

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBaum
MATT LLOYD
STEVE C. McCARRON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

April 14, 2026

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - March 17, 2026

[Draft Minutes 031726](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Agreement – IUA – 20-2025**
The Centre at Love Creek (Building 3), Angola North Area
[The Centre at Love Creek](#)
2. **Use of Existing Wastewater Agreement**
Bethany Bay Water Treatment Plant, Millville Area
[Bethany Bay Water Treatment Plant](#)

Todd Lawson, County Administrator

1. **Opioid Commission Grant Application Update**
[Opioid Update](#)
2. **Administrator's Report**



Karen Brewington, Human Resources Director

1. **First Quarter Shining Star Employee Recognition**

Brandy Nauman, Community Development & Housing Director

1. **Discussion and Possible Action related to the Delaware Diamond Fund MOU**
[Delaware Diamond Fund MOU](#)

Mark Parker, Assistant County Engineer

1. **Airpark Water Storage Tank Modifications**
A. Approval of JMT Amendment No. 6
[Airpark Water Storage Tank JMT Amd No. 6](#)

Paul Mauser, Assistant County Engineer

1. **Discussion and Possible Introduction of an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$239,059 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE JOY BEACH PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
[Joy Beach](#)

Bob Bryant, Airport Manager

1. **Construct Taxilane and Tie Downs, Project A26-17**
A. Delta Airport Consultants Inc. - Task Order 1 - Design
[Delta Airport Consultants Inc.](#)

Hans Medlarz, Project Engineer

1. **Wolfe Neck RWF Upgrade and Expansion**
A. Implementation of GHD’s Amendment 31
B. Approval of GHD Amendment 31 Modifications
[Wolfe Neck RWF Upgrade & Expansion](#)
2. **Lewes Board of Public Works (LBPW)- Sussex County Partnership**
A. George, Miles & Buhr, Inc. – Amendment No. 4
B. Approval of Pump Station 4 & Transmission Agreement
[Lewes BPW - Sussex Cty Partnership](#)

3. **SCRWF Treatment Process Upgrade No. 3 - Inland Bays Extension**

A. MF Ronca & Sons Change Order No. IB-012

B. Lagoon Cover - Approval of Purchase Order

[SCRWF Upgrade No. 3](#)

Vince Robertson, Assistant County Attorney

1. **Discussion of a Proposed Ordinance related to Forest Preservation**

Old Business

1. [Change of Zone No. 2052 filed on behalf of Marlin Cove, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” (properties are lying on the west side of New Road [S.C.R. 391], approximately 80 feet north of Lighthouse Road [Rt. 54]) (911 Address: N/A) (Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00)

[CZ 2052 Marlin Cove, LLC](#)

Grant Requests

1. **Make-a-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for their Wishes Transforming Lives in Sussex County program**

[Make A Wish](#)

2. **Delaware 4-H, Inc. for Country Clovers 4-H National LifeSmarts Competition in Florida**

[Delaware 4-H Association Inc](#)

3. **Delaware Celebration of Jazz, Inc. for the Rehoboth Beach Jazz festival**

[Delaware Celebration of Jazz](#)

4. **Delaware Community Foundation for their Flags for Heroes program**

[Delaware Community Foundation - Georgetown Millsboro Rotary](#)

5. **Delaware State Troopers Association Benevolent Fund Inc. for their Scholarship Fund**

[Delaware State Troopers Association Benevolent Fund](#)

6. **First State Community Action Agency for their 11th Annual It's a Par-Tee Miniature Golf Tournament**

[First State Community Action Agency](#)

7. **Indian River High School Business Professionals of America for the National Leadership Conference**

[IR HS BPA](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2576 CZ2053 CU2540](#)

Council Members' Comments

Recess

1:30 p.m. Public Hearings

1. [Conditional Use No. 2533 filed on behalf of RWE Clean Energy](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS” (property is lying on the south side of Cypress Road [Route 54], approximately 62 feet west of the intersection of Cliff Road ([S.C.R. 380A] and Cypress Road [Route 54]) (911 Address: N/A) (Tax Map Parcel: 533-8.00-10.00)

[CU 2533 RWE Clean Energy](#)

2. [Conditional Use No. 2614 filed on behalf of FFP DE Vines Creek, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS” (property is lying on the north side of Vines Creek Road [Rt. 26], approximately 0.31 mile west of Sandy Landing Road [S.C.R. 342]) (911 Address: 32507 Vines Creek Road, Dagsboro) (Tax Map Parcel: 134-10.00-31.00)

[CU2614 FFP DE Vines Creek, LLC](#)

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 7, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to councilpackets@sussexcountyde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 17, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 17, 2026, at 10:00 a.m., in Council Chambers, with the following present:

| | |
|------------------------------|-----------------------------|
| Douglas B. Hudson | President |
| John L. Rieley | Vice President |
| Jane Gruenebaum | Councilwoman |
| Matt Lloyd | Councilman |
| Steve C. McCarron | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 108 26
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Corre-
Spotence**

Mr. Moore reported that correspondence was received from Delaware Technical Community College Owens Campus thanking Council for their support.

**Public
Comments**

Public comments were heard, and the following people spoke:

Ms. Lea Rosell spoke about library funding.

Ms. Rachel Culver spoke about library funding.

Mr. Dan Goodemote spoke about library funding.

Ms. Kelly Kline spoke about library funding.

Ms. Jen Cohen spoke about the proposed moratorium.

Ms. Britta Cordrey spoke about library funding.

Ms. Katie Gills spoke about the proposed moratorium.

Ms. Lauren McCauley spoke about library funding.

Mr. Darren Tatum-Poole spoke about library funding.

Ms. Kay Wheatley spoke about library funding.

Mr. Gary Rosenshein spoke about data centers.

Minutes **The minutes from March 10, 2026, were approved by consensus.**

Presentation **A presentation was given by Chief Banks and Chief Spell thanking Council**
SC Chiefs **for their support on behalf of the Sussex County Police Chiefs Association.**
Association

Adminis-
trator's
Report

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for February 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 196 troopers assigned to Sussex County for the month of February.

2. William "Tom" Davis

It is with great sadness that we inform you that pensioner, William "Tom" Davis, passed away on Wednesday, March 11, 2026. Mr. Davis began his career with Sussex County in June 2011 where he worked until July 2019 for a total of 8 years of service. His last position with the County was Security Guard. We would like to extend our condolences to the Davis family.

3. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Friday, April 3rd, to observe the Good Friday holiday. In addition, Council will not meet on Tuesday, March 24th, Tuesday, March 31st or Tuesday, April 7th. The next regularly scheduled Council meeting will be on Tuesday, April 14th.

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

Possible
Moratorium

Vince Robertson, Assistant County Attorney, discussed a possible Moratorium Ordinance regarding Cluster Subdivisions, only for land

Ordinance within the AR-1 Agricultural Zoning District within the Rural Area in the Land Use Element and as shown on the Future Land Use Map on the Comprehensive Plan.

Mr. McCarron stated that he opposes introducing this Ordinance. He commented about the work that has been done the past year by the County Council.

Ms. Gruenebaum commented that she believes that the moratorium as expressed has been misrepresented. However, she requests that the focus be given to the Ordinances that were introduced last week and another Ordinance that will be introduced at the next meeting. She requested that this Ordinance be tabled temporarily in anticipation of the work that will be done going forward. In addition, she requested regular updates on applications that are coming in and the progress of those that have been submitted.

Fire/Ambulance Assistance Gina Jennings, Finance Director led a discussion related to future fire and ambulance company assistance. Mrs. Jennings discussed possible incentives to include in the FY27 budget.

Rt 9 & Rt 113 Corridor Jamie Whitehouse, Planning & Zoning Director along with members from DelDOT, Office of State Planning and Niko Brady from Governor Meyer's office provided an update on Route 9 and Route 113 corridor study. The background was provided as well as the Master Plan objectives. A timeline for the project was then given.

Old Business/ CU2530 Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS" filed on behalf of Whitney Price.

The County Council held a Public Hearing on the application at its meeting on February 10, 2026. As the recommendation had not been received, Council deferred action on the application, leaving the record open for receipt of the recommendation (which was reported to CC on February 24th) followed by a period 7 calendar days for receipt of any written comments in relation to the Commission's motion. The Public Record for the application automatically closed at the close of business on March 3, 2026.

M 109 26 Adopt Ordinance No. 4047/ A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adapt Ordinance No. 4047 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS)

CU2530

FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This Application is for two (2) seasonal bungalows as short-term vacation rental units in addition to the Applicant’s existing home on the property.**
- 2. With the conditions and limitations included in this recommendation, it will not adversely affect neighboring properties.**
- 3. With the use being limited to just two small seasonal bungalows, there will be no more than a very low impact upon traffic and area roadways.**
- 4. The Applicant has stated that there is a need for this type of use and the bungalows provide a unique, affordable option for visitors to Sussex County and its beach areas.**
- 5. This recommendation is subject to the following conditions:**
 - a. There shall be no more than two (2) bungalow-style structures on this property in addition to the Applicant’s existing home. This use shall be considered a “Tourist Home” under the Code, and neither structure shall have kitchen facilities.**
 - b. It appears from the Preliminary Site Plan that a shed and one of the bungalows encroach onto the property’s setbacks. These structures shall be relocated so that they are entirely outside of the setback areas. The location of the structures as relocated along with the bathroom facilities shall be shown on the Final Site Plan.**
 - c. Prior to Final Site Plan approval, the Applicant shall provide confirmation from DNREC that the septic system in use on the property is sufficient for the home and two bungalows.**
 - d. Prior to Final Site Plan approval, the Applicant shall confirm with County Staff that the bungalows and bathroom facilities comply with all applicable building codes for these types of uses.**
 - e. There shall be at least one (1) on-site parking space designated for each bungalow in addition to the two spaces required for the existing home. These shall be shown on the Final Site Plan and clearly marked at the site itself.**
 - f. The bungalows and bathroom facilities shall be screened from the view of neighboring properties and roadways by a vegetative buffer. The location of this buffer shall be shown on the Final Site Plan.**
 - g. One small unlighted sign shall be permitted. It shall not exceed 8 square feet in size.**
 - h. The use shall only be permitted to occur between March 1 and November 1 of each year.**
 - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. It must be submitted to the Office of Planning & Zoning within 4 months of**

Council's action on this Application to avoid further Code enforcement against the Applicant and the property.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Grant
Requests**

Mrs. Jennings presented grant requests for consideration.

**M 110 26
Sussex Elite
Legends**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Sussex Elite Legends for safety equipment, uniforms and operating expenses.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 111 26
Milton
Historical
Society**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Mr. McCarron's Councilmanic Grant Account) to Milton Historical Society for their Black and White Historical Photography Exhibit.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 112 26
Town of
Laurel**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Mr. Lloyd's Councilmanic Grant Account) to the Town of Laurel for their 4th of July fireworks.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 113 26
CH School
District –
Mariner MS
BPA**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$2,000 (\$1,000 from Mr. McCarron's Councilmanic Grant Account, \$500 from Mr. Lloyd's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic to Cape Henlopen School District – Mariner Middle School Business Professionals of America for travel assistance for the 2026 National Leadership Conference.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Ord Intros There were no Proposed Ordinances for introduction.

CM Comments During Council Members' comments, data centers were discussed.

M 114 26 At 11:20 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Go Into Executive Session

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Executive Session At 11:28 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session ended at 11:43 a.m.

M 115 26 At 11:46 a.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to go back into Regular Session.

Reconvene

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

E/S Action There was no action related to Executive Session matters.

M 116 26 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to adjourn at 11:47 a.m.

Adjourn

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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jashman@sussexcountype.gov




Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

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

RE: *Existing Wastewater Infrastructure Use Agreement
The Centre at Love Creek (Building 3) - IUA 20-2025
File: OM 9.01*

DATE: April 14, 2026

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Pelican Landing – Route 24, LLC** for **The Centre at Love Creek (Building 3)** project in the **Angola North Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **The Centre at Love Creek (Building 3)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Pelican Landing – Route 24, LLC** will contribute **\$33,818.00** for the financial catch-up contribution of the existing infrastructure to serve **3.49** Equivalent Dwelling Units. Payment of the contribution is required prior to a connection permit being issued.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

The Centre at Love Creek (Building 3) – IUA 20-2025

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

PELICAN LANDING-ROUTE 24, LLC, developer of a project known as **The Centre at Love Creek**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 234-7.00-88.00, 89.00 & 90.00 to be known as **The Centre at Love Creek** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Angola North Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

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 collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **3.49** additional equivalent dwelling units to the County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$33,818.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is required prior to receiving a connection permit.**

- (5) If the Project (as currently submitted) 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 towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives each 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 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

under 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 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.

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 the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **5169 W. Woodmill Drive, Suite 10 Wilmington Delaware 19808.**

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:

Tracy Torbert
Clerk of the County Council

FOR PELICAN LANDING ROUTE 24, LLC

By: RP Allen Jr (Seal)
Robert P. Allen Jr.

3/5/26 (DATE)

WITNESS:

AL

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov




Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

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

RE: *Existing Wastewater Infrastructure Use Agreement
Bethany Bay Water Treatment Plant
File: OM 9.01*

DATE: April 14, 2026

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Tidewater Utilities Inc.** for **Bethany Bay Water Treatment Plant** project in the **Millville Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Bethany Bay Water Treatment Plant** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Tidewater Utilities Inc.** will contribute **\$63,018.00** for the financial catch-up contribution of the existing infrastructure to serve **32.61** Equivalent Dwelling Units. Payment of the contribution is required prior to a connection permit being issued..



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Bethany Bay Water Treatment Plant

THIS AGREEMENT (“Agreement”), made this 20th day of March 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

TIDEWATER UTILITIES, INC., developer/owner of a project known as **Bethany Bay Water Treatment Plant**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing part of a tract of land identified as Tax Map parcel 134-8.00-42.00 to be known as **Bethany Bay Water Treatment Plant** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Millville Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

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 collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **32.61** additional equivalent dwelling units (**7,320 GPD from the water treatment facility + 3.33 domestic**) to the County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$63,018.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is required prior to receiving a connection permit.**

- (5) If the Project (as currently submitted) 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 towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives each 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 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

under 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 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.

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 the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **1100 South Little Creek Road, Dover, Delaware 19901.**

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:

Tracy Torbert
Clerk of the County Council

FOR TIDEWATER UTILITIES, INC.

By: Bruce E. Patrick (Seal)
Bruce Patrick

March 20, 2026 (DATE)

WITNESS: Kirsten E. Higgins

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron
Todd F. Lawson, County Administrator
Gina Jennings, Finance Director/Chief Operating Officer

FROM: Brandy B. Nauman, Director

RE: **Sussex County & Delaware Diamond Fund MOU**

DATE: April 8, 2026

Sussex County's Community Development and Housing (CD&H) is presenting a Memorandum of Understanding (MOU) with the Delaware Diamond Fund (DDF) at the April 14, 2026, County Council Meeting. This MOU will articulate how the County will coordinate with DDF to deploy Capital One-funded grant funding supporting affordable homeownership for County residents.

Background and Funding

- In 2025, Capital One committed to supporting the Sussex County Housing Trust Fund's efforts to promote affordable housing in Sussex County at \$500,000 for 5 years.
- Capital One met the first year of its commitment by providing a \$500,000 restricted grant to the Delaware Diamond Fund, a nonprofit administered by the Delaware State Housing Authority (DSHA), to support affordable homeownership in Sussex County in partnership with the Sussex County Housing Trust Fund.
- This MOU covers the first funding tranche of \$500,000.



Process (as articulated in the MOU)

1. **Capital One to Delaware Diamond Fund:** Capital One has remitted \$500,000 to the Delaware Diamond Fund, and the full amount is restricted to support the Sussex County Housing Trust Fund's affordable housing efforts.
2. **Delaware Diamond Fund to Sussex County affordable homebuyers:** DDF will wire funds (\$20,000 per homebuyer) at settlement to the escrow agent and/or will reimburse Sussex County, via quarterly draws, for completed loan closings until the funds are exhausted.
3. **Administrative Process:** The first tranche of funding will be used for the Sussex County Homebuyer Assistance Program and will fully align with the existing program parameters. CD&H will provide quarterly reports to DDF summarizing the borrowers assisted through the program. The reports will be used to prepare a synopsis of the program's impact on Capital One.

Attached is the proposed Memorandum of Understanding for your consideration.

Please do not hesitate to contact me with any questions. Thank you.

Memorandum of Understanding

Between Capital One, Sussex County, and the Delaware State Housing Authority

RE: Delaware Diamond Fund Contribution

This Memorandum of Understanding (“MOU”) is entered into by and among Sussex County, Delaware, and the Delaware State Housing Authority (“DSHA”) for the purpose of outlining the understanding regarding the administration and use of funds contributed to support housing assistance in Sussex County.

1. Purpose

The purpose of this MOU is to establish the framework for the administration and distribution of a \$500,000 contribution from Capital One designated to support down payment assistance for eligible homebuyers in Sussex County through the Delaware Diamond Fund.

2. Funding

Capital One has provided \$500,000 on behalf of Sussex County, which will be received and administered by DSHA through the Delaware Diamond Fund.

3. Administration of Funds

DSHA will administer the funds and disburse them in one of the following ways, as coordinated with Sussex County:

1. Quarterly Reimbursement to Sussex County

DSHA will provide quarterly draws to Sussex County for completed loan closings in the amount of \$20,000 per closing, until the allocated funds are exhausted.

2. Direct Down Payment Assistance

Alternatively, DSHA may provide the \$25,000 down payment assistance directly at loan closing for eligible borrowers at the request of Sussex County.

4. Investment of Funds

Until such time as the funds are disbursed, DSHA shall hold and invest the contributed funds through the Delaware Diamond Fund in accordance with DSHA’s standard investment practices and applicable laws and policies governing public funds.

Any interest or earnings generated from the investment of these funds shall be retained by DSHA to support the administration and operation of the Delaware Diamond Fund and

related housing assistance activities, unless otherwise mutually agreed to in writing by the parties.

5. Reporting

Sussex County agrees to provide quarterly demographic reports to DSHA summarizing the borrowers assisted through the program. Reports will include demographic information sufficient to document the impact and reach of the program.

6. Term

This MOU shall remain in effect until the \$500,000 in funds have been fully disbursed or until otherwise modified or terminated by mutual written agreement of the parties.

7. Non-Binding Nature

This MOU reflects the mutual understanding of the parties regarding the administration of the funds. It does not create legally binding obligations beyond the intent described herein unless incorporated into a separate formal agreement.

8. Amendments

This MOU may be amended at any time by written agreement of all parties.

Agreed and Accepted

Sussex County, Delaware

Name: _____

Title: _____

Date: _____

Delaware State Housing Authority

Name: _____

Title: _____

Date: _____

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
 The Honorable Douglas B. Hudson, President
 The Honorable John L. Rieley, Vice President
 The Honorable Jane Gruenebaum
 The Honorable Matthew R. Lloyd
 The Honorable Steve C. McCarron

FROM: Mark Parker, Assistant County Engineer

RE: **Coastal Business Park, Water Storage Tank Modifications**
A. Approval of JMT Amendment No. 6

DATE: April 14, 2026

In 2024 USG Water Solutions, an infrastructure asset management company, conducted an inspection of two (2) water tanks located at the Business Park as well as the Dewey Beach elevated water storage tank to provide recommendations for immediate and future repairs and maintenance. Based on these recommendations, JMT developed a scope of work to review various options, and a purchase order was established in November 2024, in the amount of \$92,540.00 of which about 12% was expended to prepare the attached memorandum.

After reviewing the (i) tank capacity, (ii) required upgrades and (iii) future maintenance of the two (2) existing tanks at the Coastal Business Park dating from the 1970s and 1980s respectively, JMT outlined the following three (3) options:

- 1) Increase Capacity of the Aquastore Tank from 326,000 to 417,000 gallons by adding a four-foot wall section while demolishing the two (2) old steel tanks
- 2) Demolish the 1980s steel tank and rehabilitate the other steel tank including piping modifications
- 3) Demolish both steel tanks and construct a new Aquastore tank

Table 1: Cost Summary of Consolidation Options

| | Construction Cost | Demolition Cost | Rehabilitation Cost | Total Cost | Storage Volume (G) |
|-----------------|-------------------|-----------------|---------------------|------------|--------------------|
| Option 1 | \$255,000 | \$170,000 | \$0 | \$425,000 | 417,000 |
| Option 2 | \$0 | \$85,000 | \$550,000 | \$635,000 | 476,000 |
| Option 3 | \$600,000 | \$170,000 | \$0 | \$770,000 | 506,000 |



Both JMT and the Engineering Department agreed to pursue Option 1, which increases the capacity of the existing tank while demolishing the old steel tanks allowing the County to have sufficient storage capacity, while eliminating unnecessary future maintenance.

The Engineering Department advertised a request for Miscellaneous Engineering Services proposals in March 2024. On May 14, 2024, Council approved a motion selecting four (4) consulting firms to provide professional services for a 5-year period: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); Johnson, Mirmiran & Thompson, Inc. (JMT); and Arcadis U.S., Inc. At the Engineering Department's request, JMT provided a focused scope of work based on Option 1, which replaced an earlier issued task order that covered a broader design scope. Council subsequently authorized JMT's proposal as Contract Amendment No. 2 on July 15, 2025 in the not-to-exceed amount of \$56,960.00

During design development, the Engineering Department requested JMT to provide additional services related to coordination with the targeted water tank air stripper for equipment assessment and selection, and also establishing an advance material procurement program in order to reduce construction timing and overall project cost. These services were not included in the original approved scope of work. The Engineering Department has reviewed JMT's proposal and recommends approval of the additional requested fee of \$18,250.00 which is represented as Amendment No. 6 of JMT's base Professional Services Agreement.

This is **EXHIBIT K**, consisting of **12** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated **July 1, 2024**.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 6**

The Effective Date of this Amendment is: **April 14, 2026**

Background Data

Effective Date of Owner-Engineer Agreement: **July 1, 2024**

Owner: **Sussex County**

Engineer: **Johnson, Mirmiran & Thompson, Inc.**

Project: **Airpark Water Storage Tank Modifications – Design through Bid Phase Services**

Nature of Amendment:

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

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services, to include work per JMT Proposal dated February 16, 2026, and the selection and use of Exhibit C, Compensation Packet AS-1, for Standard Hourly Rates.

Agreement Summary:

| | |
|----------------------------------|------------------------|
| Original agreement amount: | \$ <u>0.00</u> |
| Net change for prior amendments: | \$ <u>1,307,265.00</u> |
| This amendment amount: | \$ <u>18,250.00</u> |
| Adjusted Agreement amount: | \$ <u>1,325,515.00</u> |

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

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

OWNER:

ENGINEER:

By: _____
Print
name: _____

By: _____
Print
name: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

PREVIOUSLY APPROVED FORM



SCOPE OF SERVICES

**Sussex County Engineering Department
Sussex County, Delaware**

Airpark Water Storage Tank Modifications

JMT has been contracted by the Sussex County Engineering Department (County) to perform various miscellaneous engineering services such as planning, evaluation, design, construction management, and inspection under an on-call task order agreement executed in August of 2024. JMT's services will provide an approach that assures open communications and demonstrates JMT's commitment to a team approach. The services performed under this contract may vary based on the needs of the County and services outlined in JMT's proposal submission.

All work under this Task Proposal shall be performed in accordance with Request For Proposal (RFP) 24-17.

SCOPE PHASES

The County owns and operates three potable water storage tanks at the Airpark Water Treatment Plant (AWTP). These tanks primarily serve as storage for fire protection for the various buildings and aircraft hangers located on the portion of the Delaware Coastal Airport (GED) served by the AWTP. Under a separate task order assignment JMT evaluated the required storage volume to service the GED, while also considering the necessary upgrades and rehabilitation requirements of the existing three storage tanks. The County has elected to proceed with the demolition of the two steel tanks and increasing the total storage volume of the remaining Aquastore® Tank. To complete the scope of work for this project, we have divided our proposal into the following tasks:

- Task 1 – Project Initiation and Site Survey
- Task 2 – Project Plans and Specifications
- Task 3 – Bid Phase Services
- **Task 4 – Additional Design Services**

SCOPE OF CONSULTANT SERVICES

1. PROJECT ADMINISTRATION

JMT will operate in coordination with, and report to the County's Project Manager. The County's Project Manager for this assignment is Hans Medlarz, P.E. and will communicate any change in Project Management to JMT in writing. JMT designates Christopher Brenda, P.E., as its Project Manager, and will communicate any change in Project Management to the County. JMT will develop a work plan, master schedule, project budget, prepare progress reports, and organize and attend meetings.

- A. Work Plan - JMT will prepare an internal project work plan that identifies the tasks included in the scope of work and provide a management and tracking tool to facilitate work effort planning, scope control, project communication, and progress tracking.
- B. Schedule - JMT will prepare and periodically update a project schedule identifying the major project tasks and critical dates. The critical path through project completion will be identified and revised with each update. The schedule will also include periodic progress meetings and deliverable submittal dates.



- C. Project Initiation (Kickoff) Meeting - JMT will prepare an agenda for a project initiation meeting to be attended by key County and JMT project personnel and will submit the agenda for County input and concurrence. JMT will conduct the meeting at County offices and will keep a written record of the meeting. JMT will produce and circulate a formal record of the meeting. The meeting will establish communication contacts and procedures. JMT will conduct periodic project progress meetings at the project milestones identified in the schedule.
- D. Communication & Reporting - JMT will maintain regular communication with the County's Project Manager. Communication will include regular telephone updates, as-required email communications, written monthly progress reports to be submitted with JMT's monthly invoices, and other progress reporting as provided in the schedule.

2. CONTRACT ADMINISTRATION

- A. Subsequent Scope Preparation - JMT will assist the County in preparing and planning subsequent scope of services for additional Phases or Tasks as deemed necessary by the County.
- B. Invoice and Payment - JMT will prepare and submit invoices and change orders to the County for review and approval via email.
- C. Public Disclosure - JMT will not provide information to the public except when authorized by the County.

3. INFORMATION & FIELD ASSISTANCE

- A. The County will furnish and provide data and information at their disposal to aid in the execution of the described assignments below. The following items may require the County's support:
 - 1. Assistance with access to the AWTP site.
 - 2. Coordination of any required testing of fire pumps.

4. JMT FIELD ACTIVITY

- A. JMT will notify the County if:
 - 1. Any dangers or obstacles not anticipated are observed during the field activity.
 - 2. Any residents that object to or have strong negative opinions to JMT completing our field work and design activities.

5. SCOPE OF SERVICES

The following scope of services is based upon the Delaware Coastal Airport Water Storage Requirements Memorandum dated June 10, 2025 as prepared by JMT. This memorandum outlines three options for increasing the overall fire flow storage capacity at the AWTP while reducing the total number of water storage tanks in service. The County elected to proceed with Option 1 which increases the capacity of the existing Aquastore® Tank and demolishes the two existing steel tanks. The descriptions of the tasks below are meant to outline our approach to the project based upon our project understanding and discussions with the County.

A. Task 1 – Project Initiation and Site Survey

JMT will conduct a kick-off meeting with the County to ensure the goals of the project are reflected accurately in our scope of services and to outline the proposed project work plan, and schedule. Following the kick-off meeting, JMT will conduct a site visit to verify the existing



conditions at the AWTP match the project plans and documents we have on file. Any field changes observed will be reflected on our existing conditions plan. JMT's subconsultant, Merestone Consultants, Inc. will perform a full topographic site survey capturing all above ground features and finished floor elevations and fire pump elevations at the AWTP. This information combined with our site visit will be used to develop an existing conditions plan that will be used for design.

B. Task 2 – Project Plans and Specifications

Once the project initiation and site survey task are complete, and with notification from the County, JMT will begin the design phase of the project. We have broken this phase out into three main deliverables as outlined further below.

1. 60% Plans and Specification Development: JMT will develop project plans, and applicable details for the proposed modifications to the existing Aquastore® tank, demolition of the two steel tanks, and relocation and structural supports of the existing aerator. The project plans will include a site plan, demolition plan, applicable structural details, phasing, and restoration. Technical specifications will be included along with the project's anticipated bid form and the associated engineer's opinion of probable costs (EOPC).
2. 90% Plans and Specification Development: Following the review of the 60% plans and specifications, JMT will further develop and refine the project documents to include comments received from the County, and necessary details for a complete project plan set. This design phase will also include necessary plans that will be used for permitting. A complete project document set will be provided to the County that includes the project plans, specifications (both front end and technical) and revised EOPC. Following the receipt of comments from the County, JMT will update the project documents and then submit the project for review to the Delaware State Fire Marshal and the Office of Drinking Water. Fire Marshal approval is required for this project due to the fire flow storage requirements for the GED. We anticipate a 60-day review period will be necessary for initial Fire Marshal review, revisions from comments, and resubmission.
3. Issued For Bidding Plans and Specifications: After receipt of the permits, and incorporation of the comments received from the 90% document submission, JMT will provide the County with signed and sealed project plans and specifications that can be used for project bidding.

C. Task 3 – Bid Phase Services

During the project bidding phase, JMT will assist the County by providing the following services:

1. Attend the Pre-Bid Meeting and respond to request for information submittals by the contractor. Draft addendums for the County to issue that include revisions to the project plans and specifications if necessitated by received questions from potential bidders.
2. Review the bids submitted to the County for conformance to the bidding documents. A master bid sheet will be created for each bidder with their unit costs for the work. JMT will meet with the County to discuss the results.
3. JMT will prepare and submit to the County for their review a memorandum summarizing the bids received and make a recommendation to the County for awarding the contract.



D. Task 4 – Additional Design Services

At the request of the County, JMT completed the selection of a new aerator system to be included with the proposed improvements. To accomplish this task JMT reviewed existing water quality data and coordinated with various aerator manufacturers to size and select the most appropriate make and model to complete the required removal of contaminants. JMT then updated the project plans to include the necessary mechanical and electrical components for the installation of the aerator. Additionally, structural detailing for the foundation was completed and included in the revised plans.

To accelerate the project construction, schedule the County requested that the aerator and proposed tank improvements be pre-purchased. JMT will perform project updates to the plans and specifications to include the necessary changes along with coordination with the aerator and tank vendors for proposal reviews, and shop drawing reviews.

6. COST

The fee for this Proposal is as follows:

| | |
|---|-----------------|
| Task 1: Project Initiation and Site Survey..... | \$ 14,540 |
| Task 2: Project Plans and Specifications | \$ 34,870 |
| Task 3: Bid Phase Services..... | \$ 7,550 |
| Task 4: Additional Design Services..... | \$ 18,250 |
| Project Total: | \$75,210 |

JMT CONTRACT
 AMENDMENT NO 6

7. SCHEDULE

JMT will provide the County with a fully detailed project schedule at the kick-off meeting. At this time, we anticipate our schedule to include two months to reach the 60% design milestone and another three months to obtain Fire Marshall approval and complete the design phase of the project.

8. ASSUMPTIONS

The following assumptions were made in the development of this scope and fee estimate. Should these assumptions not be correct, JMT may request a change in scope and budget to allow for creating or locating the information.

- One round of comments will be addressed by JMT for the permitting applications.
- No confined space or remotely operated vehicles (ROV) will be required for the tank expansion design.
- The County will provide a standard front-end specification sample for use in the specification’s development.
- Permit fees. JMT recommends the County allocate \$2,000 for Fire Marshal Permit fees. JMT will pay the permit fees directly and seek reimbursement from the County.



9. EXCLUSIONS

The following is a list of exclusions for this assignment. If any of these exclusions are requested by the County or become required by the project, JMT may request additional budget to complete that work:

- Construction phase services.
- Development of any easements or property negotiations.
- Any items not specifically identified in this scope of work.
- All air monitoring and air permitting requirements for tank demolition.
- Tank expansion design will be engineered, signed and sealed by Aquastore®. JMT will coordinate closely with Aquastore® and include their proposed improvements on our plan set.
- Erosion and control permitting. We have assumed the limit of disturbance will be under one acre and therefore not require any stormwater permitting.
- SCADA design or modifications.
- Setting of level sensors and pump control modifications.
- Utility locating of any kind. JMT's surveyors will capture utilities marked out and include in the existing conditions plan.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steve C. McCarron

FROM: Paul B. Mauser, P.E., Assistant County Engineer

RE: Joy Beach Sewer Expansion Phase I, Project S20-12
A. Introduction of Supplemental Funding Debt Ordinance

DATE: April 14, 2026

Project Background Information: In August of 2017, County Council authorized the posting of notices for an October 20th public hearing regarding the expansion of the Sussex County Unified Sewer District for the Joy Beach Community and properties along Bookhammer and Waterview Roads. As part of the public hearing process, the Happy go Lucky campground on Camp Arrowhead Road was added and County Council approved the expansion on November 7, 2017, by Resolution R 030 17.

In late 2019 sewer service requests along Arrowhead Road were received causing the Department to distribute polling letters. Based on the results County Council held another public hearing on February 18, 2020 for an expansion boundary which included the Cherry Creek Valley mobile home park. The latter has multiple mobile homes connected to common septic system. County Council approved this area expansion on the same day, by Resolution R 003 20

Subsequently a number of properties along Cherry Walk, Pierce and David Drives, all located off Camp Arrowhead Road, expressed interest resulting in a third round of polling letters. Based on these results another public hearing was held on July 30, 2020 and County Council approved this area expansion on August 11, 2020, by Resolution R 009 20 hereby creating the Joy Beach Phase II project together with the previously approved Cherry Creek Valley mobile home park.

The entire sewer expansion area is located directly adjacent to the tidally influenced Cherry Walk Creek. Under the State of Delaware's promulgated Pollution Control Strategy for the Inlands Bays the areas within 1,000 feet of water's edge were to be connected to central sewer under priority I in 2008, making this a high priority expansion.



