Requested Change \$4200.90
  - e. Net Change (No. of days) 0
  - f. New Contract Amount \$259,872.90
6. Contact Person Anthony DiGiuseppe Jr.  
Telephone No. (302) 855-7718

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

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☒ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion



7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

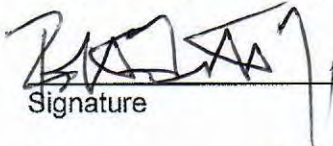
Balancing quantities based on actual field conditions.

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

Yes   X   No           

**E. APPROVALS**

1. Jerry's Paving Inc.- Project General Contractor

 7/28/16  
Signature Date

ROBERT FAUCETT JR.  
Representative's Name in Block Letters

2. Sussex County Engineer

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

Jerry's Inc  
17776 Oak Hill Drive  
Milford, DE 19963

**SUMMERCREST SUBDIVISION**  
SUSSEX COUNTY PROJECT #12-30  
JERRY'S INC. PROJECT #JP160113

ITEM	DESCRIPTON OF WORK	BID QTY	Unit	Unit Price	VALUE	FINAL	
						QTY	VALUE
A1	MOBILIZATION	1.0	LS	\$ 8,000.00	\$ 8,000.00	1.00	\$ 8,000.00
A2	EXISTING CURB REPLACEMENT	1,120.0	LF	\$ 50.00	\$ 56,000.00	1,148.50	\$ 57,425.00
A3	EXISTING SIDEWALK REPLACEMENT (4" THICK)	1750.00	SF	\$ 14.10	\$ 24,675.00	1,740.60	\$ 24,542.46
A4	NEW CONCRETE SIDEWALK REPLACEMENT (4"	1550.00	SF	\$ 9.25	\$ 14,337.50	1354.00	\$ 12,524.50
A5	CATCH BASIN REPLACEMENT (SD-1)	3.00	EA	\$ 1,260.00	\$ 3,780.00	3.00	\$ 3,780.00
A6	CATCH BASIN REPLACEMENT (SD-2A)	18.00	EA	\$ 1,575.00	\$ 28,350.00	18.00	\$ 28,350.00
A7	SEWER MANHOLE ADJUSTMENT	2.00	EA	\$ 350.00	\$ 700.00	2.00	\$ 700.00
A8	TYPE C HOT MIX	1175.00	TN	\$ 81.70	\$ 95,997.50	1255.85	\$ 102,602.94
A9	EXISTING HOT MIX PREPARATION	1.00	LS	\$ 4,000.00	\$ 4,000.00	1.00	\$ 4,000.00
A10	AS-BUILTS	1.00	LS	\$ 11,250.00	\$ 11,250.00	1.00	\$ 11,250.00
A11	BASE HOT MIX PATCHING (2")	223.00	SY	\$ 34.00	\$ 7,582.00	197.00	\$ 6,698.00
B1	GABC (4" THICK)	200.00	SY	\$ 5.00	\$ 1,000.00		\$ -
					\$ -		\$ -
					\$ -		\$ -
					\$ -		\$ -
	<i>Total</i>				<b>255,672.00</b>		<b>259,872.90</b>



**RESOLUTION NO. R \_\_\_\_\_**

**HERRING CREEK 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 Herring Creek Area approved the creation of the sewer district by a vote of 439 to 272 in an election held on July 9, 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 Herring Creek Area of the Sussex County Unified Sanitary Sewer District have approved the creation of said district, that the description of the Herring Creek 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 Herring Creek Area of the Sussex County Unified Sanitary Sewer District

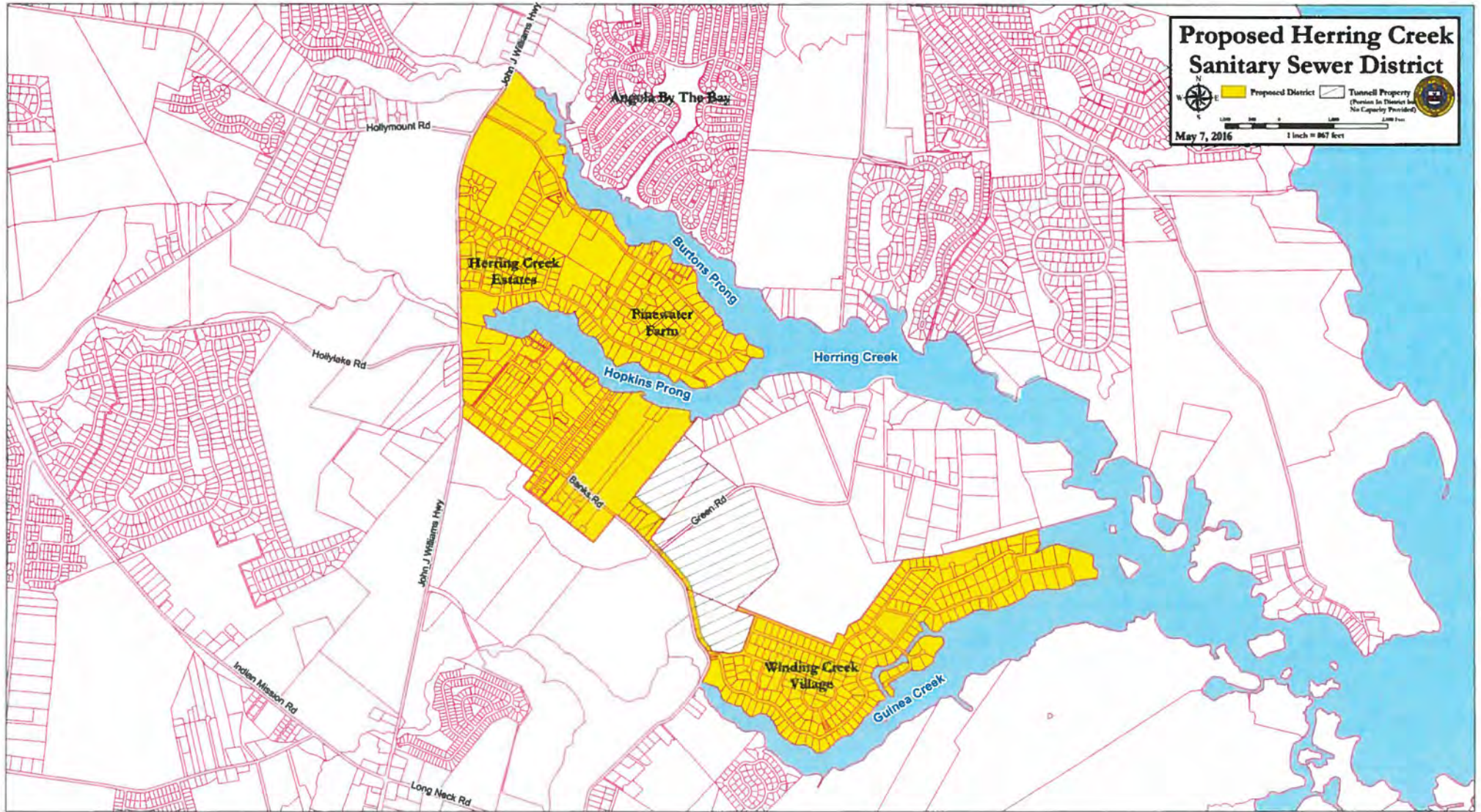
**BEGINNING** at a point where the southerly right-of-way (ROW) line of County Road 298 (Banks Rd) intersects with the northeasternmost property corner of the lands now or formerly (N/F) Evelyn M Abel and lands N/F of Baywood Communities, LLC, thence by and with said lands of Baywood in the following directions and distances; southwesterly 615± feet, northwesterly 1660± feet, northeasterly 610± feet, northwesterly 25± feet, southwesterly 275± feet, northwesterly 240± feet to a point, said point being the northwesternmost corner of said lands of Baywood & other lands N/F of Baywood Communities, LLC, thence by and with said other lands of Baywood in a northwesterly direction 1405± feet to a point, said point being the intersection of the easterly ROW of County Route 24 (John J. Williams Hwy) and said lands of Baywood, thence following said easterly ROW of John J. Williams Hwy approximately 6750 feet in a north/northeasterly direction to a point, said point being the intersection of lands N/F of Burton Bray Properties, LLC and Mary Lou Dickson, Mark A & Charles W Riley, thence by and with said lands of Burton Bray in a southeasterly direction to a point, said point being the intersection of said lands of Burton Bray and Dickson/Riley and the shoreline of Burtons Prong of Herring Creek, thence by and with the southern shoreline of Burtons Prong of Herring Creek in a southeasterly direction approximately 8300 feet to a point, said point being a corner of the lands N/F of Fasnacht Realty Co, INC & Nancy M Knopp, Trustee and the shoreline of Hopkins Prong, thence by and with the northern shoreline of Hopkins Prong in a westerly direction approximately 6760 feet to a point, said point being a corner of the lands N/F of Herring Creek Estates Owners Association, Inc. & the lands N/F of Shirley Messick Petit, thence by and with the southern shoreline of Hopkins Prong in an easterly direction approximately 5,080 feet to a point, said point being the a corner of the lands N/F of Timothy P Mumford and lands N/F of Sussex Realty Company, thence by and with said lands of Sussex Realty in a southwesterly direction 420± feet to a point, said point being the northwesternmost boundary on other lands N/F of Sussex Realty Company, thence following said lands of Sussex Realty in the following directions and distances: southwesterly 1430± feet, southeasterly 720 ± feet to a point, said point being the northwesternmost corner of lands N/F of Floyd & Dorothy West; thence following said lands of West in a southwesterly direction 430± feet to a point, said point being a point on the westerly boundary of other lands N/F of Sussex Realty Company; thence crossing said lands of Sussex Realty in a southeasterly direction 235± feet to a point, said point being located on the northerly ROW of County Road 298A (Green Rd); thence crossing said ROW in a southeasterly direction 50± feet to a point, said point being located on the westerly boundary of other lands N/F of Sussex Realty Company; thence continuing in a southeasterly direction across the lands of Sussex Realty 980± feet to a point, said point being on the northerly boundary of lands N/F of Baywood, LLC; thence continuing across the lands of Baywood in a southerly direction 1175± feet to a point, said point being located on the southerly ROW of said lands of Baywood; thence following said lands of Baywood the following directions and distances: easterly 510± feet, northerly 700± feet, northwesterly 340± feet to a point, said point a point on the southerly property line of other