During the August 13, 2019 Council meeting, the Department explained the terms of State Revolving Fund financing offer associated with the Joy Beach Phase I Sewer Expansion Project. Following the public hearing County Council adopted Ordinance No. 2671 providing for issuance of Sussex County General Obligation Bonds of up to \$5,691,821 to finance or reimburse the County for a portion of costs for design and construction, with an expectation of principal forgiveness up to \$3,396,000 to reduce the principal amount to \$2,295,821 upon project completion.

On June 10, 2025 County Council approved the balancing change order of the Joy Beach Phase I construction contract and granted substantial project completion. This allowed for the compilation of all expenses, including the Phase II, design revealing a shortfall of \$239,058.97. The Finance and Engineering Departments have requested supplemental State Revolving Fund financing in that amount which can be approved administratively by DNREC but will still trigger a subsequent separate Sussex County debt service ordinance. Because the County is interested in closing out Phase I, we cannot seek reimbursement for the bond counsel expenses associated with the supplemental funding.

The Joy Beach II expansion area is comprised of older modest homes part of 1960s subdivisions with dirt roads as well as the Cherry Creek Valley mobile homes park. This is a low-income area, with the non-transient population well below the 2019 county wide Median Household Income of \$57,901 which was used in the original State Revolving Fund application.

At the public hearings for Joy Beach Phase II, the Engineering Department presented an estimated annual cost of \$832, which subsequent user charge increases would bring it to \$900 today. The design and bid are bare bones w/o any paving upgrades and there is no further cost cutting opportunities.

The on-site systems are quite old and compromised, located in a sensitive area of the Rehoboth Bay drainage area similar to the recent Love Creek mobile home park expansion where the University of Maryland, Environmental Finance Center conducted an income survey revealing a Median Household Income of \$44,400.00 well below the 2025 county-wide one of \$85,258.00. As such, the Engineering Department provided a recommendation to County Council at the January 6, 2026 meeting to submit a standalone application package to the State Revolving Loan Fund supported by a third-party county assisted income survey to document a lower median household income.

Under the 5-year RFP 19-22, for Miscellaneous Engineering Services County Council selected, among others KCI Technologies, Inc. KCI submitted Amendment No. 1 to their Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Joy Beach Phase I Sewer Expansion Project which Council awarded at a not-to-exceed value of \$340,300.00.

Based on the design the Joy Beach Phase I project was advertised and on February 22, 2023, six (6) bids were received. The lowest bidder was Chesapeake Turf, LLC at \$4,758,640.00. During the Department's pre-award debriefing with Chesapeake Turf, the contractor proposed two cost saving means & methods changes and on April 18, 2023, Council approved award to

Chesapeake Turf in the amount of \$4,758,640.00 and Change Order No. 1 in the overall reduction amount of \$63,250.00.

Chesapeake Turf, LLC reached substantial completion for the pressurized system on June 12, 2024, and connection letters were sent to those residences in September 2024. The remainder of the project included installation of gravity sewer within Joy Beach. Because of construction delays, the gravity sewer was planned for installation during the summer of 2024. This was problematic recognizing that Joy Beach has many seasonal residents and construction during this timeframe would create unnecessary hardships. Chesapeake Turf, LLC requested an overall non-compensatory time extension of 226 calendar days and a non-compensatory 90 calendar day contract suspension to cover the summer months. Council approved the request via Change Order No. 2 on April 30, 2024.

After the non-compensatory 90 calendar day suspension, the installation of the gravity sewer and base paving of the roads within the Joy Beach community were completed by December 21, 2024. Chesapeake Turf, LLC requested a non-compensatory time extension of 115 calendar days to the Substantial Completion and Final Payment dates to permit the paving work to be completed which Council approved via Change Order No. 3 on January 7, 2025.

On June 10, 2025 County Council approved balancing Change Order No. 4 for the Joy Beach Phase I Septic Elimination project, decreasing the contract by \$133,687.60 for a final value of \$4,561,702.40 as well as granting of substantial completion.

The Engineering Department advertised the public bid for the Joy Beach Phase II Septic Elimination project on October 6, 2025. At the time of Bid Opening on November 5, 2025 a total of eight (8) bids were received with the lowest bid submitted by Pact One, LLC in the amount of \$2,929,600.00. Although the bids were competitive, the County is unable to obtain State Revolving Funds under favorable terms without a supporting median household income survey. In accordance with the Specifications manual of the Bid Documents (Section 00200 Instructions to Bidders, Article 19, 19.01), County Council can exercise the right to reject all bids. On January 6, 2026, County Council rejected all bids for the Joy Beach Sewer Expansion Phase II, S25-03, as recommended by the Engineering Department.

DNREC Supplemental Funding: On January 7, 2026, the Engineering Department requested DNREC Clean Water State Revolving Fund (CWSRF) supplemental funding in the amount of \$239,059.00 to cover the additional engineering services and Phase 1 construction budget shortfall. DNREC responded by providing a Binding Commitment Offer Letter on February 17, 2026 in the amount of \$239,059.00 and Sussex County staff acknowledged and accepted the Binding Commitment Offer Letter that same day.

Sussex County Engineering Recommendation for County Council: The Engineering Department recommends introduction of the associated debt ordinance authorizing the issuance of \$239,059.00 of general obligation bonds of Sussex County in connection with the Joy Beach Phase 1 Septic Elimination project.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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

MEMORANDUM

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Matt Lloyd
The Honorable Jane Gruenebaum
The Honorable Steve C. McCarron

FROM: Robert L. Bryant, A.A.E., Airport Manager

DATE: April 14, 2026

REFERENCE: 1. **Construct Taxilane and Tie Downs, Project A26-17**
A. **Delta Airport Consultants, Inc. - Task Order 1 Design**

The Engineering Department, on behalf of the Delaware Coastal Airport, is seeking approval from the Sussex County Council upon Delta Airport Consultants Task Order One (1), in the amount of \$275,000 for work associated with the new Construct Two (2) Taxilanes and Tie-Downs – Phase 1 (Design) project.

Phase 1 is for work associated with the Design and Bidding of site preparation for two (2) new taxilanes that will be built in an open field just south of the existing four (4) large "box" hangars along Aviation Avenue. The taxilanes will ultimately provide access to eight (8) future hangar sites along Taxiway A. Initially, the site will be used as a turf aircraft tie-down area until those hangars are constructed. Public interest in available hangar space for aircraft larger than what can be accommodated in a T-hangar is common at Delaware Coastal Airport. On average of once every two, or so, months, airport management does receive telephone calls inquiring about existing hangar space capable to hangar a midsize or larger size turboprop or jet aircraft. In some cases, the aircraft owner will consider building their own aircraft hangar in return for a long-term land lease with Sussex County (acceptable to the FAA). These two (2) Taxilanes will "open up" suitable airport properties for such future hangar construction.

It should be noted that on June 17, 2025, Sussex County Council approved the submittal of an FAA Airport Infrastructure Grant (AIG) application in the amount of \$285,000 along with the authority of signature upon a grant offer. Application was forwarded to the FAA on June 26, 2025, and as of this date, the FAA has yet to forward to Sussex County a grant offer.



With Sussex County Council's approval of Delta Airport Consultants Task Order One (1), Sussex County Council Administration simply wants to be prepared to provide Delta Airport Consultants with a Notice-to-Proceed once FAA AIG offer is received. Any Notice-to-Proceed made to Delta Airport Consultants will be subject upon Sussex County receiving, and signing, the FAA AIG offer.

**TASK ORDER NO. ONE (1)
PROFESSIONAL SERVICES AGREEMENT**



**DELTA AIRPORT
CONSULTANTS, INC.**

PROJECT: Construct Taxilane and Tie Downs

AIRPORT: Delaware Coastal Airport

DELTA PROJECT NO.: 25025

DATE OF ISSUANCE: June 6, 2025

ATTACHMENTS: 1) Scope of Services (2 Pages)
2) Estimated Plan Sheets

METHOD OF PAYMENT: Design through Bidding - Lump Sum
Reimbursables - Unit Price

TASK ORDER AMOUNT: \$227,000 Lump Sum
 \$48,000 Unit Price

 \$275,000 Total

PROJECT DESCRIPTION:

- Construct Two Taxilanes with Tiedowns
- Pavement, Grading, Site Preparation
- Design and Bidding Services
- Categorical Exclusion

The original Agreement for Professional Services between the Sussex County, Delaware (OWNER) and Delta Airport Consultants, Inc. (CONSULTANT) for Professional Services at Delaware Coastal Airport dated April 24, 2025, shall govern all TASK ORDERS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and OWNER.

ACCEPTED BY:

Digitally signed by Douglas E Sander
Date: 2025.06.06 11:58:33 -04'00'

Douglas E. Sander, PE
Vice President
Delta Airport Consultants, Inc.
17 West High Street
Carlisle, PA 17013

APPROVED BY:

Todd F. Lawson
County Administrator
Sussex County, Delaware
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Construct Taxiway and Tie Downs
Delaware Coastal Airport
Delta Project No. 25025

June 6, 2025

| PHASE | DETAILED TASKS |
|-------------------------|--|
| SCHEMATIC DESIGN (SD) | Scope of Services and Contract Scoping Coordination/Meetings Grant Applications and Funding Assistance Categorical Exclusion (CATEX) Document and Sketch Pre-Design Meetings Evaluate Existing Conditions Concept Geometrics Concept Grading Owner Coordination FAA Coordination and Documentation Coordinate Subconsultants Design Meetings Design Team Site Visits |
| DESIGN DEVELOPMENT (DD) | Final Pavement Design Final Geometrics Prelim Grading Prelim Plan and Profile Prelim Phasing Plan Prelim Quantities and Estimates Owner Coordination FAA Coordination and Documentation County Stormwater and Drainage Coordination Design Meetings Agency/Owner Coordination Meetings General Provisions Coordination |

Construct Taxiway and Tie Downs
Delaware Coastal Airport
Delta Project No. 25025

June 6, 2025

| PHASE | DETAILED TASKS |
|-----------------------------|--|
| CONSTRUCTION DOCUMENTS (CD) | Final Grading Final Erosion and Sediment Control Final Phasing Plan CSPP Document and FAA Form 7460 Final Quantities and Estimates Owner Coordination FAA Coordination and Documentation County Stormwater and Drainage Coordination Final Design Report Design Meetings Agency/Owner Coordination Meetings Final Specifications Quality Control and Design Review Review Comment Responses Print, Seal, and Coordinate Signature Sets Reimbursement Requests |
| BIDDING (BD) | Bid Preparation, Advertisement, Distribution Pre-Bid Meeting Bidder Questions, Answers, and Addenda Bid Opening Bid Tabulation Coordinate Award |

Excluded from Proposal:

Wetland Permitting
Utility Coordination and Design
Stormwater Management Design (To be completed by County)

Construct Taxiway and Tie Downs
Delaware Coastal Airport
Delta Project No. 25025

June 6, 2025

| | | Base Scope | Schematic | Design Development | Construction Documents |
|----------------|------------------------------------|------------|-----------------|--------------------|------------------------|
| DISCIPLINE | SHEET DESCRIPTION | NO. | SHEETS INCLUDED | | |
| GENERAL | Cover Sheet | 1 | | • | • |
| | General Layout | 1 | | • | • |
| | General Notes | 1 | | • | • |
| PHASING | Phasing Layout | 1 | | • | • |
| | Phasing Notes & Details | 1 | | • | • |
| CIVIL | Existing Conditions Layout | 1 | | • | • |
| | Geometric Layout | 1 | | • | • |
| | Paving & Grading | 1 | | • | • |
| | Erosion & Sediment Control Layout | 1 | | • | • |
| | Erosion & Sediment Control Notes | 1 | | • | • |
| | Erosion & Sediment Control Details | 1 | | • | • |
| | Typical Sections | 1 | | | • |
| | Pavement Details | 1 | | • | • |
| | Marking Layout | 1 | | • | • |
| | Marking Details | 1 | | | • |
| | Miscellaneous Details | 1 | | | • |
| | Roadway Profiles | 1 | | • | • |
| | Centerline Profiles | 1 | | • | • |
| Cross Sections | 2 | | | • | |
| | GRAND TOTAL | 20 | | | |

**TASK ORDER NO. ONE (1)
DESIGN AND BIDDING SERVICES**

for

CONSTRUCT TAXILANES AND TIE DOWNS

**DELAWARE COASTAL AIRPORT
SUSSEX COUNTY, DELAWARE**

DELTA PROJECT NO. 25025

MAY 2025

Scope of Work

Sussex County is preparing to develop the area south of the existing hangars bounded by the airport property and Taxiway A, near the end of Runway 4, to build two new paved taxilanes serving new grass tie-down positions. These taxilanes will ultimately provide access to future corporate box hangars.

This project will include design through bidding. Delta Airport Consultants, Inc. is to provide Sussex County with design and bidding services for airfield design. Wetland Permitting; Utility Coordination; Erosion and Sediment Control and Stormwater Management Design are not included. They are being provided by the Owner.

IJA funding will be sought for the project.

1. Conduct Section 743 review
2. Conduct NEPA environmental review
 - a. No extraordinary circumstances are expected
 - b. Budget to include a CATEX
 - c. Air emissions study
3. Prepare grant application for design through bidding
4. Conduct subsurface investigation for pavement and stormwater management design – Subcontracted
5. Conduct design ground survey – Subcontracted
6. Prepare conceptual layout for coordination with Owner, review, and funding agencies
7. Prepare design engineering report
8. Prepare pavement design
9. Prepare grading and drainage for Taxilanes and grass tie down positions, other areas by Sussex County
10. Prepare erosion and sediment control plans – Sussex County
11. Prepare stormwater management plan – Sussex County
12. Estimate project construction cost
13. Prepare bid and contract documents
14. Bidding Phase services include:
 - a. Conduct a pre-bid meeting
 - b. Respond to bidder questions
 - c. Addenda preparation
 - d. Tabulate bids

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 17, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 17, 2025, at 10:00 a.m., in Council Chambers, with the following present:

| | |
|------------------------------|-----------------------------|
| Douglas B. Hudson | President |
| John L. Rieley | Vice President |
| Jane Gruenebaum | Councilwoman |
| Matt Lloyd | Councilman |
| Steve C. McCarron | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 261 25
Approve
Agenda**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Minutes

The minutes from June 10, 2025 were approved by consensus.

**Correspond-
ence**

There was no correspondence.

There were no public comments.

**Public
Comment**

Mr. Ring Lardner, Chairman of the Sussex County Land Trust presented Council with an update and presentation. Mr. Lardner shared pictures and updates on properties purchased by the Land Trust. Mr. Lardner reviewed what has been completed and the work that is scheduled to be completed in the future.

**Presentation
/SCLT**

**Appoint-
ment
Library
Board**

Mr. Lawson reported that there is a vacancy in District 5 for the Library Advisory Board, and it is recommended to appoint Ms. Mary Holloway. In addition, a reappointment is needed in District 3 for Candace Collette Vessella for the Library Advisory Board.

**M 262 25
Approve
Library**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that the Sussex County Council approve the appointment of Ms. Mary Holloway to the Library Advisory Board effective immediately until June

Aloft Lease Agreement Pats Aircraft, LLC d/b/a Aloft AeroArchitects, in the Delaware Coastal Business Park, to be located at 21583 Baltimore Avenue, Georgetown, DE for the purpose of providing engineering services, design services, and the manufacturing of component parts for the aviation industry, as well as to house the Aloft Academy.

Motion Adopted: 4 Yeas, 1 Absent

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Absent;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Two Taxilanes & Tie-Downs Bob Bryant, Airport Manager presented an approval to submit FAA airport infrastructure grant applicant and authority of signature of FAA grant offer for Council's consideration.

M 269 25 Approve Two Taxilanes & Tie-Downs Project A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council approve the submittal of one Federal Aviation Administration (FAA) Airport Infrastructure Grant (AIG) application in the amount of \$285,950 which will pay 95% of the total project cost of \$301,000 for work association with construction of two taxi lanes and tie-downs – phase I design project.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 270 25 Approve Authority to Sign A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council give approval to the Sussex County Administration and authority of signature for one federal aviation administration (FAA) airport infrastructure grant offer in the amount of \$285,950 which will pay 95% of the total project cost of \$301,000 for work associated with the new construction two taxilanes and tie-downs phase I design project.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Construct Parallel Taxiway Bob Bryant, Airport Manager presented task order 6 – construction administration services for construct parallel taxiway B for Council's consideration.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Director of Special Projects

RE: ***Lewes Board of Public Works (LBPW)- Sussex County Partnership
Wolfe Neck RWF Upgrade & Expansion***

***A. Approval of Modifications to GHD's Amendment 31; Preliminary
Studies for the Wolfe Neck RWF Upgrade and Expansion***

B. Implementation of GHD's Amendment 31 as modified

DATE: April 14, 2026

GHD, Inc., held the County's engineering services contract associated with the South Coastal RWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant. On July 16, 2024 County Council expanded GHD, Inc.'s reaffirmation as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029.

In July of 2016, County Council authorized negotiations with other wastewater providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up to 300,000 gallons per day during the fall/winter season at an initial rate of \$2.40/1,000 gallons.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.



On September 26, 2018, the County presented a request for a 25% increase in both the base and seasonal flow contributions in exchange of payment of the associated impact fees at a board meeting. Subsequently, LBPW instructed their Counsel to draw up Amendment No. 2 outlining the details, which was accepted by County Council on January 8, 2018.

As early as 2020, LBPW was pursuing a long-range plan for their wastewater treatment plant's future needs. This presented a possible cooperation opportunity to significantly reduce LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, LBPW held a workshop for public discussion and input on March 31, 2022. As a result of the input, a proposal from GHD, Inc., the consultant already representing both entities, was requested to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

On May 24, 2022, County Council approved to fund 50% of GHD's long-range study cost in the amount of \$124,250.00. The results of the study were presented to County Council on December 6, 2022 and on January 23, 2023 to LBPW. Subsequently the LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th of 2023 to continue the open decision-making process.

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. The impact has created uncertainty for biological polishing under option 3b as well as the proposed spray facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests. While subsequent negotiations were ongoing the County was able to conclude a multi-year effort to exchange land with the State of Delaware at Wolfe Neck. Hereby obtaining land right to >20 acres immediately adjacent to the effluent storage lagoon. Control over this land does keep the option of wetland polishing prior to final effluent discharge into Wolfe Glade open if it can be cleared in a phase II archeological study.

During the BPW workshop on August 9th, 2023 the concept of an ocean outfall from the Wolfe Neck RWF emerged as Option 3c. Under this scenario the County would construct a new 5.00 MGD treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. Council approved GHD's Amendment 23 on August 15, 2023 for the expansion of LBPW's long-range study to include Option 3c in the amount of \$95,000.00. However, since the City of Rehoboth Beach and Sussex County had a long-standing successful wastewater partnership, the County jointly with LBPW approached the City in the spring of 2024 with a proposal to purchase 5.0 MGD of

unused ocean outfall capacity for \$20 million in lieu of constructing another outfall off Wolfe Neck. The offer was ultimately rejected by the City’s Commissioners effectively shutting down the three-party regional approach.

However, under any outfall scenario the County and the Lewes BPW had to expeditiously either update previous ocean studies, initiate new ones off Wolfe Neck into the ocean or the Canal. To accomplish this task, the Engineering Department requested and Council approved GHD’s Amendment 28 in the not to exceed amount of \$474,000.00 to initiate up to four (4) sampling events and reports of the near field benthic zone.

During their March 18th, 2025 Public Workshop the LBPW reduced their options to (i) continue operation at a “hardened” facility while discharging to the Lewes-Rehoboth Canal at existing location or (ii) transmit flow to a future joint facility with a relocated discharge to the Lewes-Rehoboth Canal at the Wolfe Neck RWF. Following the March 2025 workshop a series of joint staff meetings were conducted which allowed the LPBW to tentatively select the latter option during their October 28th, Public Workshop. However, they continued to solicit public input, kept the topic on the agenda of the monthly board meetings and posted draft agreements on their website.

The first Agreement addressed the future joint facility while the second Agreement, replaced the current agreement for services facilitating the implementation of the first one by maximizing the County’s flow contribution to the LBPW’s facility without payment of impact fees but with an adjusted rate based on actual treatment cost escalation. December 10, 2025 LBPW approved both agreements followed by County Council’s approval January 6, 2026.

With County Council’s approval of both LBPW’s agreements, the Engineering Department solicited Amendment 31 from GHD for the following scope:

1. Expanded baseline benthic and water quality testing for the Lewes-Rehoboth Canal
2. Archeological investigation of the area obtained via the land exchange with the State of Delaware for potential construction of wetland prior to discharge.
3. Management and Permitting for USACE of the Lewes – Rehoboth Canal dredge spoil material for potential beneficial reuse
4. Assessment of Lewes-Rehoboth Canal’s hydrodynamic behavior at the two potential discharge locations
5. Wolfe Neck RWF treatment process evaluation envisioned in the Agreement

Scope item 1 reduces Amendment 28’s budget by more than \$200,000.00. Given the timing of the scientific subconsultant’s report, GHD will keep Amendment 28 open, until such time when the report and the associated invoice is finalized before closing out Amendment 28. On February 3, 2026 Council approved Amendment 31 in the not to exceed amount of \$1,050,000.00.

Any Wolfe Neck treatment expansion can only occur in one of the existing treatment lagoons requiring complete removal of all the legacy biosolids. As a precursor of the removal, all incoming flows had to be transferred to treatment lagoons 2 & 3. For the support of the

biosolids removal and dewatering equipment a new electrical service and power distribution center had to be installed to accommodate both the immediate power needs as well as the future plant expansion. Therefore, Council approved GHD's Amendment 22 on August 15, 2023 for the Advanced Electrical Design in the amount of \$427,138.72.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work and Invitations to Bid were advertised. Five (5) contractors attended the pre-bid meeting but only two (2) bids were received for Electrical Construction, and one (1) bid for General Construction. On April 30, 2024, Council approved award of Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00. The same day Council rejected the sole General Construction bid and authorized soliciting three proposals under an alternate delivery method which resulted in Council's issuance of Change Order No. 1 to Bancroft Construction's James Farm contract for \$1,376,000.00 on June 11, 2024.

The Engineering Department requested GHD to submit Amendment 25 for construction phase engineering services for both contracts at the Wolfe Neck Facility which Council approved on June 11, 2024 in the not to exceed amount of \$736,342.23.

The electrical and the building contract experienced unforeseen site and weather conditions resulting in several change orders. Both contracts are expected to conclude in 2026. However, the electrical contract has an unresolved issue with the electrical switchgear which requires further short circuit analysis and subsequent mitigating modifications to comply with the National Electric Code.

Environmental Services and the Engineering Department had planned the removal of the accumulated biosolids during a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from both firms, and on February 28, 2025, final proposals were received. County Council approved the lower cost proposal with the Denali Corporation in the amount of \$3,850,800.00 on March 25, 2025.

All of these ongoing projects and investigations at Wolfe Neck require updates to the elected officials and their respective official votes on the recommended action items. GHD has been an integral part of this effort, and it would be in the County's best interest if Mr. Steven Clark, the Manager involved in all of them, assumed the lead role of interacting directly with Council on the following issues:

Electrical Service and Switchgear Replacement:

1. Informational update, without Council action, to confirm substantial completion of BW Electric, Inc.'s contract scope with exception of the Eaton Corporation switchgear. (summer 2026).
2. Update to request Council's granting of final acceptance of the electrical contract and a future Eaton Corporation settlement offer (fall 2026).

Sludge Removal Project:

3. Update confirming completion of the project with Council granting substantial completion to Denali Corporation and issuing the balancing unit quantity change order. (summer 2026).

Lagoon Floating Solar Project:

4. Informational update advising of the potential Phase 1, 2 & 3 project sale/transfer and the associated County lease commitments towards DP&L's required electrical transmission upgrades for Phases 2&3.
5. Update on the DP&L interconnection agreement with Council action authorizing the transmission system reimbursements associated with Phases 2 & 3. (summer 2026)

Wastewater Treatment Process Evaluation & Selection:

6. Informational update, without Council action, to confirm details and outcomes of the first virtual workshop and the initial selection of processes for further evaluation (summer 2026).
7. Informational update without Council action to confirm details and outcomes of the second virtual workshop and the recommended process technology and a subsequent informational update to Lewes BPW (fall 2026).
8. Council action to review the final technical memorandum and adopt it's recommendations (late fall 2026).

Lewes - Rehoboth Canal & Wolfe Glade -- Benthic Study:

9. Present findings, without Council action, of the pre-dredge baseline benthic studies upon completion (summer 2027).
11. Present findings, without Council action, of the post-dredge baseline benthic studies upon completion (summer 2028).

Lewes - Rehoboth Canal Hydrodynamic Evaluation:

14. Present findings from the canal flow modeling study, without Council action, including a concise statement regarding hydrodynamic differences at the three (3) potential discharge locations (fall 2026).

Archaeological Investigation:

12. Upon acceptance of final report by DNREC, present findings and implications (go/no-go constructed wetlands) of archaeological phase II investigation. (fall 2026).

USACE Lewes - Rehoboth Canal Dredge Project:

13. Informational update, without Council action, upon completion of the dredge project permitting with comments on any potential implications on site design (fall 2026).

DNREC, EPA, USACE Permitting Negotiations:

15. Summary report to permitting agencies of the optimal scientifically supported discharge option:
 - (i) Continuous gravity wetland discharge to Wolfe Glade with instream nutrient uptake beyond the point of compliance
 - (ii) Intermittent pumped discharge to the L-R Canal at the Wolfe Glade confluence under an outgoing tidal scenario without nutrient mitigation
 - (iii) Continuous pumped discharge to the L-R Canal at the Wolfe Glade confluence with nutrient mitigation within the Rehoboth Bay watershed
 - (iv) Continuous pumped discharge to the existing outfall location with ongoing nutrient mitigation within the Rehoboth Bay watershed.
16. Council's adoption of the selected discharge option after agency concurrence and GHD's authorization to proceed with the design of the selected approach and ultimate permitting.

The scope of services identified in Amendment No. 31 remains unchanged. In order to adopt the role outlined in the implementation approach above, GHD would have to provide the following additional services:

1. Prepare technical reports and attend up to twelve (12) in-person Council meetings
2. Coordination with DP&L and other parties involved in the three (3) lagoon solar project phases
3. Coordination with DNREC and USACE on the dredge spoil and wastewater treatment lagoon closure permitting.
4. Additional construction management and inspection services for the extended construction time of the Electrical Service and Switchgear Replacement (ESSR) project and investigation into seepage and liner integrity as a part of the treatment lagoon biosolids removal project through completion of both projects not to exceed five (5) months of on-site representation.
5. Cooperative development of O&M manuals, electrical testing, coordination and oversight, transferring system to permanent power with the County and contractors, control systems programming, County employee training, and development of record drawings.
6. Completion of a power study to provide an independent review of the ESSR contractor's power study.
7. Determination of minimum requirements to accept Eaton's switchgear equipment, technical review of Eaton proposals and follow-up submissions, leading negotiations with Eaton for the settlement offer, and presenting the settlement offer to County Council for final approval.

In summary, the Engineering Department requests Council's approval of the modifications to GHD's Amendment 31 in the amount of \$760,000.00 and I recommend Council's adoption of the implementation approach of Amendment 31, as modified, outlined in this memorandum.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 31B

This contract amendment, **Contract Amendment No. 31B** dated _____, **2026** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 221, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 30** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Preliminary Engineering Services for the for the Wolfe Neck RWF Upgrade and Expansion** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **One Million Eight Hundred Ten Thousand dollars (\$1,810,000.00)**. This represents an increase from the previously approved Amendment No. 31 of **Seven Hundred Sixty Thousand dollars (\$760,000.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant's Scope of Services, Preliminary Engineering Services for the Wolfe Neck RWF Upgrade and Expansion (Contract Amendment No. 31B).**

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **31B** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD Inc.



Steven Clark, P.E.

WITNESS:

Your ref:
Our ref: 12688304

April 09, 2026

Hans Medlarz P.E.,
Sussex County
2 The Circle
Georgetown, DE 19947

Preliminary Studies for the Wolfe Neck RWF Upgrade and Expansion

Dear Mr. Medlarz

GHD is pleased to submit this proposal to modify Amendment No. 31 for the preliminary studies for the planned Wolfe Neck RWF (WNRWF) Upgrade and Expansion.

Introduction

Sussex County and the Lewes Board of Public Works have agreed to upgrade and expand the WNRWF and decommission the existing Lewes WWTP. The existing load allocation for the Lewes WWTP is planned to be transferred to Sussex County to allow treated effluent from the upgraded and expanded WNRWF to be discharged to the Lewes-Rehoboth Canal. GHD has assisted Sussex County and the Lewes Board of Public Works in numerous preparatory tasks for this expansion project. Sussex County previously awarded GHD with Contract Amendment No. 31 to complete various preliminary studies for the project. This proposal is for additional scope to be completed under a Modified Contract Amendment No. 31.

Scope of Services

The scope identified in the Amendment No. 31 scope of services dated 1/28/2026 remains unchanged. The following items are added to the GHD scope of services:

1. GHD will prepare technical reports and attend up to 12 in-person Council meetings presenting recommendations on the action items identified in the memorandum presented to Council on April 14th, 2026.
2. Coordination with DP&L and other parties involved in the three lagoon solar project phases and DNREC as well as the USACE on the dredge spoil and lagoon closure permitting. This includes up to 8 in-person meetings in addition to written communications and virtual meetings.
3. Additional Construction Administration and Inspection Services for the extended construction times for the Electrical Service and Switchgear Replacement (ESSR) project and investigating discharges and liner integrity for the existing treatment lagoons increased GHD's construction administration and inspection responsibilities. This amendment is intended to cover the completion of the ESSR and sludge removal projects, and includes an additional 5 months of on-site representation, construction management for both projects, engineering oversight, change management, review of O&M manuals, electrical testing

coordination and oversight, coordinating transfer to permanent power with the County and contractors, preliminary and final inspections for each contract, punch list management, programming, training, and record drawings.

- a. Programming: PLC, OIT, and SCADA programming for the new power distribution system, lagoon aerators, and PCS cabinet diagnostics. New SCADA screens will be created for these processes only and linked from the existing main page. Modifications to existing SCADA screens will be limited to those necessary to navigate to the new pages. Other features such as trends and alarms and programming associated with other process areas will not be updated under this project, acknowledging that they will become redundant when the expansion is complete.
 - b. Training: GHD will provide 1 day of training on the new SCADA screens and an overview of the new power distribution system. This training will complement the manufacturer’s training for operation and maintenance of the new electrical equipment.
4. Completion of a power study to provide an independent review of the ESSR contractor’s power study.
 5. Determination of minimum requirements to accept Eaton’s switchgear equipment, technical review of Eaton proposals and follow-up submissions, leading negotiations with Eaton for the settlement offer, and presenting the settlement offer to County Council for final approval.

Schedule

1. This modification to Amendment No. 31 includes services that will be completed during 2026 and 2027. It is assumed that the ESSR and sludge removal projects will be completed by August 1, 2026.

Subconsultants

1. No additional subconsultants.

Engineering Fee

GHD proposes to retain the fee basis established for Amendment No. 31, which was to provide engineering services based on direct hourly payroll costs paid to technical staff engaged on the project plus FAR overhead costs of 1.75 times actual payroll costs billed, plus profit of 10% on direct costs plus FAR overhead costs and a 10% markup on subconsultant costs. Payroll rates presented on invoices will be constrained by the maximums specified in the original rate schedule, which is valid until June 30, 2027, and subject to adjustment at that time and on an annual basis thereafter. Total cost for this amendment shall not exceed the total identified in the following table. However, these costs are considered preliminary estimates only, especially given the early stage of interactions with DNREC. If the cost of total services reaches the budget of this amendment, a future amendment would be required to cover the costs of remaining services.

Table 1 Engineering Fee

| Description | Cost |
|----------------------------------|----------------|
| Initial Amendment No. 31 Fee | \$1,050,000.00 |
| Amendment No. 31B (Modification) | \$ 760,000.00 |
| Total Amendment No. 31 Fee | \$1,810,000.00 |

Enclosures

1. No additional enclosures.

Please contact me if you have any questions or comments regarding this proposal.

Regards

A handwritten signature in blue ink, appearing to read 'S. Clark', written in a cursive style.

Steven Clark
Project Manager

(443) 875-5061
steven.clark@ghd.com

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Director of Special Projects

RE: ***Lewes Board of Public Works (LBPW)- Sussex County Partnership***

A. George Miles & Buhr, Inc. (GMB) – Amendment No. 4

B. Approval of the Pump Station 4 & Transmission Agreement

DATE: April 14, 2026

After years of exploring several options, the LBPW and Sussex County Council both approved the ***Agreement between The Board of Public Works and Sussex County concerning Wastewater Treatment*** associated with the new Wolfe Neck RWF in December of 2025 and January 2026 respectively.

Furthermore, both elected bodies also approved the ***Agreement between The Board of Public Works and Sussex County for and on behalf of Sussex County Unified Sanitary Sewer District in Connection with the Transmission and Treatment of Sewage Discharge to/from the Unified Sewer District Area***, replacing a previous version agreement for services. The new one is equally important because it facilitates the implementation of the first one by maximizing the County's flow contribution to the LBPW's facility without payment of impact fees but with an adjusted rate based on actual treatment cost escalation.

The joint agreement envisions implementation of a list of capital projects including the upgrades of LBPW's Pump Station 4 and a new transmission system between the service territories. The original smaller transmission system between the two service areas was designed by GMB, the Board's "engineer of record". GMB was also one of the four (4) firms selected under the County's most recent 5-Year Professional Service Contracts. Both transmission systems must be functional at the same time since County flows will be pumped to LBPW's facility until the future joint facility is ready to receive flows.