lands N/F of Sussex Realty Company; thence following said lands of Sussex Realty the following directions and distances: 1885± feet, northerly 220± feet, easterly 140± feet, northeasterly 1815± feet to a point, said point being the northeasternmost point of a said lands & a point on the boundary of lands N/F of Robert E Ribinsky, thence by and with said lands of Ribinsky in an easterly direction 360± feet to a point, said point being the southeasternmost corner of lands of Ribinsky and lands N/F of Daniel D Tompkins, thence by and with said lands of Tompkins in a northeasterly direction 391± feet to a point, said point being the southeasternmost corner of lands of Tompkins and lands N/F of Baywood, LLC, thence by and with said lands of Baywood in a northeasterly direction 1790± feet to a point, said point being a corner for other lands N/F of Baywood, LLC and James W & Terri A Venema, and lands N/F of Sussex Realty Company, thence following a line between the exterior boundary of Winding Creek Village and Guinea Creek (as shown on Plot Book No. 8 Page 840 & 841 of the Sussex County Recorder of Deeds Office) to a point, said point being a corner of the lands N/F of Winding Creek Village Property Owners Association and the southerly ROW of Banks Rd, thence following the ROW of Banks Rd in a northerly direction approximately 3750 feet to a point, said point that being the point of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-17.00, 234-17.08, 234-17.12, 234-17.16, 234-18.00, 234-18.05, 234-18.09, 234-18.13, 234-23.00, & 234-24.00.

The Herring Creek 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.







LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
llank@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

MEMORANDUM

TO: Todd Lawson  
County Administrator

FROM: Lawrence Lank  
Director of Planning and Zoning

REF: Change of Zone No. 1759  
Osprey Point D, LLC

DATE: July 27, 2016

Please be reminded that on February 3, 2015 the Sussex County Council held a public hearing on the application of Osprey Point D, LLC for Change of Zone No. 1759. At the conclusion of the public hearing, there was a motion by Mr. Cole, seconded by Mr. Arlett, to defer action on and to leave the record open on Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC for the sole purpose of receiving the reports that the Planning and Zoning Commission is waiting for and to have a representative from DNREC's Division of Soil and Water Conservation address the County Council (at the soonest possible date) to discuss the soil conservation regulations pertaining to this specific site; once the reports have been received and the presentation made to the Council, the record will remain open for 20 additional days for written comments only for the public and the applicants to comment on those items that the record was held open for. The Motion carried with 4 yeas. Mr. Wilson was absent.

I also remind you that William Brockenbrough, County Coordinator with DelDOT, was present during the public hearing on February 3, 2015; read questions that were included in a letter from you in reference to Osprey Point; and summarized his responses to the questions raised.

The Planning and Zoning Commission report referenced in the record of the Council public hearing indicates that the Commission held their public hearing on this application on January 8, 2015 at which time the Commission deferred action for further consideration and left the record open for the Sussex Conservation District reference to grandfathering of the project and for DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments after which public written comments relating to those comments will be accepted for 20 days after announcement of receipt of those comments by the Commission.

On May 5, 2015, Jamie Rutherford, Program Manager with DNREC's Sediment and Stormwater Program was present with Randy Greer, Engineer, and Elaine Webb, Engineer; provided the County Council with a copy of the Delaware Erosion and Sediment Control Handbook and a copy of the Post Construction BMP Standards and Specifications Handbook; and reviewed the chronology of the revisions to the Delaware Sediment and Stormwater Regulations; reviewed a comparison between the Department's revised Sediment and Stormwater Regulations which



became effective January 1, 2014 and the old regulations; advised that the Osprey Point project was grandfathered by DNREC under the old regulations because the grandfathering provision was applied to projects submitted prior to January 1, 2014; noted that the Sussex Conservation District will review the Osprey Point plans for compliance with the old regulations; noted that the grandfathering provision in the new regulations that state that if the project was already in the review queue or had applied prior to January 1, 2014, then they could continue under the old regulations or have their plans grandfathered under the old regulations, and that Osprey Point met that condition, therefore, they were grandfathered; explained that there are multiple applications that are grandfathered and that the grandfathering provision does have an expiration date; that grandfathered project were given an 18 month window to get approval; that some projects cannot meet the 18 month deadline, but that DNREC does have the ability to grant an administrative extension, which will be limited.

The Planning and Zoning Commission had received a similar response from the Sussex Conservation District on grandfathering of the project; and on March 24, 2016 it was announced that the Department had received DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments; and that it was then announced that public written comments relating to those comments will be accepted for 20 days.

On April 14, 2016 the Commission was advised that the deadline for written comments in response to the DelDOT comments and the applicant's comments was April 13, 2016; that 48 comments had been received by the Department on or before April 13, 2016; that there was some duplication, however all were provided for the Commissions review and consideration; that the staff was in receipt of a revised site plan for 217 single-family residential lots; and the record was closed and the Commission was to take the information submitted under advisement and schedule for Old Business in the future.