Therefore, The Engineering Department requested GMB develop a scope of work with fee estimate for preliminary design, final design, permitting and construction phase services for said improvements. As requested, GMB provided Amendment No. 4 to the Base Owner-Engineer Professional Services agreement with an overall not to exceed cost of \$779,550.00.

The Agreement between The Board of Public Works and Sussex County concerning Wastewater Treatment has caps on LBPW’s capital contributions. By moving up the Pump

Station 4 and transmission system improvements’ timeline a stand-alone supplemental agreement became necessary to clarify how LBPW’s contributions towards this project would be treated. They will not be included in the initial cap and will be due at the time the County closes on the capital project financing.

In summary, the Engineering Department recommends approval of GMB’s Amendment No. 4 and the Agreement between The Board of Public Works of The City of Lewes and Sussex County Concerning Pump Station 4 & Transmission Improvements.

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 07/01/24.

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

The Effective Date of this Amendment is: April 14, 2026

Background Data

Effective Date of Owner-Engineer Agreement: 07/01/24

Owner: Sussex County

Engineer: George, Miles & Buhr

Project: LBPW PS 4 & Transmission

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

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

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services and selection and use of Exhibit C, Compensation Packet AS-1.

Agreement Summary:

| | |
|----------------------------------|------------------------|
| Original Agreement Amount: | \$ <u>0</u> |
| Net Change for prior amendments: | \$ <u>523,300.00</u> |
| This amendment amount: | \$ <u>779,550.00</u> |
| Adjusted Agreement amount: | \$ <u>1,302,850.00</u> |

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

OWNER:

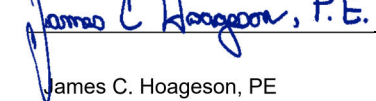
By: _____
Print
name: _____

Title: _____

Date Signed: _____

ENGINEER:

George, Miles, & Buhr, LLC

By:  _____
Print
name: James C. Hoageson, PE

Title: Sr. Vice President

Date Signed: 4/09/2026

April 7, 2026

400 High Street
Seaford, DE 19973

302.628.1421

seaford@gmbnet.com

gmbnet.com

Sussex County Engineering Department
2 The Circle
PO Box 589
Georgetown, DE 19947

Attn: Mr. Hans Medlarz, PE

Re: **Proposal for Engineering Professional Services**
Pump Station 4 Upgrades and New Force Main

Dear Hans:

George, Miles & Buhr, LLC (GMB) is pleased to provide the following proposal for engineering services for the upgrades to Pump Station 4 (PS4) and a new force main. Our proposal is more particularly described as follows.

ARCHITECTS
• • •
ENGINEERS

Project Location

The project is in Lewes, DE. PS4 is located near the Lewes-Rehoboth Canal at the intersection of Gills Neck Road and Savannah Road. The force main is proposed along Gills Neck Road, connecting at the northeast corner of the intersection with Show Jumper Lane.

Project Background & Understanding:

It is understood that the Lewes Board of Public Works (BPW) and Sussex County have entered into an agreement whereby the County will accept all wastewater flow from the BPW service area at the Wolfe Neck Regional Wastewater Facility (WNRWF) for treatment and disposal. To facilitate this arrangement, upgrades to existing BPW facilities, which include PS4 and PS8, will be necessary to enable the transfer of all BPW wastewater flows to the County's system. Furthermore, the installation of a new force main transmission line will be required to connect with the County's existing force main. Ultimately, at the completion of all the improvements and the redirection of the wastewater flow to the WNRWF, the Howard H. Seymour Water Reclamation Plant (Seymour WRP) will be decommissioned.

Currently, all flow to the existing Seymour WRP goes through either Pumping Station 4 (PS4) or Pumping Station 8 (PS8), both of which are existing wet pit / dry pit stations. Further, PS4 currently receives County wastewater flow via an existing force main along Gills Neck Road, which the County desires to maintain operational during construction of the improvements. At the completion of all upgrades, both stations will be turned over to the County for County operations and maintenance.

CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
JASON M. LYTLE, P.E.
ROLAND E. HOLLAND, P.E.
MORGAN H. HELFRICH, AIA
CHRIS B. DERBYSHIRE, P.E.
KATHERINE J. MCALLISTER, P.E.
ANDREW J. LYONS, JR., P.E.
W. MARK GARDOCKY, P.E.
CHRISTOPHER J. PFEIFER, P.E.
BENJAMIN K. HEARN, P.E.

JOHN E. BURNSWORTH, P.E.
AUTUMN J. BURNS
BRENT R. JETT, P.E.
BRADLEY J. HOGAN, P.E.
DEANE L. TOWNSEND, AIA

PS4 and PS8 will be reconfigured to pump via a new manifolded system connecting to the County's transmission network at Show Jumper Lane and Gills Neck Road. For the purpose of this proposal, GMB will design a new force main extending from PS4 to the County's existing 16-inch force main located at Show Jumper Lane and Gills Neck Road. PS4 will be reconfigured internally to meet the County's pump station standards, and its discharge piping shall be reconfigured in a manner to allow manifolding of PS4 and PS8 together. PS8 is intended to be re-built as a new County station in the same vicinity of the existing station and utilize the PS4 existing force main, which currently crosses the canal for discharge to the BPW's Seymour WTP, as its new transmission main to manifold into the new force main from PS4 to the County connection point. *Improvement to PS8 and the redirection of flow to PS4 force main is not part of this proposal.*

Scope of Services

A. Pump Station 4 Upgrades: Conversion of the station into a County "standard" Tier 3 pump station following the pump station guidelines outlined in the Sussex County Design Standards dated January 30, 2023. The design generally includes:

1. Demolition plan of the mechanical and electrical components.
2. Replacement of two existing self-priming Gorman Rupp pumps with dry-pit submersible Flygt pumps and addition of a third pump. The two (2) lower capacity pumps in lead/lag mode for daily operation and one (1) high-capacity pump with a variable frequency drive (VFD) for redundancy and peak flow management.
3. Initial pump selection to be based on historical peak month average daily flows, in GPD, for both PS4 and PS8, with instantaneous flows in GPM derived by assuming 12-hours of daily operation with either two lower capacity pumps running in parallel or high-capacity pump running by itself.
4. County to provide the following data for design purposes:
 - Discharge elevation at the upgraded WNRWF.
 - Plans depicting the length and sizes of the force main network to Wolfe Neck RWF starting from the Show Jumper Lane connection point, including force mains from PS196 and PS210.
 - Pump curves for County owned PS196 connected to the 16-inch force main and PS210 connected to the 24-inch force main.
5. Hydraulic modeling to confirm initial pump selection with either the high-capacity pump at full speed or the two lower capacity pumps running at PS4 in addition to one pump operating from the three other stations (PS210, PS196 & PS8).
6. Upgrade the internal pump station piping network to accommodate pump conversion and addition; includes isolation valves, check valves, and flow meter.
7. Electrical upgrade including controls and telecommunication to County system.

ARCHITECTS
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ENGINEERS

8. Rehabilitation of existing wet well to include non-destructive testing of existing concrete structure, recommended concrete repairs, and concrete coating system.
9. Evaluation of installation of influent comminutor.
10. Design of a generator sized to operate the new pump station's anticipated electrical loads.
11. Review condition of existing masonry façade and provide recommended structural and architectural improvements, including door and window replacement.
12. County desires safer access to lower levels, in lieu of existing ladder.
 - Conduct structural feasibility of adding steps to access lower levels. Coordinate findings with the County.
 - Design of structural modifications related to, and provide structural drawings to include steps to both lower levels.
13. Review capacity and capability of existing pump lift system related to proposed pumps and proposed stair access. Provide structural design for modifications to accommodate proposed improvements.

B. Wastewater Transmission Main: Design of a wastewater force main to manifold into the existing County FM network.

1. Update of previous topographical survey along the proposed force main route which is limited from PS4 to Show Jumper Lane / Gill Neck Road.
2. Coordinate geotechnical investigations to be performed under subcontract to GMB.
3. Layout proposed force main alignment, while maintaining existing force main operations along Gills Neck Road.
4. Reconfigure the discharge piping to support a manifolding operation.
5. Evaluation of two different routing options to cross the Freeman Highway right-of-way.
 - Option 1: Installation under bridge which crosses Lewes-Rehoboth Canal along Gills Neck Road.
 - Option 2: Route force main up Schley Avenue, across BPW owned land, across Lewes-Georgetown Trail, across a private parcel, under Freeman Highway, and route back to Gills Neck Road right-of-way.
6. Develop recommendations for alignment of new force main in coordination with the County, Lewes BPW and DelDOT.
7. Identify private easements and assist County in the easement acquisition process with surveys and plats.

C. Design Review Meetings and Submittals

1. Conduct monthly modeling, design approach and design review meetings with the participation of subconsultants as required.
2. Any changes to previously agreed upon design concept resulting in redesign are not included and will be performed as additional services.
3. Conduct special constructability and Maintenance of Traffic (MOT) meetings at the 60% design document level.
4. At the 90% design stage, submit to the following permitting and review agencies: Sussex Conservation District, DNREC for Authorization to Construct, DNREC Notice of Intent (NOI) for Stormwater Discharges, and DelDOT Utility Permit and Traffic Control Plan; all permits to be submitted by SCED, GMB to provide assistance.

D. Permits

1. Interact with regulatory agencies to review the permit requirements.
2. Prepare permit applications for submission by County to agencies listed below and assist in acquiring permits:
 - DNREC Construction Permit
 - DelDOT Utility Construction Permit
 - Sediment and Erosion Control Permit

E. Bid Phase Services

1. Assist SCED with the advertisement to bid. SCED to place the advertisement in the appropriate newspapers.
2. Assist SCED with issuing the contract documents to prospective contractors and maintain a record of those that have received the documents.
3. Attend and chair the pre-bid meeting and distribute meeting minutes.
4. Prepare and issue addenda as necessary.
5. Respond to potential bidder's questions.
6. Review bids received and prepare bid tabulation.
7. Provide SCED with a letter of recommendation to award.

F. Construction Phase Services

1. Participate and chair a pre-construction conference prior to the commencement of Work at the Site.
2. Establish electronic transmittal protocols.
3. Review and determine the acceptability of monthly progress schedules.
4. Visit the site at various stages of construction.
5. Review and respond to Request for Information (RFIs).
6. Review and/or recommend change orders as appropriate.
7. Shop drawing review.
8. Participation at progress meetings.
9. GMB will consult with their electrical subconsultant regarding any electrical related reviews or construction related items.

10. Review application for payments and make recommendations.
11. Review project status for issuance of Substantial Completion.
12. Review and issue Final Notice of Acceptability of the Work.

G. Resident Project Representative (RPR) Services

1. RPR Services as outlined in Exhibit A, Section A1.05 and as set forth in Exhibit D – Duties, responsibilities, and authority of the RPR, as part of GMB’s 5-year Miscellaneous Services contract with the County.

Exclusions, Assumptions, and Considerations:

- Value engineering.
- Hydraulic analysis of the manifold force main beyond the two detailed scenarios.
- Hydraulic analysis of the effects of PS4 on PS196 and PS210.
- Design work for new PS 8, other than described above
- Design work at the Seymour WRP
- Proposed MOT plan does not include any road or pedestrian detours.
- Maximum of three (3) easement exhibits.
- Permitting and application fees.
- Advertising fees.
- Construction Administration and Inspection services is based on an estimated contract duration of 365 consecutive days to reach substantial completion.
- It is assumed that wetlands do not exist.
- Project construction estimate
- Any item not specifically indicated herein is excluded from this agreement.

FEE SUMMARY

We propose to provide the above defined Design Phase Services in accordance with EJCDC, EXHIBIT C - COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates per the following breakdown of fees:

| | |
|-------------------------------------|--------------|
| Design Phase Services: | \$325,000.00 |
| Bid Phase Services: | \$16,550.00 |
| Construction Phase Services: | \$154,000.00 |
| Inspection Services: | \$284,000.00 |

TOTAL ESTIMATED FEE: \$779,550.00*

***The total estimated fee is the sum of the individual components breakdown, however the breakdown is approximate and individual amounts are subject to shift between each other based on actual project development.**

ARCHITECTS
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 ENGINEERS

This proposal is valid for a period of sixty (60) days at which time GMB reserves the right to modify the fee and/or schedule. This is not a minimum nor a maximum amount billable, once we reach 80% of the billings, GMB reserves the right to re-evaluate the fee estimate.

SCHEDULE

We propose to begin the Preliminary Design for this project within four (4) weeks upon receipt of this signed proposal. We estimate ten (10) to twelve (12) months to complete 90% documents and submit to SCED and the various permitting and review agencies. Once the plans are submitted to the various permitting and approval agencies, we are no longer in control of the schedule. We will maintain communication with the agencies to facilitate the review process.

If this proposal meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance and notification to proceed.

If you have any questions, do not hesitate to call me. We thank you for this opportunity.

ARCHITECTS
■■■■
ENGINEERS

Sincerely,



Benjamin Hearn, P.E.
Vice President / Sr. Project Engineer

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

Agreement
Between
The Board of Public Works of The City of Lewes
and
Sussex County
Concerning
Pump Station 4 & Transmission Improvements

This Agreement is made and entered into this ___ day of _____, 2026, by and between the Board of Public Works of the City of Lewes (“Lewes BPW”), a chartered utilities board of the State of Delaware, and Sussex County, Delaware (“County”), a political subdivision of the State of Delaware.

WHEREAS, Lewes BPW and the County have entered into a separate agreement concerning wastewater treatment services and the future transmission of wastewater to County facilities, dated January 12, 2026, (the “Wastewater Treatment Agreement”); and

WHEREAS, the Wastewater Treatment Agreement anticipates the County completing certain rehabilitation and upgrade improvements to Lewes BPW Pump Stations 4 and 8, and that the costs of these improvements will be shared between the County and the Lewes BPW as outlined in the Wastewater Treatment Agreement; and

WHEREAS, the parties desire to complete certain improvements to Pump Station 4 prior to the system turnover referenced in the Wastewater Treatment Agreement, including upgrades to the station and construction of a transmission line extending to the connection point to the County System located on Gills Neck Road anticipated under the Wastewater Treatment Agreement; and

WHEREAS, the parties desire to clarify that the costs for these improvements will be shared between the parties despite being incurred prior to approval of the project municipal bond addressed in the Wastewater Treatment Agreement and will not be subject to the three-million-dollar (\$3,000,000) cap, but will still count towards the forty-million-dollar (\$40,000,000) cap, as addressed in the Wastewater Treatment Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, agreements, and stipulations contained herein, and other good and valuable

consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

1. Pump Station 4 Improvements

The County shall design and construct improvements to Pump Station No. 4, including upgrades to the station and construction of a transmission line extending from Pump Station 4 to the agreed upon connection point located on Gills Neck Road. These improvements shall be completed prior to the Turnover of the Lewes Wastewater Treatment (as defined in the Wastewater Treatment Agreement).

The County shall engage Lewes BPW's engineer of record, George, Miles & Buhr, LLC (GMB) in the planning and implementation of the Pump Station No. 4 improvements in recognition of GMB's familiarity with and knowledge of the existing Lewes BPW wastewater transmission system and their previous design of the current County transmission system along the same alignment.

2. Cost Sharing

Lewes BPW shall reimburse the County for twenty percent (20%) of the actual costs incurred for the Pump Station 4 improvements (the "Lewes BPW Reimbursement"). The County shall be responsible for the remaining eighty percent (80%) of such costs. For avoidance of doubt, these overall Pump Station 4 and transmission costs shall count toward the forty-million-dollar (\$40,000,000) total cap identified in the Wastewater Treatment Agreement.

3. Payment

The County intends to secure funding for the wastewater system improvements associated with the Turnover of the Lewes Wastewater Treatment project, which includes the Pump Station 4 improvements described herein, through a municipal bond. The Lewes BPW shall have no obligation to make any payment towards the Lewes BPW Reimbursement until after the County obtains approval for said municipal bond. In the first quarterly invoice following approval of said bond, the County shall bill Lewes BPW for its share of the Pump Station 4 and transmission improvements.

Amounts billed and paid under this Agreement shall not be applied toward or counted against the three-million-dollar (\$3,000,000) cap associated with the first quarterly invoice referenced in the Wastewater Treatment Agreement.

4. Separate Agreement

This Agreement is intended to be a standalone agreement and shall not amend or modify the Wastewater Treatment Agreement, except as specifically addressed herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

BOARD OF PUBLIC WORKS OF THE CITY OF LEWES

ATTEST:

Print Name:

BY: _____(seal)
Thomas S. Panetta
President, Lewes BPW

Date

SUSSEX COUNTY

ATTEST:

Print Name:

BY: _____(seal)
Douglas B. Hudson
President, Sussex County Council

Date

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Project Manager

RE: ***SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension***
A. M.F. Ronca & Sons, Inc. Change Order No. IB-012
B. Lagoon 1 Cover - Approval of Purchase Order

DATE: April 14, 2026

The multi prime South Coastal RWF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2. The **General Construction Project C19-11** was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing change orders 36.1 & 36.2.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue working with the County, providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements sequentially online.

DNREC issued the associated construction and operations permits on June 17, 2024 after a seven (7) years process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances required an innovative project implementation approach to establish the critical



implementation path and construct individual components out of sequence to assure the best possible permit compliance. Therefore, Council concurred on July 16, 2024 with the staged construction implementation process under a series of sequential change orders based on critical path implementation.

In order to financially separate the South Coastal RWF Treatment Process Upgrade No.3 project from the Inland Bay RWF Phase 2 Project the Finance Department suggested a transfer of retainage via a change order process. On July 15, 2025 Council approved Change Orders No. 37 & No. IB-007-GC to facilitate the transfer of \$500,000.00 in retainage.

On July 16, 2024, County Council had reaffirmed GHD, Inc. as “Engineer of Record” for the County’s wastewater treatment process related projects at all facilities through June 30, 2029. Therefore, the Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. GHD’s scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid, and funds can be exchanged between them as the priorities shift. GHD also committed to transition their cohesive South Coastal design team project and on July 16, 2024, Council approved GHD’s Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the entire scope of services associated with the Inland Bays RWF Phase 2 Project fast track implementation.

The first scope item of the Inland Bay RWF Phase 2 project was the two-stage clarifier component under RFP-IB-001&002. The IB-001 included the costs associated with procuring the precast concrete and the equipment, the IB-002 consisted of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. The associated Change Order IB-001 was approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90.

Ronca also priced the site mobilization per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoicing. Normally the overhead expenses are included in the mark-up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department recommended Ronca’s staff be on site on a continuous basis.

On January 25, 2025 Council approved M.F. Ronca & Sons, Inc.’s Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

Subsequently GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the conversion of lagoons 3 & 4 to aeration basins utilizing the equipment package furnished by Bioworks under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. On May 13, 2025, County Council approved Change Order IB-004 in the amount of \$1,405,000.00, Change Order IB-005 in the amount of \$1,448,000.00 & Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

In December 2025 GHD issued Revision C update to the yard piping construction plans in accordance with the applicable details and specifications from the South Coastal project for pricing by M.F. Ronca & Sons, Inc. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. On December 16, 2025, Council approved to increase M.F. Ronca & Sons' Change Order IB-006 by \$2,277,600.00. After this round of pricing to the yard piping only a few segments remain to be priced.

Change Order IB-005 included a sludge removal allowance of \$100,000 based on the assumption the lagoon was NOT used for biosolids storage. Upon removal of the supernatant water, a significant layer of old sludge was discovered, increasing the costs to date, as documented to \$158,325.62. The remaining work is estimated at approximately \$40,000. Change Order No. IB-010 amending No. IB-05's allowance in the amount of \$100,000.00 to M.F. Ronca & Sons was approved on September 23, 2025.

The Engineering Department designed and submitted the permitting for the site improvements, E&SC measures, drainage piping and the storage building pad under RFP-IB-008-GC. M.F. Ronca & Sons, Inc. submitted pricing for Site Work, S&EC, Storage Building Pad, etc. in the total amount of \$1,434,000.00 and unit pricing for column supports. With the final structural design not yet available the number of column supports for the storage building was conservatively estimated and can be adjusted downward using unit prices.

On July 29, 2025, Council approved Change Order No. IB-008-GC to M.F. Ronca & Sons, Inc. in the not to exceed amount of \$1,434,000.00 with the column number to be reduced based on final structural analysis and unit cost.

The upgrades to the effluent pump station no.1 were designed and issued under RFP IB-009. It comprises the complete rehabilitation of the mechanical components of the station including the temporary pump rentals. M.F. Ronca & Sons offered to complete the scope for \$841,000.00 and Change Order No. IB-009 to M.F. Ronca & Sons was approved on September 23, 2025.

The next component of the project ready for pricing by M.F. Ronca was the general construction of the Pump & Blower Building No. 2 as shown on RFP-IB-010 in accordance with the applicable details and specifications from the South Coastal projects including all mechanical equipment but excluding the electrical components. On December 16, 2025,

Council approved Change Order IB-011 to M.F. Ronca & Sons, Inc. in the amount of \$1,880,000.00.

With the filter equipment, UV disinfection technology and intermediate pumping systems procured the submittals were received giving GHD the ability to finalize the conversion design of the former disinfection tank to a tertiary treatment system RFP-IB-012. Due to the complexity of this project GHD, Ronca and the Engineering Department conducted two debriefings discussing the best approach. M.F. Ronca & Sons offered to complete the scope for \$2,971,120.00. This amount includes an addition to a previously issued purchase order for grit removal equipment at South Coastal. The associated cost will be capitalized accordingly.

The Engineering Department recommends issuance of Change Order No. IB-012 to M.F. Ronca & Sons in the amount of \$2,971,120.00.

Electrical Construction Project C19-17 was awarded December 17, 2019, to BW Electric Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on March 21, 2025 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

BW Electric, Inc. offered pricing for mobilization to the Inland Bays site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc., has a much smaller on-site overhead team and therefore chose to include its cost in the fixed percentage markup on a task-by-task basis.

On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

The County's 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF) including **the Effluent Loop Project** which provides for treated effluent distribution after completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property through 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) distribution locations. The contract documents were publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor and presented Change Order No. 1, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where

future distribution & diffuser piping will connect to the spray-field header. On October 15, 2024, Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00. On September 9, 2025 Council approved Change Order No. 3 for the first of three spray fields diffuser piping for Project S24-01 in the amount of \$909,915.98.

The Loop Project was the initial step towards constructing a treated effluent distribution system at Inland Bays RWF including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The 100,000 gallons treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

The Inland Bays RWF Phase 2 Project includes conversion of an unused original treatment lagoon into two aeration basins (3&4) as well upgrade of the aeration system at the two existing basins (1&2) which were converted over ten years ago. GHD developed a Request for Proposals which was distributed to Bioworks and Parkson, the only two (2) companies in the field. After a two-stage competitive selection process both submitted costs and payment.

Based on GHD's and the Department's recommendation County Council approved the issuance of a purchase order to Bioworks in the amount of \$1,397,640.00 on March 25, 2025.

The Inland Bays RWF Phase 2 Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. Three (3) filter manufacturers were considered. Evoqua was the most expensive due to the stainless-steel filter media while Aqua Aerobics and Nexom, both offered cloth filter media and were priced comparably lower. The Nexom purchase price is slightly more expensive than Aqua Aerobics', but the Nexom equipment will fit into the existing tank structure with less structural modifications and easier accessibility for maintenance. Therefore, the overall capital and lifetime maintenance costs to the County will be lowest using the Nexom equipment.

Of the three (3) UV manufacturers considered, Nuvonic was the most expensive and the closed vessel design was not conducive to installation in the existing contact chamber. Trojan Technologies, in line, and Glasco, vertically, were priced comparably, with Glasco slightly cheaper. On July 15, 2025 Council approved issuance of two purchase orders (i) Nexom for filtration equipment in the amount of \$798,300.00 and (ii) Glasco in the amount \$415,000.00 for UV equipment.

In order to provide sufficient air for the conversion of the currently unused lagoon into two aeration basins (3&4), GHD solicited firm proposals for process aeration blowers from the two

manufacturers the County currently uses requiring similar warranty periods and payment schedules. GHD and the Department recommend selecting the slightly lower Kaeser proposal. In addition to the slightly lower costs, the Kaeser blowers match the existing process aeration blowers at Inland Bays RWF. The existing blowers will be kept in service to supply air to aeration basins 1&2. Using identical blower models across all six units will simplify maintenance for the operations team and allow spare parts to be used interchangeably.

Council approved a direct equipment purchase order in the amount of \$298,000.00 to Riordan Materials Corporation, the exclusive area representative of Kaeser on September 23, 2025.

To meet future more stringent permit compliance with regards to bacteria and dissolved solids a cover for storage lagoon 1 will be required. It contains the water to be distributed to ag partners and is intended for unrestricted public access. GHD requested detailed proposals from three (3) vendors to furnish and install a HDPE floating cover. GHD also discussed the vendors proposed pumping configuration of the rain water as well as the construction constraints regarding the road to the north of Lagoon 1. Two Contractors (JH Waters and R.T.D. Enterprises) submitted very competitive proposals (\$613,769.00 and \$617,314.00 respectively) with equivalent 20-years manufacturer material warranties. After analyzing the constraints on the North side of Lagoon 1, GHD feels more confident that R.T.D. Enterprises understand the existing conditions better and can complete the project more effectively.

Therefore, the Engineering Department and GHD recommend issuance of a direct procurement purchase order to R.T.D. Enterprises in the amount of \$617,314.00.

The Engineering Department prepared the attached summary of outstanding scope items under the critical path staged construction implementation process. Some of them may be grouped together under an aggregate versus an individual change order. This summary will be updated in subsequent memoranda to Council.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-11A
3. Change Order No. 12
4. Date Change Order Initiated - 4/16/25
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$20,009,897.47
 - c. Contract Sum Prior to Change Order \$20,009,897.47
 - d. Requested Change \$2,971,120.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$22,981,017.47
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7370

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:

Conversion of a disinfection tank to a tertiary treatment system.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

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

Signature Date

Representative's Name in Block Letters

2. Sussex County Project Manager


Signature Date

3. Sussex County Council President

Signature Date



Request for Proposal

| | | | |
|---|-------------------------------|---|----------------------------|
| Project | Sussex County-IBRWF Expansion | | |
| Owner | Sussex County | | |
| Contract No. | C19-11: General Construction | GHD Project no. | 12645844 |
| Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order. | | | |
| RFP No. | IB-012-GC | | |
| RFP Subject | Tertiary Treatment Tank | | |
| Issued By | S. Clark |  | Date March 16, 2026 |

Description of Proposed Changes

General Construction of the Tertiary Treatment Tank modifications including the following:

1. General Notes:
 - a. The existing Chlorine Contact Tank, constructed in 2009, will be utilized for alternative process equipment and renamed the Tertiary Treatment Tank (TTT). The TTT will include 2 disc filters, UV disinfection channel, and 4 intermediate pumps (3 duty, 1 standby). The disc filters, UV equipment, and intermediate pumps are being directly procured by Sussex County.
 - b. This work can only commence after the work at Irrigation Pump Station No. 1 has been completed and the modified structure is in service with hypochlorite feed.
2. Bypass pumping from the effluent chambers of the in-service Secondary Clarifiers to the influent chamber of Irrigation Pump Station No. 1 for the time necessary to complete the work in the TTT and the associated effluent force mains from the TTT.
3. Demolition as shown in the attached drawings.
4. Concrete construction as shown in the attached drawings. Concrete construction shall be in accordance with the SCRWF Division 3 Specifications and the Standard Structural Details.
5. Aluminum stairs, guardrail, grating and framing as shown in the attached drawings. Metal work shall be in accordance with the SCRWF Division 5 Specifications and the Standard Architectural and Structural Details.
6. Installation, testing, and startup for the disc filter, UV equipment, and Intermediate Pumps being directly procured by Sussex County in accordance with the Division 1 specifications and as noted below.
 - a. Filters
 - i. Associated equipment includes:
 - A. Disc filter unit (2) (including filter frame (2), stainless center tube assembly (2), disk segment assemblies (28))
 - B. Drive motor and reducers (2)
 - C. Sawtooth influent weir (2)
 - D. Organ effluent weir (2)
 - E. Backwash and sludge pumps (10)

- F. Factory assembled backwash header (2)
- G. Access platform with removable FRP grating (2)
- H. Service ladder (2)
- ii. The manufacturer's General Arrangement submittal is enclosed for reference.
- b. UV
 - i. Associated equipment includes:
 - A. Vertical UV modules (5) with lamps (16 per module)
 - B. Level control finger weir (1)
 - C. Heavy jib crane with lifting sling (1)
 - ii. The manufacturer's General submittal is enclosed for reference.
- c. Intermediate Pumps
 - i. Provide pressure gauges and in-line annual seals in accordance with Section 11300.
 - ii. Perform field testing under the direction of the manufacturer in accordance with Section 11300 and Section 11304.
 - iii. Provide coatings in accordance with Section 11304, coordinated with the manufacturer's standard shop primer.
 - iv. The manufacturer's General submittal is enclosed for reference.
- 7. Piping, fittings, valves, and pipe supports as shown in the attached drawings. Piping, fittings, valves, and pipe supports shall be in accordance with the SCRWF Division 15 Specifications and the Standard Mechanical Details. Provide coatings in accordance with Specification Section 09900.
- 8. Provide insulation on all piping above frost depth in accordance with Section 15260. This will include the intermediate pump discharge piping, filter waste piping, and any sump pump discharge piping that can hold stationary water.
- 9. One Type B weir in accordance with Specification Section 11287 and drawing M9001.
 - a. Opening width: 6'-0"
 - b. Width of mounting surface either side of opening: 2'-0"
 - c. Top of weir wall: EL 32.25
 - d. Nominal weir elevation: EL 32.50
- 10. Sump pump in accordance with Specification Section 11316.
- 11. Provide one influent channel slide gate in accordance with Section 11291 and as follows:
 - a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: SG-2051
 - ii. Location: Tertiary Treatment Tank
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12" above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12" above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 3'-0" +/-
 - ii. Bottom of opening elevation: EL 20.75 +/-

- iii. Opening height: 4'-0" +/-
 - iv. Operating floor elevation: EL 20.75
 - v. Top of gate fully raised elevation: EL 28.75
 - vi. Top of gate fully lowered elevation: EL 24.75
12. Provide two influent channel slide gates in accordance with Section 11291 and as follows:
- a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: SG-2052, SG-2053
 - ii. Location: Tertiary Treatment Tank
 - iii. Type: Downward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type D
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12" above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12" above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 100" +/-
 - ii. Bottom of opening elevation: EL 30.00 +/-
 - iii. Opening height: 25" +/-
 - iv. Operating floor elevation: EL 20.75
 - v. Top of gate fully raised elevation: EL 34.16
 - vi. Top of gate fully lowered elevation: EL 32.08
13. Provide one UV channel slide gate in accordance with Section 11291 and as follows:
- a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: SG-2054
 - ii. Location: Tertiary Treatment Tank
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type A
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12" above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12" above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 3'-4" +/-
 - ii. Bottom of opening elevation: EL 20.75 +/-
 - iii. Opening height: 3'-4" +/-
 - iv. Operating floor elevation: EL 20.75
 - v. Top of gate fully raised elevation: EL 27.42
 - vi. Top of gate fully lowered elevation: EL 24.08
14. Provide one filter effluent channel slide gate in accordance with Section 11291 and as follows:

- a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: SG-2055
 - ii. Location: Tertiary Treatment Tank
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12” above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12” above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 3’-0” +/-
 - ii. Bottom of opening elevation: EL 20.75 +/-
 - iii. Opening height: 4’-0” +/-
 - iv. Operating floor elevation: EL 20.75
 - v. Top of gate fully raised elevation: EL 28.75
 - vi. Top of gate fully lowered elevation: EL 24.75
15. Provide one filter/UV bypass slide gate in accordance with Section 11291 and as follows:
- a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: SG-2056
 - ii. Location: Tertiary Treatment Tank
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12” above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12” above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 3’-0” +/-
 - ii. Bottom of opening elevation: EL 20.75 +/-
 - iii. Opening height: 4’-0” +/-
 - iv. Operating floor elevation: EL 20.75
 - v. Top of gate fully raised elevation: EL 28.75
 - vi. Top of gate fully lowered elevation: EL 24.75

General Construction of the Recycle Pump Station modifications, including:

- 1. Procurement, installation, testing, and startup of two new submersible pumps. Submersible pumps will be generally in accordance with Sections 11300 and 11307 except as varied herein:
 - a. Recycle pumps: manufacturer and model shall by Flygt NP 3153 HT 3~ 462
 - b. Performance requirements (these apply in lieu of Section 11307-1.04-A)

| Parameter | Recycle Pumps |
|--|---|
| Quantity | 2 |
| Tag Numbers | RP-4211 [4212] |
| Pumped Liquid | Waste Sludge Decant, Dryer Condensate, BFP Filtrate, and Effluent Filter Backwash |
| Primary Design Point Rated Flow Total Dynamic Head | 845 gpm 63.4 ft |
| Minimum Allowable Shutoff Head | 137 ft |
| Minimum Allowable Efficiency at Primary Rating Point | 69% |
| Minimum Sphere Passing Size | 3 inches |
| Minimum Net Positive Suction Head Available (NPSHA) throughout Operating Range | 33.7 ft |

c. Motor parameters (these apply in lieu of Section 11307-2.04-C):

| Item No. | Motor Parameter | RP-4211 [4212] |
|----------|--|------------------------------|
| 1 | Maximum Allowable Motor Horsepower | 20 HP |
| 2 | Motor Selection Type Special Applications | Submersible Inverter duty |
| 3 | Motor Speed (Nominal) | 1800 rpm |
| 4 | Minimum Allowable Motor Efficiency at Full Speed | 87.5% |
| 5 | NEMA Design | B |
| 6 | Duty | Continuous |
| 7 | Insulation | Class H |
| 8 | Insulation, Temperature Rise | Class B |
| 9 | Voltage, Phase, and Hertz | 460 V, 3 Phase, 60 Hz |
| 10 | Service Factor | 1.0 |
| 11 | Motor Enclosure | Submersible |
| 12 | Protection | MWTS Seal Leak Sensor |
| 13 | Allowable Starts per Hour (minimum) | 10, evenly spaced |

d. Pumps shall be provided with all accessories listed in Section 11307, Article 2.03.