On May 26, 2016 the Commission discussed this application under Old Business, and deferred action for further consideration.

On June 23, 2016 the Commission again discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1759 for Osprey Point D, LLC for a change in zone from AR-1 Agricultural Residential to MR-RPC Medium Density Residential – Residential Planned Community based upon the information contained in the record and for the following reasons:

- 1) This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the applicant submitted a revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road. In my 11.5 years on the Commission typically changes are made from Preliminary to Final approval.



- 2) The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.
- 3) The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents “infill” development.
- 4) Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
- 5) Central water will be provided to the project.
- 6) With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.
- 7) A revised Traffic Operational Analysis was prepared and reviewed by DelDOT as a result of the reduction in residential units. The applicant will be required to comply with all DelDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.
- 8) The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.
- 9) There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District’s and DNREC’s review to accommodate an appropriate and workable storm water management design.
- 10) The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.
- 11) This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.
  - B. Site Plan review shall be required for each phase of development.
  - C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road/Warrington Road/Strawberry Way intersection and signalization improvements.

- D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100<sup>th</sup> building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this C/Z #1759 for Osprey Point D, LLC to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Ross did not participate in the vote since he was not present for the public hearing. Mr. Hudson did not participate in the vote since he was not a Commissioner at the time of the public hearing.



Attached please find a copy of a letter from William Brockenbrough, County Coordinator with DelDOT, relating to DelDOT's review of the revised Traffic Operational Analysis (TOA) for the proposed project. I have included the text of the letter only, not the seven charts relating to peak hours/levels of service.

The purpose of this memorandum is to get the application, Change of Zone No. 1759, on an Agenda for the County Council to announce the receipt of all requested information based on the motion and reasons for deferral on February 3, 2015, and to provide the recommended 20 additional days for written comments only for the public and the applicants to comment on those items that the record was held open for.

Should you have any questions, please do not hesitate to contact me at this Department.

Cc: Everett Moore, County Attorney  
James Fuqua, Jr., Esquire



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

March 7, 2016

Mr. D.J. Hughes  
Davis, Bowen & Friedel, Inc.  
Milford Office  
23 North Walnut Street  
Milford, DE 19963

Dear Mr. Hughes:

We have reviewed the revised traffic operational analysis (TOA) for the proposed Osprey Point residential development on Tax Parcel 334-18.00-83.00 in Sussex County, which you submitted to DelDOT on December 9, 2015. The analysis evaluates the traffic impacts of the residential development, proposed to redevelop and replace the existing Old Landing Golf Course on the west side of Old Landing Road (Sussex Road 274). The proposed development would consist of 217 single-family detached houses. Access to the property would be located at the two existing entrance locations for the development of Sawgrass South. Construction is expected to be complete by 2024.

The TOA was revised to reflect changes on the site plan, including changes in the number and types of dwellings proposed (previously 170 single-family detached houses and 180 townhouses) and the addition of the Arbor-Lyn committed development, and the addition of HCS analysis for a roundabout as an alternative improvement option at the intersection of Old Landing Road / Warrington Road (Sussex Road 275) / Strawberry Way. We recognize that the Arbor-Lyn rezoning application has since been withdrawn but it is reasonable to expect that a new development application will be submitted for that land at some point.

Based on our review, we find that the intersection of Old Landing Road, Warrington Road and Strawberry Way would operate at lower than level of service (LOS) D during the existing Summer Saturday mid-day and future a.m., p.m., and Summer Saturday mid-day peak hours, and would not meet the LOS criteria listed in Chapter 2 of the DelDOT Development Coordination Manual.

Through our review, we have determined that a signal is warranted for consideration at the above intersection and, with the addition of a southbound right turn lane and a northbound left turn lane on Old Landing Road, is one option for improving the intersection to achieve LOS D during the weekday morning and evening peak hours. However, even when a signal is warranted for consideration based on volumes, there are other factors considered by DelDOT



prior to determining whether to install a traffic signal at an intersection. Installation of a traffic signal is not imminent. DelDOT will continue to evaluate the intersection to determine whether signalization is the best improvement option. Regardless of whether the intersection is signalized in the near term, to accommodate the eastbound queue at the intersection, the eastbound left-turn lane on Warrington Road should be extended by approximately 490 feet, for a total storage length of approximately 605 feet.

Recognizing that there is not sufficient right-of-way available to widen the northbound approach and that a final determination on how best to control traffic at the intersection will require further work on DelDOT's part, this letter recommends that Osprey Point be required to participate in interim improvements that can be built now, leaving the final improvement at the intersection of Old Landing Road, Warrington Road and Strawberry Way to be done as a DelDOT capital project at a future date. In planning that capital project, DelDOT will evaluate all reasonable options for that final improvement, including a roundabout and maintaining the existing all-way stop control, based on both technical criteria and public input. Therefore future installation of a signal should not be assumed.

Significantly, the Osprey Point development meets DelDOT warrants for a Traffic Impact Study (TIS). DelDOT accepted this TOA in lieu of a TIS because we are already familiar with the operation of the additional intersections that a TIS would have addressed from our 2011 Old Landing Road Traffic Study. Additionally, DelDOT will require the Osprey Point developer to pay an Area-Wide Study Fee, presently calculated at \$14,990, which can be used by DelDOT for additional evaluation and analysis of the TOA intersections or other intersections in the area. Specifically, the other intersections that a TIS would have addressed are:

- 1) Delaware Route 24 / Plantation Road / Warrington Road;
- 2) Old Landing Road / Airport Road;

The intersection of Delaware Route 24, Plantation Road and Warrington Road has operated at lower than LOS D during the weekday evening and summer Saturday peak hours for some time. It is scheduled for improvement as part of DelDOT's Route 24, Mulberry Knoll Road to Delaware Route 1 project, presently scheduled for construction in Fiscal Years 2018 and 2019.

For the intersection of Old Landing Road and Airport Road, the westbound Airport Road approach operated at LOS D during the weekday evening peak hour as recently as 2011 but operates at lower than LOS D during summer Saturdays. Other developers will need to improve this intersection when they develop the fourth leg of it but DelDOT has no immediate plans to create that fourth leg or to build an improvement there.

Should the developer choose to develop the property per the proposed land use listed above, we offer the following comments:

- 1) The developer should improve Old Landing Road from Fairway Drive to the southern terminus of Old Landing Road as follows. Within the limits of the site frontage, the improvement should be to meet DelDOT's local road standards. These standards include,

but are not limited to, eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary. Beyond the site frontage, the overlay should be continued to the southern terminus of Old Landing Road but widening to local road standards is not required.

- 2) The developer should construct the north site entrance on Old Landing Road at Bonaire Drive as per the description in the table below:

Approach	Current Configuration	Proposed Configuration
Northbound Old Landing Road	One through lane, one right-turn lane	One shared left-turn / through lane, one right-turn lane
Southbound Old Landing Road	One left-turn lane, one through lane	One left-turn lane, one through lane, one right-turn lane
Eastbound Site Entrance	Does not exist	One shared left-turn / through / right-turn lane
Westbound Bonaire Drive	One shared left-turn / right-turn lane	One shared left-turn / through / right-turn lane

The developer should work with DelDOT's Subdivision Section on the details of the turn lane(s) to be added.

- 3) The developer should construct the south site entrance on Old Landing Road at Mirabella Drive as per the description in the table below:

Approach	Current Configuration	Proposed Configuration
Northbound Old Landing Road	One shared through / right-turn lane	One shared left-turn / through / right-turn lane
Southbound Old Landing Road	One bypass lane, one through lane	One left-turn lane, one through lane, one right-turn lane
Eastbound Site Entrance	Does not exist	One shared left-turn / through / right-turn lane
Westbound Mirabella Drive	One shared left-turn / right-turn lane	One shared left-turn / through / right-turn lane

The developer should work with DelDOT's Subdivision Section on the details of the turn lane(s) to be added.