2. Provide new discharge piping as necessary to transition from the new discharge bends to the existing 6" discharge piping located inside the wet well. Provide new coatings for all new and existing piping inside the wet well in accordance with Specification Section 09900.



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

179 Mikron Road, Bethlehem, PA 18020

April 9, 2026

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

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-012
Inland Bays Tertiary Treatment Tank

Dear Mr. Clark:

Pursuant to GHD’s RFP-IB-012-GC Package 2, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for converting the plant’s existing Chlorine Contact Tank into Tertiary Treatment Tank in addition to modifying the plant’s existing Recycle Pump Station as identified in the RFP, for the Lump Sum Price of Two Million Nine Hundred Seventy One Thousand One Hundred Twenty Dollars and 00 Cents.....\$2,971,120.00.

This proposal is based on all information identified in GHD’s RFP IB-012-GC: Preliminary GHD Draft Tertiary Treatment Tank Drawings Dated February 2026 S2011, S2012, S2031, S2032, S2032(2), M2011, M2012, S2013, M2031, M2032, Utility Plan C02.01 Last Rev. September 9, 2013, Recycle Pump Station Drawing Last Rev. September 9, 2013, Glasco UV Proposal Dated November 25, 2025, Nexom Disc Filter Shop Drawings Dated November 5, 2025, Sydnor Hydro Submittal dated March 6, 2026 and as further clarified in the “Scope of Work” and “Listing of Qualifications/Exclusions” below.

Tertiary Treatment Scope of Work:

1. 6 MGD Electric Pump Bypass from the Effluent Chambers of the plants in service Secondary Clarifiers to the Effluent Chamber of the plants modified Irrigation Pump Station No. 1 for the entire duration of the work to convert the CCT to proposed TTT.
2. Perform all concrete and mechanical demolition as outlined in the furnished drawings.
3. Perform all cast-in place concrete work outlined in furnished drawings, per SCRWF Div 3 Specifications and in accordance with applicable Standard Structural Details.
4. Furnish and install aluminum stairs, guardrail, grating and framing as shown in furnished drawings, in accordance with the SCRWF Div 5 Specifications and in accordance with applicable Standard Structural Details.
5. Installation, testing, and startup of Sussex furnished Nexom Disc Filters in accordance with furnished drawings, scope outline in the RFP and as further outlined in the provided Nexom GA Submittal information.

6. Installation, testing, and startup of Sussex furnished GLASCO UV Disinfection Equipment in accordance with furnished drawings, scope outline in the RFP and as further outlined in the provided GLASCO Submittal information.
7. Installation, testing, and startup of Sussex furnished Sydnor Hydro Intermediate Vertical Turbine Pumps in accordance with furnished drawings, scope outline in the RFP and as further outlined in the provided Sydnor Hydro Submittal information.
8. Furnish and installation of piping, fittings, valves and supports as outlined in furnished drawings, in accordance with the SCRWF Div 15 Specifications and per applicable Standard Mechanical Details.
9. Furnish and installation of insulation on all piping above frost depth in accordance with Specification Section 15260 to include intermediate pump discharge piping, filter waste piping, and any sump pump discharge piping that can hold stationary water.
10. Furnish and installation of One Type B weir in accordance with Specification Section 11287, SCRWF Drawing M9001, per dimensional details provided in the RFP and as further outlined in the furnished drawings.
11. Furnish, installation and startup of sump pump per Specification Section 11316 including PVC discharge piping as outlined in the furnished drawings.
12. Furnish, Installation, testing, and startup of Six each electrically actuated stainless steel slide gates in accordance with Specification Section 11291, details provided in the RFP and per the furnished drawings.

Recycle Pump Station Scope of Work

1. Furnish, installation, testing, and startup of Two new submersible pumps in general accordance with Specification Sections 11300 & 11307, as varied by details provided in the RFP and in accordance with the furnished drawings.
2. Furnish and installation of new discharge piping to existing 6" 90 bend located inside the wet well including finish painting of the piping in accordance with Specification 09900.

SCRWF Headworks Replacement Screen Discharge Conveyor

1. Furnish, installation, testing, and startup of new in-kind Headworks Screen Discharge 3 HP Shaftless Screw Conveyor w/heat trace freeze protection to include removal and disposal of existing conveyor.

Listing of Qualifications/Exclusions:

- Temporary Electrical Service for the bypass pumps required for construction of the Tertiary Treatment Tank is assumed to be by Electrical Prime Contractor and is specifically excluded.
- Electrical consumption costs for the bypass pumps is assumed to be by Sussex Co. and is specifically excluded.
- Work for replacing the Recycle Pumps and Associated Piping is anticipated to take no more than 3 days and is assumed to be performed during a plant shutdown. Bypass pumping for this work is specifically excluded per discussions with Sussex Co. and GHD.

April 9, 2026
Mr. Steven Clark, PE
Page Three

Listing of Qualifications/Exclusions (cont.):

- Ductile Iron Piping which is to receive heat trace and insulation will be furnished with factory primer, assembled with 304 SS connection hardware and is assumed that no finish painting of the pipe is required prior to insulation. Finish painting of this piping is specifically excluded.
- Heat Tracing of any piping identified in the RFP to receive insulation is assumed to be by the Electrical Prime Contractor and is specifically excluded.
- Electrical and controls for all equipment identified in the RFP is assumed to be by the Electrical Prime Contractor and is specifically excluded.
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

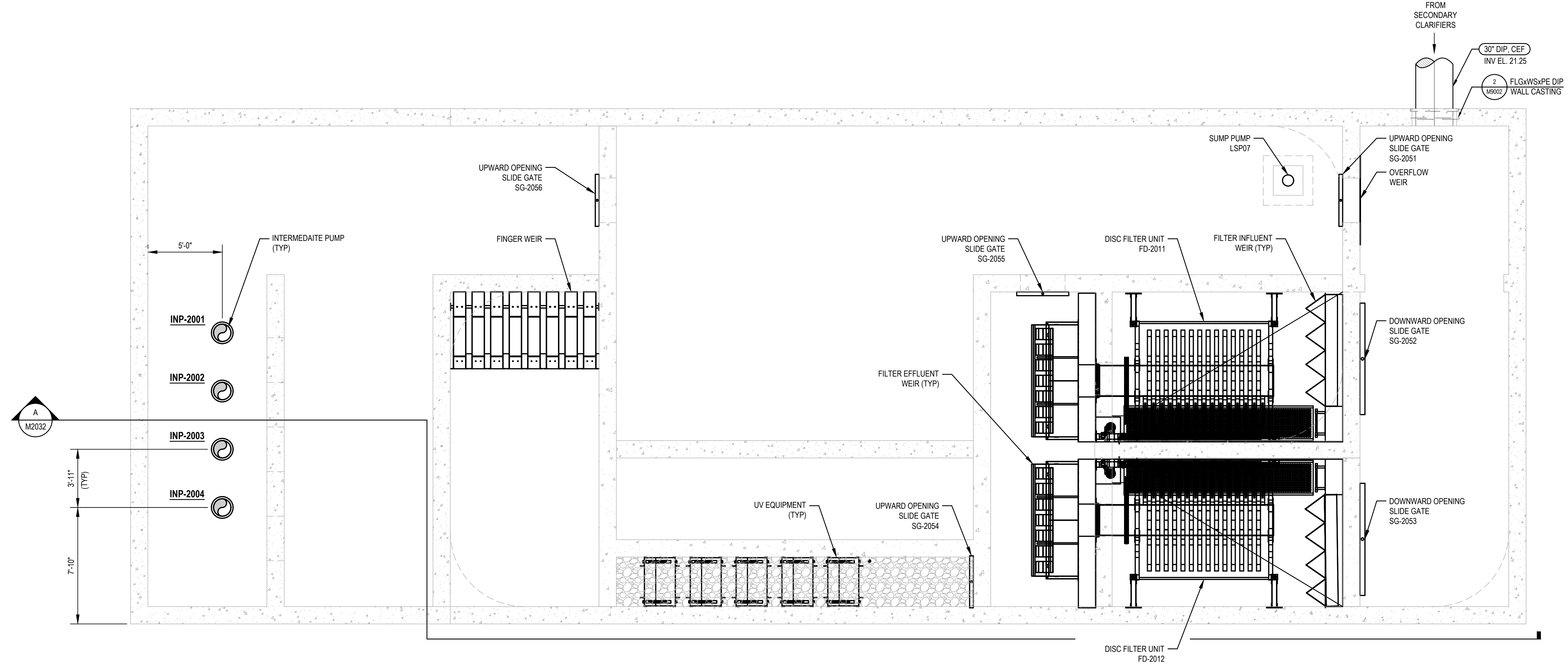
Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca

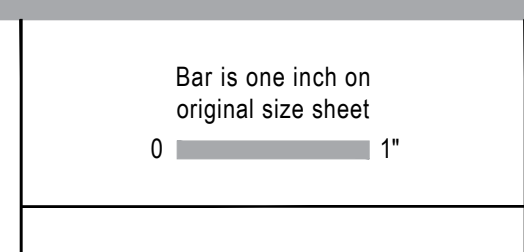


1 TERTIARY TREATMENT TANK - LOWER PLAN
SCALE: 1/4" = 1'-0"

PRELIMINARY

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**



GHD
GHD Inc.
16701 Melford Boulevard, Suite 221
Bowie MD 20715 USA
T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com



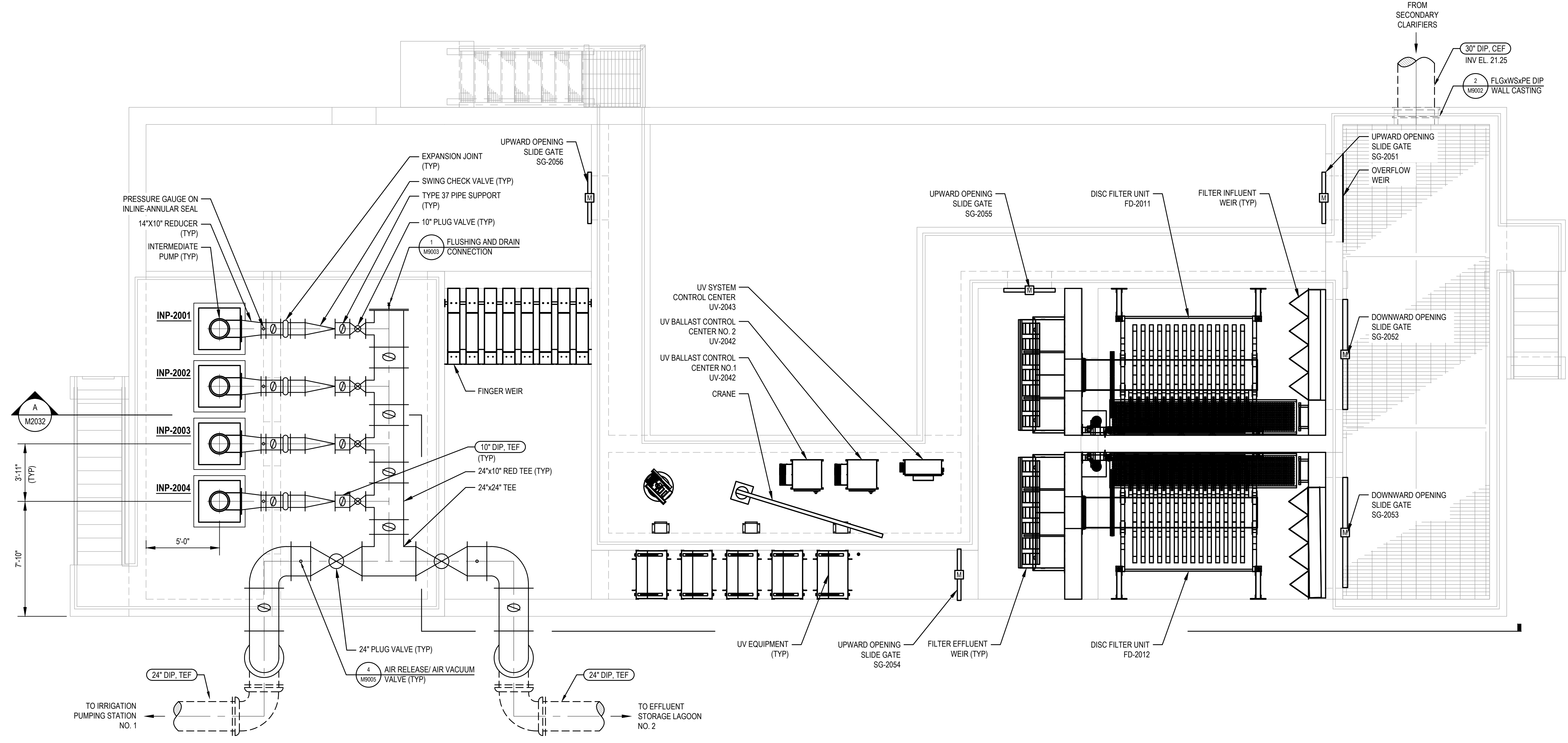
Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION**

Title **TERTIARY TREATMENT TANK
LOWER PLAN**

| No. | Issue | Checked | Approved | Date |
|----------|--------------------|------------------|----------------------|------|
| Author | Z. SOSA | Drafting Check | J. KILLION | |
| Designer | T. BIAGIOLI | Design Check | H. ZIEGLER | |
| | | Project Manager | S. CLARK | |
| | | Project Director | J. STURDEVANT | |

Project No. **12645844** Date **02/2026** Scale **AS NOTED**

Sheet No. **M2012** Sheet of

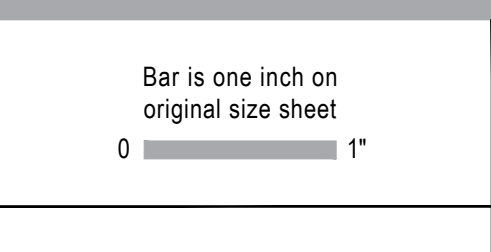


1 TERTIARY TREATMENT TANK - UPPER PLAN
SCALE: 1/4" = 1'-0"

PRELIMINARY

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
MILLSBORO, DE 19966**



GHD
GHD Inc.
16701 Melford Boulevard, Suite 221
Bowie MD 20715 USA
T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com
www.ghd.com

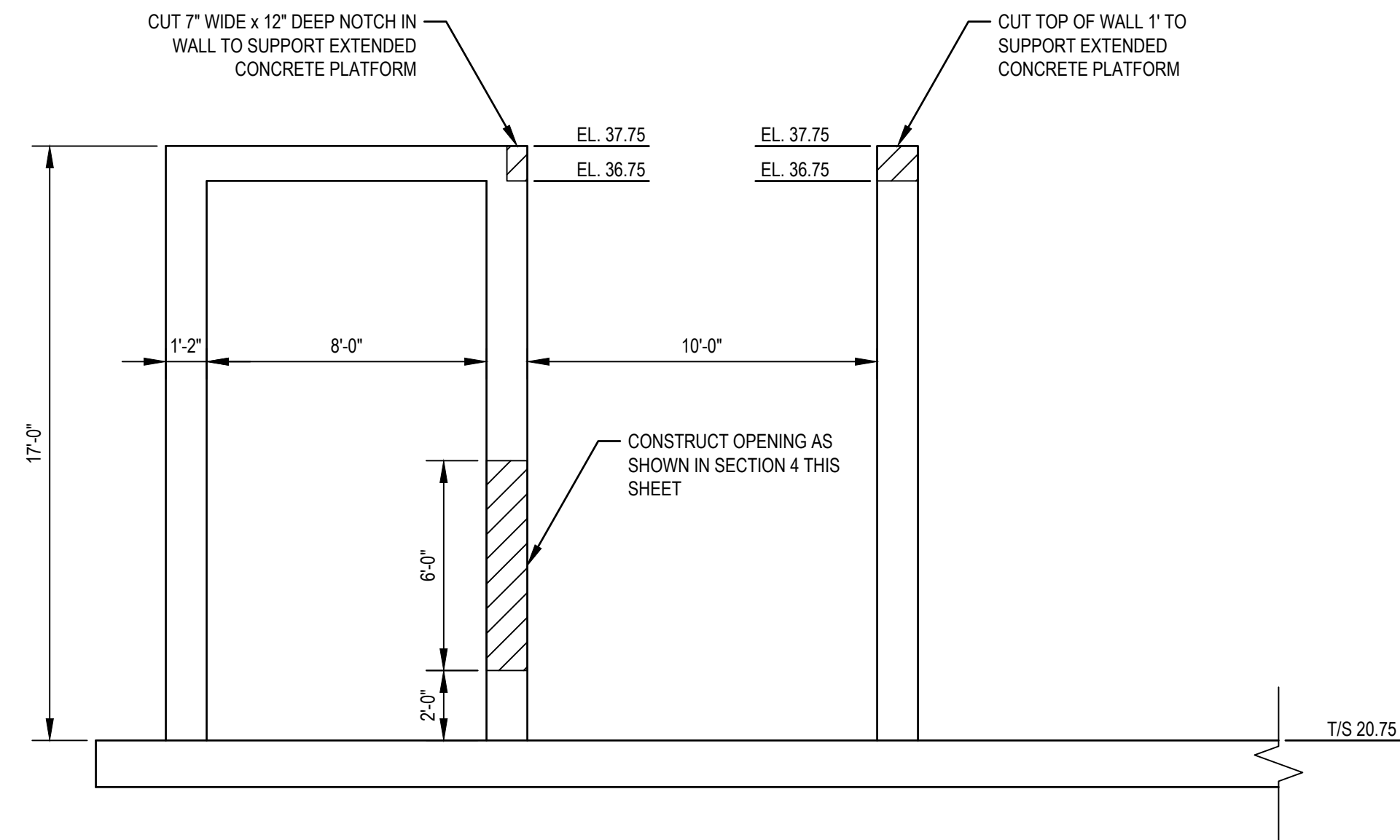
Client **SUSSEX COUNTY, DELAWARE**
Project **INLAND BAYS REGIONAL
WASTEWATER FACILITY EXPANSION**

Title **TERTIARY TREATMENT TANK**
UPPER PLAN

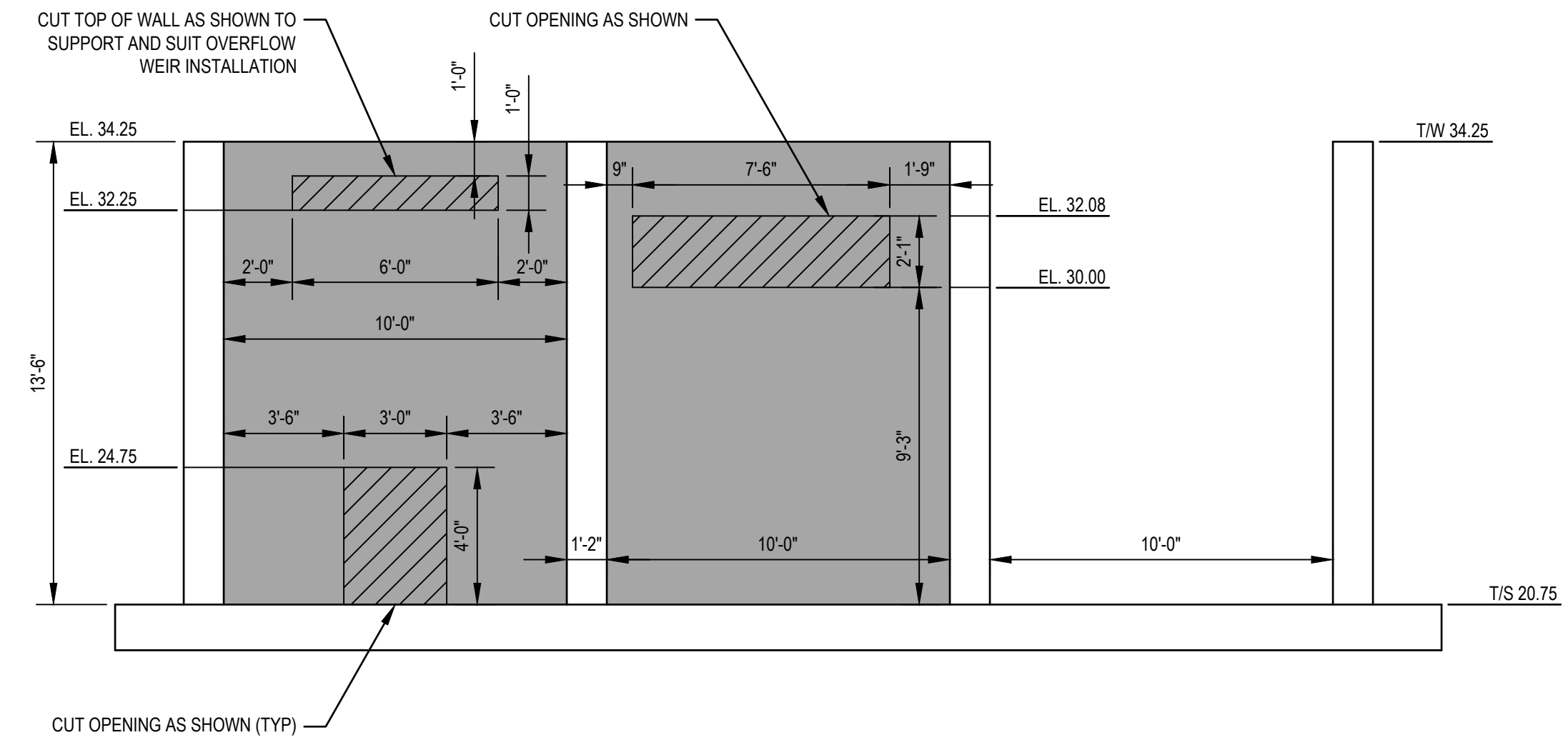
| No. | Issue | Checked | Approved | Date | |
|----------|--------------------|----------------|-------------------|------------------|----------------------|
| Author | Z. SOSA | Drafting Check | J. KILLION | Project Manager | S. CLARK |
| Designer | T. BIAGIOLI | Design Check | H. ZIEGLER | Project Director | J. STURDEVANT |

Project No. **12645844** Date **02/2026** Scale **AS NOTED**

Sheet No. **M2013** Sheet of



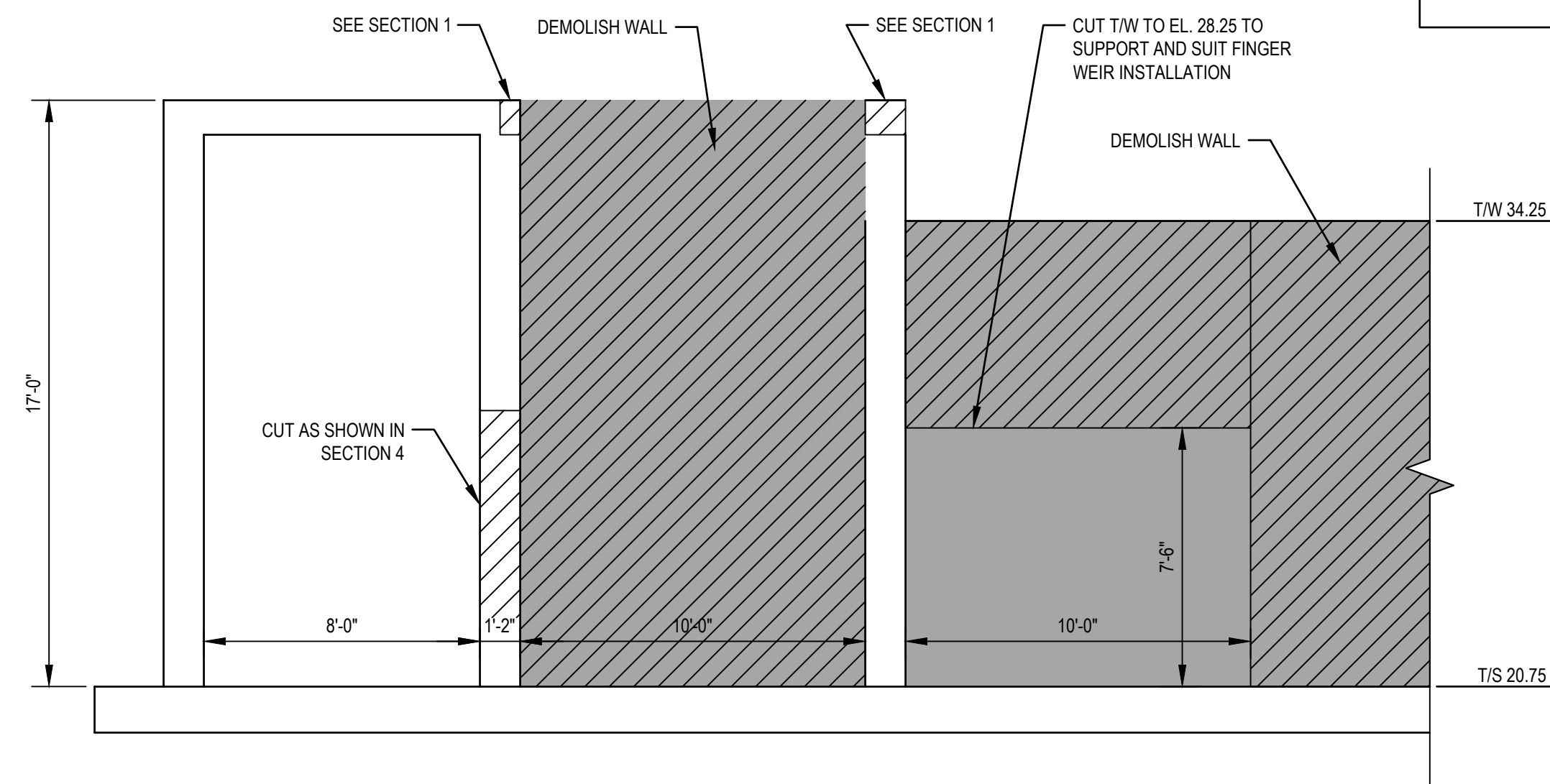
1 TERTIARY TREATMENT TANK - DEMOLITION SECTION
 M2031 SCALE: 1/4" = 1'-0"



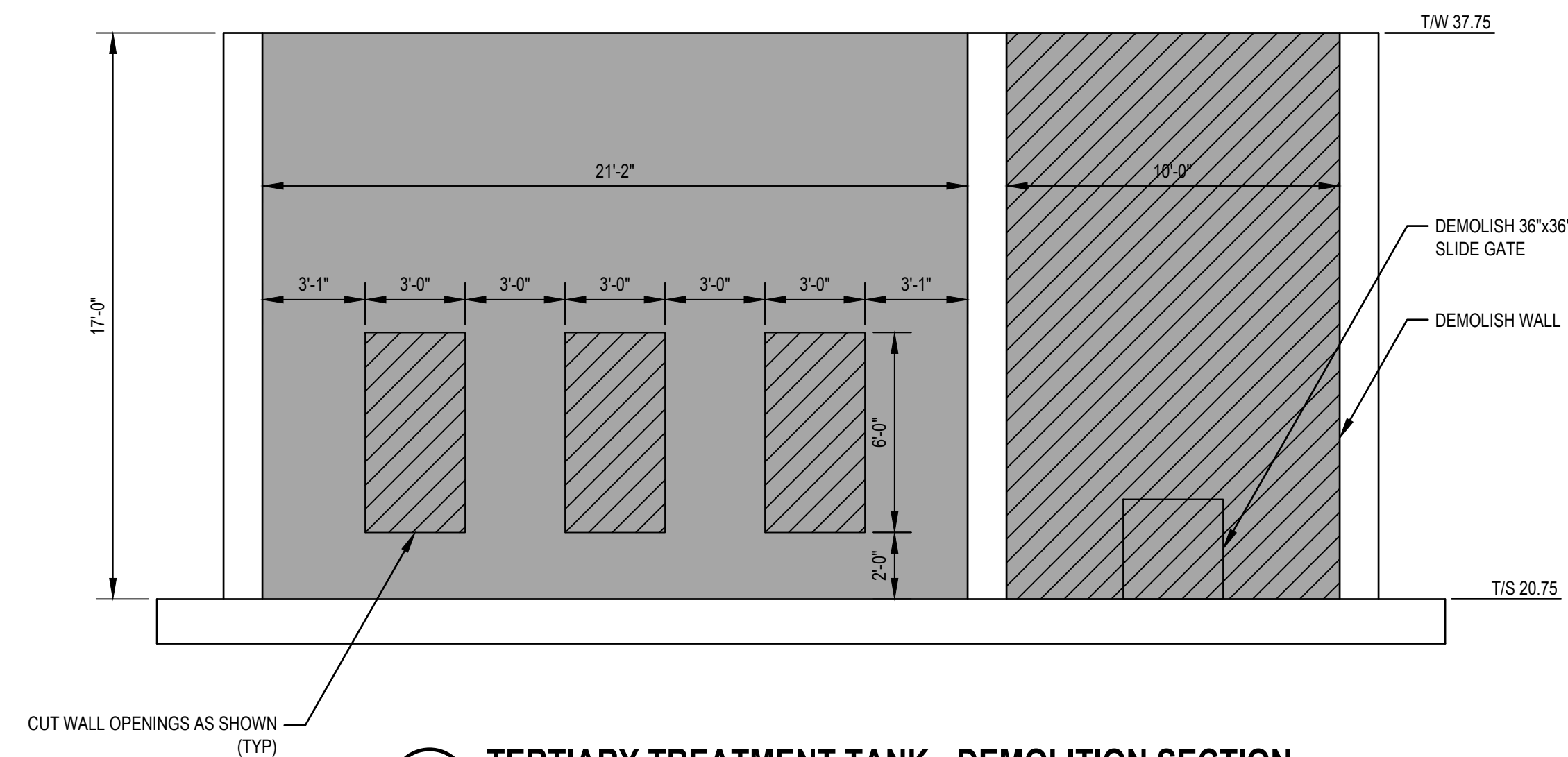
2 TERTIARY TREATMENT TANK - DEMOLITION SECTION
 M2031 SCALE: 1/4" = 1'-0"

NOTE:

- ALL DIMENSIONS TO EXISTING CONSTRUCTION ARE +/- WHETHER INDICATED OR NOT. CONTRACTOR SHALL FIELD-VERIFY ALL DIMENSIONS AND FIELD CONDITIONS PRIOR TO STARTING WORK.
- ALL CUT CONCRETE SURFACES SHALL BE COATED WITH 2 COATS OF AN ANTI-CORROSIVE COATING SUCH AS SIKA FERROGARD 903.



3 TERTIARY TREATMENT TANK - DEMOLITION SECTION
 M2031 SCALE: 1/4" = 1'-0"

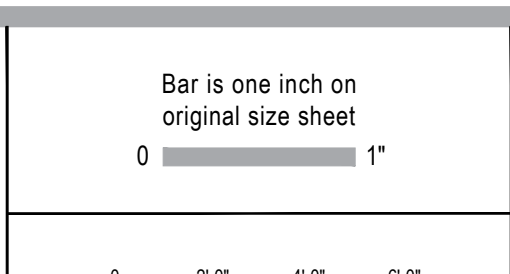


4 TERTIARY TREATMENT TANK - DEMOLITION SECTION
 M2031 SCALE: 1/4" = 1'-0"

PRELIMINARY

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
 MILLSBORO, DE 19966**



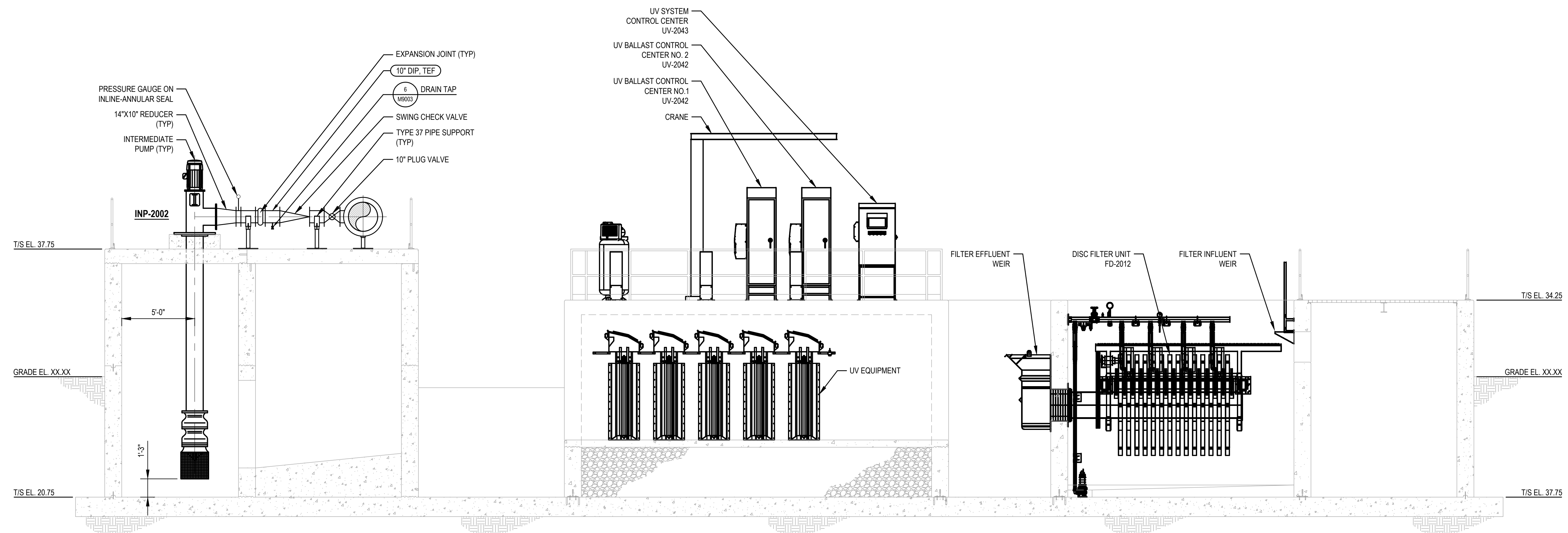
Client **SUSSEX COUNTY, DELAWARE**
 Project **INLAND BAYS REGIONAL WASTEWATER FACILITY EXPANSION**

Title **TERTIARY TREATMENT TANK SECTION DEMOLITION**
 Size **ANSI D**

| No. | Issue | Checked | Approved | Date |
|----------|-------------|------------------|---------------|------|
| Author | C. CACERES | Drafting Check | J. KILLION | |
| Designer | T. BIAGIOLI | Design Check | H. ZIEGLER | |
| | | Project Manager | S. CLARK | |
| | | Project Director | J. STURDEVANT | |

Project No. **12645844** Date **02/2026** Scale **AS NOTED**

Sheet No. **M2031** Sheet of

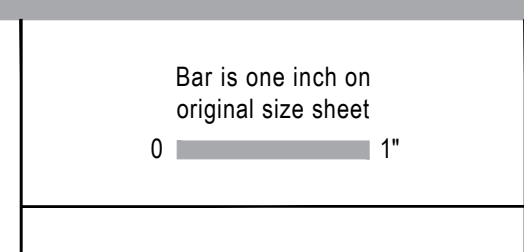


A TERTIARY TREATMENT TANK - SECTION
 M2012/2013 SCALE: 1/4" = 1'-0"

PRELIMINARY

DRAFT

SITE ADDRESS:
**29445 INLAND BAY ROAD
 MILLSBORO, DE 19966**



GHD Inc.
 16701 Melford Boulevard, Suite 221
 Bowie MD 20715 USA
 T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com



Client **SUSSEX COUNTY, DELAWARE**
 Project **INLAND BAYS REGIONAL
 WASTEWATER FACILITY EXPANSION**

Title **TERTIARY TREATMENT TANK
 SECTION**

| No. | Issue | Checked | Approved | Date | |
|----------|--------------------|----------------|-------------------|------------------|----------------------|
| Author | Z. SOSA | Drafting Check | J. KILLION | Project Manager | S. CLARK |
| Designer | T. BIAGIOLI | Design Check | H. ZIEGLER | Project Director | J. STURDEVANT |

Project No. **12645844** Date **02/2026** Scale **AS NOTED**

Sheet No. **M2032** Sheet of



March 9, 2026

GHD, Inc.
16701 Melford Boulevard
Bowie, MD 20715

Attn: Vince Casella

**BID RE: Inland Bay WRF – Storage Lagoon. Millsboro, DE.
25-094.7**

This EMAIL will confirm our telephone conversation concerning the quotation of the floating cover. The enclosed price is based on current material costs and can be held for 30 days.

**Due to the instability of the petroleum prices which is impacting all material pricing (Liner, Geotextile, GeoGrids, and processing costs) the manufacturers have advised us of immediate price increases and future price increases and availability delays are expected. Stainless steel pricing is now also being impacted. Pricing will continue to be held for 30 days; however, we reserve the right to re-price any project beyond 30 days.*

Floating Cover

- | | |
|--|------------------|
| ▪ 40 mil LLDPE OR 40 mil HDPE | Up to 483,000 SF |
| ▪ Gas Vents | 28 Each |
| ▪ Hatches w/Floats | 3 Each |
| ▪ Pumps & Canisters | 4 Each |
| ▪ Discharge Hose | 400 Linear Feet |
| ▪ Electrical Wire to Power Sources | 350 Linear Feet |
| ▪ Electrical Connectors | 4 Sets |
| ▪ Drainway Weight Tubes: 6" Diameter x 5' Long | 268 Each |
| ▪ Wear Pads Under Cover | 2 Each |
| ▪ Destructive Testing | 42 Each |

Mobilization(s) up to: 1

INSTALLATION

1. JH WATER SYSTEMS, INC. will provide:

- complete installation of the floating cover utilizing non-union labor.
- all seaming and pipe penetration
- permanent anchoring of floating cover
- all tools and miscellaneous materials necessary for seaming cover in place
- dig and backfill anchor trench at roadside
- machine and operator to unload and assist in deployment of panels
- Repair work on cover at Light Post
- Repair road with stone after cover installation



2. Supplied by Your Company or others:

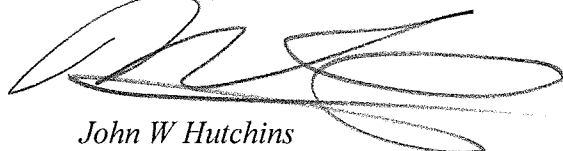
- **provide dewatering of lagoon and cleaning prior to cover installation**
- **all pipe work, if any, prior to beginning of floating cover work**
- **site must comply with OSHA regulation**
- **Supply & Install Electrical hook-ups for the Pumps**
- **Disinfection of Basin after cover installation, if required.**

| ITEM | CONTRACT TOTAL | Less 2% Discount (see below 'Payment Terms') | TOTAL COST w/ Payment in 10 Days |
|-----------------------|-----------------------|---|---|
| Floating Cover | \$ 613,769.00 | -\$ 12,275.38 | \$ 601,493.62 |

- *Material, Ancillary Equipment, Delivery, and Installation.*
- *The price is Lump Sum regardless of the quantity of material delivered and/or installed up to SEE ABOVE.*
- *All excess material is the property of J H Waters, Inc. If installed area varies from quoted or changes in construction, J H Waters, Inc. reserves the right to bill the customer on a per square foot basis for the error area.*
- *J H Waters, Inc. reserves the right to pass along any verifiable resin, manufacturers, and or fabricator increases, up to the time of material shipment.*
- *Due to the exceptional volatility of the raw material market, J H Waters, Inc. reserves the right to modify its offer without any prior notice to reflect any surcharge applied by the resin supplier or manufacturer.*
- *Price is based on laborers being Non-Union.*
- *No Prevailing Wage rate is used on this project's pricing.*

PAYMENT TERMS: 2% Discount 10 Days, Net 30 - NO RETAINAGE - with interest at the maximum rate provided by law per month on unpaid balance from date of invoice plus any collection and/or any attorney or legal fees accrued to collect the unpaid balance.

Sincerely,
J H Waters, Inc.



John W Hutchins
Secretary/Treasurer

GHD, Inc.

Authorized Signature



P.O. Box 247 | 196 Old Point Avenue | Madison, Maine 04950
 Phone (207) 696-3964 | Fax (207) 696-0815 | Email troy@rtdenterrprises.com

Texas Division: 1316 E. 3rd Street | Big Spring, Texas 79720
 Troy Emery 207-431-4672

February 24, 2026

GHD

ATTN: Vince Casella

RE: Inland Bays Lagoon 1 Liner and Floating Cover – Millsboro, DE

Proposal

We will furnish and install the following:

| BID TABLE-FURNISH AND INSTALL | | | | | |
|-------------------------------|---|----------|------|-------------|----------------------|
| ITEM | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | TOTAL |
| 1 | 40mil HDPE Floating Cover (Includes fabricated cover panels, sump weights, sump floats, two walkways with floats, two hatches, air vents, and two 5HP sump pumps with cable and discharge hose) | 1 | EA. | LS | \$ 518,137.00 |
| 2 | Anchor Trech (Excavate and Backfill) | 1 | EA. | LS | \$ 81,677.00 |
| 3 | Mobilization/Demobilization | 1 | EA. | \$ 7,500.00 | \$ 7,500.00 |
| TOTAL | | | | | \$ 617,314.00 |

- The price includes one mobilization.
- Taxes are not included in the above item(s).
- R.T.D. Enterprises’ standard insurance applies.
- R.T.D. Enterprises is a non-union contractor.
- Performance and Payment Bond is included.
- Prevailing Wages are not included in the above pricing.

CONDITIONS

You will furnish, at no cost to us, the following:

1. Dewatering and cleaning of the existing liner.
2. Area to be lined to be free of all sharp stones and other foreign materials.
3. If we are held up, due to no fault of our own, you will be charged a rate of \$ 550.00 per hour standby time.
4. Free access to work area for RTD’s equipment.
5. Any and all 3rd party testing required.
6. Electrical hook up for the sump pump.
7. Extra mobilizations/demobilizations will be at \$ 7,500.00 ea.
8. RTD will be digging the Anchor on the inside of the light poles on the North side if the lagoon to keep away from existing Electrical Utility.
9. It is the owner’s responsibility to mark all utilities on site ahead of RTD’s arrival.



P.O. Box 247 | 196 Old Point Avenue | Madison, Maine 04950
Phone (207) 696-3964 | Fax (207) 696-0815 | Email troy@rtdenterprises.com

Texas Division: 1316 E. 3rd Street | Big Spring, Texas 79720
Troy Emery 207-431-4672

TERMS

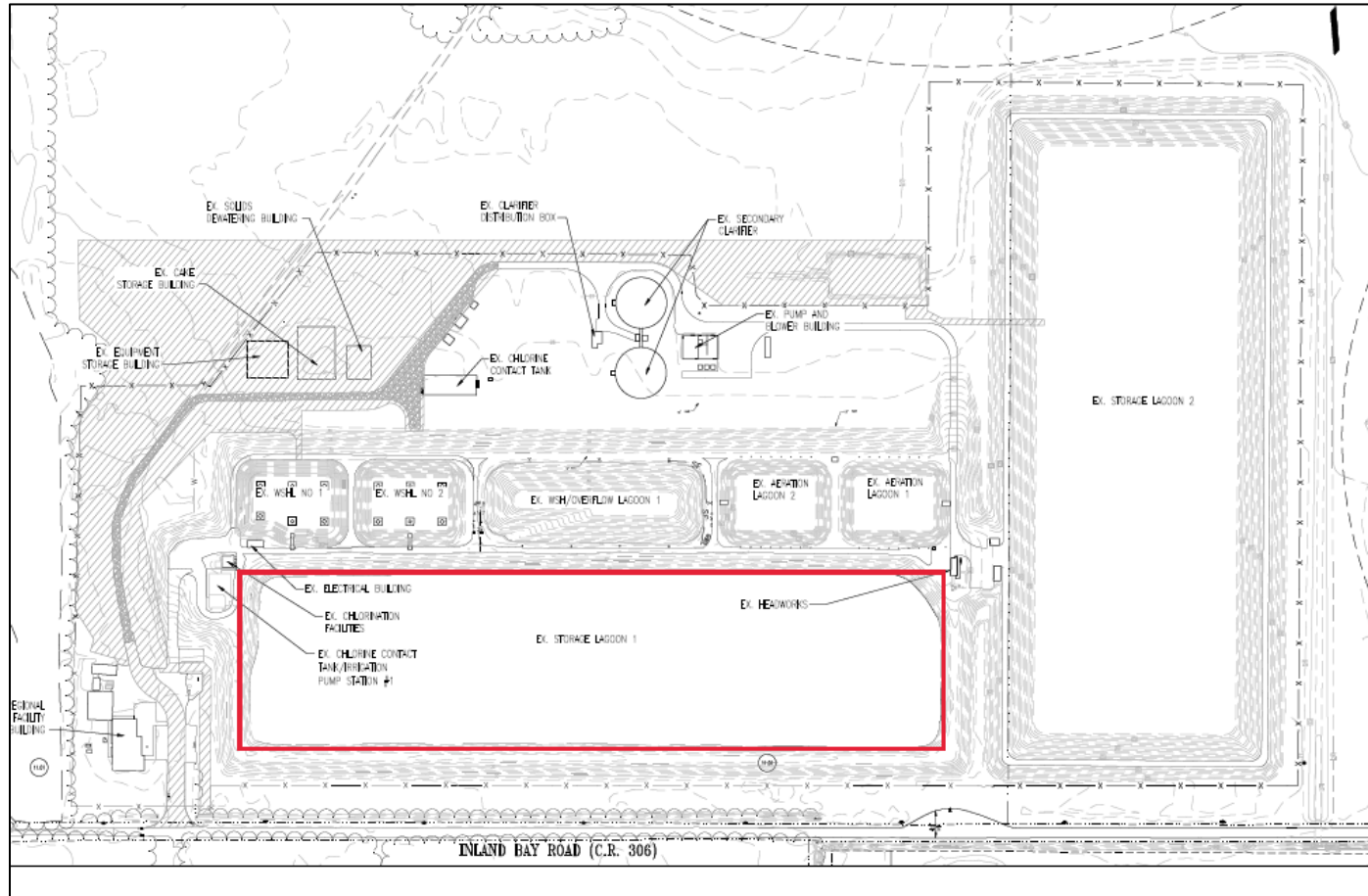
The prices contained in the proposal are contingent upon our being able to place the order by **03/24/2026** and shipment within 30 days.

Sincerely,
R.T.D. ENTERPRISES

Garrett Emery

Garrett Emery
President

Lagoon 1 Cover Evaluations



Lagoon area:

344 ft x 1,220 feet = ~ 420,000 sqft

Lagoon Bottom Elevation: 24 feet

Top of Berm Elevation: 43 feet

Path around berm: 10 feet width

Cover Options – Modular “Design Sump”



Impermeable cover

Precipitation won't pass through, requires sump pump(s)

Will require anchorage at perimeter

Walkable

Reinforced vs Non-Reinforced Materials



Non-Reinforced HDPE



Non-Reinforced LLDPE (Low-Linear)

- LLDPE has smaller branches, making it more flexible and providing a higher elongation at break
- HDPE has fewer small branches, making it more rigid and providing higher tensile strength
- HDPE demonstrates superior aging resistance from UV rays

Proposals Received - Covers

| Style | Product Name/ Vendor | Cost | Notes |
|---------------------|---|---------------|---|
| Modular Design Sump | EL 6040 (45 mil LLDPE) Layfield Group | \$ 825,500.00 | 1-year/30-year warranty Excludes Anchor trench |
| Modular Design Sump | 40 mil HDPE (MFR: Agru) RTD Enterprises | \$ 617,314.00 | Fully turnkey 1-year/20-year warranty |
| Modular Design Sump | 40 mil LLDPE or HDPE (MFR: Agru) JH Waters | \$ 613,769.00 | Fully Turnkey 1-year/20-year warranty |

NOTES:

Layfield

- Declined to offer HDPE system
- 1 sump. Unclear of pump offerings

RTD

- Noted little difference in HDPE vs LLDPE materials
- 2 sumps with accompanying 5 HP pumps
- Pumps would be floating and work automatically

JH Waters

- Prefer LLDPE system but offered HDPE as well
- 4 sumps with pumps. Small HP ~ 0.8-1.25
- Pumps would be sunk and manually operated



- RTD Enterprises noted that cutting and peeling back the liner, trenching, and placing both liners within the trench appeared to be the optimal installation practice. There would be a loss of containment area of approximately 1 vertical foot in these areas
- JH Waters was less clear on their approach and appeared to be considering installation of the trench beyond the lighting with individual boots for waterproofing.
- Utilities to be located by County prior to start of construction.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 1, 2026

RE: County Council Report for C/Z 2052 filed on behalf of Marlin Cove, LLC

The Planning and Zoning Department received an application (C/Z 2052 filed on behalf of Marlin Cove, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to an MR-RPC Medium Density Residential District – Residential Planned Community (210 units) at Tax Parcels 533-19.00-7.00, 8.01 & 9.00. The property is located on the west side of New Road (SCR 391), approximately 80 feet north of Lighthouse Road (SCR 391). The parcel size is 60.84 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 18 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on October 21, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration. Below is a link to the minutes of the October 21, 2025 County Council meeting.

[Link to the Minutes of the October 21, 2025 County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 1, 2025



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

Minutes of the September 17, 2025, Planning & Zoning Commission Meeting

C/Z 2052 Marlin Cove, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS. The properties are lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Rt. 54). 911 Address: N/A. Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the State's PLUS comments, the DelDOT Service Level Evaluation Response, the Applicant's Exhibit Booklet, which included the Applicant's Chapter 99-9C Response, the Environmental Assessment, the Drainage Assessment Report, the DelDOT Traffic Operational Analysis, the proposed Homeowners Association Covenants, the Forest Assessment Report, the Staff Analysis, the Resource Management Plan, the local School District Notification letter, and Technical Advisory Committee comments, including written responses received from the Sussex County Engineering Department, Utility Planning Division. Mr. Whitehouse advised the Commission that no comments were received on behalf of the application.

The Commission found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A. on behalf of the Applicant Marlin Cove, LLC; that also present was Mr. Russ Garufi, Mr. Fabian Rodriguez, both Principals of Marlin Cove, LLC, along with Mr. Richard Polk and Mr. Eric Jones, Professional Engineers with Vista Design, Inc., and Mr. Edward Launary, Professional Wetland Scientist with Environmental Resources, Inc. Mr. Willard stated that the application proposed a Change of Zone, for an MR-RPC (Medium Density Residential - Residential Planned Community), that an RPC is a residential planned community that allows flexibility to design different lot sizes, and different housing types, subject to having the underlying zoning; that the current application requests that the underlying zoning be changed from AR-1 (Agricultural Residential) to MR (Medium Density Residential), increasing the permitted density from two units per acre to four units per acre; that the application proposes a change of zone from AR-1 to MR-RPC for 210 residential lots, including 106 single-family detached lots, and 104 semi-detached duplex lots on land comprised of 6.84 acres; that the proposed RPC use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location, by utilizing MR Zoning in a Coastal Area, surrounded by similar density; that the project will not adversely affect neighboring properties, area roadways, or community facilities; that the proposed MR-RPC is consistent with the County's Comprehensive Plan; that the site is located within the Coastal Area according to the plan, which is designated as a growth area, where a range of housing types should be permitted, including single-family and multi-family units; that MR zoning may be appropriate in the Coastal Area; that the Comprehensive Plan is important as it is an overview of how the Commission must decide on applications; that the surrounding area is also located within the Coastal Area, where MR (Medium Density Residential) zoning is appropriate; that the purpose of the MR Zoning is to provide Medium Density Residential developments in area that are expected to become urban or town-like, and where central sewer and water are available, when near sufficient commercial uses and employment centers, when keeping in character of the area, when located along a main road, or near a major intersection, and where there are adequate levels of services;

that the proposed MR-RPC is located near the major intersection of Rt. 54 and Rt. 20; that the site frontage is located along New Road, only 100 feet from the intersection of Rt. 54 and 1,300 feet from Rt. 22; that the application consists of three parcels, located within the Coastal Area, and along New Road; that two of the parcels are owned by Marlin Cove, LLC, and the other parcel is owned by Atlantic Associates; that all three parcels are owned by Mr. Garufi and Mr. Rodriguez; that Mr. Garufi resides on a property along New Road; that the site is located .5 mile east of Williamsville, 100 feet north of Lighthouse Road, and 1,300 feet from Zion Road; that the proposed MR-RPC is surrounded by similarly zoned MR residential communities, being Bay Knolls and the Melson Property, which were approved for MR rezoning, by the Planning Commission in 2021; that RPC's must be a minimum of 40 acres in size; that to the north of the site is the Fox Haven community, with units of 10,000 square feet, which is zoned GR (General Residential), which allows for the same density as MR; that Bay Knolls has a density of 3.87, and the Melson Property has a density of 3.67; that the application proposes a density of 3.45; that there were some HR (High Density Residential) properties and commercial properties located closer to Fenwick; that the proposed RPC is located in close proximity to the intersection of Rt. 20 and Rt 54, where a commercial center had been established; that the surrounding area has higher residential density and is served by various commercial businesses; that there are an array of businesses that serve the whole area, which is the purpose of MR zoning having a higher density; that businesses within the area consist of Breasure's Pest Control, Breasure's Carpet Cleaning, Brandywine Fenwick Island by Monarch, Nemours Children's Health, Beebe Health, McDonald's, CVS, the medical center for Jessica Hammonds FN-MSN, Harris Teeter, Shell, Bayside Wine & Spirit, Hometown Creamery, Maximum Hair, PNC Bank, Lucia's Pizza, Capstone Homes, Villas Hair Studio, Royal Farms, Vogue Salon, Lunas Cactus Café, and Coco's Massage Place; that there were multiple documents submitted into the record, including the Environmental Assessment, the conformance with Chapter 99-9C, the conformance with the Comprehensive Plan, the Drainage Assessment Report, the Resource Buffer Management Plan, the Forest Assessment, and the County's Staff Analysis; that multiple maps were submitted along with PLUS comments, and the engineer's responses to the PLUS comments; that there is a eight inch sewer manhole located just north of Zion Road; that there is a water main, and a gas main that runs down New Road; that there is underground electric; that there is a sewer manhole located by the Lighthouse intersection; that central sewer is available to the site; that Parcel No. 9 is required to be annexed into the area, however it is surrounded by a sewer zone area; that all central utilities are available; that submitted into the record was an intensive Forest Assessment Report, which indicates the diameter of all trees over a certain site; that in the forest buffer, they are reflected in there for the purposes of making sure they are preserved; that within the report, it indicates that the area had probably been forested since 1981; that the report indicates that the site consists of approximately 47% of unsalvageable forest; that the application intends to preserve most of the forest and the border, as that is where the majority of the mature trees are located; that currently Sussex County does not have a Forest Code, so the Applicant utilized New Castle County's Forest Code to create a basis; that there will be a 50 foot setback from active agricultural uses; that there will be a 30 foot retained forest perimeter buffer, where woodlands exist; that there will be 20 foot perimeter buffer where woodlands exist, which will result in a total of a 50 foot setback; that there will be a 30 foot landscape or perimeter buffer where no woodlands exist around the entire subdivision; that there is one area of Federal wetlands, being the area of Roy Creek, which runs through the property; that the buffer for this area results in approximately 1.2 acres +/-; that there is a 15 foot Zone A, located around the entire border of the wetlands; that additionally there is another 15 foot Zone B, which is also required; that there also is an expanded Zone B buffer, and

an expanded forest retention around the outside reflected in yellow; that these areas result in 40 to 50 feet of buffer, which will be marked and preserved, and in compliance with the Sussex County Buffer laws; that the proposed subdivision was designed to comply with the intension of the Comprehensive Plan for the MR District, when located within the Coastal Area; that the higher density with townhouses and the duplexes are proposed to be placed closer to the intersection, with the single-family homes located further away; that the total density equals to 3.45; that there are two entrances; that the northern entrance accessed the single-family; that the single-family lots consists of a minimum of 7,500 square feet, with ample room for the parking of four cars on each lot, including a driveway and a garage; that there are buffers proposed all around; that the project will not disturb the wetland area, but will rather be buffering the wetland area; that they will be covering the one area, where it will cross over the creek, which remains dry most of the time; that this will be the area of the southern entrance; that there are locations of stormwater with access for maintenance; that the project will improve some of the flow coming from the fields; that the project does provide community open space; that 30% is the requirement; that the application provides for 18.25 acres of open space, resulting in 36.5% of the site; that this includes the forested buffer, the buffer protection area, the landscape buffer, the other resource buffers, and active and passive open space; that the New Road improvements will be widened to DelDOT standards across the frontage of the site; that there will be two 11 foot bike lanes, with five foot shoulders; that there will be a right turn lane at each subdivision; that there will be a shared-use path all along the entire side; that along Rt. 54 there will be two turn lanes and a separate right turn lane; that there will be a right turn from westbound New Road, and a left turn lane from eastbound Rt. 54; that in the area where no forest is located, the project proposes a three-foot buffer with a fence, located on the other side of the bike path; that amenities are to include a community bathhouse, changing rooms, pool desk, pool, bike racks, flagpole, picnic table area, and parking with EV charging equipment; that there will be a sidewalk located on at least one side of every subdivision road; that the site is not located within a Wellhead Protection Area; that submitted into the record was a Willing to Serve Letter from Artesian; that the majority of the site is located within the Sanitary Sewer District; that one parcel is not located within the Sewer District, however communications have already happened between the Applicant and the Engineering Department regarding annexation, as the infrastructure is located nearby, being down New Road; that the MR-RPC is appropriate, as the area is located within a Coastal Area, being a Growth Area of Sussex County; that sewer and water are available; that commercial uses are located nearby; that the higher density has been placed closer to Rt. 54; that the purpose of the MR-RPC is to allow flexibility to achieve the purpose of an RPC, which encourages large-scale development as a means of creating a superior living environment, and to provide design ingenuity, while achieving the goals of the Comprehensive Plan; that Marlin Cove offers alternative housing types, locating home sites together on environmentally suitable portions of the site, located outside of the wetland and mature woodland areas; that the project retains 36% of the total site for open space, preserving contiguous forest, and provides resource buffers along the federally regulated Roy Creek, and adjacent wetlands to promote wildlife corridors to and from the nearby adjacent woodlands, creating non-forested open spaces throughout the community for increased passive and active recreational uses; that the project provides a community recreational building, with areas of community events and gathering along with a bathhouse, community pool, and children's play area; the project establishes multiple wet ponds, stormwater management facilities designed to maintain natural drainage patterns to promote health and protection of area groundwater in accordance with State of Delaware water quality standards; that the project will construct pedestrian sidewalks through the community to promote safe pedestrian

circulation, which will connect to the shared use path along New Road; that the project proposes preserving 30 feet of forest within the perimeter buffer, where woodland currently exist along the site's perimeter; that where woodlands do not currently exist, the project proposes to establish a 20 foot perimeter buffer protection area along the forest, and establishing a landscape berm, and Mr. Willard requested to submit proposed Findings and Conditions for the Commission's consideration.

Mr. Mears questioned if every proposed stormwater management area is considered as part of the open space.

Mr. Willard stated stormwater management areas can be considered under open space requirements; however, it is not encouraged.

Mr. Polk, with Vista Design, stated that the open space computations reflected on the plan did consider the stormwater management areas, the buffer areas, and the areas located between the homes and the lots located within the duplex area as open space.

Mr. Allen stated that he felt the area of New Road and Route 54 would be a good area for a traffic signal; however, he understood that his concern would be regulated by DelDOT.

Mr. Willard stated that as part of the DelDOT Service Level Evaluation Response, DelDOT required an Area Wide Study Fee to be paid in replace of performing a Traffic Impact Study; that the traffic experts, JMT, provided a through report, which was included within the Exhibit Booklet; that the plan is to widen the road, and construct two turn lanes; that this plan, proposed by JMT, is required to be reviewed and approved by DelDOT, and the developer would be required to pay for all the required changes.

Mr. Polk stated that there was a Traffic Operational Assessment performed on the intersections of New Road, Route 54, and Route 20; that neither one of the turning motions versus the background traffic met the threshold or the warrants of DelDOT for a turn signal.

Mr. Garufi stated that he agreed with the presentation and statements made by Mr. Willard on his behalf.

Mr. Robertson stated that if the application were to be approved, in the event a pickleball court is not proposed or shown on the approved Final Site Plan, the Applicant should not come back to request the placement of a pickleball court, as historically it has created a lot of complaints.

Mr. Garufi stated he had previously constructed pickleball courts in other communities and had received a lot of complaints.

The Commission found that there was no one present who wished to speak in support of or in opposition to the a

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 2052 Marlin Cove, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the October 1, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2052 Marlin Cove, LLC for a change in zoning from AR-1 to an MR-RPC based upon the record and for the following reasons:

1. The property is currently zoned AR-1. The Applicant is seeking a change in zone to the MR Medium Density Residential Zoning District with an RPC overlay. The RPC will include both single-family homes and duplex-style townhomes.
2. The proposed MR-RPC is in close proximity to the intersection of Routes 20 and 54, where a commercial center has been established and which serves residents in the vicinity. Like an urban area, this area has a higher residential density and is served by various commercial businesses.
3. The proposed development will have no more than 210 dwellings within its 60.84 acres, consisting of 106 single-family lots and 104 duplex units. The net density is 3.45 units per acre.
4. The MR-RPC is consistent with the development trend of the area that includes a variety of different zoning districts and both single-family homes and townhomes. It is also similar to the densities of nearby communities, including Bay Knolls at 3.87 units per acre, Bayside Phase 6B at 3.35 units per acre, Bayside Melson Property at 3.67 units per acre, and Long Property/H&H Development at 2.89 units per acre.
5. Central water and sewer will be provided to the MR-RPC by a publicly regulated utility.
6. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses as follows:
 - a. The Project offers alternative housing types that are not available within a subdivision design;
 - b. The Project locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;
 - c. The Project retains over 36% of the total site area in open space;
 - d. The Project preserves contiguous forested open space areas and resource buffers along the federally regulated Roy Creek stream channel and adjacent wetlands to promote wildlife corridors to and from nearby and adjacent Woodland areas;
 - e. The Project provides a community recreational building with areas for community events and gatherings, along with a bathhouse to support the adjacent community pool and children's play area;
 - f. The Project preserves Forested and Landscaped Perimeter Buffers along the site's perimeter, including the preservation of existing woodlands with additional buffer protection areas; and
 - g. The Project establishes a landscaped berm and fence along New Road where no woodlands exist.

7. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this MR-RPC is appropriate in this Area according to the Plan. The Plan permits residential development with a mix of housing types within the Coastal Area.
8. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.
9. This recommendation is subject to the following conditions:
 - A. There shall be no more than 210 dwelling units consisting of single-family homes and duplexes.
 - B. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas.
 - C. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of Traffic Operation Analysis Agreement #1945F and the developers' payment of an Area-Wide Study Fee.
 - D. The RPC shall be served by central water and sewer.
 - E. Approximately 22.24 acres or 36.5% of the site shall remain as open space, 6.5% more than the 30% required.
 - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. Interior street design shall meet or exceed Sussex County's Street design requirements. There shall also be sidewalks on at least one side of the streets within the RPC. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
 - H. The development shall be served by amenities including a swimming pool and bathhouse. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.
 - I. The property is crossed by an ephemeral and intermittent drainage channel known as Roy Creek. On the property, Roy Creek is bordered by approximately 1.33 acres of nontidal wetlands subject to the Army Corps of Engineers regulatory program. These wetlands shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
 - J. A 30-foot wide vegetated or forested buffer shall be established along the entire perimeter of the site. In addition, the required 20-foot-wide Perimeter Buffer Protection Area shall be established adjacent to any woodlands with the perimeter buffer. These buffers shall comply with the requirements of Section 99-21A regarding Perimeter Buffers.
 - K. The Applicant shall consult with the local school districts' transportation manager to

- determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.
- L. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - M. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
 - N. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.
 - O. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved. The site frontage along New Road shall have landscaping and be bermed where existing Forest Buffer does not exist.
 - P. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot Grading Plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
 - Q. A revised Preliminary Site Plan, either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - R. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of C/Z 2052 Marlin Cove, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Allen – yea, Mr. Collins – yea, Mr. Passwaters – yea, and Madam Chair Wingate - yea

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Sussex County

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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 6th, 2025
RE: Staff Analysis for C/Z 2052 Marlin Cove, LLC

The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/Z 2052 Marlin Cove, LLC to be reviewed at the September 17th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel IDs: 533-19.00-7.00, 8.01 & 9.00.

Proposal: The request is for a Change of Zone for Tax Parcels: 533-19.00-7.00, 8.01 & 9.00 to allow for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District for a 60.84-acre parcel of land lying on the west side of New Road (S.C.R. 391), approximately 0.01-mile north of the intersection of Lighthouse Road (Route 54) and New Road (S.C.R. 391) in Selbyville, Delaware.

Specifically, in addition to Changing the underlying Zoning District of the Parcels, the Application establishes a Residential Planned Community (RPC) overlay. The Residential Planned Community (RPC) will consist of 106 single-family detached cluster lots as a cluster subdivision and 104 duplex lots for a total of 210 dwelling units.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels immediately adjacent to the subject property to the north, south and west are also zoned Agricultural Residential (AR-1) District.

There is a single Parcel (TMP: 533-19.00-50.01) to the south on the opposite side of Lighthouse Road (Route 54) that is zoned Neighborhood Business (B-1) District, with the Parcels surrounding that Parcel being zoned Medium Density Residential, Residential Planned Community (MR-RPC) District and part of the Americana Bayside Residential Planned Community (RPC) – Melson Property (PB 255, PG 79) and on the opposite side of Sand Cove Road, the Bay Knolls development.



There are five (5) strip lots to the east of the subject Property on the opposite side of New Road (S.C.R. 391) which are also zoned Agricultural Residential (AR-1) District. There is a large area of Parcels on the northeast side of these strip lots which comprise the Fenwick West Subdivision.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a Growth Area designation of “Coastal Area.”

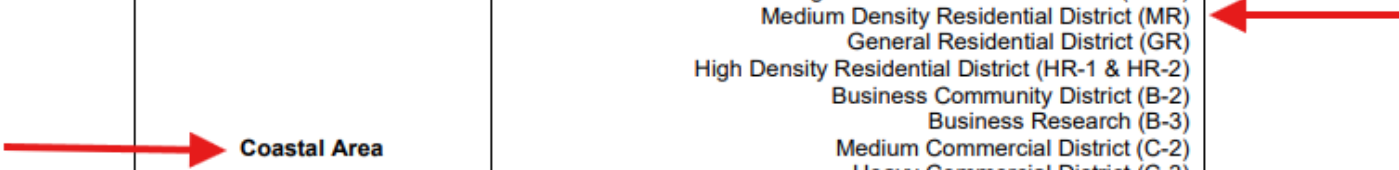
The Comprehensive Plan notes that Coastal Areas are growth areas which “are areas that can accommodate development provided that special environmental concerns are addressed,” and “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes and multifamily units” (2018 Sussex County Comprehensive Plan, 4-15). The plan notes that “appropriate mixed-use development should also be allowed” (2018 Sussex County Comprehensive Plan 4-15).

Furthermore, the Plan also notes that “medium and higher density could be supported in areas: 1.) Where there is central water and sewer, 2.) Near sufficient commercial uses and employment centers, 3.) Where it is in keeping with the character of the area, 4.) Where it is along a main road or at/or near a major intersection, or 5.) Where there is an adequate Level of Service (2018 Sussex County Comprehensive Plan, 4-16).

Compliance with Comprehensive Plan

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Density Residential (MR) District is listed as an Applicable Zoning District within the Coastal Area Future Land Use Map designations (Sussex County Comprehensive Plan, 4-25).

| Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories | |
|---|---|
| FUTURE LAND USE PLAN CATEGORY | APPLICABLE ZONING DISTRICT |
| Coastal Area | Agricultural Residential District (AR-1) |
| | Medium Density Residential District (MR) |
| | General Residential District (GR) |
| | High Density Residential District (HR-1 & HR-2) |
| | Business Community District (B-2) |
| | Business Research (B-3) |
| | Medium Commercial District (C-2) |
| | Heavy Commercial District (C-3) |
| | Planned Commercial District (C-4) |
| | Service/Limited Manufacturing District (C-5) |
| | Institutional District (I-1) |
| | Marine District (M) |
| | New Zoning Districts |



Further Site Considerations:

- **Density:** The Plans appear to result in a gross density of 3.45 dwelling units/acre (approximately dwelling units) to the acre for 210 units on a 60.84-acre parcel of land, which complies with the permitted density within the Medium Density Residential, Residential Planned Community (RPC) District (which permits a density of up to 12 dwelling units/acre. Additionally, the Plans appear to result in a net density of 3.96 dwelling units/acre (approximately dwelling units) to the acre for 210 units on a net area of 52.920-acre parcel of land.
- **Open Space Provisions:** The Preliminary Plans note 22.24 acres of Open Space provided (which equates to 36.5% of the project Site and exceeds the requirement of 10% for the proposed 3.45 units per acre (as outlined in §99-21(D)) of the Sussex County Code. The Open Space primarily appears to be utilized for the establishment of six (6) wet ponds. Though ponds are permitted to be included in the calculation of Open Space as noted in Ordinance No. 3062, the “Open Space Ordinance,” Staff request that Open Space provided be usable (for recreational or passive use) by future Property Owners within the RPC (§99-5(1)(b)).
- **Agricultural Areas:** Staff note that the Site is within the vicinity of property within active Agricultural Use. Staff note that the required Agricultural Use Protection Notice has been included on the Plans. Please also ensure that any HOA Bylaws also include the Agricultural Use Protection Notice outlined in 99-6(G)(1) of the Sussex County Code.

Please also include the required 50-ft setback from active agriculture for Parcel 101.00 which appears to be actively farmed. *“For any new subdivision development located in whole or in part within 50 feet of the boundary of land used primarily for agricultural purposes, no improvement requiring an occupancy approval for a residential type use shall be constructed within 50 feet of the boundary of land used primarily for agricultural purposes” (§99-6(G)(2)).*

- **Interconnectivity:** Staff note that two entrance/exit points have been provided to the proposed RPC. Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur on the Parcel.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that a 30-ft buffer is provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note that a large area of Terrene Wetlands appear to be present via the County’s Online Mapping system on the northwest side of Parcel 9.00, the southeast side of Parcel 8.01 and the northeast side of Parcel 7.00. There also appear to be Lotic Wetlands which align with previously used agricultural ditches on the subject property or in conjunction with Roy Creek. Staff notes that the submitted Drainage

Assessment Report (DAR) outlines that there is a 1.29-acre Army Corps-regulated intermittent channel on the Property as well as 1.38 acres of isolated non-jurisdictional wetlands on the Property

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcels are classified as within an area of “Fair” and “Poor” Groundwater Recharge Potential on the site per data from the State of Delaware.

Staff note that there are two (2) Tax Ditch Areas (the Henry C. Johnson and Perch Creek Tax Ditch Areas) on the Property. There are no related Tax Ditch Rights-Of-Way (ROW) on the Property.

No structures may be placed within Tax Ditch Rights-Of-Way without written approval for such an exception from the Delaware Department of Natural Resources and Environmental Control (DNREC).

A Supplemental Map has been provided as a Supplemental Exhibit (Exhibit “B”) showing the nature of all Wetlands and Tax Ditch Areas on the subject Property.

Existing Changes of Zone within the Vicinity of the Subject Site:

Staff notes that since 2011, there have been **twelve (12) Change of Zone Application** within a 1-mile radius of the Application Site.

All of the Applications were approved by the Sussex County Council and only one (1) Change of Zone No. 1858 OA Oaks, LLC (Ashton Oaks) was recommended Denial by the Commission.

Details regarding that specific Application have been outlined in the Supplemental Table included as Exhibit “A” below.

Furthermore, a Map noting all Applications within a 1-mile radius of the Application Site has also been included as Exhibit “C” below.

Based on the analysis provided, a Change of Zone from an Agricultural Residential (AR-1) District to Medium Residential, Residential Planned Community District (MR-RPC) could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

| Change of Zone Applications w/in a 1-Mile Radius of the Application Site (Since 2011) | | | | | | | | | |
|---|--------------------------------------|-----------------|-----------------|-----------------|----------------------------------|-------------------|--------------------------------|------------------|---------------|
| C/Z Number | Applicant | Tax Parcel ID | Existing Zoning | Proposed Zoning | Planning & Zoning Recommendation | P&Z Decision Date | Sussex County Council Decision | CC Decision Date | Ordinance No. |
| 1842 | Carmelita L. Pavlosky & Karl T. Meek | 533-11.00-82.03 | AR-1 | B-1 | Approved | 1/11/2018 | Approved | 1/30/2018 | 2545 |
| 1960 | OA Oaks, LLC (Ashton Oaks) | 533-11.00-82.00 | HR-1/RPC | HR-1/RPC | Approved | 2/10/2022 | Approved | 2/22/2022 | 2833 |
| 1858 | OA Oaks, LLC (Ashton Oaks) | 533-11.00-82.00 | AR-1 | HR-1/RPC | Denied | 11/29/2018 | Approved | 12/11/2018 | 2621 |
| 1850 | Swann Cove West, LLC | 533-12.00-73.02 | AR-1 | MR-RPC | Approved | 6/14/2018 | Approved | 6/26/2018 | 2583 |
| 1754 | Bayshore Plaza Associates, LLC | 533-12.00-77.00 | B-1 | CR-1 | Approved | 6/26/2014 | Approved | 8/19/2014 | 2363 |
| 1731 | CMF Bayside, LC | 533-19.00-16.00 | AR-1 | MR-RPC | Approved | 7/11/2013 | Approved | 7/16/2013 | 2314 |
| 1885 | 36191 DWB, LLC | 533-19.00-15.00 | AR-1 | C-3 | Approved | 8/20/2019 | Approved | 8/20/2019 | 2678 |
| 1953 | Brasure Holdings, LLC | 533-19.00-13.02 | AR-1 | C-2 | Approved | 3/20/2022 | Approved | 4/26/2022 | 2848 |
| 1804 | Doug Melson | 533-19.00-50.00 | AR-1 | B-1 | Approved | 8/11/2016 | Approved | 8/30/2016 | 2461 |
| 1896 | Fenwick Commons, LLC | 533-19.00-52.00 | AR-1 | MR | Approved | 12/12/2019 | Approved | 1/14/2020 | 2700 |
| 1917 | Iachetta Development Corporation | 533-18.00-28.01 | AR-1 | C-2 | Approved | 7/23/2020 | Approved | 8/11/2020 | 2731 |
| 1711 | James Moses | 533-18.00-72.00 | AR-1 & C-1 | CR-1 | Approved | 1/26/2012 | Approved | 2/14/2012 | 2241 |

Exhibit “A” – Changes of Zone Applications (w/in a 1-mile radius of the Application Site)

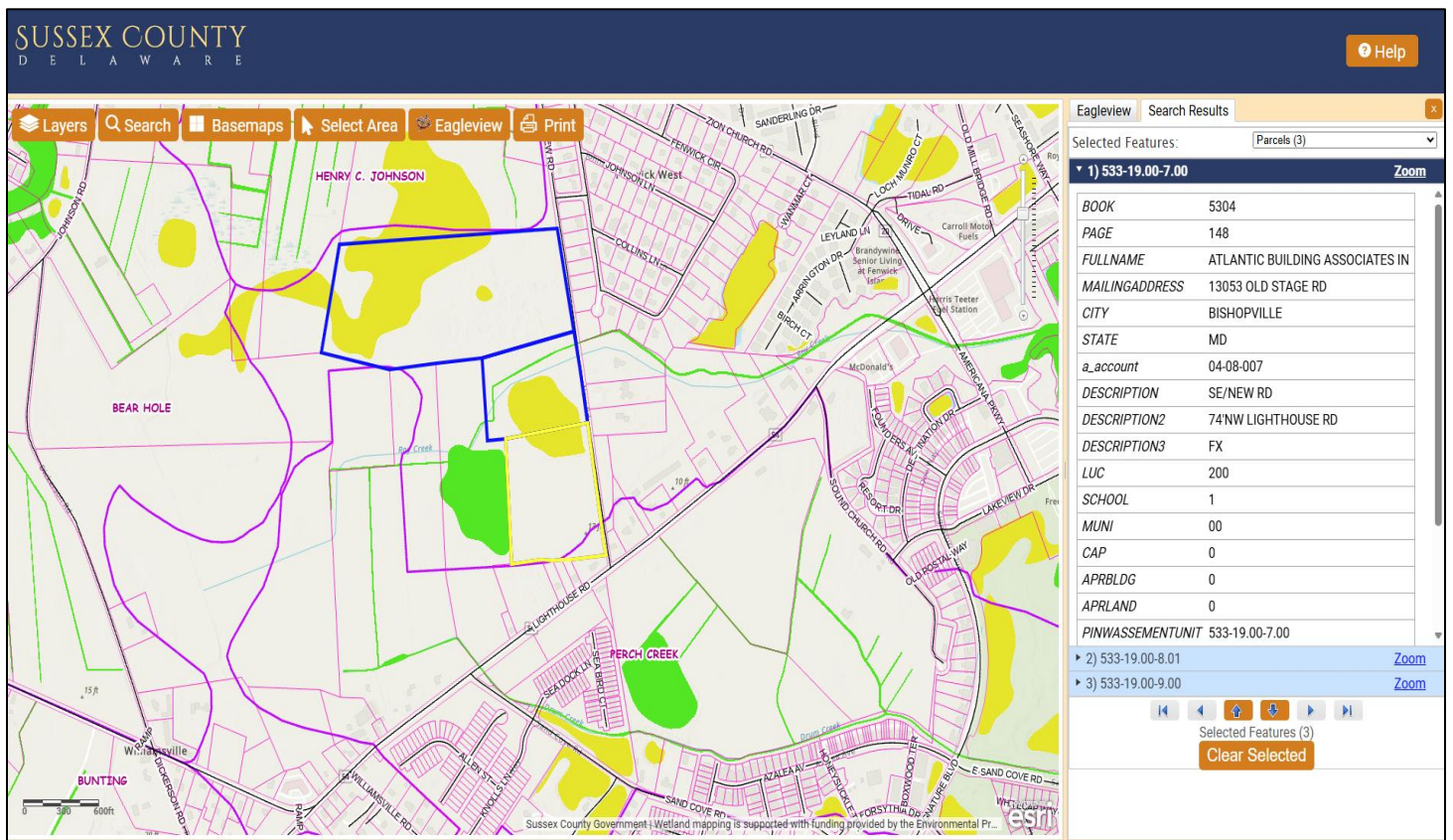


Exhibit “B” – Tax Ditch Areas, Lotic (green) and Terrene (yellow) wetland areas on the subject Property.

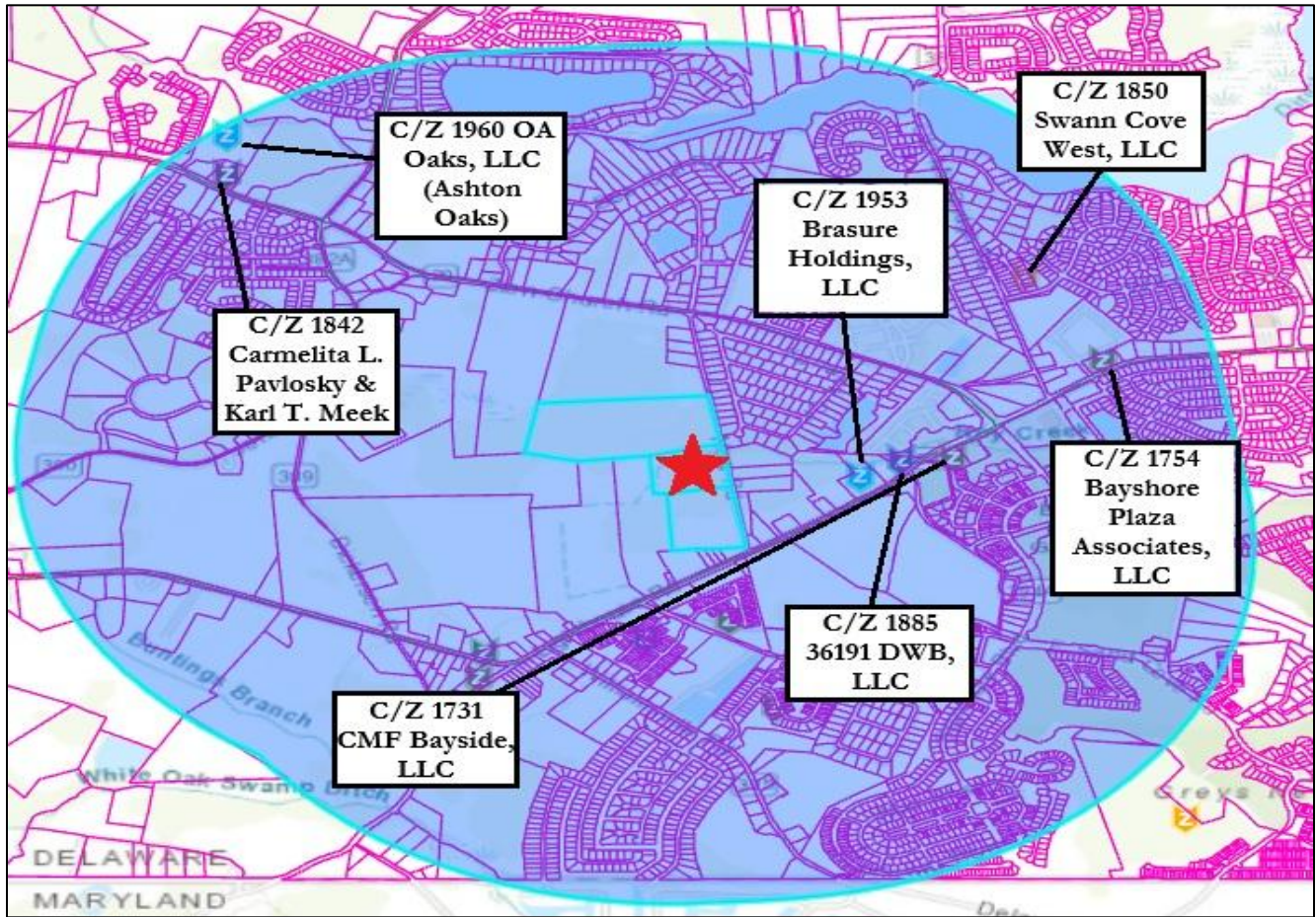
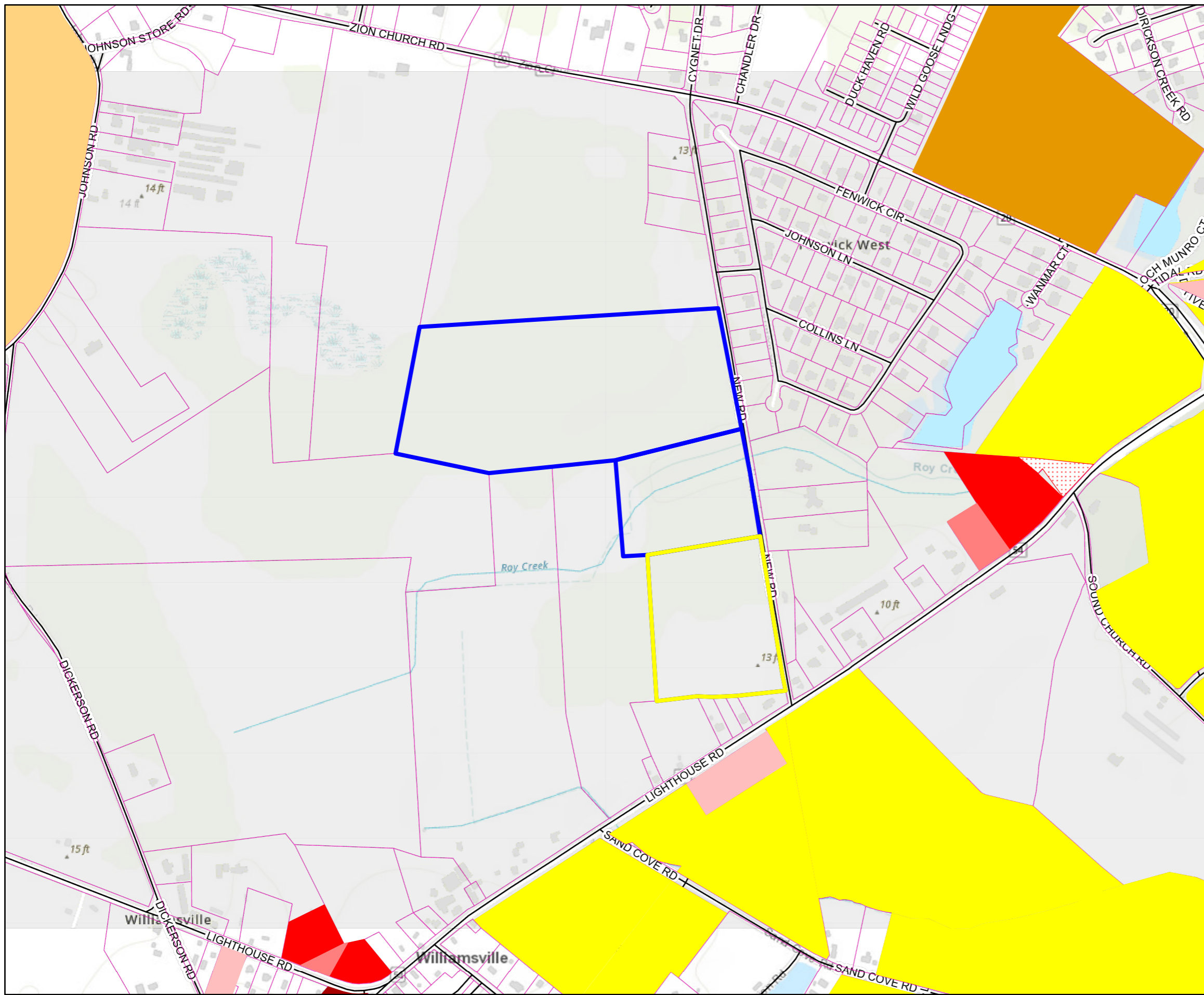


Exhibit "C" – Changes of Zone w/in a 1-mile radius of the Application Site.

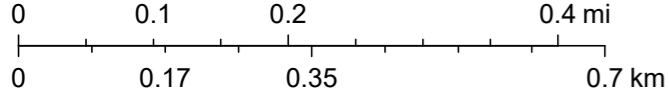


A3 Landscape Parcel Details



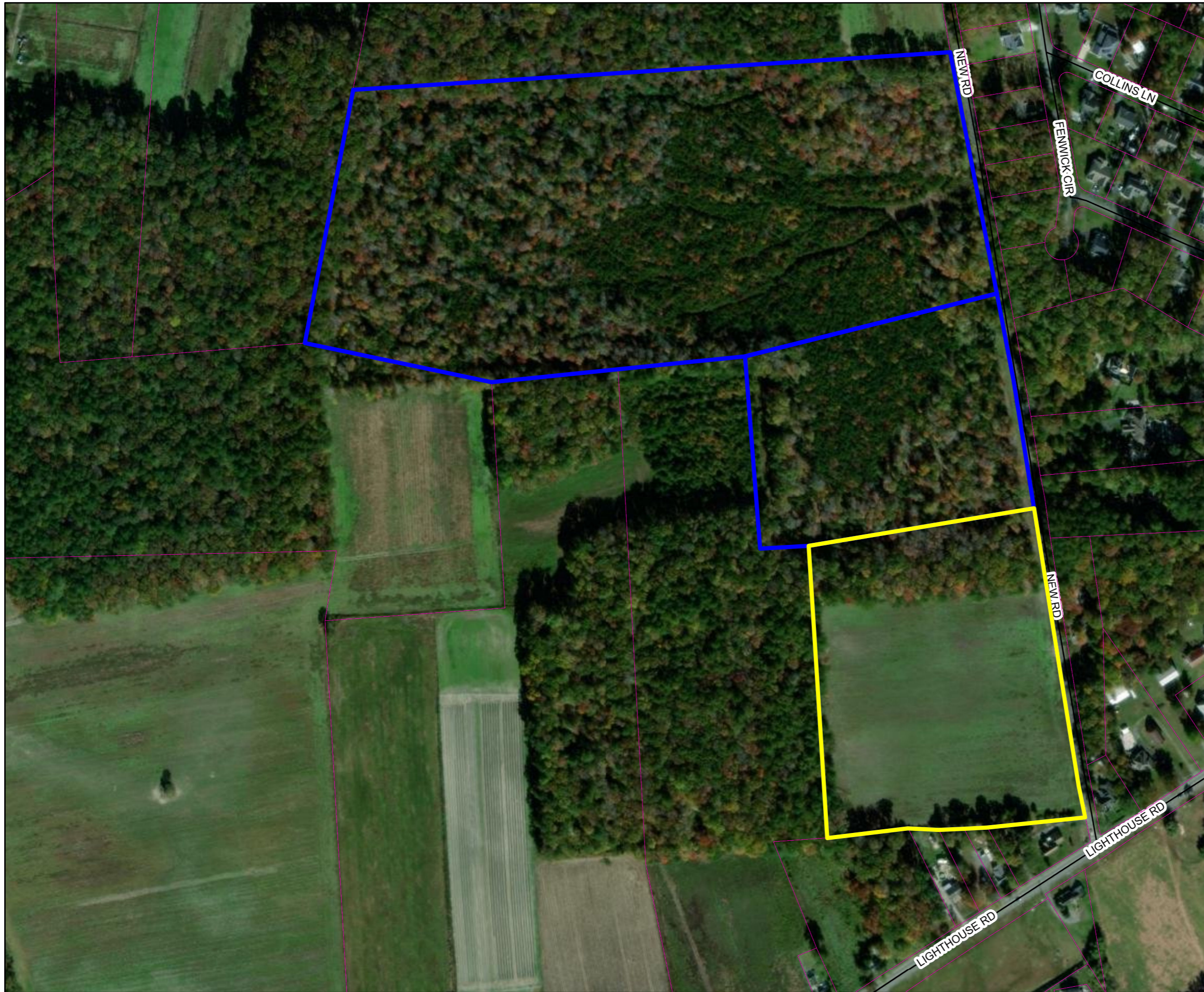
| | |
|------------------------|---------------------------------|
| PIN: | 533-19.00-7.00 |
| Owner Name | ATLANTIC BUILDING ASSOCIATES IN |
| Book | 5304 |
| Mailing Address | 13053 OLD STAGE RD |
| City | BISHOPVILLE |
| State | MD |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

- Tax Parcels
- Streets
- County Boundaries
- Citations



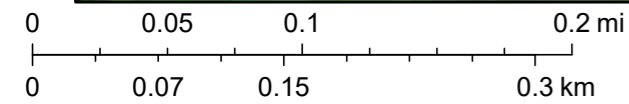


A3 Landscape Parcel Details

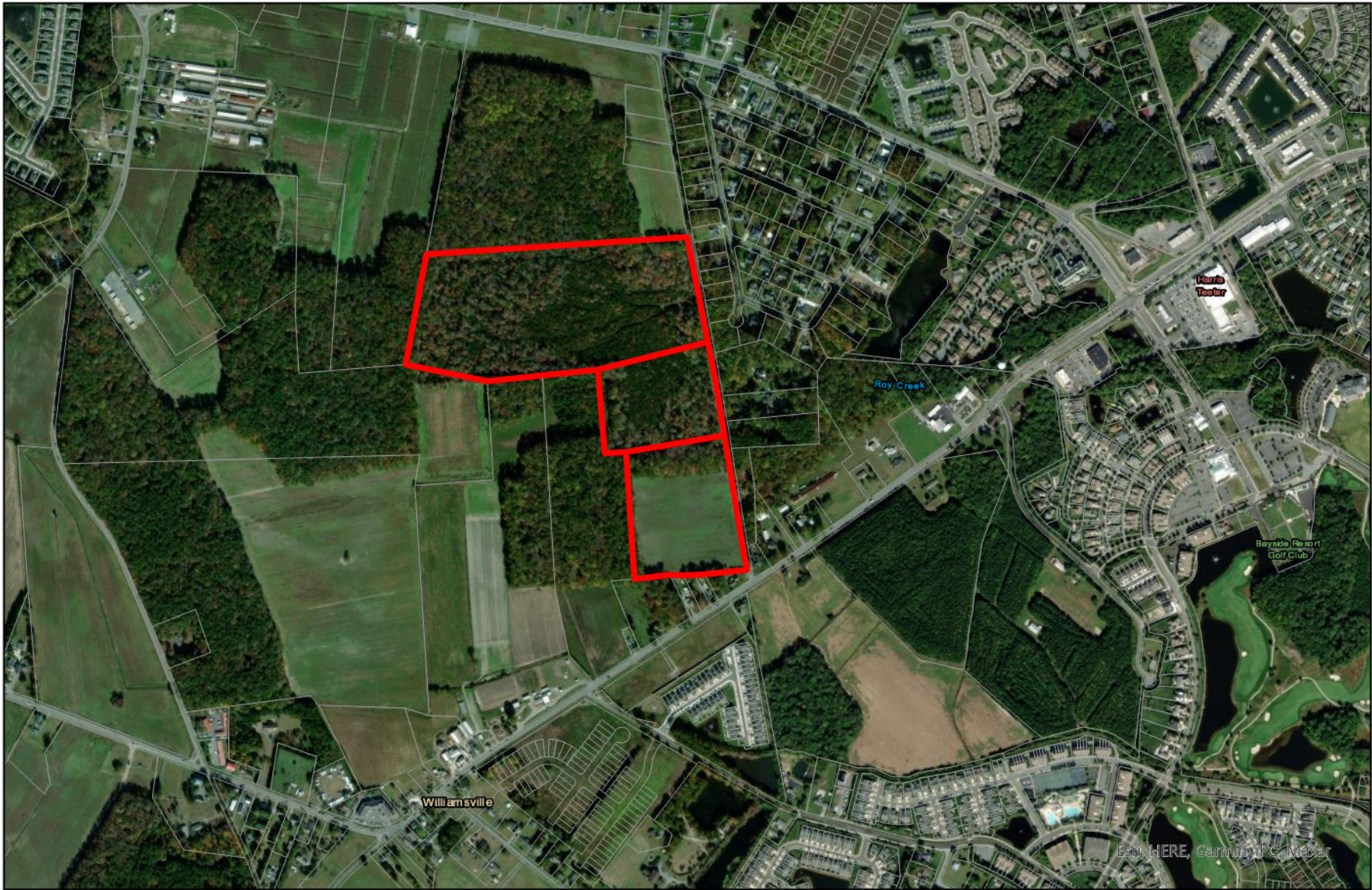


| | |
|------------------------|---------------------------------|
| PIN: | 533-19.00-7.00 |
| Owner Name | ATLANTIC BUILDING ASSOCIATES IN |
| Book | 5304 |
| Mailing Address | 13053 OLD STAGE RD |
| City | BISHOPVILLE |
| State | MD |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

-  Tax Parcels
-  Streets
-  County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata



August 5, 2025



CZ 2052 Marlin Cove (MR-RPC)
Aerial Map
TM# 533-19.00-7.00



Introduced: 8/19/25

Council District 4: Mr. Hudson
Tax I.D. No.: 533-19.00-7.00, 8.01 & 9.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS

WHEREAS, on the 9th day of May 2025, a zoning application, denominated Change of Zone No. 2052, was filed on behalf of Marlin Cove, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2052 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Rt. 54) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, LLC, said parcels containing 60.84 acres, more or less.

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, March 13, 2026 10:15 AM
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Council Grant Form

| | |
|---|--|
| Legal Name of Agency/Organization | Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley |
| Project Name | Wishes Transforming Lives in Sussex County |
| Federal Tax ID | 22-2755963 |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | Together, we create life-changing wishes for children with critical illnesses. |
| Address | 7209 Lancaster Pike, Ste. 4-319 |
| City | Hockessin |
| State | DE |
| Zip Code | 19707 |
| Contact Person | Karen L Traten |

| | |
|---|--|
| Contact Title | Sr. Director of Development |
| Contact Phone Number | 2159873147 |
| Contact Email Address | ktraten@philadesv.wish.org |
| Total Funding Request | 7,000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 6500 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 2.6 |
| Program Category (choose all that apply) | Health and Human Services |
| Primary Beneficiary Category | Youth |

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

15

Scope

Make-A-Wish® Delaware is a 501(c)(3) nonprofit organization dedicated to granting life-changing wishes to children with critical illnesses. As part of a globally recognized brand, we serve children in communities across the United States through a network of 57 chapters. In 2025, Morning Consult ranked Make-A-Wish as the #1 most trusted nonprofit operating locally across all 50 states. Medically eligible children are between the ages of 2.5 and 18 at the time of referral. In order to qualify, children must be diagnosed with a critical illness, i.e., a progressive, degenerative or malignant condition that is placing the child's life in jeopardy. Applicants are ineligible if they have received a wish from another organization. Wish experiences include the family residing with the child recipient.

Every day, children are diagnosed with conditions that cast dark shadows over their futures, and it is our goal to step in early, before the weight of the diagnosis fully sinks in, so that the wish journey can offer not just a wish come true, but a source of strength and healing throughout their emotional and physical battle. No parent is ever prepared to learn that their child has a critical illness. The emotional toll, the weight of impossible medical decisions, and the financial strain can leave families feeling powerless. Each wish granted serves as a powerful reminder to these children that they are not alone, that they are supported, valued, and can look forward to a future filled with possibility.

Research underscores the profound impact: 90% of medical providers report that a wish helps improve a child's treatment compliance. 90% of medical providers observed that the wish experience has a positive impact on a child's physical well-being and overall quality of life. 98% of medical providers say a wish experience alleviates the

traumatic stress of a critical illness. 95% of parents said they saw their child’s emotional well-being improve through the wish experience. By transforming a child’s perspective, a wish can help create better health outcomes.

Our vision is that every eligible child has the chance to receive a wish experience, we strive to be a part of the treatment plan early in the diagnosis so that the wish experience can have the most impact. Currently, 14 children living in Sussex County are waiting in our pipeline for a wish experience. Your grant can make a great impact by supporting the increasing number of referrals, enabling families in Sussex County, Delaware to get quicker access to our program. Thank you for your past support. We hope to welcome your partnership in 2026.

| | |
|--|---------------------|
| Religious Components | N/A |
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | 210,000.00 |
| Description | Direct Wish Expense |
| Amount | 150,000.00 |
| Description | Personnel |
| Amount | 116,464.00 |
| Description | Office supplies |
| Amount | 680.00 |
| TOTAL EXPENDITURES | 267,144.00 |

| | |
|--|--------------|
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -57,144.00 |
| Name of Organization | Make-A-Wish |
| Applicant/Authorized Official | Karen Traten |
| Date | 03/13/2026 |
| Affidavit Acknowledgement | Yes |

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
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To: Bobbi Albright
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Council Grant Form

Legal Name of Agency/Organization Delaware 4-H Association Inc. ✓ - Country Clovers 4-H Club

Project Name Country Clovers 4-H Varsity Team traveling to National LifeSmarts Competition in Florida

Federal Tax ID 45-5577151 ✓

Non-Profit Yes

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

Organization's Mission The mission of 4-H is to help youth acquire knowledge, develop life skills and form attitudes to enable them to become self-directing, productive and contributing members of society. 4-H emphasizes the importance of involving youth in the learning process.

Address 37073 Johnson Rd

City Selbyville

State DE

| | |
|---|--|
| Zip Code | 19975 |
| Contact Person | Rebecca Johnson |
| Contact Title | Country Clovers 4-H Club Leader and LifeSmarts Coach |
| Contact Phone Number | 302-381-4616 |
| Contact Email Address | krjohnson37073@gmail.com |
| Total Funding Request | \$3,000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | No |
| If YES, how much was received in the last 12 months? | N/A |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 33 |
| Program Category (choose all that apply) | Educational |

Primary Beneficiary Category

Youth

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

12

Scope

The Country Clovers 4-H Varsity LifeSmarts Team is preparing to attend the National LifeSmarts Championship on April 15-18, 2026, in Florida.

Delaware 4-H is the leading youth organization in the State of Delaware. It is sponsored by the Cooperative Extension Service of the University of Delaware and Delaware State University. 4-H is open to children from ages 5 to 19 years old, regardless of race, religion, color, sex or place of residence. 4-Her's stand for clearer thinking, greater loyalty, larger service, better living for their club, community, country, and world. This program is developed to create friendships that last a lifetime. One way that 4-H encourages the acquisition of lifelong skills and long-term connections is by creating teams that participate in programs such as LifeSmarts.

LifeSmarts is an educational program that provides middle and high school students with the critical knowledge they will need to be successful after they leave high school. Students study Personal Finance, Consumer Rights and Responsibilities, the Environment, Technology, Workforce Preparation, and Health and Safety. Students cement this learning in competition and can win scholarships and prizes.

The LifeSmarts program involves competitions across the country, and this year, the Country Clovers 4-H Varsity LifeSmarts Team qualified for the 2026 National LifeSmarts Championship in Florida in April. This is an amazing opportunity to compete for scholarships and represent our community on a national stage. Our team has limited

resources, and paying for travel to the competition is our biggest obstacle with a total cost of approximately \$7,000 - \$8,000 for this trip. We would like to humbly request that your organization consider investing in our team and helping us to experience this once-in-a-lifetime opportunity to compete at the National LifeSmarts Championship in Florida. In the recent past, our Country Clovers 4-H Varsity teams have finished in 3rd and 5th place nationally.

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

0.00

Description

Travel expenses

Amount

4,000.00

Description

Hotel Accommodations

Amount

3,500.00

TOTAL EXPENDITURES

7,500.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-7,500.00

Name of Organization

Delaware 4-H Association Inc. (Country Clovers 4-H Club)

Applicant/Authorized Official

Rebecca Johnson

Date

03/17/2026

Affidavit

Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
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Bobbi Albright

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Sent: Tuesday, March 17, 2026 1:05 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Delaware Celebration of Jazz, Inc.

Project Name The Rehoboth Beach Jazz Festival

Federal Tax ID 510373709

Non-Profit Yes

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

Organization's Mission The Rehoboth Beach Jazz Festival, known as "The Greatest Jazz Festival in the World™," has been a cultural highlight in coastal Delaware for 37 years. Produced by The Delaware Celebration of Jazz, Inc., an established 30-year-old 501(c)3 nonprofit organization, the festival features over 35 artists in 23 performances across five venues over five days in October. Focused on Contemporary Smooth Jazz and related styles, it features Grammy-winning artists such as Boney James, Brian Culbertson, Najee, Tower of Power, and Dave Koz. Attracting over 15,000 attendees annually, the festival is unique in Delaware for its artistic standards, community engagement, and cultural impact.

Audience and Economic Impact

The festival serves a broad and loyal audience from across the Mid-Atlantic and beyond. Core attendance comes from Delaware, Maryland, Washington, DC, Virginia, Pennsylvania, New Jersey, and New York, with additional visitors from the Midwest and the West Coast. Over its five-day span, the festival, according to local Chambers, generates an estimated \$14 million in local revenue for Sussex County through lodging, dining, retail, and related visitor spending.

In addition, approximately \$290,000 in taxes is collected for Sussex County and the State of Delaware. This substantial economic impact is driven by strong community partnerships and an extensive volunteer base, positioning the Rehoboth Beach Jazz Festival as both a premier cultural event and a key engine of cultural tourism.

Community, Education, and Charitable Contributions

Community benefit and philanthropy are central to the festival's mission. Each year, the festival generates approximately \$50,000 in proceeds for our designated beneficiary, Beebe Healthcare's Tunnell Cancer Centers, and its "Beebe Goes Pink" breast cancer initiative. These funds support cancer care, individual patient care, and research initiatives that serve more than 37,000 patients annually. Our latest 2026 campaign aims to exceed our annual charitable contribution average - currently \$50,000 - over the next 10 years, raising at least \$600,000 in new funds to further support the Beebe Oncology Department. To date, we have raised \$400,000 for Beebe Healthcare through prior annual festival campaigns.

Our current fundraising efforts specifically seek to help elevate:

- Support for capital improvements at the Tunnell Cancer Centers, with a focus on upgrades to radiation oncology services.
- Specifically, we are seeking help toward raising \$4.3M dollars to acquire a new Linear Accelerator (LINAC) machine, which is essential for radiation oncology and used by 50% of cancer patients. Our support of this \$4.3M acquisition represents our commitment to excellence in patient care at Beebe Oncology
- Acquisition of additional state-of-the-art diagnostic and

treatment equipment

- Individual patient-centered care and support services around mobile van transportation

Through our “Music in Tune with Education” program, the festival offers free master classes, workshops, and seminars led by our festival musicians, focused on our middle school and high school students preparing for further study and careers in music. Six free local concerts further expand access to our world-class performances, allowing us to build new audiences for jazz and ensure that residents of Sussex County can share in the festival’s artistic offerings regardless of ability to pay. Local in spirit and global in reach, the Rehoboth Beach Jazz Festival is a cornerstone of the Mid-Atlantic jazz ecosystem and an ideal partner for regional touring and community engagement initiatives.
*right click Sponsorships open hyperlink | view clips

| | |
|---|--|
| Address | 30732 Sassafras Drive |
| City | Lewes |
| State | Delaware |
| Zip Code | 19958 |
| Contact Person | Larry DeFrancisco |
| Contact Title | Vice President |
| Contact Phone Number | 6106087847 |
| Contact Email Address | Larry@rehobothjazz.com |
| Total Funding Request | 5000 |
| Has your organization received other grant | No |

| | |
|---|----------------------------------|
| funds from Sussex County Government in the last year? | |
| If YES, how much was received in the last 12 months? | N/A |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 1 |
| Program Category (choose all that apply) | Cultural Educational Other |
| Program Category Other | Arts, Culture and Healthcare |
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | cancer patients |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 37000 |

Scope

Community benefit and philanthropy are central to the festival’s mission. Each year, the festival generates approximately \$50,000 in proceeds for our designated beneficiary, Beebe Healthcare’s Tunnell Cancer Centers, and its “Beebe Goes Pink” breast cancer initiative. These funds support cancer care, individual patient care, and research initiatives that serve more than 37,000 patients annually. Our latest 2026 campaign aims to exceed our annual charitable contribution average - currently \$50,000 - over the next 10 years, raising at least \$600,000 in new funds to further support the Beebe Oncology Department. To date, we have raised \$400,000 for Beebe Healthcare through prior annual festival campaigns.

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- Specifically, we are seeking help toward raising \$4.3M dollars to acquire a new Linear Accelerator (LINAC) machine, which is essential for radiation oncology and used by 50% of cancer patients. Our support of this \$4.3M acquisition represents our commitment to excellence in patient care at Beebe Oncology
- Acquisition of additional state-of-the-art diagnostic and treatment equipment
- Individual patient-centered care and support services around mobile van transportation

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

80,000.00

Description

ARTIST COST

Amount

410,600.00

| | |
|--|--|
| Description | LABOR |
| Amount | 73,000.00 |
| Description | SOUND (Mis-South Audio) |
| Amount | 55,000.00 |
| Description | BAND GEAR RENTAL (Instruments) |
| Amount | 64,000.00 |
| Description | HOTELS & MEALS (Artists & Crews) |
| Amount | 69,000.00 |
| Description | BANK & TICKET FEES |
| Amount | 35,000.00 |
| Description | VENUE RENTALS |
| Amount | 20,000.00 |
| Description | STAGE, PRODUCTION, OPERATIONS MANAGEMENT |
| Amount | 20,000.00 |
| TOTAL EXPENDITURES | 746,600.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -666,600.00 |
| Name of Organization | Delaware Celebration of Jazz, Inc. |
| Applicant/Authorized Official | Larry DeFrancisco |

| | |
|-------------|------------|
| Date | 03/17/2026 |
|-------------|------------|

| | |
|------------------|-----|
| Affidavit | Yes |
|------------------|-----|

| | |
|------------------------|--|
| Acknowledgement | |
|------------------------|--|

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Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, March 30, 2026 11:19 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Georgetown-Millsboro Rotary Club - Delaware Community Foundation

Project Name Flags for Heroes 2026

Federal Tax ID 22-2804785

Non-Profit Yes

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

Organization's Mission The Georgetown-Millsboro Rotary Club is a service organization based in both towns and this year celebrating its 100th anniversary of serving the Community. Funds raised help local organizations that are serving our 2 communities and many volunteer hours are given to staff the local thrift store, help with highway clean up, ring the Christmas bells for charity and other service activities.

Address Post Office Box 164

City Georgetown

| | |
|---|--|
| State | DE |
| Zip Code | 19947 |
| Contact Person | Marlene Elliott Brown |
| Contact Title | Member |
| Contact Phone Number | 302-270-1078 |
| Contact Email Address | marleneelliottbrown07@gmail.com |
| Total Funding Request | \$1,000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 1000 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 3 |

| | |
|---|---|
| Program Category (choose all that apply) | Other |
| Program Category Other | Patriotic |
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | Veterans/Community Needs |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 600 |
| Scope | <p>The Georgetown-Millsboro Rotary Club is privileged to honor those who have done so much for all of us, but here at home and abroad. Flags are flown in several locations in Georgetown and Millsboro in honor and memory of veterans, military members, first responders and other frontline workers who have served our county and our country. The money raised by the sponsorship is then awarded to community groups that are serving our area.</p> <p>For the 13th year, the Club will display over 500 American flags for Memorial Day week and smaller displays for Independence Day and Veterans Day. We have also added Delaware flags to this project which are flown on Delaware Day.</p> <p>Over the span of this project, the Club has raised over \$250,000 which it has returned to our County to support worthy causes. The 2025 project returned over \$28,000 to support the work of numerous community organizations. Beneficiaries of the 2025 program included Risen Acres,</p> |

Love, Inc., Georgetown Public Library, Delmarva Christian School, Sussex Post No. 8 American Legion, The Chimes Foundation, Boys and Girls Clubs of Delaware, the Rehoboth Art League, Sussex Central Wrestling Boosters, La Esperanza, Tender Hearts, Pathways to Success and the Can Do Playground.

The donations for this project are handled by the Delaware Community Foundation. Therefore, checks are payable to the Foundation and noted for the Georgetown-Millsboro Rotary Club Flags for Heroes Project. The Foundation's Tax ID numbers is listed on this application. Donors and sponsors are recognized on signs at the flag displays, on social media, in print and at a Sponsors luncheon that is held at a later date.

The Georgetown-Millsboro Rotary Club wants to express our sincere appreciation for the County's support of this project and respectfully seek your continued support.

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

28,000.00

Description

Community Grants and Contributions

Amount

27,000.00

Description

Sponsorshil Luncheon

Amount

750.00

Description

Trailer Insurance

Amount

600.00

Description

Flag Replacement

| | |
|--|----------------------------------|
| Amount | 500.00 |
| Description | Publicity and Promotion |
| Amount | 750.00 |
| TOTAL EXPENDITURES | 29,600.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -1,600.00 |
| Name of Organization | Georgetown-Millsboro Rotary Club |
| Applicant/Authorized Official | Marlene Brown |
| Date | 03/30/2026 |
| Affidavit Acknowledgement | Yes |

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Bobbi Albright

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Council Grant Form

Legal Name of Agency/Organization Delaware State Troopers Association
DSTA Benevolent Fund Inc.

Project Name DSTA Shoot For the Future

Federal Tax ID 82-1401901 ✓

Non-Profit Yes

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

Organization's Mission The DSTA supports law enforcement and their families in times of need, sickness, serious injury, or death. While that might be the main purpose of the DSTA, we also assist the community in various charitable functions like the one for this application. This application is in support of the DSTA Scholarship Fund. Every year we as an organization provide 35 scholarships to youth throughout the State, no matter their major or sought-after profession in the future. Supporting today's youth is supporting tomorrow's future, and we try to help the Delaware community as a whole.

Address 6349 North DuPont Hwy, Cheswold, DE, 19936

| | |
|---|--|
| City | Cheswold |
| State | Delaware |
| Zip Code | 19936 |
| Contact Person | Patrick Schlimer |
| Contact Title | Board Vice President |
| Contact Phone Number | 3029433069 |
| Contact Email Address | patrick.schlimer@delaware.gov |
| Total Funding Request | 1,500 |
| Has your organization received other grant funds from Sussex County Government in the last year? | No |
| If YES, how much was received in the last 12 months? | N/A |
| Are you seeking other sources of funding other than Sussex County Council? | No |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | N/A |

Program Category Educational
(choose all that apply)

Primary Beneficiary Category Youth

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

~~35~~
8

Scope This application is in support of the DSTA Scholarship Fund. Every year we as an organization provide 35 scholarships to youth throughout the State, no matter their major or sought-after profession in the future. Supporting today's youth is supporting tomorrow's future, and we try to help the Delaware community as a whole. Any assistance provided will help the cause.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 20,000.00

Description Food Truck

Amount 4,000.00

Description Bounce House for Kids

Amount 350.00

Description Ice Cream Truck for Kids

| | |
|--|---|
| Amount | 1,000.00 |
| Description | Shooting Fee |
| Amount | 2,000.00 |
| Description | Shooting Registration Prizes and Auction/Raffle Items |
| Amount | 3,000.00 |
| TOTAL EXPENDITURES | 10,350.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | 9,650.00 |
| Name of Organization | Delaware State Troopers Association |
| Applicant/Authorized Official | PJS |
| Date | 03/21/2026 |
| Affidavit Acknowledgement | Yes |

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, March 19, 2026 3:49 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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

Council Grant Form

| | |
|---|---|
| Legal Name of Agency/Organization | First State Community Action Agency ✓ |
| Project Name | 11th Annual Its a Par-Tee Miniature Golf Tournament |
| Federal Tax ID | 51-0104704 ✓ |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | To work towards the elimination of poverty and lessen the effects of poverty on people with low incomes |
| Address | 308 N. Railroad Ave. |
| City | Georgetown |
| State | DE |
| Zip Code | 19947 |
| Contact Person | Jaime Sayler |

| | |
|---|--|
| Contact Title | Program Director |
| Contact Phone Number | 3028567761 |
| Contact Email Address | jsayler@firststatecaa.org |
| Total Funding Request | 1000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 3260 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 3 |
| Program Category (choose all that apply) | Health and Human Services |
| Primary Beneficiary Category | Low to Moderate Income |

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

8000

Scope

First State Community Action Agency is requesting support for its 11th Annual "It's a Par-Tee" Miniature Golf Tournament, a community fundraising event that helps generate critical resources to sustain services for Sussex County residents experiencing poverty and economic hardship. The need addressed through this event is the continued financial instability faced by many households throughout the county, including challenges related to housing affordability, food insecurity, limited income, transportation barriers, and difficulty accessing the support systems necessary to achieve long-term stability. These issues affect families with children, seniors, and other vulnerable residents and can have a significant impact on overall health, well-being, and quality of life.

As the cost of living continues to place pressure on low- and moderate-income households, many Sussex County residents are forced to make difficult decisions between basic necessities such as rent, utilities, food, medication, and transportation. For households already living paycheck to paycheck, even a single setback can create a crisis. This ongoing need underscores the importance of strong community-based organizations that can respond with support, resources, and pathways toward greater self-sufficiency.

Proceeds from this event help support FSCAA's broader anti-poverty work benefiting Sussex County residents through programs and services that promote stability, opportunity, and long-term well-being. In addition to raising essential funds, the tournament serves as an important awareness-building opportunity by bringing together local businesses, community leaders, and residents around the shared goal of strengthening the community and investing

in families who are working to overcome barriers.

The area benefits not only from the funds generated, but also from the visibility and engagement the event creates. It encourages broader community participation in addressing local need and reinforces the importance of collaborative support for residents facing hardship. By investing in this event, funding will help strengthen efforts that improve household stability, expand opportunity, and contribute to a healthier and more resilient Sussex County.

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

15,400.00

Description

Event Expenses - venue, materials, contractual expenses

Amount

30,000.00

TOTAL EXPENDITURES

30,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-14,600.00

Name of Organization

First State Community Action Agency, Inc.

Applicant/Authorized Official

Bernice M. Edwards

Date

03/19/2026

Affidavit Acknowledgement

Yes

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



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Indian River High School Business Professionals Of America ✓

PROJECT NAME: National Leadership Conference 2026

FEDERAL TAX ID: 47-5086079 ✓ NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: IRHS BPA is an educational not-for-profit organization established with the goal of preparing students for success in a world-class workforce through the advancement of leadership, citizenship, academic, and technological skills in association with the Secondary Division of the Delaware Business Professionals of America organization, and the Secondary Division of the national Business Professionals of America organization.

ADDRESS: Indian River High School
29772 Amory Rd
Dagsboro DE 19939
(CITY) (STATE) (ZIP)

CONTACT PERSON: Dr. Jeffrey Bunting
TITLE: Advisor
PHONE: 302-732-1500 EMAIL: jeffrey.bunting@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$ 3000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 17

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
45

SECTION 3: PROGRAM SCOPE

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

The Indian River High School chapter of Business Professionals of America currently serves approximately 45 active members. Business Professionals of America is the nation's leading CTSO (Career Technical Student Organization) providing students and members with invaluable skill development and the opportunity to make personal connections. This year, twelve of our students have earned the opportunity to attend the National Leadership Conference in Nashville, Tennessee, an achievement that reflects their dedication, professionalism, and academic excellence.

The total projected cost of this trip is approximately \$14,790.75. While we are pursuing additional support from the district, those funds will not fully cover the remaining balance. For example, last year we recieved around \$7,000.00 to help with the trip and we expect something simmlar this year. To ensure that our students can participate in this nationally recognized event without compromising the financial stability of our organization, we are seeking \$3,000 from the Sussex County Council in supplemental funding.

Fundraising efforts made by the organization:

Snack Sales - \$3606.00
Bake Sale #1 - 1475.00
Dues - \$1067.00
GoFundMe Donations - \$386.30
Total Revenue - 6534.30
Total Expenses - 8188.32

From the current revenue and expenses standponit, we are currently operating at a net loss of \$1654.02.

Securing these funds will not only help offset immediate travel expenses it allows us to maintain a strong financial foundation for future competitions and student opportunities. Investing in this trip is an investment in the continued growth, success, and sustainability of our chapter.

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

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

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

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

SECTION 4: BUDGET

| | |
|---|----------------------|
| REVENUE | \$7,000.00 |
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | |
| TOTAL REVENUES | 7,000.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| Registration | -\$ 1,800.00 |
| Housing Costs | -\$ 5,042.55 |
| Airfare | -\$ 7,108.20 |
| Certification Testing | -\$ 240.00 |
| Competition Celebration | -\$ 600.00 |
| | |
| | |
| | |
| TOTAL EXPENDITURES | -\$ 14,790.75 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -\$ 7,790.75 |


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Indian River High School Business Professionals of America _____ agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

3/20/26

Date



Witness Signature

3/20/26

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

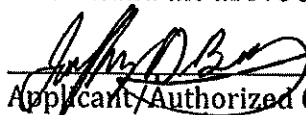
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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


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

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

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



Applicant/Authorized Official Signature



Witness Signature

BPA Advisor

Title

3/20/26

Date

To Be Introduced: 4/14/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-12.00-35.00
911 Address: 34429 Retz Lane, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COIN RETAIL SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.34 ACRE, MORE OR LESS

WHEREAS, on the 24th day of February 2025, a Conditional Use application, denominated Conditional Use No. 2576 was filed on behalf of Patricia & Frank DiNatale and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2576 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2576 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north side of Retz Lane and the west side of John J. Williams Highway (Rt. 24) within the Country Village Subdivision, approximately 437 feet south of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Bonnie M. Benson, P.A. said parcel containing 0.34 acre, more or less.

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

To Be Introduced: 4/14/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 235-23.00-1.04 & 235-23.00-1.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May 2025, a zoning application, denominated Change of Zone No. 2053 was filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2053 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88) and being more particularly described in the attached legal description prepared by Morris James, LLP, said parcels containing 29.97 acres, more or less.

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

To Be Reintroduced: 4/14/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-11.00-1.02
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS.

WHEREAS, on the 11th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2540 was filed on behalf of La Dolce Far Niente, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2540 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2540 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A. said parcel containing 7.00 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 1, 2026

RE: County Council Report for C/U 2533 filed on behalf of RWE Clean Energy

The Planning and Zoning Department received an application (C/U 2533 filed on behalf of RWE Clean Energy, C/O Joe Shanahan) for solar arrays and associated utilities in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-8.00-10.00. The property is located on the south side of Cypress Road (Rt.54), approximately 62 feet west of the intersection of Cliff Road (SCR 380 A) and Cypress Road (Rt. 54). The parcel size is 69.03 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 18, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 10 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 18, 2026, and March 18, 2026.

Minutes of the February 18, 2026, Planning & Zoning Commission Meeting

C/U 2533 RWE Clean Energy

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS. The property is lying on the south side of Cypress Road (Route 54), approximately 62 feet west of the intersection of Cliff Road (S.C.R. 380A) and Cypress Road (Route 54). 911 Address: N/A. Tax Map Parcel: 533-8.00-10.00.



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

Mr. Whitehouse advised the Commission that submitting into the record were the Staff Analysis, the DelDOT Service Level Evaluation Response, the Applicant's Conceptual Site Plan, potentially a Revised Site Plan that will be added to the electronic file, the Applicant's Property Survey, the Property Deed, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that Mr. Joe Shanahan, Senior Project Manager spoke on behalf of the Applicant, RWE Clean Energy, and also present was Mr. Brian Riley, Professional Engineer with Colliers Engineering & Design. Mr. Shanahan stated that he had been before the Planning Commission six previous times for solar projects, which included a rather lengthy and detailed presentation; that his usual presentation includes information regarding the corporate organization, corporate experience, and portfolio for RWE Clean Energy; that he would also provide a lengthy presentation on the general attributes of community solar projects, as well as the specifics of the project site, and he requested permission from the Commission to submit his previously provided information regarding the corporate organization and general community solar attributes into the record by reference, allowing him to address the site specifically.

Madam Chair Wingate granted permission of the request to include the previously provided information regarding the corporate organization and general community solar attributes into the record by reference.

Mr. Shanahan stated that the project proposed a ground-mounted solar facility to be located along Cypress Road (Route 54) in Frankford; that the overall project site consisted of a little over 69 acres, on land owned by Ellen Scott Anderson Revocable Trust, and was previously owned by Ellen Anderson individually, at the time the Conditional Use application was submitted; that the property had been in the Ellen's family for three generations; that the land was currently being farmed by a member of the family; that the proposed solar facility is a public utility use under the Sussex County Zoning Code; that the project meets the purpose of a Conditional Use because it has a public or semi-public character, that is essential and desirable for the general convenience of and welfare of Sussex County residents; that the project is located in the AR-1 (Agricultural Residential) Zoning District; that a public utility use is allowed in the AR-1 District, with the approval of the of the Sussex County Council; that as shown on the Site Plan, the project is to be constructed in a lease area, which consists of only 24.5 acres of the overall 69 acre property; that the project is proposed to only utilize 35% of the land owned by their landlord, with the remaining 65% to continued to be used as the family had for generations; that the project will be set back some 890 feet, being the length of approximately three football fields from the public road where access will be gained; that the access will be by means of a 20 foot wide gravel driveway; that the project will be enclosed by a seven foot fence as is required by the National Electrical Code; that the fence will be gated with a Knox box at each gate; that the solar project will contain solar arrays, which is a group of solar panels wired together to collect energy from the sun and send it into the solar projects inverter, which converts the power into useable electricity, and distribute it to the Delmarva Power grid; that the panels are hung on posts, being approximately three feet off of the ground, and approximately 12 feet in height; that the ground below and around the panels will be planted with a pollinator-friendly mix that provides more shelter, nesting habitat and food sources for a variety of insect populations that support wildlife species; that the

proposed solar project will comply with all the specific requirements of Section 115-172 of the Sussex County Zoning Code; that the project is surrounded by a landscape buffer strip of open space, being a minimum of 100 feet from any street lines, and a minimum of 50 feet from all property lines; that the transformers and similar equipment are centrally located, and located a minimum of 200 feet away from any dwelling or property of other ownership; that as mentioned in detail previously, the project is surrounded by fencing with a gate and an emergency key box; that he requested to submit a Decommissioning Plan and Cost Estimate into the record, as part of his presentation; that the Decommission Plan includes a cost estimate of \$318,000, which would be secured by a bond; that they had submitted their original Conceptual Site Plan; that ultimately, after receiving remarks from DNREC, there were issues regarding a tax ditch on the property; that as a result, a section of panels are proposed to be removed, and the array area will be decreased.

Madam Chair Wingate requested that a representative indicated on the Site Plan the area of the tax ditch of concern.

Mr. Riley stated that the issue expressed within the comment letter received from DNREC specifically regarded a tax ditch; that the tax ditch is more or less directly underneath the roadway that they were originally proposing; that the road was proposed within the tax ditch offset, and also running parallel to the tax ditch; that the comments requested that the road be placed outside of the tax ditch offset, and stated that any crossings should be done at a perpendicular angle; that by nature of those request, the driveway got shifted a bit westward; that there also are tax ditches which wrap around like the letter C; that they were able to fit the panels right in the middle, and that the revision is shown on the revised plan.

Mr. Shanahan stated that was all the information he wished to provide regarding the site's specificity, and he respectfully requested the Commission's recommended approval to the Sussex County Council as he concluded his presentation.

Mr. Mears questioned the location of the transformer on the revised plan.

Mr. Riley stated that the transformers, associated with each section of the solar array, would be located adjacent to the entrance of each section, and that there is a notation on the revised plan calling out the equipment pad, which is adjacent to the entrance gates at each section of the solar array.

Mr. Allen questioned whether the revised location would still make them centrally located, and whether there would be any proposed signage.

Mr. Riley stated that Mr. Allen was correct, and that they still would be centrally located.

Mr. Shanahan stated that no signage was proposed, other than any signage that may be required by the fire department.

Mr. Robertson stated that the Commission generally would allow signage; that the signage would not be so much for advertising, but more for relaying contact information, and that the Commission would allow 32 square feet of unlit signage.

Mr. Shanahan stated that they will have signage at the fence, however there will be no announcement of the solar facility.

Madam Chair Wingate questioned whether any of the other solar facility applications that Mr. Shanahan was involved in were in construction and/or completed.

Mr. Shanahan stated that they previously had six solar facility applications approved; that the facilities located within Harbeson and Bridgeville were currently under construction; that Delmar A, Delmar B, and Delmar C facilities were currently being held up thanks to Delmarva Power; that they also have applications in Lewes and Laurel; that they would like to start construction on all of them when they were originally approved by the County; that unfortunately, Delmarva Power and the interconnection process is ridiculous, and they are currently working on all of them.

Madam Chair Wingate stated that the Commission has seen a lot of applications, however, the Commission has not seen a lot of activity regarding the approved solar applications; that to continue to approve solar applications without seeing any running, it becomes difficult for the Commission, and it is difficult for the Commission to continue making conditions for solar facilities because they cannot see for themselves what conditions are needed or not needed with completed projects.

Mr. Shanahan stated that they are in the same situation, as they have spent thousands of dollars in engineering, and are still waiting to receive answers.

The Commission found that no one was present in support of the application, and that two people were present in opposition to the application.

Mr. Clifton Parker spoke in opposition to the application. Mr. Parker stated that he currently farms on the subject parcel, and that he is the adjoining property owner surrounding the parcel. Mr. Parker spoke with concerns regarding solar facilities, putting agricultural lands out of production, decreasing open space, toxic materials leaking into the groundwater, land and wildlife, the lithium from batteries, the inefficiency of solar panels, as they would not pay for themselves, and the short lifespan of solar panels. Mr. Parker requested permission to submit his opposition exhibit into the record.

Ms. Donna Mitchell spoke in opposition to the application. Ms. Mitchell stated that she resided directly adjacent to the proposed solar farm. Ms. Mitchell expressed her concerns regarding the negative impact of her view as the facility was proposed to be 80 feet from her bedroom window, the proximity of the solar arrays to residential homes, negative impact to her property value, protecting valuable habitat for nature, animals, birds, bees and plants, impacts to the Great Cypress Swamp, which helps breed two regionally rare species, including the Swanson's Warbler, negative impacts from glare, harmful chemicals used for the maintenance of the facility, groundwater pollution, the possible lack of decommissioning, noise impacts, and poor television reception.

Mr. Collins stated he presumed that the solar facility lease may be the property owner's attempt to hedge against agricultural prices declining in the future, and that the proposed solar facility would provide a sustained income that would help the property owner preserve their land, allowing the owner to keep the farmland they have.

Mr. Shanahan stated that Mr. Collins was correct; that as he had previously indicated, the solar facility use is proposed to use approximately a third of the total site; that the Commission had previously been through many solar facility public hearings; that he did not want to go point by point; that so many, if not all of the allegations raised by the opposition, do not apply to the particular type of solar farm they are proposing; that there will be no batteries; that there will be no lithium; that there is no

fire damage; that there is no toxic materials; that the project is approved by the FAA (Federal Aviation Administration), therefore they would not be interfering with air flight or anything of that nature, and that he respectfully requested that none of the previous allegations have any substance behind them when the Commission considers the application.

Mr. Collins questioned whether there was any lead content in the solar panels or any of the other materials used throughout the site.

Mr. Shanahan stated that they had presented evidence; that because of the proliferation of solar projects, they had been studied inside and out; that they are not allowed to use solar panels that present toxic materials; that a recent exclusion does not allow to use solar panels that have PFAS in them; that the solar panels have been studied; that they are safe, and therefore is the reason so many states are aggressively pursuing solar projects.

Mr. Collins stated that the Commission had seen Mr. Shanahan for many projects previously; that he questioned whether consideration had been given to using previously developed land, rather than consuming additional agricultural lands, and he questioned whether investigation had been given to options such as building over parking lots or other un-used, low-value land that was not serving an agricultural purpose.

Mr. Shanahan stated those would be preferred, however, time and time again, it is proven that land is not available; that when they approach a commercial or industrial center, making a proposal to develop a canopy solar over a parking lot, no one wants to do it due to issues with snow removal, dealing with cars and et cetera; that one may see many single-family homes with very small solar systems, one rarely sees a commercial or industrial building where they want solar panels on their roofs; that they have developed them for municipalities in different states; that they prefer to develop on roof tops because they do not receive the current type of emotional reaction from adjacent neighbors; that the desire for them, in those areas, is not there; that it is not one-sided, as he previously alluded to; that there is a benefit to landowners; that Ms. Ellen Anderson's family owned the land for three generations and never developed it or built on it; that they pay taxes on the land; that they allow Mr. Parker to farm on the land; that Ms. Anderson had since retired to Florida, and would like to subsidize in some manner, rather than selling her family farm, and the proposed use allows her to achieve both.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2533 RWE Clean Energy. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the March 18, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Application, which had been deferred since February 18, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2533 for RWE Clean Energy for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 24.5 acres of a larger 69.03-acre tract. The array area is set back approximately 800 feet from Cypress Road, and it complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The fourth side is wooded.
5. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. This is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive.” There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
 - D. The entire area of the solar array shall be surrounded by a landscaped buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. Because there was opposition in the record to the impacts of this solar array on the adjacent homes and land, this landscaped buffer shall be planted with vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan. No plantings shall be required along the wooded southern boundary of the array area.

- E. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- F. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- G. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan. In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.
- H. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- I. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Collins to recommend approval of C/U 2533 RWE Clean Energy for the reasons and the conditions stated in the motion. Motion carried 3-1. Mr. Pettyjohn abstained.

Vote by roll call: Mr. Passwaters – nay, Mr. Allen – yea, Mr. Collins – yea, Madam Chair Wingate – yea

Mr. Passwaters voted nay, stating that he is not against solar arrays, however, he felt there were better suited areas for the project to be built, that would not utilize a perfectly good farm field.

Mr. Allen voted yea, reluctantly, for the reasons and the conditions stated in the motion.

Mr. Collins voted yea, for the reasons and the conditions stated in the motion, however, he expressed that he had similar concern regarding the conversion of productive agricultural lands into solar farms, and he felt there should be redevelopment opportunities promoted, rather than the consumption of agricultural lands, or even worse, the cutting for existing forests.

Madam Chair Wingate voted yea, reluctantly, for the reasons and the conditions stated in the motion, however, stating that she also agreed with the concerns expressed by the fellow Commissioners.



Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2026
RE: Staff Analysis for C/U 2533 RWE Clean Energy

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2533 RWE Clean Energy to be reviewed during the February 18, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 533-8.00-10.00 (Portion of)

Proposal: The request is for a Conditional Use for Tax Parcel 533-8.00-10.00 to allow for a Solar Facility on a parcel lying on the south side of Cypress Road (Route 54), approximately 62 feet west of the intersection of Cliff Road (S.C.R. 380A) and Cypress Road (Route 54). The parcel is comprised of 69.03 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to north, south, east, and west are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area and Low Density Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Developing Area." All surrounding properties to the south, east, and west of the subject site contain the Future Land Use Map designation of "Developing Area". The properties to the north and across Cypress Road contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers". (Sussex County Comprehensive Plan, 4-14).

The Plan also notes that "in selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and



institutional uses can be appropriate to provide for convenient services and to allow people to work close to home”. (Sussex County Comprehensive Plan, 4-14).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

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

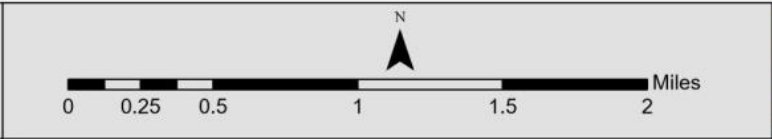
Existing Conditional Uses within the Vicinity of the Subject Site: Since 2011, there have been three (3) Conditional Use applications within a 1-mile radius of the application site.

| CU No. | Tax Map # | APPLICANT | Proposed Use | CC Date | CC Decision | Ord. No. |
|--------|----------------|----------------------------|------------------------------------|-----------|-------------|----------|
| 293 | 533-9.00-35.00 | Vernon J Mitchell & Janice | Poultry House on Less than 5 Acres | 9/30/1975 | Approved | N/A |
| 485 | 533-9.00-35.00 | Vernon Mitchell & Janice | Poultry house on less than 5-acres | 8/1/1978 | Approved | N/A |
| 2533 | 533-8.00-10.00 | RWE Clean Energy | Solar Facility | | Pending | |



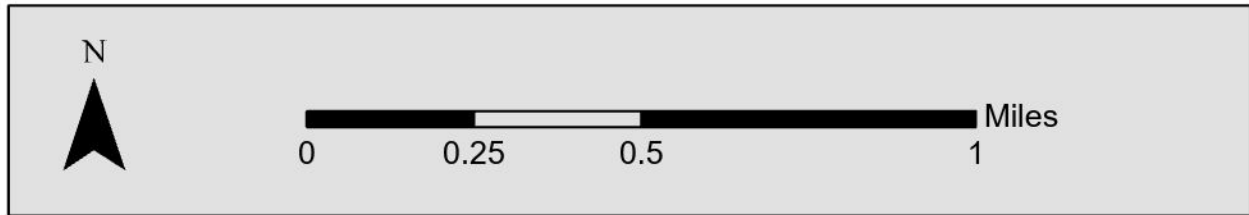
- CU 2533 RWE Clean Energy
- CU 2533 1-mile Buffer
- CU 2533 - CU Vicinity Map

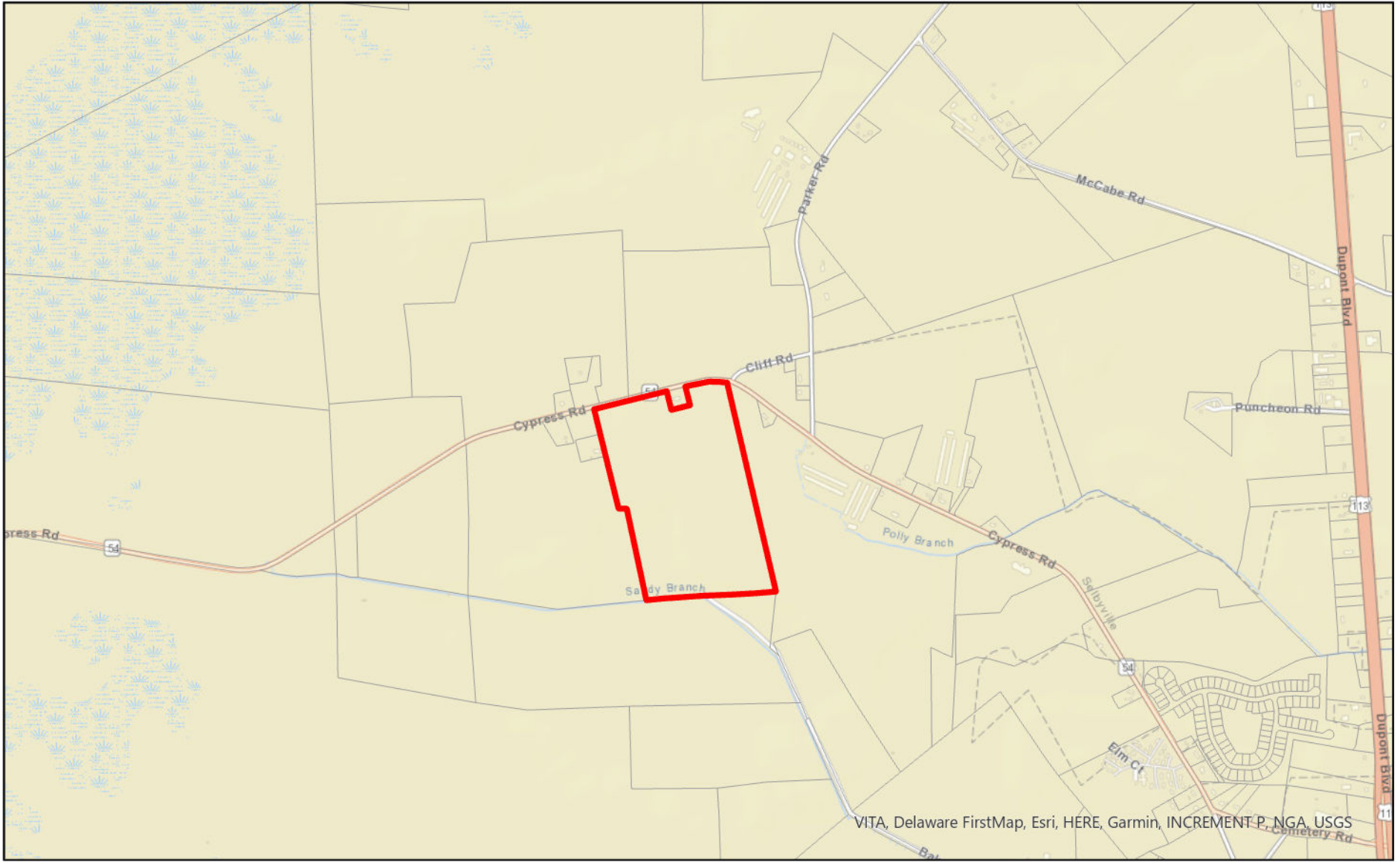
CU 2533 RWE Clean Energy
Conditional Uses within 1 mile
TM#533-8.00-10.00



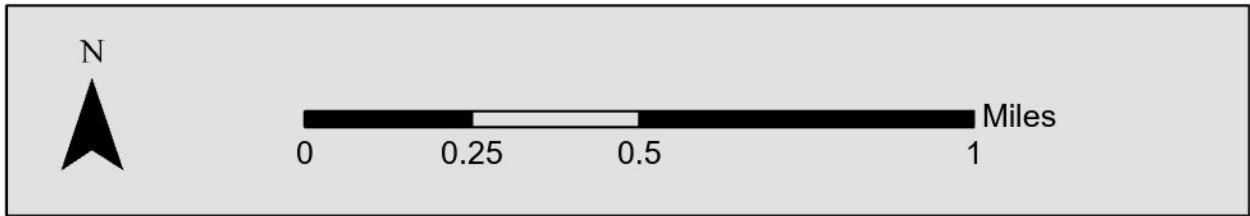


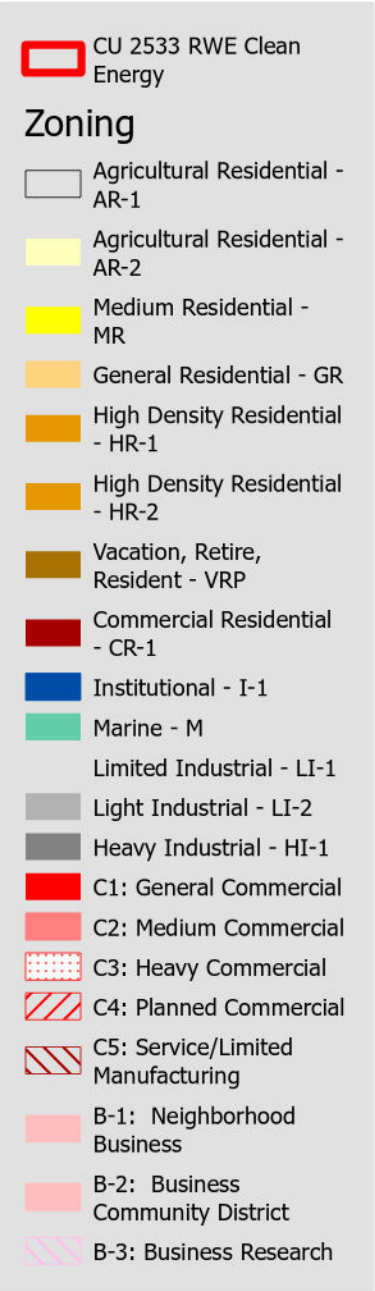
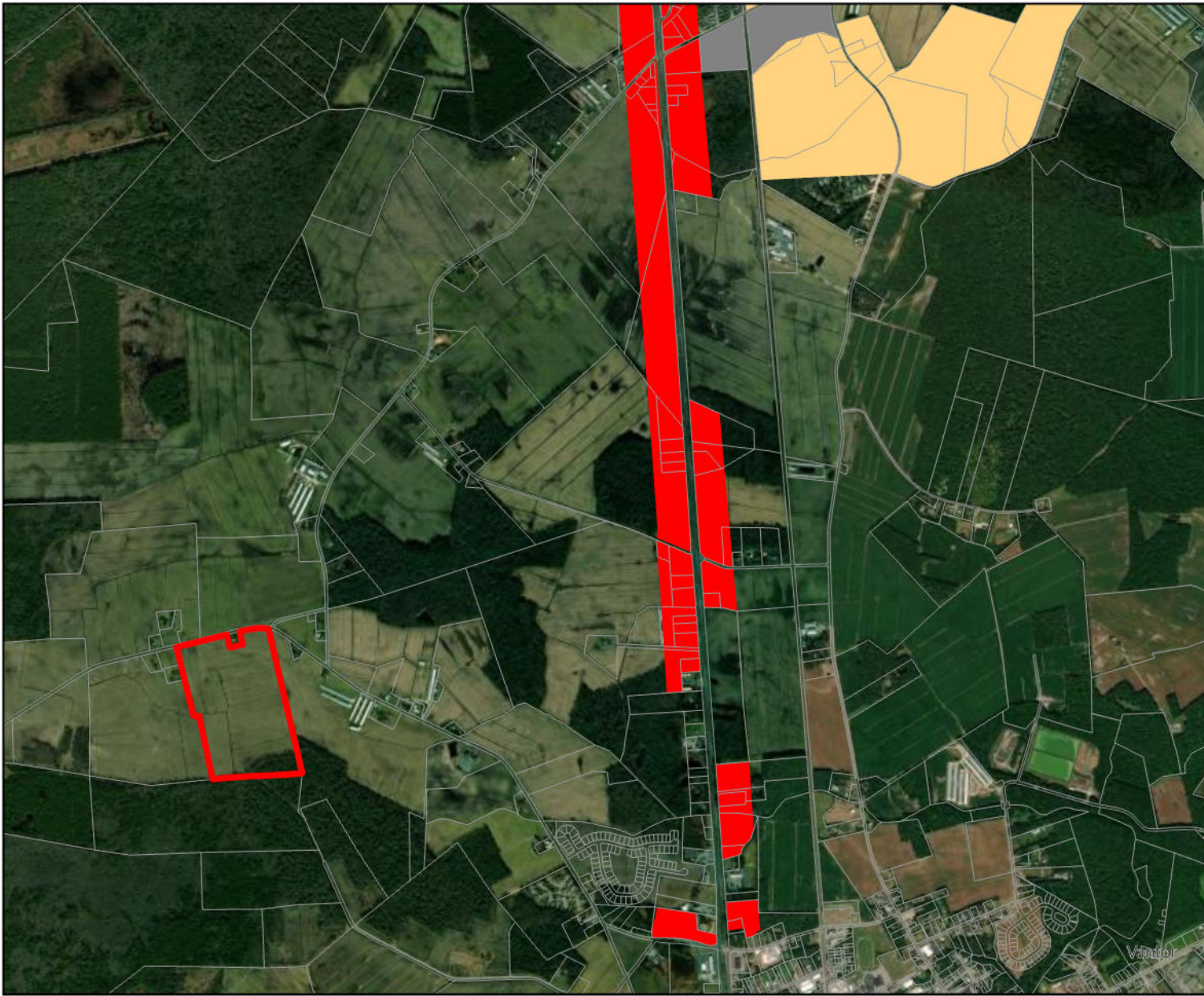
**CU 2533 RWE Clean Energy
Aerial Map
TM# 533-8.00-10.00**



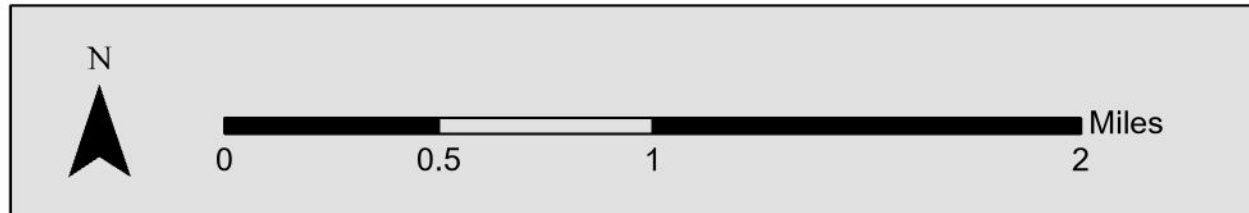


**CU 2533 RWE Clean Energy
Street Map
TM# 533-8.00-10.00**





**CU 2533 RWE Clean Energy
Zoning Map
TM# 533-8.00-10.00**



Introduced: 2/3/26

Council District 4: Mr. Hudson
Tax I.D. No.: 533-8.00-10.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of June 2024, a Conditional Use Application, denominated Conditional Use No. 2533, was filed on behalf of RWE Clean Energy and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2533 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2533 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Cypress Road (Route 54), approximately 62 feet west of the intersection of Cliff Road (S.C.R. 380A) and Cypress Road (Route 54), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. said parcel containing 69.03 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 1, 2026

RE: County Council Report for C/U 2614 filed on behalf of FFP DE Vines Creek, LLC

The Planning and Zoning Department received an application (C/U 2614 filed on behalf of FFP DE Vines Creek, LLC) for solar arrays to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-10.00-31.00. The property is located at 32507 Vines Creek Road, Dagsboro. The parcel size is 24.97 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 18, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 18, 2026, and March 18, 2026.

Minutes of the February 18, 2026, Planning & Zoning Commission Meeting

C/U 2614 FFP DE Vines Creek, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS. The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342). 911 Address: 32507 Vines Creek Road, Dagsboro. Tax Map Parcel: 134-10.00-31.00.



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

Mr. Whitehouse advised the Commission that submitting into the record were the Applicant's presentation materials, the Staff Analysis Report, the Applicant's Conceptual Site Plan, the DelDOT Service Level Evaluation Response Letter, and a copy of a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that Ms. Kelsey Crane, Project Manager for Forefront Power, spoke on behalf of Applicant, FFP DE Vines Creek, LLC; that also present was Mr. Richard Roseberry, Professional Engineer with Colliers Engineering & Design. Ms. Crane stated that the application proposed a 1.992 megawatt AC community solar project; that the site consisted of about 24 acres; that the solar project is proposed to use about 10 acres of the total 24 acres; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the project is a fixed tilt, not a tracker; that inverter would be centrally located; that the proposed height is about 12 feet; that they propose to use a pollinator-friendly seed mix with no pesticides or herbicides; that there are no batteries proposed to be used with the project; that there will be vegetative screening at the very front of the project; that the remainder of the project does not propose a vegetative screening, as the remainder of the site provides for existing vegetation; that the project had already obtained Delmarva interconnection approval; that they propose no signs at the project, other than the required 24 hour contact information; that the project proposed no lighting, and that the site is not being actively farmed.

Mr. Roseberry, P.E. stated that they had contacted the Millville Fire Department regarding the project; that the Millville Fire Department currently had no solar projects within their jurisdiction; that they visited the Millville Fire Department a few weeks back to provide an education session with them regarding the project; that during the session they discussed how they would fight a fire; that the Delaware State Fire Marshal also attended that meeting; that they had agreed that right before the project were to go live, they would provide an on-site meeting with the fire department, allowing them a walk through of everything; that this will allow them to know where all the disconnects are, how the systems operates, and to familiarize themselves with the project, and they had received pretty positive feedback from the fire department.

Mr. Allen questioned whether it would be acceptable to not propose a buffer due to the existing vegetation.

Mr. Robertson stated that the Code requires a landscape buffer strip of open space, with a minimum of 100 feet from any street lines, and 50 feet from all property lines, and he was uncertain whether it applied in the current application's situation, given the dimensional requirements.

Mr. Roseberry, P.E. stated the project met the dimensional requirements; that the site was very overgrown; that the site is currently vacant; that they are proposing to keep the existing vegetation, and to only carve out what is required to develop the project.

Mr. Robertson stated that the project is a 24.92-acre site and requested confirmation on the total acreage being proposed for the solar arrays.

Ms. Crane stated that she believed the project proposed to use a little over 10 acres for the project.

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

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2614 FFP DE Vines Creek, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the March 18, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Application, which had been deferred since February 18, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2614 for FFP Vines Creek, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 10.5 acres of a larger 25-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is bordered by agricultural land including poultry houses as well as wooded tracts.
5. The land is designated as being within the “Coastal Area” according to Sussex County’s Future Land Use Map. The Coastal Area is considered a “Growth Area” and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive.” There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. There is no evidence in the record in opposition to this Application.
10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array. No other types of electric generation

- shall be permitted at the site.
- B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by a seven-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. In addition, the existing vegetation outside of the solar array area shall be preserved to comply with the buffer requirements of Section 115-172I(1) of the Sussex County Zoning Code. These areas of non-disturbance shall be included on the Final Site Plan and clearly marked on the site itself.
 - D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
 - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Mr. Robertson recommended that the Commission delete a portion of Condition F which stated “*In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties*” as this condition did not apply to the site.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2614 FFP Vines Creek, LLC, for the reasons and the conditions stated in the revised motion. Motion carried 4-0. Mr. Pettyjohn abstained.

Vote by roll call: Mr. Passwaters – yea, Mr. Allen – yea, Mr. Collins – yea, Madam Chair Wingate – yea

Mr. Passwaters voted yea, for the reasons and the conditions stated in the motion.

Mr. Allen voted yea, for the reasons and the conditions stated in the motion.

Mr. Collins voted yea, for the reasons and the conditions stated in the motion.

Madam Chair Wingate voted yea, reluctantly, for the reasons and the conditions stated in motion.

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
J. BRUCE MEARS, VICE-CHAIR
JOHN PASSWATERS



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 18, 2026

Application: C/U 2614 FFP DE Vines Creek, LLC

Applicant: FFP DE Vines Creek, LLC
100 Montgomery Street, #725
San Francisco, CA 94104

Owner: The Old Place Limited Partnership
32485 Vines Creek Road
Dagsboro, DE 19939

Site Location: The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 miles west of Sandy Landing Road (S.C.R. 342).
Address: 32507 Vines Creek Road, Dagsboro

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: AR-1 (Agricultural Residential)

Proposed Use: A Solar Facility

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 - Mr. Hudson

School District: Indian River

Fire District: Dagsboro Fire Company

Sewer: N/A

Water: Tidewater Utilities, Inc.

Site Area: 10.92 acres +/-

Tax Map ID.: 134-10.00-31.00





Memorandum

To: Sussex County Planning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2026
RE: Staff Analysis for C/U 2614 FFP DE Vines Creek, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2614 FFP DE Vines Creek, LLC to be reviewed during the February 18, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 134-10.00-31.00 (Portion of)

Proposal: The request is for a Conditional Use for Tax Parcel 134-10.00-31.00 to allow for a Solar Facility on a parcel lying on the north side of Vines Creek Road (Route 26), approximately 0.31 miles west of Sandy Landing Road (S.C.R. 342). The parcel is comprised of 25.66 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated has a Growth Area designation of “Coastal Area.” The adjacent properties to the north, south, east and on the opposite site of Vines Creek Road (Route 25) and west of the subject property also have a Future Land Use Map designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, “*Coastal Areas*” are areas where the County encourages only appropriate forms of concentrated new development – especially when environmental features are at play” (2018 Sussex County Comprehensive Plan, 4-9).



Additionally, the Plans notes that, “*This region is among the most desirable location in Sussex County for new housing*” but also “*contains ecologically important and sensitive characteristics*” (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, “*Medium and higher density (4-12 unit per acre*” can be appropriate in areas:

- *Where there is central water and sewer;*
- *Near sufficient commercial uses and employment centers;*
- *Where it is in keeping with the character of the area;*
- *Where it is along a main road or at/or near a major intersection;*
- *Where there is adequate Level of Service”* (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not located within any established Transportation Improvement District (TIDs).
- **Forested Areas:** Staff notes that the Parcel appears to have existing forest/vegetation cover on a majority of the subject Property.
- **Wetlands Buffers/Waterways:** Staff note that there does appear to be wetlands encroaching the rear of the Property based on Delaware’s FirstMap data system in GIS.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” and “AE” and staff note the property is not located within a Wellhead Protection Area. The subject Property is located within an area of “Good” Groundwater Recharge Area with a small portion of the upper northeast corner is within and “Excellent” Groundwater Recharge Area.

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

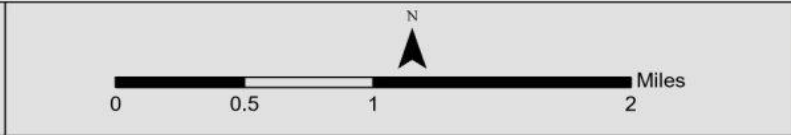
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

| Conditional Use Applications (Within a 1-Mile Radius) | | | | | |
|--|----------------------------|------------------------------------|--------------------|-------------------------|----------------------|
| Change of Zone No. | Applicant | Proposed Use | CC Decision | CC Decision Date | Ordinance No. |
| 102 | Elmer Marvel | Manufactured Home Park | Denied | 1/23/1973 | N/A |
| 315 | Stanley Marvel | Poultry Houss on less than 5-acres | Approved | 1/27/1975 | N/A |
| 347 | Russell Garrison | Barber Shop | Approved | 6/1/1976 | N/A |
| 696 | Roy Townsend | Beauty Shop | Approved | 9/14/1982 | N/A |
| 1384 | Catholic Cemeteries, Inc. | Cemetery | Approved | 2/13/2001 | 1434 |
| 1470 | Jonathan Gruzanski | Multi-Family | Withdrawn | 10/30/2002 | N/A |
| 71745 | Gray's Creative Touch | Landscaping Garden Center | Approved | 10/14/2008 | 1998 |
| 1936 | Chester Townsend IV | Food Vendor | Approved | 9/11/2012 | 2275 |
| 1953 | Thomas Milspaw | Multi-Family Dwelling Structure | Approved | 2/5/2013 | 2292 |
| 2253 | Chester & Shirley Townsend | Event Venue | Approved | 8/31/2021 | 2795 |
| 2570 | Greens Landing | Multi-Family | Pending | | |
| 2605 | John Gray | Boat/RV Outdoor Storage | Pending | | |



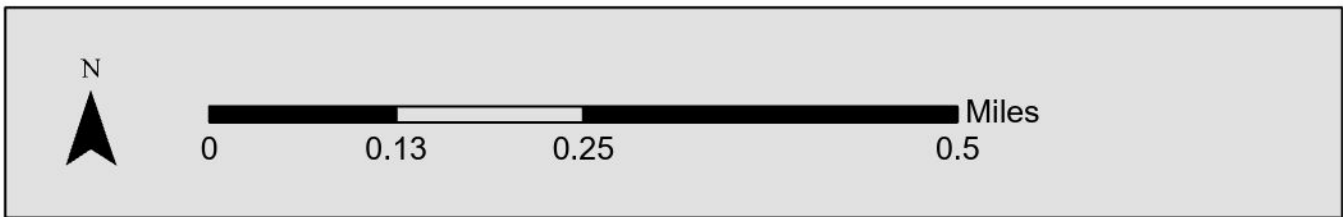
- CU 2614 FFP DE Vines Creek, LLC
- CU 2614 1-Mile Buffer
- CU 2614 Vicinity Map

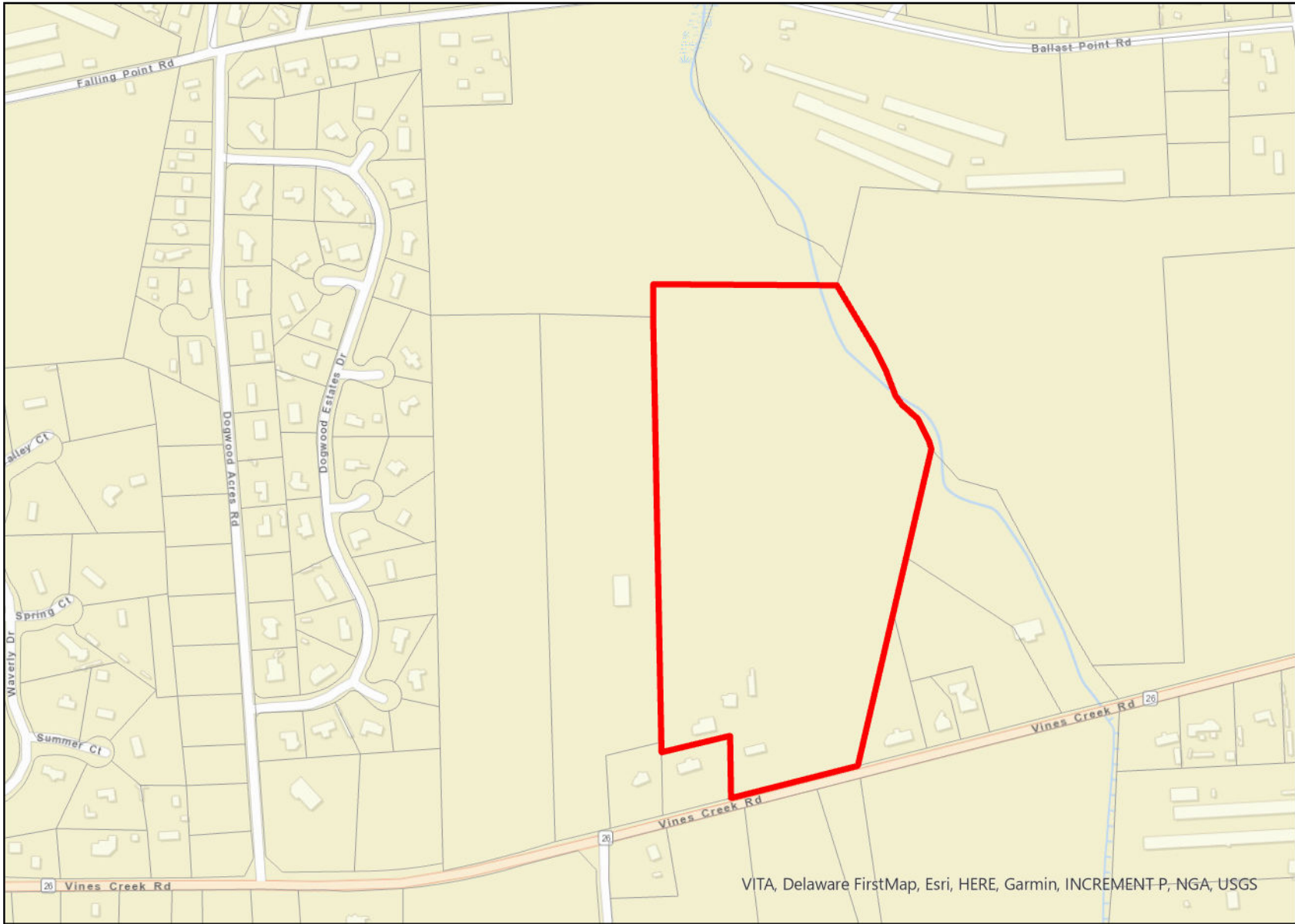
CU 2614 FFP DE Vines Creek, LLC
Conditional Uses within 1 mile
TM# 134-10.00-31.00





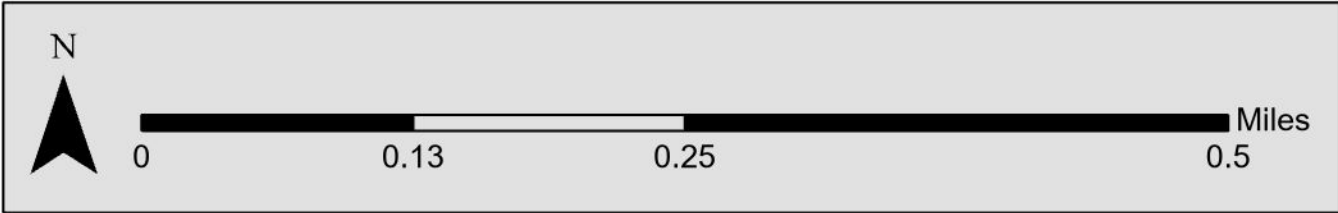
CU 2614 FFP DE Vines Creek, LLC
Aerial Map
TM# 331-2.00-18.20

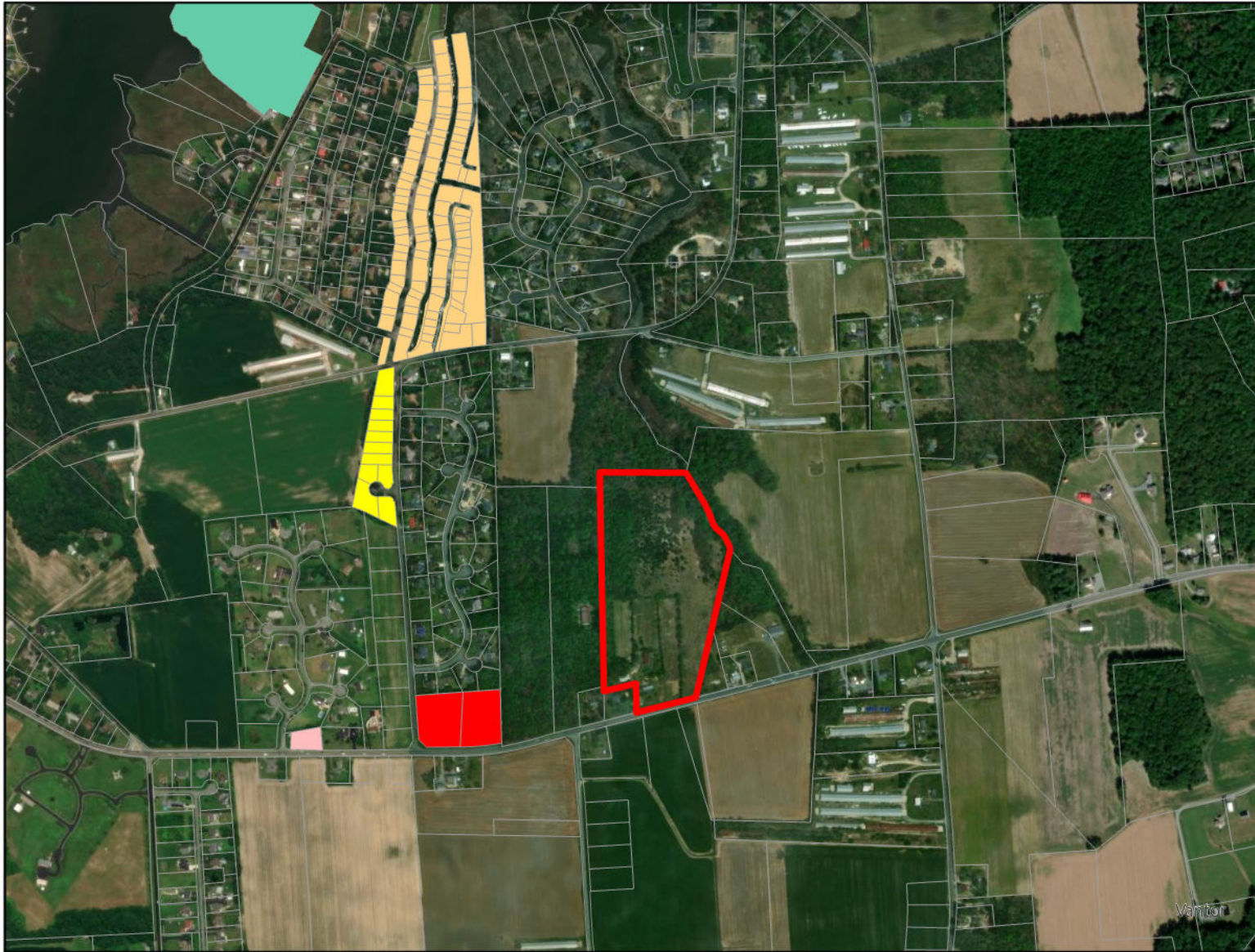





 CU 2614 FFP DE Vines
Creek, LLC





















CU 2614 FFP DE Vines Creek, LLC
Street Map
TM# 134-10.00-31.00



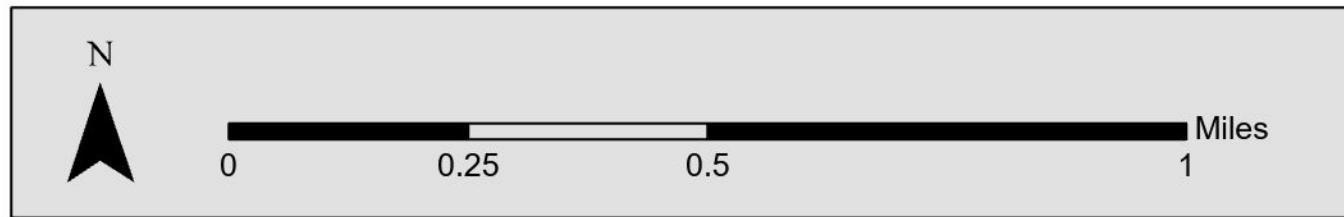


 CU 2614 FFP DE Vines Creek, LLC

Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
-  B-3: Business Research

**CU 2614 FFP DE Vines Creek, LLC
Zoning Map
TM# 134-10.00-31.00**



Introduced: 2/3/26

Council District 4: Mr. Hudson
Tax I.D. No.: 134-10.00-31.00
911 Address: 32507 Vines Creek Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS

WHEREAS, on the 30th day of September 2025, a Conditional Use application, denominated Conditional Use No. 2614, was filed on behalf of FFP DE Vines Creek, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2614 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2614 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. said parcel containing 24.97 acres, more or less.

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