- 4) The developer should participate in the design and construction of improvements at the intersection of Old Landing Road, Warrington Road and Strawberry Way. If DelDOT determines that a traffic signal is the appropriate means of control there, the needed configuration there is shown in the table below:

Approach	Current Configuration	Proposed Configuration
Northbound Old Landing Road	One shared left-turn / through / right-turn lane	One left-turn lane, one shared through / right-turn lane
Southbound Old Landing Road	One shared left-turn / through / right-turn lane	One shared left-turn / through lane, one right-turn lane
Eastbound Warrington Road	One left-turn lane, one shared through / right-turn lane	One left-turn lane, one shared through / right-turn lane
Westbound Strawberry Way	One shared left-turn / through / right-turn lane	One shared left-turn / through / right-turn lane

The left-turn lane along the eastbound Warrington Road approach should be extended to 705 feet, with 605 feet of storage length and a 100-foot taper.

The developer's specific participation will need to be established in an off-site improvement agreement, yet to be drafted, but our discussions to date have been that the developer should do three things:

- a. Design and build the southbound right turn lane on Old Landing Road.
  - b. Design and build storm water facilities to handle the additional runoff associated with the eastbound left turn lane extension, the southbound right turn lane and the northbound left turn lane. DelDOT will acquire the necessary rights-of-way based on the approved plans.
  - c. Provide the additional pavement width needed on Warrington Road to accommodate the extension of the left-turn lane along the eastbound Warrington Road approach. The milling overlay and restriping associated with extending the left-turn lane will be done by DelDOT as part of a Paving and Rehabilitation contract to be awarded two to three years from now.
- 5) The following bicycle and pedestrian improvements should be included:
- a. A right-turn yield to bicycles (MUTCD R4-4) should be added at the start of the right-turn lanes on Old Landing Road at Warrington Road (See Item 4 above.) and both site entrances.
  - b. Adjacent to the right-turn lanes to be added on southbound Old Landing Road, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lanes in order to facilitate safe and unimpeded bicycle travel.

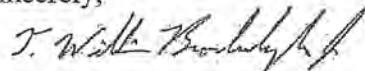
- c. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
- d. Utility covers should be made flush with the pavement.
- e. A ten-foot Shared Use Path located in a 15-foot easement should be provided along the entire site frontage.
- f. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including both site entrances. Type 3 curb ramps are discouraged.
- g. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the property. These sidewalks should each be a minimum of five feet wide and should meet current AASHTO and ADA standards. These internal sidewalks should connect to the Shared Use Path along the site frontage.

Improvements in this TOA may be considered "significant" under DelDOT's Work Zone Safety and Mobility Procedures and Guidelines. These guidelines are available on DelDOT's website at [http://www.deldot.gov/information/pubs\\_forms/manuals/de\\_mutcd/index.shtml](http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml). For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DelDOT's Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at [Adam.Weiser@state.de.us](mailto:Adam.Weiser@state.de.us).

This analysis generally focuses on capacity and level of service issues. Level of Service tables for the existing and future cases are enclosed with this letter.

If you have any questions concerning this correspondence, please contact me at (302) 760-2109.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator

TWB:tb  
Enclosures

cc: Lawrence Lank, Sussex County Planning and Zoning  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
Jeff Reed, South District Engineer, South District, DOTS  
Gemez Norwood, South District Public Works Manager, South District, DOTS  
David Dooley, Service Development Planner, DTC  
Steve Sisson, Sussex County Subdivision Coordinator, Development Coordination  
Anthony Aglio, Planner, Statewide and Regional Planning  
Brian Clarke, Sussex County Traffic Engineer, Traffic, DOTS  
Troy E. Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination