

Sussex County Council Public/Media Packet

**MEETING:
January 14, 2020**

****DISCLAIMER****

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

AGENDA

JANUARY 14, 2020

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Gina Jennings, Finance Director

1. Recognition of the Cape Henlopen High School Field Hockey Team
2. Administrator's Report

John Ashman, Utility Planning Director

1. Request to prepare and post notices for the Cherry Creek Valley Annexation
2. Request to prepare and post notices for the proposed boundary of the Blackwater Village Area of the Sussex County Unified Sanitary Sewer District

Hans Medlarz, County Engineer

1. The Owl's Nest Pavement Improvements, Project T20-01
 - A. Change Order No. 1
2. Blades Sanitary Sewer District Expansion
 - A. Concord Road Utility Upgrade, Project 15-03 – Close-Out



- B. Davis Bowen & Friedel Amendment No. 1 – Route 13 Extension
Additional Services
- 3. Inland Bays Regional Wastewater Facility – Biosolids and Septage Facilities,
Project 18-19
 - A. Change Order No. 2 - T&M Stormwater Improvements
 - B. Change Order No. 3 - Compensatory Time Extension
 - C. Change Order No. 4 - Elimination of By-Pass Pumping

Old Business

Change of Zone No. 1896 filed on behalf of Fenwick Commons, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (lying at the southwest corner of Lighthouse Road (Route 54), and Sand Cove Road, and the east side of Sand Cove Road, approximately 211 feet south of Lighthouse Road (Route 54) (Tax I.D. No. 533-19.00-52.00) (911 Address: None Available)

Conditional Use No. 2197 filed on behalf of Fenwick Commons, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (62 DUPLEX UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (lying at the southwest corner of Lighthouse Road (Route 54) and Sand Cove Road, and the east side of Sand Cove Road, approximately 211 feet south of Lighthouse Road (Route 54) (Tax I.D. No. 533-19.00-52.00) (911 Address: None Available)

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Adjourn

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

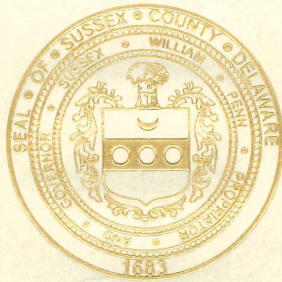
In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 7, 2020 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL



PROCLAMATION

A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2019 DIAA DIVISION I CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Cape Henlopen High School field hockey team for winning the Delaware Interscholastic Athletic Association title as Division I State Champions for the 2019 season; and

WHEREAS, the Cape Henlopen High School field hockey team capped yet another impressive season in beating Padua Academy by a score of 2 to 0 during the state championship game on Saturday, November 16, 2019, ending with an impressive 17-2 record; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is the eighth state title in the last nine years for the school's field hockey program and the 10th field hockey state championship title for the school since 1979; and

WHEREAS, the Cape Henlopen High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the State of Delaware and Mid-Atlantic during the 2019 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is a source of tremendous pride for the Cape Henlopen School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Cape Henlopen High School field hockey team upon winning the 2019 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, January 14, 2020, as a day for all Sussex County residents to honor the team's remarkable achievement.



Irwin G. Burton III, Councilman

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING


Proposed Cherry Creek Valley Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area)
- Includes parcels along Camp Arrowhead Road north of Waterview Road.
- The Engineering Department has received requests from several property owners interested in having the County extend the Sewer District Boundary. The requests caused us to create and distribute a polling letter to the area.
- The results from the polling letter were mixed and we have prepared the current boundary based on those requests for service and the requirement to maintain a contiguous boundary.
- One property has multiple mobile homes and campers that are currently connected to common septic systems and/or cesspools. They are currently working with DNREC in an attempt to clean up the site and central sewer would benefit the property as well as take care of some environmental issues.
- The County is currently in design for the Joy Beach area project which extends sewer service to the Happy Go Lucky Mobile Home Park and this would allow us the opportunity to take advantage of some economies of scale.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.

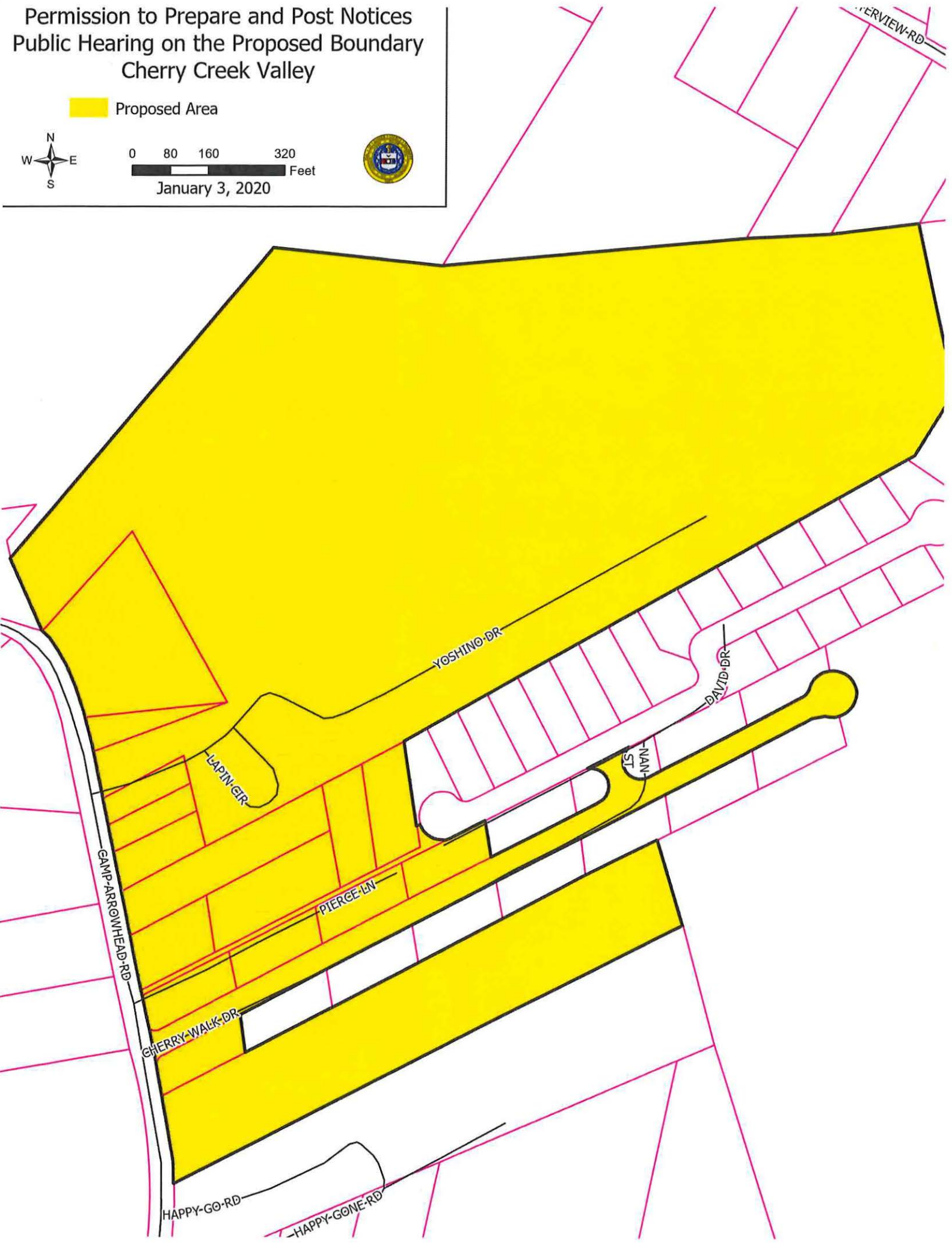


Permission to Prepare and Post Notices Public Hearing on the Proposed Boundary Cherry Creek Valley

 Proposed Area



0 80 160 320
Feet
January 3, 2020



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING


Proposed Blackwater Village Area of the Sussex County Unified Sanitary Sewer District

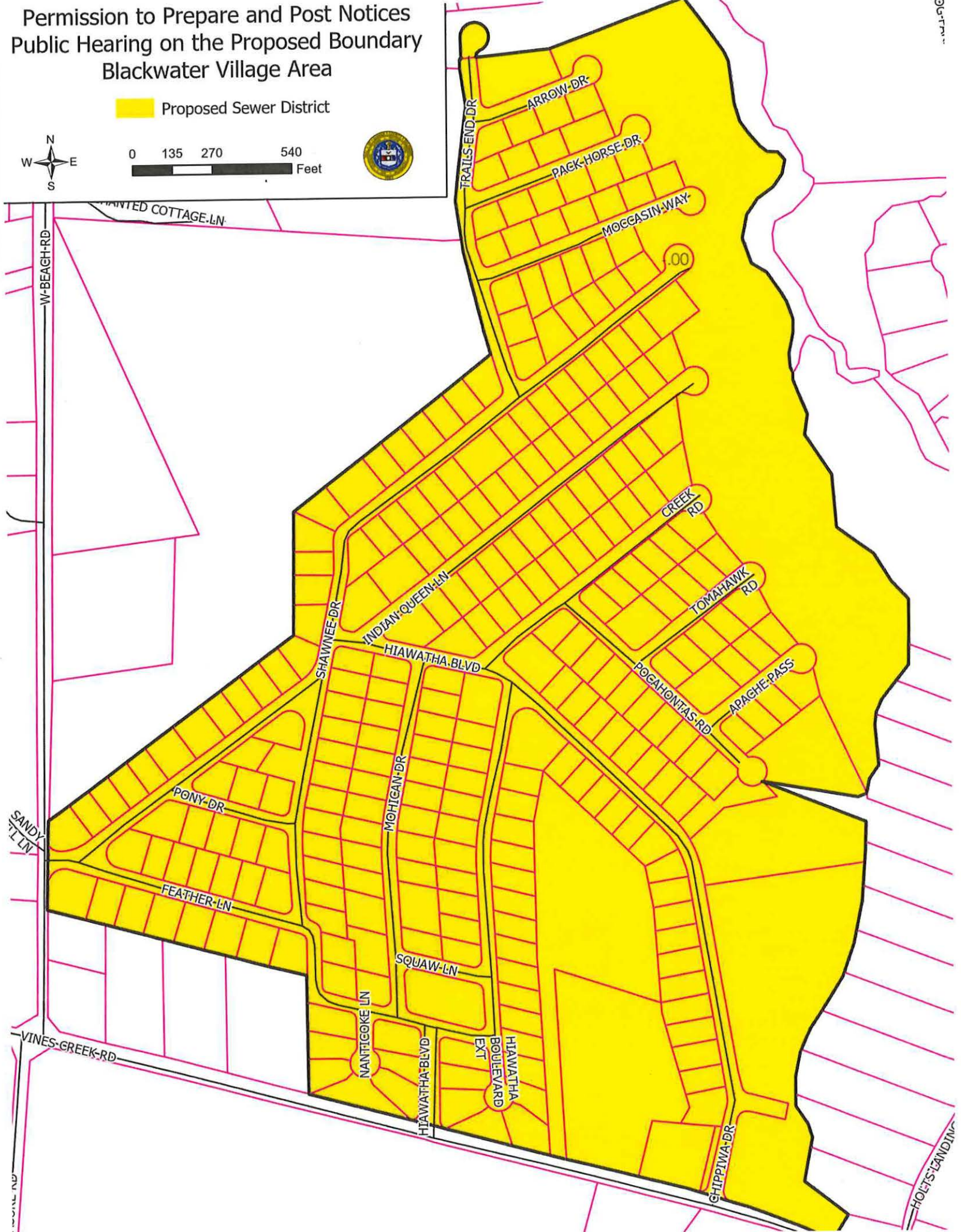
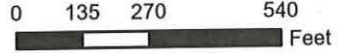
PERMISSION TO POST FACT SHEET

- In February 2019 the Engineering Department received a request to prepare and distribute petitions from a property owner in the area.
- The County has received interest in the past and a petition but the distance to infrastructure made the project unaffordable.
- With the completion of the Millville SR26 Phase III project sewer infrastructure is closer therefore petitions were created and distributed.
- October 2019 the Homeowners Association presented signed petitions to the Engineering Department along with a Resolution supporting the petition for extending sewer service to Blackwater Village from the Blackwater Village Association Inc. dated April 11, 2019.
- A sufficient number of valid Petitions have been received, (75) out of approximately (276) parcels. Some being multiple petitions from legal voters in the same household.
- The Engineering Department would like to request for permission to prepare and post notices for a Public Hearing to establish a final boundary. The Engineering Department will present a proposed boundary and explain the County Rate structure.
- The Engineering Department will evaluate any requested revisions to the boundary and Final boundary recommendations will be presented to Council for approval at a future meeting.
- The Public Hearing on the Boundary is currently scheduled for March 13, 2020 at the Indian River High School on Armory Road, Dagsboro should council approve this request to post.



Permission to Prepare and Post Notices Public Hearing on the Proposed Boundary Blackwater Village Area

 Proposed Sewer District



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable John L. Rieley
The Honorable Douglas B. Hudson

FROM: Hans Medlarz, P.E.

RE: ***THE OWL'S NEST PAVING IMPROVEMENTS, PROJECT T20-01***
A. *Change Order No. 1*

DATE: January 14, 2020

Election results for the proposed Owl's Nest Chapter 96 Sussex Community Improvements project were presented to Council on June 11, 2019. Based on affirmative Election results and Engineering Department recommendation, Council adopted Resolution No. R 013 19 authorizing the Department to perform improvements and for the County Engineer and Finance Director to determine a uniform rate for billing after substantial completion.

The Engineering Department advertised Sussex County Project T20-01 on August 9, 2019. Four (4) bids were received, publicly opened and read aloud on Wednesday, August 28, 2019. A preliminary project estimate developed in March 2019 and utilized for the Petition and Election stages of the Chapter 96 Program included a \$5,000 HOA contribution to the Project. Based on bid results the HOA increased their project contribution to \$20,000. This contribution amount maintained the estimated assessment roll utilized in the Project Election.

On September 17, 2019 Council awarded Project T20-01 to Jerry's Inc., of Milford, DE, for a \$87,653.65 contract amount. A Notice to Proceed was issued, effective November 4, 2019, for the 30 consecutive calendar day agreement. Scheduling coordination, weather and holidays contributed to delays in beginning work. During this period the Contractor proposed a modified approach for roadway improvements, to include a paving fabric interlayer, citing potential for associated costs to be offset by quantity underruns of over-estimated asphalt tonnage. The Engineering Department reviewed the paving fabric and cost proposal, and concurred fabric use would maintain or improve project objectives without increasing total costs.

Change Order No. 1, attached, provides for amendment of the contract item schedule to include new item C-1, Furnish & Install Paving Fabric with PG Asphalt; for no increase or decrease in total contract amount; and for a no-cost contract time extension of an additional 30 calendar days. The Engineering Department recommends approval of Change Order No. 1.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **THE OWL'S NEST PAVEMENT IMPROVEMENTS**
2. Sussex County Project No. T20-01
3. Change Order No. 1
4. Date Change Order Initiated - 11/12/2019
5. a. Original Contract Sum \$87,653.65
b. Net Change by Previous Change Orders \$ 0
c. Contract Sum Prior to Change Order \$87,653.65
d. Requested Change \$0
e. Net Change (No. of days) 30
f. New Contract Amount \$87,653.65
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

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

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Department concurs with Contractor proposal to use a Paving Fabric Interlayer in conjunction with roadway patching and pavement overlay, for potential improvement of post-construction conditions without increase in total contract amount. Over-estimated quantities, primarily the tonnage of asphalt pavement items, are proposed to offset costs associated with new work item.

No changes to total contract amount are proposed.

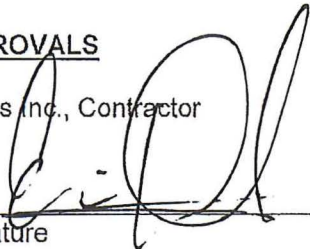
An additional 30 consecutive calendar days are proposed at no-cost to contract total amount, to address delays in project schedules associated with project coordination, weather and Holidays.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

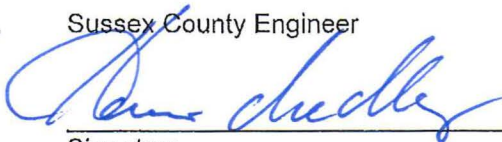
E. APPROVALS

1. Jerry's Inc., Contractor


Signature _____ Date 1/3/20

ERIC PARKS
Representative's Name in Block Letters

2. Sussex County Engineer


Signature _____ Date 1/3/20

3. Sussex County Council President

Signature _____ Date

THE OWL'S NEST PAVEMENT IMPROVEMENTS
PROJECT NO. T20-01 - JERRY'S INC.

CHANGE ORDER # 1
12/3/2019

| WORK ITEMS | | | | AS BID | | CHANGE ORDER # 1 | | | AS BUILT | | | Over / Under Run Costs |
|--------------------------|---|------|--------------------|----------------|----------------------|------------------|----------------|--------------------|----------------|------------|-----------------|------------------------|
| Item No. | Item Description | Unit | Estimated Quantity | Unit Price Bid | Total Item Price Bid | Revised Quantity | Unit Price Bid | Total Item Cost | Final Quantity | Unit Cost | Total Item Cost | |
| 1 | Mobilization | LS | 1 | \$4,250.00 | \$4,250.00 | 1.00 | \$4,250.00 | \$4,250.00 | | \$4,250.00 | \$0.00 | |
| 2 | Existing Hot Mix Preparation | LS | 1 | \$1,350.00 | \$1,350.00 | 1.00 | \$1,350.00 | \$1,350.00 | | \$1,350.00 | \$0.00 | |
| 3 | Driveway Tie-in | EA | 19 | \$106.00 | \$2,014.00 | 19.00 | \$106.00 | \$2,014.00 | | \$106.00 | \$0.00 | |
| 4 | Manhole Frame and Cover Adjustment | EA | 1 | \$780.00 | \$780.00 | 0.00 | \$780.00 | \$0.00 | | \$780.00 | \$0.00 | |
| 5 | Valve Box Adjustment | EA | 3 | \$240.00 | \$720.00 | 1.00 | \$240.00 | \$240.00 | | \$240.00 | \$0.00 | |
| 6 | Type B Hot Mix Patching | TON | 55 | \$273.03 | \$15,016.65 | 51.58 | \$273.03 | \$14,082.89 | | \$273.03 | \$0.00 | |
| 7 | Type C Hot Mix Wedge/Level | TON | 100 | \$89.00 | \$8,900.00 | 55.00 | \$89.00 | \$4,895.00 | | \$89.00 | \$0.00 | |
| 8 | Type C Hot Mix Paving | TON | 525 | \$88.92 | \$46,683.00 | 470.96 | \$88.92 | \$41,877.76 | | \$88.92 | \$0.00 | |
| 9 | Crusher Run (Type B) | TON | 10 | \$38.00 | \$380.00 | 10.00 | \$38.00 | \$380.00 | | \$38.00 | \$0.00 | |
| 10 | Restoration | LS | 1 | \$5,200.00 | \$5,200.00 | 1.00 | \$5,200.00 | \$5,200.00 | | \$5,200.00 | \$0.00 | |
| 11 | Independent Density Testing | HR | 20 | \$118.00 | \$2,360.00 | 8.000 | \$118.00 | \$944.00 | | \$118.00 | \$0.00 | |
| TOTAL COST | | | | | \$87,653.65 | | | | | | | |
| Change Order Work | | | | | | | | | | | | |
| C - 1 | Furnish & Install Paving Fabric with PG Asphalt | SY | | | | 3000 | \$4.14 | \$12,420.00 | | \$4.14 | \$0.00 | |
| SUBTOTAL | | | | | | | | \$87,653.65 | | | | |
| TOTAL COST | | | | | | | | \$87,653.65 | | | \$0.00 | |

| | | |
|---|-------------|--------|
| Contract Amount Prior to Change Order # 1 | \$87,653.65 | |
| Sum of All Overage / Underruns (TBD) | | \$0.00 |
| Change Order # 1 Amount | | \$0.00 |
| Final Contract Price (TBD) | | \$0.00 |

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: ***EXPANSION of the BLADES SANITARY SEWER DISTRICT AREA***
A. Concord Road Utility Upgrades, Project 15-03
Final Balancing Change Order No. 5 and Project Completion
B. DBF, Inc. 2019 EJCDC Base Agreement,
Amendment No. 1 – Rt. 13 Extension Additional Services

DATE: January 14, 2020

On September 24, 2013, Council approved the Concord Road expansion of the Blades Sanitary Sewer District Area. A funding request was submitted to USDA, Rural Development. After receiving obligation documentation, County Council accepted the conditions associated with the original \$729,000.00 loan and \$449,000.00 grant offer.

On October 3, 2017, County Council approved the Concord Road Construction Agreement with the Town of Blades and the associated Amendment No. 3 to the base contract with Davis, Bowen and Friedel, Inc. combining the water and sewer projects in one construction document. On November 14, 2017, County Council awarded Contract No. 15-03 to Zack Excavating Inc, in the total amount of \$2,403,782.00. Under the terms of the Agreement Sussex County was the party to the entire contract with Zack Excavating, Inc, making all initial payments and receiving reimbursement from USDA on behalf of the Town of Blades, upon project completion.

Due to the increased construction costs, the Finance and Engineering Departments submitted a supplemental funding request to USDA. The County received obligation documentation with an offer of \$220,000.00 in loan and \$145,000.00 in grant funding. On January 9, 2018, Council accepted the funding offer and approved the associated USDA Loan Resolution.

Work involving the Blades water system resulted in Change Order No.1 in the amount of \$31,776.86, which was approved by the Town of Blades and their Engineer prior to approval



by County Council on May 1, 2018. Change Order No. 2 in the amount of \$14,490.60, approved on September 11, 2018, included additional maintenance of traffic required by DeDOT as well as additional unit cost items.

On October 23, 2018, Change Order No. 3, in the amount of \$290,803.50 was approved by Council. The associated work provided gravity infrastructure to take the existing Little Meadows pump station (PS#64) offline and divert flow to the new pump station on Concord Road, eliminating the need to upgrade PS#64 and utilize available grant money within the current contract to complete a partial gravity sewer extension towards the RT-13 corridor.

By including this work in the Concord Road Utility Upgrade Contract, the County was able to utilize unit price items as bid and complete the work before PS#64 required any of the budgeted repair. The Finance and Engineering Departments submitted a scope modification request to USDA utilizing funds for Change Order No.3 and on August 24, 2018, USDA concurred in the request. Change Order No. 4 was a non-compensatory time extension for additional work associated with Change Order No. 3 issued administratively by the Engineering Department.

The close out Change Order No. 5 balances out all unit price bid items for the entire contract as well as two minor lump sum adjustments to the fencing of the pump station. The extension to the Little Meadows PS#64 increased by approximately \$38,000 as per Attachment B, almost entirely caused by the expanded dewatering requirement based on unfavorable weather conditions. In summary, the net decrease to the overall contract is (\$217,404.10). The Engineering Department recommends acceptance of Change Order No.5, contingent upon USDA concurrence, as well as granting of final project completion.

On June 3, 2014, County Council awarded (5)-year on-call contracts for miscellaneous consultant services to, among four others, Davis, Bowen and Friedel (DBF). Since then, Council utilized the services of DBF through the EJCDC Base Agreement by approving two amendments in the amount of \$291,000.00.

On July 19, 2016, a public hearing was held, and the RT-13 Commercial Expansion was approved. In accordance with the County's Procurement Policy, the Engineering Department authorized the associated design on the west side of RT-13 north of the crossing to proceed under a stand-alone arrangement with DBF valued at \$20,000.00. On January 8, 2018 Council approved Contract Amendment No.3 in the not to exceed amount of \$25,000.00 to cover work related to the final design of the actual RT-13 sewer crossing.

On May 14, 2019, after expiration of the original contract, the Council authorized the execution of new (5)-year professional service agreements for miscellaneous consultant services to, among two others, DBF. In order complete RT-13 Commercial Extension design for the two runs on each side of the highway south of the crossing the Engineering Department is now requesting Contract Amendment No.1 under the reauthorized base contract in the not to exceed amount of \$10,000.00.

UNITED STATES
DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

AND STATE OF DELAWARE
OR DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF WATER RESOURCES
FINANCIAL ASSISTANCE BRANCH

CHANGE ORDER NO: 5

DATE: January 14, 2020

STATE: Delaware

SEPARATELY OR JOINTLY FUNDED PROJECT

COUNTY: Sussex

CONTRACT CHANGE ORDER

CONTRACT FOR: Concord Road Utility Upgrade Project -----
-----Contract 15-03-----

OWNER: Sussex County Council / Town of Blades

To: Zacks Excavating, Inc.
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

| Description of Changes (Supplemental Plans and Specifications Attached) | DECREASE in Contract Price | INCREASE In Contract Price |
|---|-------------------------------|-------------------------------|
| 1) Fencing Changes at Pump Station | | \$ 1,575.00 |
| 2) Cost Reduction for Scope Change at the Pump Station | \$ 1,800.00 | |
| 3) 49 Day Extension to Suspended Work Period (4/1/19 Thru 5-19-19) | | |
| 4) Revised Start date for 90 Day Non-Compensatory Time Extension for Work Relate to Change Order #3 | | |
| 5) Balancing of Contract Used/Unused Bid Item Quantities (includes change order #3 items) | \$ 217,179.10 | |
| TOTALS | \$ 218,979.10 | \$ 1575.00 |
| NET CHANGE IN CONTRACT PRICE | \$ (217,404.10) | \$ |

JUSTIFICATION: Explain (Differing Site Conditions) (Errors or Omissions in Drawings or Specifications) (Changes in Regulatory Requirements) (Design Changes) (Over run or Under run in Quantities) (Factors Affecting Time of Completion) (Other: Describe below) 1. Two additional man doors were added in the fence to allow a means of egress while working on the control cabinet with the access doors open. 2. A reduction in costs associated with the electric installation due to the power company performing extra work at the site without additional costs. 3. An extension to the suspended work period was needed due to the delay in obtaining manhole structures from the manufacturer and receiving dewatering permits from DNREC. 4. Due to the suspended work period extension, a revised start date for work related to change order #3 (Little Meadows Extension) is required. 5. Adjustment of quantities of bid items (Attachment A) and Change Order #3 (Attachment B) to reflect actual quantities used to complete the work.

The original amount of the Contract: Two Million, Four Hundred Three Thousand, Seven Hundred Eighty-Two Dollars and 00/100
Dollars \$2,403,782.00

The amount of the Contract as adjusted by all previously approved Change Orders: Two Million, Seven Hundred Forty Thousand, Eight Hundred Fifty-Two Dollars and 96/100
Dollars \$2,740,852.96


The amount of the Contract will be decreased through this Change Order by the sum of: Two Hundred Seventeen Thousand, Four Hundred Four and 10/10
Dollars (\$ 217,404.10)

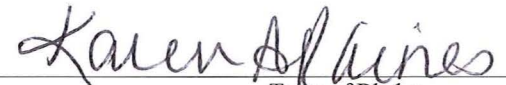
The Contract Total including this and all previous Change Orders will be: Two Million, Five Hundred Twenty-Three Thousand, Four Hundred Forty-Eight and 86/100 Dollars \$ 2,523,448.86

The Contract Period provided for completion will be (Increased) by: Zero
(0) Calendar Days


Page 2 of 2
CONTRACT CHANGE ORDER FORM
CHANGE ORDER NO. 5
CONTRACT 15-03

This document will become a supplement to the contract and all provisions will apply hereto.

Requested:  1/8/2020
(Owner – Sussex County Engineering Department) (Date)

Requested:  1-8-2020
Town of Blades (Date)

Recommended:  CA-DBP 1/8/2020
(Owner's Architect/Engineer – Davis, Bowen & Friedel, Inc.) (Date)

Accepted:  1/7/2020
(Contractor – Zacks Excavating Inc.) (Date)

Approved by U. S. Department of Agriculture: _____
(United States Department of Agriculture, Rural Development) (Date)

ATTACHMENT A

Change Order No. 5

Concord Road Utility Upgrade Project, Sussex County, Delaware - DBF #18978B011 / DBF #0706A010

Sussex County # 15-03

| Item No. | Description | Size/depth | Units | Est. Qty. | As-Bid | | Actual | | Variance | |
|---------------------------|---|------------|-------|-----------|--------------|--------------|----------|--------------|----------|--------------|
| | | | | | Unit Price | Total Price | Units | Extension | Units | Extension |
| Part A - Sewer Bid | | | | | | | | | | |
| 1A. | Mobilization, Bonds, and Insurance | | LS | 1 | \$62,500.00 | \$62,500.00 | 1 | \$62,500.00 | 0 | \$0.00 |
| 2A. | Furnish and Install Traffic Control | | LS | 1 | \$120,000.00 | \$120,000.00 | 1 | \$120,000.00 | 0 | \$0.00 |
| 3 | Furnish Dewatering for Pipe Installation | | LS | 1 | \$75,000.00 | \$75,000.00 | 0 | \$0.00 | -1 | -\$75,000.00 |
| 4 | | | LF | 900 | \$27.00 | \$24,300.00 | 0 | \$0.00 | -900 | -\$24,300.00 |
| 5 | Furnish and Install Sewer Pump Station (Complete) | | LS | 1 | \$378,000.00 | \$378,000.00 | 1 | \$378,000.00 | 0 | \$0.00 |
| 6 | Furnish and Install Gravity Sewer, Fittings, and Appurtenances (SDR-35) | 8" | LF | 1,980 | \$80.00 | \$158,400.00 | 1969 | \$157,520.00 | -11 | -\$880.00 |
| 7 | | 10" | LF | 900 | \$70.00 | \$63,000.00 | 843 | \$59,010.00 | -57 | -\$3,990.00 |
| 8 | | 12" | LF | 60 | \$112.00 | \$6,720.00 | 60 | \$6,720.00 | 0 | \$0.00 |
| 9 | Furnish and Install Gravity Sewer, Fittings, and Appurtenances (Ductile Iron) | 14" | LF | 12 | \$400.00 | \$4,800.00 | 12 | \$4,800.00 | 0 | \$0.00 |
| 10 | Furnish and Install SDR-35 Gravity Sewer Clean Out and Appurtenances | 6" | EA | 27 | \$500.00 | \$13,500.00 | 30 | \$15,000.00 | 3 | \$1,500.00 |
| 11 | | 8" | EA | 4 | \$500.00 | \$2,000.00 | 4 | \$2,000.00 | 0 | \$0.00 |
| 12.a | Furnish and Install SDR-35 Gravity Sewer Terminal Clean Out | 6" | EA | 3 | \$1,200.00 | \$3,600.00 | 1 | \$1,200.00 | -2 | -\$2,400.00 |
| 12.b | | 8" | EA | 2 | \$1,200.00 | \$2,400.00 | 1 | \$1,200.00 | -1 | -\$1,200.00 |
| 13.a | Furnish and Install SDR-35 Gravity Sewer Tee Clean Out | 8"x8" | EA | 1 | \$1,000.00 | \$1,000.00 | 1 | \$1,000.00 | 0 | \$0.00 |
| 13.b | | 12"x8" | EA | 1 | \$1,000.00 | \$1,000.00 | 1 | \$1,000.00 | 0 | \$0.00 |
| 14 | Furnish and Install SDR-35 Gravity Sewer Lateral and Appurtenances | 6" | LF | 280 | \$100.00 | \$28,000.00 | 458 | \$45,800.00 | 178 | \$17,800.00 |
| 15 | | 8" | LF | 50 | \$100.00 | \$5,000.00 | 75 | \$7,500.00 | 25 | \$2,500.00 |
| 16 | Furnish and Install SDR-35 Gravity Sewer Lateral and Appurtenances (Trenchless Methods) | 6" | LF | 300 | \$120.00 | \$36,000.00 | 120 | \$14,400.00 | -180 | -\$21,600.00 |
| 17 | | 8" | LF | 0 | \$0.00 | \$0.00 | 0 | \$0.00 | 0 | \$0.00 |
| 18 | Furnish and Install manholes and Appurtenances | 4' Dia. | VF | 89 | \$1,300.00 | \$115,700.00 | 88.96 | \$115,648.00 | -0.04 | -\$52.00 |
| 19 | Furnish and Install Inside Drop Manholes and Appurtenances | 5' Dia. | VF | 25 | \$1,500.00 | \$37,500.00 | 15.8 | \$23,700.00 | -9.2 | -\$13,800.00 |
| 20 | Furnish and Install C-900 PVC Force Main | 6" | LF | 975 | \$60.00 | \$58,500.00 | 990 | \$59,400.00 | 15 | \$900.00 |
| 21 | | 12" | LF | 10 | \$120.00 | \$1,200.00 | 10 | \$1,200.00 | 0 | \$0.00 |
| 22 | Furnish and Install Gate Valves and Appurtenances | 6" | EA | 1 | \$1,700.00 | \$1,700.00 | 0 | \$0.00 | -1 | -\$1,700.00 |
| 23 | Mill Existing Asphalt and Dispose Millings | 2" | SY | 4,950 | \$5.00 | \$24,750.00 | 5612.74 | \$28,063.70 | 662.74 | \$3,313.70 |
| 24 | Remove and dispose of Concrete Base Course Beneath Roadways | Varies | SY | 880 | \$16.00 | \$14,080.00 | 687.4 | \$10,998.40 | -192.6 | -\$3,081.60 |
| 25 | Furnish and Install Bituminous Concrete Surface Course | Varies | SY-IN | 11,850 | \$6.00 | \$71,100.00 | 13705.44 | \$82,232.64 | 1855.44 | \$11,132.64 |
| 26 | Furnish and Install Bituminous Concrete Base Course | Varies | SY-IN | 15,975 | \$5.50 | \$87,862.50 | 14554.45 | \$80,049.48 | -1420.55 | -\$7,813.02 |
| 27 | Furnish and Install Graded Aggregate Subbase | Varies | TONS | 2,325 | \$35.00 | \$81,375.00 | 1723.68 | \$60,328.80 | -601.32 | -\$21,046.20 |
| 28 | Furnish and Install Line Stripping (white) | - | LF | 3,035 | \$0.35 | \$1,062.25 | 3035 | \$1,062.25 | 0 | \$0.00 |
| 29 | Furnish and Install Line Stripping (Yellow including Centerline) | - | LF | 1,550 | \$0.70 | \$1,085.00 | 1550 | \$1,085.00 | 0 | \$0.00 |
| Contingency Items | | | | | | | | | | |
| 30 | Miscellaneous Excavation & Backfill for Test Pitting | - | CY | 200 | \$10.00 | \$2,000.00 | 19 | \$190.00 | -181 | -\$1,810.00 |
| 31 | Furnish & Place Select Backfill | - | CY | 2500 | \$10.00 | \$25,000.00 | 1537 | \$15,370.00 | -963 | -\$9,630.00 |
| 32 | Excavation Below Subgrade & Gravel Refill | - | CY | 100 | \$1.00 | \$100.00 | 0 | \$0.00 | -100 | -\$100.00 |
| 33 | Furnish & Place Miscellaneous Concrete | - | CY | 20 | \$200.00 | \$4,000.00 | 0 | \$0.00 | -20 | -\$4,000.00 |
| 34 | Provide all Equipment and Labor Required to Remove and Dispose of Trees | - | EA | 7 | \$3,000.00 | \$21,000.00 | 11 | \$33,000.00 | 4 | \$12,000.00 |
| 35 | Remove and Replace Concrete Curbing | - | LF | 750 | \$1.00 | \$750.00 | 628 | \$628.00 | -122 | -\$122.00 |

ATTACHMENT A

Change Order No. 5

Concord Road Utility Upgrade Project, Sussex County, Delaware - DBF #18978B011 / DBF #0706A010

Sussex County # 15-03

| Item No. | Description | Size/depth | Units | Est. Qty. | As-Bid | | Actual | | Variance | |
|---------------------------|---|------------|----------|-----------|-------------|----------------|----------|----------------|----------|---------------|
| | | | | | Unit Price | Total Price | Units | Extension | Units | Extension |
| 36 | Remove and Replace Concrete Sidewalk | 4" | SF | 1,200 | \$11.00 | \$13,200.00 | 612 | \$6,732.00 | -588 | -\$6,468.00 |
| 37 | Remove and Replace Concrete Valley Gutter | - | LF | 95 | \$50.00 | \$4,750.00 | 65 | \$3,250.00 | -30 | -\$1,500.00 |
| 38 | Field Soil and Pavement Testing | - | per hour | 720 | \$10.00 | \$7,200.00 | 26 | \$260.00 | -694 | -\$6,940.00 |
| 39 | Laboratory Soil Testing | - | EA | 75 | \$210.00 | \$15,750.00 | 4 | \$840.00 | -71 | -\$14,910.00 |
| 71 | Saw Cut Existing Pavement and Concrete Base (only where concrete sub-base exists) | Varies | LF | 990 | \$6.00 | \$5,940.00 | 968 | \$5,808.00 | -22 | -\$132.00 |
| 73 | Furnish and Install Replacement Residential Wells | 4"x125' | EA | 3 | \$5,000.00 | \$15,000.00 | 0 | \$0.00 | -3 | -\$15,000.00 |
| Allowances | | | | | | | | | | |
| A-1 | Allowance for Electrical Utility to Relocate Brace Pole | | LS | 1 | \$10,000.00 | \$10,000.00 | 0.473759 | \$4,737.59 | | -\$5,262.41 |
| Total Sewer Work | | | | | | \$1,605,824.75 | | \$1,412,233.86 | | -\$193,590.89 |
| Part B - Water Bid | | | | | | | | | | |
| 1B. | Mobilization, Bonds, and Insurance | - | LS | 1 | \$10,000.00 | \$10,000.00 | 1 | \$10,000.00 | 0 | \$0.00 |
| 2B. | Furnish and Install Traffic Control | - | LS | 1 | \$25,000.00 | \$25,000.00 | 1 | \$25,000.00 | 0 | \$0.00 |
| 40 | Furnish and Install Water Mains, Fittings, and Appurtenances (C-900) | 6" | LF | 60 | \$60.00 | \$3,600.00 | 0 | \$0.00 | -60 | -\$3,600.00 |
| 41 | | 8" | LF | 60 | \$70.00 | \$4,200.00 | 68 | \$4,760.00 | 8 | \$560.00 |
| 42 | | 10" | LF | 3,400 | \$81.00 | \$275,400.00 | 3454 | \$279,774.00 | 54 | \$4,374.00 |
| 43 | Furnish and Install Water Mains, Fittings, and Appurtenances (Ductile Iron) | 6" | LF | 40 | \$50.00 | \$2,000.00 | 44 | \$2,200.00 | 4 | \$200.00 |
| 44 | | 8" | LF | 65 | \$153.00 | \$9,945.00 | 0 | \$0.00 | -65 | -\$9,945.00 |
| 45 | | 10" | LF | 240 | \$100.00 | \$24,000.00 | 233 | \$23,300.00 | -7 | -\$700.00 |
| 46 | Furnish and Install Valves, Valve Boxes, and Appurtenances | 10" | EA | 6 | \$3,000.00 | \$18,000.00 | 6 | \$18,000.00 | 0 | \$0.00 |
| 47 | | 8" | EA | 2 | \$1,900.00 | \$3,800.00 | 1 | \$1,900.00 | -1 | -\$1,900.00 |
| 48 | Furnish and Install Fire Hydrant Assemblies | - | EA | 6 | \$5,700.00 | \$34,200.00 | 6 | \$34,200.00 | 0 | \$0.00 |
| 49 | Furnish and Install Tapping Saddle, Corp. Stop, and Connection Fittings | 1" | EA | 28 | \$700.00 | \$19,600.00 | 32 | \$22,400.00 | 4 | \$2,800.00 |
| 50 | | 2" | EA | 1 | \$700.00 | \$700.00 | 1 | \$700.00 | 0 | \$0.00 |
| 51 | Furnish and Install Water Meter, Meter Box, Meter Setter and Appurtenances | 1" | EA | 28 | \$3,500.00 | \$98,000.00 | 29 | \$101,500.00 | 1 | \$3,500.00 |
| 52 | | 2" | EA | 1 | \$4,000.00 | \$4,000.00 | 1 | \$4,000.00 | 0 | \$0.00 |
| 53 | Furnish and Install Water Services by Open Cut | 1" | LF | 200 | \$36.00 | \$7,200.00 | 133 | \$4,788.00 | -67 | -\$2,412.00 |
| 54 | | 2" | LF | 100 | \$50.00 | \$5,000.00 | 42 | \$2,100.00 | -58 | -\$2,900.00 |
| 55 | Furnish and Install Water Services by Directional Bore or Missile Bore | 1" | LF | 680 | \$40.00 | \$27,200.00 | 793 | \$31,720.00 | 113 | \$4,520.00 |
| 56 | Mill Existing Asphalt and Dispose Millings | 2" | SY | 4,050 | \$5.00 | \$20,250.00 | 3806.74 | \$19,033.70 | -243.26 | -\$1,216.30 |
| 57 | Remove and dispose of Concrete Base Course Beneath Roadways | Varies | SY | 880 | \$16.00 | \$14,080.00 | 694 | \$11,104.00 | -186 | -\$2,976.00 |
| 58 | Furnish and Install Bituminous Concrete Surface Course | Varies | SY-IN | 8,100 | \$6.00 | \$48,600.00 | 7779.35 | \$46,676.10 | -320.65 | -\$1,923.90 |
| 59 | Furnish and Install Bituminous Concrete Base Course | Varies | SY-IN | 9,990 | \$5.50 | \$54,945.00 | 8590.11 | \$47,245.61 | -1399.89 | -\$7,699.39 |
| 60 | Furnish and Install Graded Aggregate Subbase | Varies | TONS | 1,450 | \$35.00 | \$50,750.00 | 1144.27 | \$40,049.45 | -305.73 | -\$10,700.55 |
| 61 | Furnish and Install Line Stripping (white) | - | LF | 3,035 | \$0.35 | \$1,062.25 | 3035 | \$1,062.25 | 0 | \$0.00 |
| 62 | Furnish and Install Line Stripping (Yellow including Centerline) | - | LF | 1,550 | \$0.70 | \$1,085.00 | 1550 | \$1,085.00 | 0 | \$0.00 |
| Contingency Items | | | | | | | | | | |
| 63 | Miscellaneous Excavation & Backfill for Test Pitting | - | CY | 200 | \$10.00 | \$2,000.00 | 9 | \$90.00 | -191 | -\$1,910.00 |
| 64 | Furnish & Place Select Backfill | - | CY | 1,700 | \$10.00 | \$17,000.00 | 153 | \$1,530.00 | -1547 | -\$15,470.00 |

ATTACHMENT A

Change Order No. 5

Concord Road Utility Upgrade Project, Sussex County, Delaware - DBF #18978B011 / DBF #0706A010

Sussex County # 15-03

| Item No. | Description | Size/depth | Units | Est. Qty. | As-Bid | | Actual | | Variance | |
|--|---|------------|-------|-----------|--------------|----------------|------------|----------------|------------|---------------|
| | | | | | Unit Price | Total Price | Units | Extension | Units | Extension |
| 65 | Excavation Below Subgrade & Gravel Refill | - | CY | 100 | \$1.00 | \$100.00 | 0 | \$0.00 | -100 | -\$100.00 |
| 66 | Furnish & Place Miscellaneous Concrete | - | CY | 20 | \$200.00 | \$4,000.00 | 0 | \$0.00 | -20 | -\$4,000.00 |
| 67 | Furnish and Install Additional Fittings NOT Shown on the Plans | - | LBS | 1,000 | \$3.00 | \$3,000.00 | 0 | \$0.00 | -1000 | -\$3,000.00 |
| 68 | Remove and Replace Concrete Curbing | - | LF | 750 | \$1.00 | \$750.00 | 35 | \$35.00 | -715 | -\$715.00 |
| 69 | Field Soil and Pavement Testing | - | HR | 250 | \$10.00 | \$2,500.00 | 3 | \$30.00 | -247 | -\$2,470.00 |
| 70 | Laboratory Soil Testing | - | EA | 50 | \$1.00 | \$50.00 | 1 | \$1.00 | -49 | -\$49.00 |
| 72 | Saw Cut Existing Pavement and Concrete Base (only where concrete sub-base exists) | Varies | LF | 990 | \$6.00 | \$5,940.00 | 318 | \$1,908.00 | -672 | -\$4,032.00 |
| Total Water Work | | | | | | \$797,957.25 | | \$736,192.11 | | -\$61,765.14 |
| Original Contract Total | | | | | | \$2,403,782.00 | | \$2,148,425.97 | | -\$255,356.03 |
| Change Orders | | | | | | | | | | |
| 1 | Change Order #1 | | LS | 1 | \$31,776.86 | \$31,776.86 | 1 | \$31,776.86 | 0 | \$0.00 |
| 2 | Change Order #2 | | LS | 1 | \$14,490.60 | \$14,490.60 | 1 | \$14,490.60 | 0 | \$0.00 |
| 3 | Change Order #3 | | LS | 1 | \$290,803.50 | \$290,803.50 | 1.13128086 | \$328,980.43 | 0.13128086 | \$38,176.93 |
| 4 | No Cost Time Extension | | | | | | | | | |
| Add'l Work | Fencing Changes at Pump Station | | LS | 1 | \$1,575.00 | | 1 | \$1,575.00 | 0 | \$1,575.00 |
| Add'l Work | Cost reduction for scope change at the pump station | | LS | 1 | -\$1,800.00 | | 1 | -\$1,800.00 | 0 | -\$1,800.00 |
| | | | | | | \$337,070.96 | | \$375,022.89 | | \$37,951.93 |
| Totals of all Change Order plus Original Contact Amt. | | | | | | \$2,740,852.96 | | \$2,523,448.86 | | -\$217,404.10 |
| Net Change to the Contract | | | | | | | | | | -\$217,404.10 |

Change Order No. 5 (FINAL)
Attachment B
Concord Road Utility Upgrade Project
Sussex County Project #15-03

| CHANGE ORDER #3 BREAKDOWN | | | | | | | | | |
|---------------------------|---|---------|-------|--------|-------------|---------------------|---------------------|---------------------|-------------|
| SEWER ITEMS | | | | AS-BID | | | ACTUAL | | |
| ITEM NO. | DESCRIPTION | SIZE | UNIT | QTY | UNIT PRICE | TOTAL PRICE | TOTAL QTY INSTALLED | TOTAL COST | % COMPLETE |
| 1 | Mobilization | -- | LS | 1 | \$10,700.00 | \$10,700.00 | 1 | \$10,700.00 | 100% |
| 2 | Removal & Disposal of Existing 8" Sewer and SMH-1 | -- | LF | 230 | \$40.00 | \$9,200.00 | 100 | \$4,000.00 | 43% |
| 3 | Furnish and Install Gravity Sewer, Fittings, and | 8" | LF | 1236 | \$80.00 | \$98,880.00 | 1214 | \$97,120.00 | 98% |
| 4 | Appurtenances (SDR-35) | 12" | LF | 617 | \$112.00 | \$69,104.00 | 617 | \$69,104.00 | 100% |
| 5 | Furnish and Install Manholes and Appurtenances | 4' Dia. | VF | 25.29 | \$1,300.00 | \$32,877.00 | 25.29 | \$32,877.00 | 100% |
| 6 | Furnish and Install Inside Drop Manholes and Appurtenances | 5' Dia. | VF | 11.5 | \$1,500.00 | \$17,250.00 | 11.5 | \$17,250.00 | 100% |
| 7 | Furnish and Install SDR-35 Gravity Sewer Lateral and | 6" | LF | 20 | \$100.00 | \$2,000.00 | 46 | \$4,600.00 | 230% |
| 8 | Appurtenances | 8" | LF | 10 | \$100.00 | \$1,000.00 | 10 | \$1,000.00 | 100% |
| 9 | Furnish and Install SDR-35 Gravity Sewer Clean Out | 6" | EA | 2 | \$500.00 | \$1,000.00 | 3 | \$1,500.00 | 150% |
| 10 | and Appurtenances | 8" | EA | 1 | \$500.00 | \$500.00 | 0 | \$0.00 | 0% |
| 11 | Furnish and Install Graded Aggregate Subbase | 6" | Tons | 45 | \$35.00 | \$1,575.00 | 193.59 | \$6,775.65 | 430% |
| 12 | Furnish and Install Bituminous Concrete Base Course | 3" | SY-IN | 585 | \$5.50 | \$3,217.50 | 0 | \$0.00 | 0% |
| 13 | Furnish and Install Bituminous Concrete Surface Course | 2" | SY-IN | 500 | \$6.00 | \$3,000.00 | 1781.38 | \$10,688.28 | 356% |
| 14 | Lateral Re-Connections for tax id # 132-1.12-42.00 and 132-1.12-43.00 | 6" | EA | 2 | \$500.00 | \$1,000.00 | 2 | \$1,000.00 | 100% |
| 15 | Furnish Dewatering for Pipe Installation | -- | LF | 650 | \$30.00 | \$19,500.00 | 1833 | \$54,990.00 | 282% |
| 16 | Provide all Equipment and Labor Required to Remove and Dispose of Trees | -- | EA | 5 | \$3,000.00 | \$15,000.00 | 5 | \$15,000.00 | 100% |
| 17 | Furnish & Place Select Backfill | -- | CY | 500 | \$10.00 | \$5,000.00 | 237.55 | \$2,375.50 | 48% |
| TOTAL COSTS | | | | | | \$290,803.50 | | \$328,980.43 | 113% |

Zack Excavating, Inc.
2935 S Dupont Blvd
Smyrna DE 19977



Office: (302) 223-6223
Fax: (302) 223-6531

October 1, 2018

John McGee
DBF

RE: Concord Road
Additional fencing

Mr. McGee,

Per the email dated 9/24/18, Zack Excavating was asked to provide 2 4' swing gates in lieu of extending the fence 3 feet to the west. Zack Excavating will provide Labor, Material, and Equipment to complete the work for the Lump Sum Price **\$1,575.00**. Please see below breakdown of the cost for the above change order.

| Description | Total Price |
|-----------------------------|-------------|
| Subcontract: Fence work | \$1,500.00 |
| Overhead SubContractor (5%) | \$75.00 |
| Total | \$1,575.00 |

Any questions please contact Ryan Kimble at 302-223-6223.

Respectively,

Ryan Kimble
Project Manager
Zack Excavating, Inc.

Hastings Fence LLC
531 Saw Mill Rd
Townsend, DE 19734
(302) 250-7565
josh@hastingsfence.com



ESTIMATE

ADDRESS

Zack Excavating Inc
2935 S Dupont Blvd
Smyrna, DE 19977

ESTIMATE # 1126

DATE 09/28/2018

| ACTIVITY | QTY | RATE | AMOUNT |
|--|-----|----------|----------|
| Gate install Install 2 man gates in fence line Set 2 - 3 inch post remove existing 2 1/2 inch post | 1 | 1,500.00 | 1,500.00 |

Here is your quote! I look forward to doing business with you.

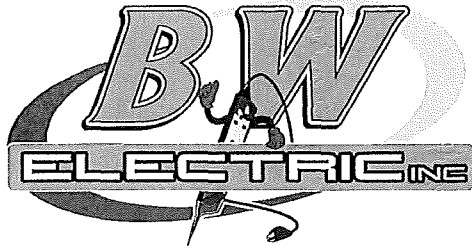
TOTAL

\$1,500.00

Thank you,
Josh Hastings

Accepted By

Accepted Date



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

September 21, 2018

Zack Excavating, Inc.
2935 South Dupont Blvd.
Smyrna, DE 19977

Subject: Concord Road Utility Upgrade, Expansion of the Blades Sanitary District

Dear Mr. Kimble,

After reviewing our bidding documents B. W. Electric, Inc. will offer a credit of \$1,000.00 for the concrete pad for the Power Company pad mounted transformer which was not required and a credit of \$800.00 for the directional drilling which was also not required. The total credit would be ***\$1,800.00.***

Should you have any questions please do not hesitate to contact me.

Sincerely,

Bryon S. Warren
President
B. W. Electric, Inc.

BSW/lao

CERTIFICATE OF SUBSTANTIAL COMPLETION

| | | | |
|-------------|-------------------------------|---------------------------|------------|
| Owner: | Sussex County | Owner's Contract No.: | SCE #15-03 |
| Contractor: | Zacks Excavating | Contractor's Project No.: | - |
| Engineer: | Davis, Bowen & Friedel, Inc. | Engineer's Project No.: | #1897B011 |
| Project: | Concord Road Utility Upgrades | Contract Name: | Same |

This preliminary final Certificate of Substantial Completion applies to:

All Work The following specified portions of the Work:

September 10, 2019

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

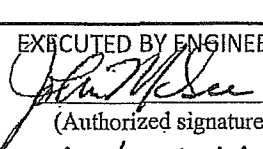
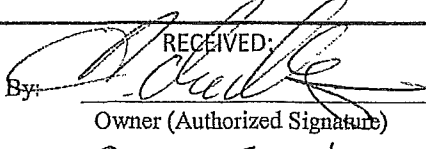
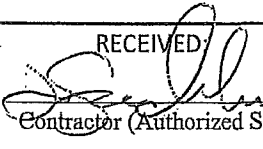
The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None As follows

Amendments to Contractor's responsibilities: None As follows:

The following documents are attached to and made a part of this Certificate: ~~[punch list, others]~~

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

| | | | | | |
|-----------------------|---|-----------|---|-----------|---|
| EXECUTED BY ENGINEER: | | RECEIVED: | | RECEIVED: | |
| By: |  | By: |  | By: |  |
| | (Authorized signature) | | Owner (Authorized Signature) | | Contractor (Authorized Signature) |
| Title: | Contract Administrator | Title: | COUNTY ENGINEER | Title: | VICE PRESIDENT |
| Date: | 11/11/19 | Date: | 11/05/2019 | Date: | 11/4/19 |



ARCHITECTS ENGINEERS SURVEYORS

November 1, 2019

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

USDA-RD
1221 College Park Drive, Suite 200
Dover, DE 19904

ATTN: Ms. Lisa Fitzgerald, JD
Loan Specialist

RE: Concord Road Utility Upgrades
USDA Closeout Letter
Sussex County, Delaware
Town of Blades, Delaware
DBF #1897B011 & DBF #0706A010

Dear Lisa,

Davis, Bowen & Friedel, Inc., Consulting Engineers for Sussex County have inspected the work consisting of the plans and specifications for the above referenced project. All required field tests performed were within the specified limits and all punch list items have been resolved. We find the work complete, acceptable and to the best of our knowledge, installed in accordance with the contract documents.

On November 1, 2019, DBF recommended Substantial Completion for said project to Sussex County effective on September 10, 2019.

Should you have any questions or require additional information, please contact this office. We appreciate all of your assistance throughout the implementation of this project and look forward to working with the USDA-RD again in the future.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.


Jason P. Loar, P.E.
Principal

JTF/cm
N:\18\1897\1897B011.A01\Construction Administration\Close Out\Fitzgerald 092419.jcm.docx

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

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: January 14, 2020.

Background Data

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

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

Project: Blades Sanitary Sewer District Expansion
Rt. 13 Extension Additional Services

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: | \$ 0 |
| Net Change for prior amendments: | \$ 0 |
| This amendment amount: | \$ 10,000.00 |
| Adjusted Agreement amount: | \$ 10,000.00 |

**Exhibit C – Compensation Packet RPR-2: Resident Project Representative Services—
Standard Hourly Rates Method of Payment.**

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.
Copyright © 2014 National Society of Professional Engineers, American Council of Engineering Companies,
and American Society of Civil Engineers. All rights reserved.

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:

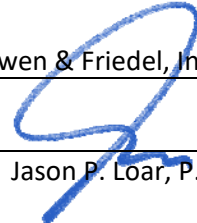
By: _____
Print name: _____

Title: _____

Date Signed: _____

ENGINEER:

Davis, Bowen & Friedel, Inc. _____

By:  _____
Print name: Jason P. Loar, P.E. _____

Title: Principal _____

Date Signed: January 9, 2020 _____

October 24, 2019

Sussex County Engineering
Sussex County Administration Office
2 The Circle
Georgetown, Delaware 19947

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

Attn: Mr. Hans Medlarz
County Engineer

RE: Blades Sanitary Sewer District Expansion
Route 13 Commercial Expansion Outside of USDA-RD Funding
Additional Services Request
Sussex County, Delaware
DBF #1897B011.B01

Dear Mr. Medlarz:

As requested, Davis, Bowen & Friedel, Inc., (DBF) is pleased to present this request for additional professional engineering services associated with the Blades Sanitary Sewer District Expansion Project. This request is for additional design and permitting services related to the extension of the gravity sanitary sewer expansion south along Route 13 on both the east and west sides of Route 13. We understand that this project is to be a separate stand-alone project outside of the United States Department of Agriculture – Rural Development (USDA-RD) funded Blades Sanitary Sewer Expansion Project. A description of our proposed scope of services is as follows:

A. Survey:

Our office will perform the necessary office and field work to provide a complete topographic survey of the project area. Our in-house survey crew will locate all surface structures within the project area including but not limited to streets, curbs, gutters, sidewalks, swales, drainage structures, utilities, manholes, cleanouts, valves, meter pits, buildings, fences, landscaping, mailboxes, signs, and other natural man-made features. In addition, invert elevations of existing sanitary/stormwater manholes and inlets will be collected.

We will attempt to arrange with MISS Utility to located and mark all underground utilities along the proposed alignment. Our survey will include location of all MISS Utility markings and flags. Due to difficulty in response from MISS Utility to engineers, we may request the County to assist in this matter.

Excluded from this service is the determination of depth of gas mains, sewer laterals, water mains, water services, and the location and depth of underground tanks which would require test pitting. However, we will request such information from the applicable utility.

B. Construction Document Preparation:

Utilizing the above survey information along with any existing as-built plans as provided by applicable utility, we will prepare project construction documents for project permitting and bidding. Construction documents will be submitted to the County for review at 60%, 90%, and final completion stages. The documents will include:

- Title Sheet
- Existing Topographic and Utility Plan Sheets
- Proposed Gravity Sewer Plan and Profile Sheets
- Proposed Detail Sheets
- Sediment & Erosion Control Plans and Details
- DelDOT Maintenance of Traffic Plans

Contract specifications will not be prepared as it is the intent to have all necessary information on the plans and/or to follow County standards.

C. Project Permitting:

Upon completion of the project construction documents we will submit or assist the County in submitting to the following agencies for review and approval.

- DNREC
- Sussex Conservation District
- DelDOT

As part of this work we will address any review comments and resubmit the revised documents to obtain final project approval. *Please note that any project permitting fees are excluded from our fees.*

D. EXCLUDED SERVICES

Excluded from our above scope of services is work associated with the following services. If required, this work can be performed on a unit price basis or under a separate proposal to the Town of Selbyville.

- Bid Procurement Phase Services
- Construction Administration/Inspection Services
- Wetlands Delineation and Permitting
- Archaeological Surveys and Permitting
- Phase 1 or 2 Environmental Assessments or Permitting
- Easement Acquisition Services and Coordination and Preparation of Easement Plats
- Construction Survey Services
- As-Built Surveys or Plan Preparation
- Application and Permit Fees
- Financial Administration Services
- Reimbursable Expenses

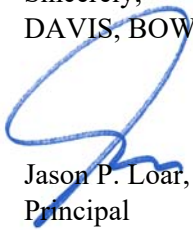
Letter: Hans Medlarz
Sussex County Engineering
October 24, 2019
Page 3

We propose to complete the proposed scope of services as described above for and estimate fee of **\$10,000.00**. Billing of lump sum fees will be based upon percentage of work completed during the previous month. Hourly or estimated fees, additional services, and direct or reimbursable expenses will be provided on an hourly and unit price basis and invoiced for work completed during the previous month in accordance with the enclosed Schedule of Rates No. 46. We will not exceed the estimated fees without first notifying you and receiving written authorization to continue. Please refer to the attached schedule of rates for other terms and conditions.

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we are fully committed to provide a product that will meet or exceed your expectations. We look forward to completing this project with you and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.
Principal

Enclosures

P:\Sussex County\Concord Road Pump Station\Letters\Medlarz.102419.jpl.docx

ACCEPTED BY:

Signature

Date

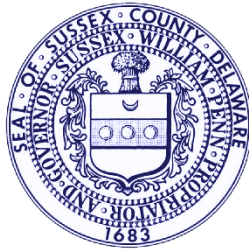
Printed Name

DAVIS, BOWEN & FRIEDEL, INC. ("DBF")
SCHEDULE OF RATES AND GENERAL CONDITIONS
SUSSEX COUNTY ON-CALL SERVICES
 Effective June 11, 2019

| <u>CLASSIFICATION</u> | <u>HOURLY RATE</u> |
|---------------------------------|---------------------------|
| Principal | \$190.00 |
| Senior Architect | \$170.00 |
| Architect | \$130.00 |
| Senior Landscape Architect | \$170.00 |
| Landscape Architect | \$130.00 |
| Senior Engineer | \$170.00 |
| Engineer | \$130.00 |
| Construction Administrator | \$130.00 |
| Senior Traffic Engineer | \$170.00 |
| Traffic Engineer | \$130.00 |
| GIS Specialist | \$105.00 |
| Senior Surveyor | \$170.00 |
| Surveyor | \$130.00 |
| Senior Designer | \$115.00 |
| Designer | \$100.00 |
| CADD I | \$90.00 |
| CADD II | \$80.00 |
| 2 Man Field Crew | \$140.00 |
| 3 Man Field Crew | \$175.00 |
| GPS Unit (1 Man) | \$110.00 |
| GPS Unit (2 Man Crew) | \$150.00 |
| GPS Unit (3 Man Crew) | \$200.00 |
| Resident Project Representative | \$90.00 |
| Computer Graphics Designer | \$85.00 |
| Computer Administrator | \$100.00 |
| Clerical | \$60.00 |
| Travel | \$0.58 |
| Direct Expense | Cost |
| Prints | \$2.50/sheet |
| Overtime | (1.5 x Above Hourly Rate) |

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

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

RE: ***IBRWF – BIOSOLIDS AND SEPTAGE FACILITIES, Project 18-19***
A. Approval, Change Order No. 2, T&M Stormwater Improvements
B. Approval, Change Order No. 3, Compensatory Time Extension
C. Approval, Change Order No. 4, Elimination of By-pass Pumping

DATE: January 14, 2020

On June 2, 2015, County Council initially considered a comprehensive biosolids approach at the Inland Bays Regional Wastewater Facility (IBRWF) by approving Whitman, Requardt & Associates' (WRA) Amendment 5 to the base contract for the evaluation of Class A sludge drying options. During the May 2, 2016 FY17 budget workshop, the Engineering Department presented drying alternatives and a list of potential municipal partners. At the same workshop, Council was briefed on the regional septage facility under a self-supporting rate which has been implemented.

On August 30, 2016, County Council approved WRA's Amendment 7 for design of the IBRWF's Phase 2 Regional Biosolids Upgrades and on April 24, 2018 Council approved Amendment 7A for facility design changes associated with the two selected drying systems. The completed design package was publicly advertised and on June 26, 2018, Council awarded the contract to Bearing Construction, Inc. in the amount of \$13,668,346.00.

As the biosolids and septage facilities contract was moving forward, WRA continued with the design of IBRWF Upgrades Phase 3, covering the treatment expansion and the effluent distribution to alternative outlets. With DNREC's support of providing alternative outlets, the design could be modified, eliminating the expanded storage lagoon. This positive change allowed a modification in the plant's gravity discharge piping, netting a credit of \$73,697.95. However, during the submittal process all parties realized that larger sludge handling pumps and associated wet well would be beneficial to the long-term operation and maintenance, resulting in a cost increase of \$73,376.48. The resulting Change Order No. 1, in the net deduct amount of \$321.47 was approved by Council on October 1, 2019.



As discussed in the last IBRWF memorandum to Council, this is one of the sites where the County is pursuing regional stormwater quality improvements. However, the banking program is still in DNREC review and the associated enhancements are nearly designed, but not yet built and hence, not available for use. Tying the project into County owned stormwater quality credits would be preferable since IBRWF is a challenging site to meet individual stormwater requirements. The biosolids and septage facilities construction documents as bid, envisioned an innovative low-cost solution which ultimately was rejected by DNREC. The regulatory compliant approach later approved by the Sussex Conservation District, was more involved but less expensive than paying the State's "fee in lieu". Therefore, the permitted solution was pursued under the attached time & material Change Order No. 2. The Engineering Department has concluded the review of the contractor time and material submittals and recommends approval of Change Order No. 2 in amount of \$258,451.63. This amount includes \$71,425.58 related to beneficial regrading of spray fields which was accomplished using material excavated from the stormwater facility rather than trucking it off site.

The time required by WRA and the Department to work through the modification associated with the stormwater improvement triggered a compensatory 81 calendar day time extension. The costs of carrying the general conditions associated with each day are known and the parties tracked the working days contractor's staff was on-site to a total of 45 days in that period. The Engineering Department recommends approval of Change Order No. 3 in amount of \$61,878.66 to compensate for costs incurred by the contractor during the 81-day time extension.

In a value engineering attempt, the Department identified an option which would eliminate process by-pass pumping during construction without negatively impacting either the project integrity or schedule. The value was determined as a combination of the equipment rental as well as the labor cost to set-up and operate the system. The Engineering Department recommends approval of credit Change Order No. 4 in deduct amount of \$77,000.00, eliminating the by-pass pumping requirement.

| | |
|---|--|
| Date of Issuance: January 7, 2020 | Effective Date: January 7, 2020 |
| Owner: Sussex County | Owner's Contract No.: 18-19 |
| Contractor: Bearing Construction, Inc. | Contractor's Project No.: |
| Engineer: | Engineer's Project No.: |
| Project: Inland Bays Regional Wastewater Facility | Contract Name: Regional Biosolids & Septage Facilities |

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

Description: T&M Stormwater Plan Improvements, per Sussex Conservation District, including the removal and relocation of soils.

Attachments: PCO-003 with backup.

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|--|--|
| Original Contract Price: \$ 13,668,346.00 | Original Contract Times: 474 Calendar Days Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Decrease from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : \$ (321.47) | [Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for Final Payment: _____ days |
| Contract Price prior to this Change Order: \$ 13,668,024.53 | Contract Times prior to this Change Order: Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Increase of this Change Order: \$ 258,451.63 | Increase on this Change Order: 0 Days Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Contract Price incorporating this Change Order: \$ 13,926,476.16 | Contract Times with all approved Change Orders: Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |

| | | |
|---|--|---|
| RECOMMENDED: By:  _____ Engineer (if required) | ACCEPTED: By: _____ Owner (Authorized Signature) | ACCEPTED: By: _____ Contractor (Authorized Signature) |
| Title: _____ | Title: _____ | Title: _____ |
| Date: _____ | Date: _____ | Date: _____ |

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

Line Item No. PCO-003

Approved Time and Material Charges

for

Modifications to SWM Plan Improvements
(per Sussex Conservation District)

BCI Invoice T&M-01 = \$54,199.70

BCI Invoice T&M-02 = \$52,075.17

BCI Invoice T&M-03 = \$66,217.10

BCI Invoice T&M-04 = \$27,543.11

BCI Invoice T&M-05 = \$58,416.55

Contract 18-19 Cost = \$258,451.63



BEARING CONSTRUCTION, INC.

805 Shine Smith Road
Sudlersville, MD 21668

(410)556-6100

(410)556-6574 fax

www.bearingconstruction.net

December 17, 2019

To: Sussex County Department of Engineering
Attn: Edwin Tennefoss
Re: IBRWF- Regional Biosolids & Septage Facilities
Sussex County Project 18-19
Subject: Change Order

Mr. Tennefoss

Greetings,

Per your request, Bearing Construction has performed a break-out of the soil handling (removal & relocation) from the T&M work that was performed, as part of a proposed change order, at Inland Bays. The original PCO was in the amount of **\$258,451.63**. The cost for the soil handling is **\$71,425.58**. Please do not hesitate to contact us with any other questions or concerns. Thank you.

Best regards,

Rob Saia
Project Manager
Bearing Construction, Inc.

Date: _____

Bearing Construction, Inc.

805 Shine Smith Road
 Sudlersville, Maryland 21668
 410-556-6100 fax 410-556-6574

Invoice No. 18117 T&M 01

INVOICE

Customer

Name Inland Bays Biosolids T&M Work
 Address Sussec County Engineering Dept.
 City Georgetown State DE ZIP _____
 Phone _____

Date 5/14/2019
 Order No. _____
 Rep Jim Merrell
 FOB _____

| Qty | Description | Unit Price | TOTAL |
|-----|---------------------------------|---------------------|--------------------|
| | Work Done 4/7/2019 to 4/26/2019 | | |
| 1 | 4/7/2019 | \$550.00 | \$550.00 |
| 1 | 4/16/2019 | \$2,983.78 | \$2,983.78 |
| 1 | 4/17/2019 | \$3,482.19 | \$3,482.19 |
| 1 | 4/18/2019 | \$4,498.18 | \$4,498.18 |
| 1 | 4/19/2019 | \$5,339.82 | \$5,339.82 |
| 1 | 4/22/2019 | \$5,763.32 | \$5,763.32 |
| 1 | 4/23/2019 | \$7,513.00 | \$7,513.00 |
| 1 | 4/24/2019 | \$7,912.44 | \$7,912.44 |
| 1 | 4/25/2019 | \$8,990.44 | \$8,990.44 |
| 1 | 4/26/2019 | \$7,166.53 | \$7,166.53 |
| | | SubTotal | \$54,199.70 |
| | | Shipping & Handling | |
| | | Taxes State | |
| | | TOTAL | \$54,199.70 |

Office Use Only

Please call Jim Merrell with any questions at 410-556-6100.
 Net Due 30 Days.

Thank you for your business.

Bearing Construction, Inc.

805 Shine Smith Road
 Sudlersville, Maryland 21668
 410-556-6100 fax 410-556-6574

Invoice No. 18117 T&M 02

INVOICE

Customer

Name Inland Bays Biosolids T&M Work
 Address Sussec County Engineering Dept.
 City Georgetown State DE ZIP
 Phone

Date 6/17/2019
 Order No.
 Rep Jim Merrell
 FOB

| Qty | Description | Unit Price | TOTAL |
|---------------------|---------------------------------|-------------|--------------------|
| | Work Done 4/29/2019 to 5/3/2019 | | |
| 1 | 4/29/2019 | \$11,908.19 | \$11,908.19 |
| 1 | 4/30/2019 | \$11,455.82 | \$11,455.82 |
| 1 | 5/1/2019 | \$9,188.44 | \$9,188.44 |
| 1 | 5/2/2019 | \$14,187.72 | \$14,187.72 |
| 1 | 5/3/2019 | \$5,335.00 | \$5,335.00 |
| SubTotal | | | \$52,075.17 |
| Shipping & Handling | | | |
| Taxes State | | | |
| TOTAL | | | \$52,075.17 |

Office Use Only

Please call Jim Merrell with any questions at 410-556-6100.
 Net Due 30 Days.

Thank you for your business.

Bearing Construction, Inc.

805 Shine Smith Road
Sudlersville, Maryland 21668
410-556-6100 fax 410-556-6574

Invoice No. 18117 T&M 03

INVOICE

Customer

Name Inland Bays Biosolids T&M Work
Address Sussec County Engineering Dept.
City Georgetown State DE ZIP _____
Phone _____

Date 6/17/2019
Order No. _____
Rep Jim Merrell
FOB _____

| Qty | Description | Unit Price | TOTAL |
|-----|---------------------------------|---------------------|--------------------|
| | Work Done 5/6/2019 to 5/17/2019 | | |
| 1 | 5/6/2019 | \$2,860.69 | \$2,860.69 |
| 1 | 5/7/2019 | \$11,479.76 | \$11,479.76 |
| 1 | 5/8/2019 | \$13,659.34 | \$13,659.34 |
| 1 | 5/9/2019 | \$9,907.83 | \$9,907.83 |
| 1 | 5/10/2019 | \$8,427.85 | \$8,427.85 |
| 1 | 5/13/2019 | \$1,232.69 | \$1,232.69 |
| 1 | 5/14/2019 | \$726.69 | \$726.69 |
| 1 | 5/15/2019 | \$2,959.69 | \$2,959.69 |
| 1 | 5/16/2019 | \$8,277.75 | \$8,277.75 |
| 1 | 5/17/2019 | \$6,684.81 | \$6,684.81 |
| | | SubTotal | \$66,217.10 |
| | | Shipping & Handling | |
| | | Taxes State | |
| | | TOTAL | \$66,217.10 |

Office Use Only

Please call Jim Merrell with any questions at 410-556-6100.
Net Due 30 Days.

Thank you for your business.

Bearing Construction, Inc.

805 Shine Smith Road
 Sudlersville, Maryland 21668
 410-556-6100 fax 410-556-6574

Invoice No. 18117 T&M 04

INVOICE

Customer

Name Inland Bays Biosolids T&M Work
 Address Sussec County Engineering Dept.
 City Georgetown State DE ZIP _____
 Phone _____

Date 8/13/19 TSB
8/1/2019
 Order No. _____
 Rep Jim Merrell
 FOB _____

| Qty | Description | Unit Price | TOTAL |
|---------------------|----------------------------------|------------|--------------------|
| | Work Done 5/20/2019 to 5/24/2019 | | |
| 1 | 5/20/2019 | \$6,487.17 | \$6,487.17 |
| 1 | 5/21/2019 | \$5,121.02 | \$5,121.02 |
| 1 | 5/22/2019 | \$4,540.25 | \$4,540.25 |
| 1 | 5/23/2019 | \$5,006.90 | \$5,006.90 |
| 1 | 5/24/2019 | \$6,387.77 | \$6,387.77 |
| SubTotal | | | \$27,543.11 |
| Shipping & Handling | | | |
| Taxes State | | | |
| TOTAL | | | \$27,543.11 |

Office Use Only

*Please call Jim Merrell with any questions at 410-556-6100.
 Net Due 30 Days.*

Thank you for your business.

Bearing Construction, Inc.

805 Shine Smith Road
 Sudlersville, Maryland 21668
 410-556-6100 fax 410-556-6574

Invoice No. 18117 T&M 05

INVOICE

Customer

Name Inland Bays Biosolids T&M Work
 Address Sussex County Engineering Dept.
 City Georgetown State DE ZIP _____
 Phone _____

Date 8/13/19 T&M
8/1/2019
 Order No. _____
 Rep Jim Merrell
 FOB _____

| Qty | Description | Unit Price | TOTAL |
|-----|----------------------------------|---------------------|--------------------|
| | Work Done 5/28/2019 to 6/17/2019 | | |
| 1 | 5/28/2019 | \$1,355.06 | \$1,355.06 |
| 1 | 5/29/2019 | \$11,184.07 | \$11,184.07 |
| 1 | 5/30/2019 | \$5,501.71 | \$5,501.71 |
| 1 | 5/31/2019 | \$6,353.70 | \$6,353.70 |
| 1 | 6/3/2019 | \$3,836.25 | \$3,836.25 |
| 1 | 6/4/2019 | \$5,904.12 | \$5,904.12 |
| 1 | 6/5/2019 | \$3,223.00 | \$3,223.00 |
| 1 | 6/6/2019 | \$726.69 | \$726.69 |
| 1 | 6/7/2019 | \$726.69 | \$726.69 |
| 1 | 6/10/2019 | \$726.69 | \$726.69 |
| 1 | 6/12/2019 | \$10,223.90 | \$10,223.90 |
| 1 | 6/13/2019 | \$726.69 | \$726.69 |
| 1 | 6/14/2019 | \$2,354.69 | \$2,354.69 |
| 1 | 6/17/2019 | \$5,573.29 | \$5,573.29 |
| | | SubTotal | \$58,416.55 |
| | | Shipping & Handling | |
| | | Taxes State | |
| | | TOTAL | \$58,416.55 |

Office Use Only

Please call Jim Merrell with any questions at 410-556-6100.
 Net Due 30 Days.

Thank you for your business.

Gilbert, Michael

From: Edwin Tennefoss <edwin.tennefoss@sussexcountyde.gov>
Sent: Tuesday, April 16, 2019 3:35 PM
To: Gilbert, Michael
Subject: RE: Bearing Time and Material Cost

Mike,

I'm ok with the rates with the notation that the equipment rates include the operator.

Edwin

Edwin Tennefoss, P.E.
Director of Environmental Services
P: (302) 855-7382
Edwin.tennefoss@sussexcountyde.gov

From: Gilbert, Michael <mgilbert@wrallp.com>
Sent: Monday, April 8, 2019 9:52 AM
To: Edwin Tennefoss <edwin.tennefoss@sussexcountyde.gov>; Bonkowski, Francis <fbonkowski@wrallp.com>
Cc: McLean, Robert <rmclean@wrallp.com>; Stubbs, Kenneth <kstubbs@wrallp.com>
Subject: FW: Bearing Time and Material Cost

Edwin: Attached is BCI's rates for the SWM "T&M" work as we discussed during last Thursday's Progress Meeting. It is our understanding that SCES still prefer that we move ahead with the additional SWM work. Hopefully, you will be able to get some clarity on the Soil Conservation District allowing us to move forward on the storm drain installation/building work without having to complete the entire pond and swale excavations.

Francis: Will you be "the main fill-in person" for Bob/WRA during his vacation absence?

Mike Gilbert - WRA

From: Jim Merrell <Jim@bearingconstruction.net>
Sent: Friday, April 5, 2019 5:14 PM
To: Gilbert, Michael <mgilbert@wrallp.com>
Cc: Eric <Eric@bearingconstruction.net>
Subject: Bearing Time and Material Cost

Mike,

I have attached the T&M cost for the project.

Jim Merrell
President
Phone (410)556-6100 Fax (410)556-6574
Cell(410)708-0811

Bearing Construction
 Inland Bays Biosolids Facilities
 Contract 18-19
 Time & Material Cost

| Team Member | RATE | Cost | Hours Worked | Sub Total | Mark Up 10% | Total |
|----------------------------|--------|-------------|--------------|-----------|-------------|-------------|
| Admin | Hourly | \$ 95.00 | 0 | \$ - | \$ - | \$ - |
| Superintendent | Hourly | \$ 135.00 | 0 | \$ - | \$ - | \$ - |
| Forman | Hourly | \$ 115.00 | 0 | \$ - | \$ - | \$ - |
| Field Technician | Hourly | \$ 105.00 | 0 | \$ - | \$ - | \$ - |
| Carpenter | Hourly | \$ 95.00 | 0 | \$ - | \$ - | \$ - |
| Operator | Hourly | \$ 95.00 | 0 | \$ - | \$ - | \$ - |
| Truck Driver | Hourly | \$ 65.00 | 0 | \$ - | \$ - | \$ - |
| Pipe Layer | Hourly | \$ 65.00 | 0 | \$ - | \$ - | \$ - |
| Labor | Hourly | \$ 50.00 | 0 | \$ - | \$ - | \$ - |
| TOTAL LABOR | | | | | | \$ - |
| EQUIPMENT | | | | | | |
| | RATE | Cost | Days | | Mark Up 10% | Total |
| Trucks | | | | | | |
| Low Boy Tractor Trailer | Daily | \$ 1,000.00 | 0 | \$ - | \$ - | \$ - |
| Flat Bed Truck | Daily | \$ 750.00 | 0 | \$ - | \$ - | \$ - |
| Off Road Truck | Daily | \$ 800.00 | 0 | \$ - | \$ - | \$ - |
| Track Truck | Daily | \$ 1,200.00 | 0 | \$ - | \$ - | \$ - |
| 6-Wheeler Dump Truck | Daily | \$ 500.00 | 0 | \$ - | \$ - | \$ - |
| Triaxle Dump Truck | Daily | \$ 640.00 | 0 | \$ - | \$ - | \$ - |
| Buldozers | | | | | | |
| 450 John Deere | Daily | \$ 650.00 | 0 | \$ - | \$ - | \$ - |
| 650 John Deere | Daily | \$ 750.00 | 0 | \$ - | \$ - | \$ - |
| D-3 Cat | Daily | \$ 640.00 | 0 | \$ - | \$ - | \$ - |
| D-3 Cat With GPS | Daily | \$ 940.00 | 0 | \$ - | \$ - | \$ - |
| 700J John Deere | Daily | \$ 840.00 | 0 | \$ - | \$ - | \$ - |
| 700J John Deere Auto Grade | Daily | \$ 1,100.00 | 0 | \$ - | \$ - | \$ - |
| 850 John Deere | Daily | \$ 1,000.00 | 0 | \$ - | \$ - | \$ - |
| 850 John Deere GPS | Daily | \$ 1,300.00 | 0 | \$ - | \$ - | \$ - |
| Excavators | | | | | | |
| Hitachi 85 Zero Turn | Daily | \$ 800.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 230 | Daily | \$ 840.00 | 0 | \$ - | \$ - | \$ - |
| John Deere 250 Long Reach | Daily | \$ 1,800.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 330 | Daily | \$ 1,100.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 330 GPS | Daily | \$ 1,500.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 330 Long Reach | Daily | \$ 2,000.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 350 | Daily | \$ 1,200.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 350 GPS | Daily | \$ 1,600.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 450-470 | Daily | \$ 2,000.00 | 0 | \$ - | \$ - | \$ - |
| Hitachi 450-470 GPS | Daily | \$ 2,400.00 | 0 | \$ - | \$ - | \$ - |
| CAT 235 w/attachment | Daily | \$ 2,000.00 | 0 | \$ - | \$ - | \$ - |
| Loaders | | | | | | |
| Rubber Tire 3.5 CY | Daily | \$ 800.00 | 0 | \$ - | \$ - | \$ - |
| Rubber Tire 4.5 CY | Daily | \$ 1,000.00 | 0 | \$ - | \$ - | \$ - |
| Skid Steer | Daily | \$ 600.00 | 0 | \$ - | \$ - | \$ - |
| Backhoe | Daily | \$ 650.00 | 0 | \$ - | \$ - | \$ - |

LINDSTROM EXCAVATING CONTRACTORS, INC.



25820 STILL POND NECK ROAD

WORTON, MARYLAND 21678

410.778.6344 OFFICE

410.778.0477 FAX

EMAIL: lindexc@aol.com

Daily equipment and labor rates

Note: Operator is included with equipment cost

| Equipment: | Daily Rate | GPS Cabable | Daily Rate with GPS |
|------------------------|------------|-------------|---------------------|
| Buldozers: | | | |
| Cat D-3 | \$640.00 | yes | \$940.00 |
| JD 700J | \$840.00 | no | N/A |
| JD 700J w/auto grade | \$1,100.00 | no | N/A |
| JD 850WLT | \$1,000.00 | yes | \$1,300.00 |
| Excavators: | | | |
| Hitachi 85 zero turn | \$800.00 | no | N/A |
| Hitachi 230 | \$840.00 | no | N/A |
| JD 250 long Reach | \$1,800.00 | no | N/A |
| Hitachi 330 | \$1,100.00 | yes | \$1,500.00 |
| Hitachi 330 long Reach | \$2,000.00 | no | N/A |
| Hitachi 350 | \$1,200.00 | yes | \$1,600.00 |
| Hitachi 450-470 | \$2,000.00 | yes | \$2,400.00 |
| Cat 235 w/attachment | \$2,000.00 | no | N/A |
| Loaders: | | | |
| Rubber Tire (3.5cy) | \$800.00 | no | N/A |
| Rubber Tire (4.5cy) | \$1,000.00 | no | N/A |
| Skid loaders | \$600.00 | no | N/A |
| Backhoe | \$650.00 | | |
| Attachments: | | | |
| Hammer | \$760.00 | | |
| Grapple | \$250.00 | | |
| Brushcutter | \$830.00 | | |
| GPS Base Station | \$100.00 | | |
| Concrete Pulverizer | \$880.00 | | |
| Trucks: | | | |
| Off Road Truck | \$800.00 | | |
| Track Truck | \$1,200.00 | | |
| 6-Wheeler | \$500.00 | | |
| Triaxle | \$640.00 | | |

| Equipment: | Daily Rate |
|-------------------------|---------------------------|
| Miscellaneous: | |
| Roller-84" | \$760.00 |
| Case Quad Track+pan | \$1,500.00 |
| Kubota Tracter 4wd | \$550.00 |
| JD 650 4wheel seeder | \$450.00 |
| Road Tractor + trailer | \$800.00 |
| Road Tractor no trailer | \$600.00 |
| Crusher | TBD based off material |
| Screener | TBD based off of material |

| Labor Class: | Daily Rate |
|---------------------|-------------------|
| Laborer | \$320.00 |
| Foreman | \$550.00 |

| Equipment: | Daily Rate |
|-------------------|----------------------|
| Generator | \$300.00 |
| 4" Pump | \$300.00 |
| Trench Box | price varies by size |
| Steel Plates | price varies by size |

Please Note:
 One Day equals 8 hours
 There is a 1/2 minimum charge for all equipment



BEARING CONSTRUCTION, INC.

805 Shine Smith Road
Sudlersville, MD 21668

(410)556-6100

(410)556-6574 fax

www.bearingconstruction.net

December 17, 2019

To: Sussex County Department of Engineering
Attn: Edwin Tennefoss
Re: IBRWF- Regional Biosolids & Septage Facilities
Sussex County Project 18-19
Subject: Change Order

Mr. Tennefoss

Greetings,

Per your request, Bearing Construction has performed a break-out of the soil handling (removal & relocation) from the T&M work that was performed, as part of a proposed change order, at Inland Bays. The original PCO was in the amount of **\$258,451.63**. The cost for the soil handling is **\$71,425.58**. Please do not hesitate to contact us with any other questions or concerns. Thank you.

Best regards,

Rob Saia
Project Manager
Bearing Construction, Inc.

Date: _____

| | |
|---|--|
| Date of Issuance: January 7, 2020 | Effective Date: January 7, 2020 |
| Owner: Sussex County | Owner's Contract No.: 18-19 |
| Contractor: Bearing Construction, Inc. | Contractor's Project No.: |
| Engineer: | Engineer's Project No.: |
| Project: Inland Bays Regional Wastewater Facility | Contract Name: Regional Biosolids & Septage Facilities |

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

Description: Compensatory Time Extension due to permitting issues at the beginning of project.

Attachments: PCO 010 with back-up.

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|---|
| Original Contract Price: \$ <u>13,668,346.00</u> | Original Contract Times: 474 Calendar Days Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>258,130.16</u> | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : 0 days Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days |
| Contract Price prior to this Change Order: \$ <u>13,926,476.16</u> | Contract Times prior to this Change Order: Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Increase of this Change Order: \$ <u>61,878.66</u> | Increase of this Change Order: 81 days Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days or dates |
| Contract Price incorporating this Change Order: \$ <u>13,988,354.82</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days or dates |

| | | |
|---|---|--|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By:  _____ Engineer (if required) | By: _____ Owner (Authorized Signature) | By: _____ Contractor (Authorized Signature) |
| Title: _____ | Title _____ | Title _____ |
| Date: _____ | Date _____ | Date _____ |

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



805 Shine Smith Road
Sudlersville, MD 21668
P: 410.556.6100 ● F: 410.556.6574

**INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITY
REGIONAL BIOSOLIDS AND SEPTAGE FACILITIES
Sussex County Project: 18-19**

PROPOSED CHANGE ORDER

PCO #18117-010 Time Extension for Contract Delay
10/22/2019

Background: The Project was delayed through no fault of Bearing Construction

Scope Narrative: Bearing Construction requires 81 more days to complete the Inland Bays Project due to the permitting problems encountered in the very beginning of the project. This is the TOTAL time of extension which includes the T&M work.

This proposal may be withdrawn if not accepted within fourteen (14) calendar days.

This total proposed change order <ADDER> including labor, materials, equipment, overhead, profit and bond costs is: **\$ 61,878.66.**

Respectfully submitted,

James Merrell
President
Bearing Construction, Inc.

| | |
|---|--|
| Date of Issuance: January 7, 2020 | Effective Date: January 7, 2020 |
| Owner: Sussex County | Owner's Contract No.: 18-19 |
| Contractor: Bearing Construction, Inc. | Contractor's Project No.: |
| Engineer: | Engineer's Project No.: |
| Project: Inland Bays Regional Wastewater Facility | Contract Name: Regional Biosolids & Septage Facilities |

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

Description: Elimination of By-pass pumping

Attachments: PCO 009

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|---|
| Original Contract Price: \$ <u>13,668,346.00</u> | Original Contract Times: 474 Calendar Days Substantial Completion: <u>474</u> Calendar Days Ready for Final Payment: _____ days or dates |
| Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : \$ <u>320,008.82</u> | Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : 81 days Substantial Completion: <u>555</u> Calendar Days Ready for Final Payment: _____ days |
| Contract Price prior to this Change Order: \$ <u>13,988,354.82</u> | Contract Times prior to this Change Order: Substantial Completion: <u>555</u> Calendar Days Ready for Final Payment: _____ days or dates |
| Decrease of this Change Order: \$ <u>(77,000.00)</u> | [Increase] [Decrease] of this Change Order: 0 days Substantial Completion: <u>555</u> Calendar Days Ready for Final Payment: _____ days or dates |
| Contract Price incorporating this Change Order: \$ <u>13,911,354.82</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>555</u> Calendar Days Ready for Final Payment: _____ days or dates |

| | | |
|--|---|--|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: <u>[Signature]</u> Engineer (if required) | By: _____ Owner (Authorized Signature) | By: _____ Contractor (Authorized Signature) |
| Title: _____ | Title: _____ | Title: _____ |
| Date: _____ | Date: _____ | Date: _____ |

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



805 Shine Smith Road
Sudlersville, MD 21668
P: 410.556.6100 ● F: 410.556.6574

INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITY
REGIONAL BIOSOLIDS AND SEPTAGE FACILITIES
Sussex County Project: 18-19

PROPOSED CHANGE ORDER

PCO #18117-009 Credit for Bypass Pumping
10/22/2019

Background: Sussex County personnel work with Bearing Construction to eliminate the need for an expensive Bypass Pumping System.

Scope Narrative: Bearing Construction has prepared this PCO to credit the owner for Bypass Pumping

This proposal may be withdrawn if not accepted within fourteen (14) calendar days.

This total proposed change order <CREDIT> including labor, materials, equipment, overhead, profit and bond costs is: \$ (77,000.00).

Respectfully submitted,

James Merrell
President
Bearing Construction, Inc.



805 Shine Smith Road
 Sudlersville, MD 21668
 P: 410.556.6100 F: 410.556.6574

PROPOSED CHANGE ORDER

Date: 22-Oct-19

Proposed Change Order Number: 18117-009

Inland Bays Regional Wastewater Facility Upgrades

Scope of Work

Credit for By Pass Pumping

Materials & Labor

| | Material | Labor |
|--|----------------|----------------|
| By Pass Pumping | \$ (45,065.52) | \$ (23,900.00) |
| | \$ - | \$ - |
| | \$ - | \$ - |
| | \$ - | \$ - |
| | \$ - | \$ - |
| | \$ - | \$ - |
| Materials Subtotal: | \$ (45,065.52) | |
| Labor Total: | | \$ (23,900.00) |
| 10% Overhead: | \$ (4,506.55) | \$ (2,390.00) |
| Labor & Materials Costs with Taxes & Overhead: | | \$ (75,862.07) |

Subcontract

| | | |
|----------------------------------|------|------|
| | \$ - | |
| | \$ - | |
| Subcontract Subtotal: | \$ - | |
| 5% Overhead on Subcontract Work: | \$ - | |
| Subcontract Costs with Overhead: | | \$ - |

| | |
|--------------------------------------|-----------------------|
| Total of Labor & Materials: | \$ (75,862.07) |
| Total of Subcontract: | \$ - |
| Subtotal of Materials & Subcontract: | \$ (75,862.07) |
| Cost of Bond: | \$ (1,137.93) |
| Total Proposed Change Order: | \$ (77,000.00) |

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 9, 2020

RE: County Council Old Business Report for CZ 1896 Fenwick Commons, LLC

County Council held a public hearing on December 17, 2019. County Council deferred action for further consideration.

The Planning and Zoning Department received an application (CU 2197 Fenwick Commons, LLC) for a Conditional Use for parcel 533-19.00-52.00 to allow for multi-family (62 units) to be located at the southwest corner of Lighthouse Rd. and Sand Cove Rd. The Planning and Zoning Commission held a public hearing on November 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the Applicant, the Chairman Wheatley announced that the Commission would hear a combined public hearing on application C/Z 1896 and application C/U 2197. Whilst the hearings would be combined, the Commission would ultimately vote on each application separately.

C/U 2197 Fenwick Commons, LLC

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family (62 duplex units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove Rd., and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

C/Z 1896 Fenwick Commons, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove



Rd, and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

Ms. Cornwell advised the Commission that submitted into the record for both applications is a Site Plan, a staff analysis, agency comments and an Exhibit Booklet. The record for CZ 1896 includes a DelDOT Service Level Evaluation Response stating that a TIS is not required.

That the Commission found that Mr. Gene Bayard, Esquire, and Mr. Ken Christenbury, with Axiom Engineering were present on behalf of the application that CU 2098 & CZ 1827 were recommended for approval with conditions by the Commission in November 2017; that the record of this Application be made a part of this record; that in 2017, the Commission had approved the 52 duplex type residential structures with a density of 3.9 units per acre; that the project had 41% of open space; that 65% of all trees were preserved; that protection, parking and access to the Hudson family cemetery was provided; that landscaping would be provided along Route 54 to screen the project from the farm on the south side; that on January 23, 2018, County Council denied the applications; that Councilman Cole stated that the Environmentally Sensitive Development District Overlay Zone should have a western boundary and that the subject property should be limited to AR density of not more than two units per acre; that the motion carried by a vote of 3-2; that since that time two things have changed; that to the south of the subject property is farmland; that to the east is Bayside – Phase 7 which is fronted by commercially zoned property on Route 54; that the Bayside development has 48 multi-family dwellings on 9.87 acres which is a density of 4.86 units per acre; that the second change is that in March 2019, the Environmentally Sensitive Development District Overlay Zone and was replaced by the new classification of Coastal Area and that County's Future Land Use maps were amended accordingly; that this property is within the Coastal area; that the Comprehensive Plan states that, for Coastal Areas, it is clear that where central water and sewer are available, a range of housing types should be permitted including single-family homes, townhomes, and multi-family units; that the language also states that medium and higher density is appropriate in certain locations where there is central water and sewer, near sufficient commercial uses and employment areas, and where it is in keeping with the character of the area; that the Applicant therefore requests that the Commission renew its recommendation that this Conditional Use and Change of Zone with the same density as previously proposed be sent to Council with an affirmative recommendation.

Ms. Stevenson asked about the difference between the Site Plans; that Ms. Cornwell stated that there are ten less units in the current plan.

Mr. Robertson asked about the condition to provide access to the cemetery; that Mr. Bayard stated that there will be protection, parking and access provided to the cemetery.

That the Commission found that no one spoke in favor or in opposition of the Application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration for Conditional Use 2197. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration for Change of Zone 1896. Motion carried 5-0.

At their meeting of December 12, 2019, the Planning Commission discussed the application that has been deferred since November 14, 2019.

Ms. Wingate moved that the Commission recommend approval for Conditional Use # 2197 for FENWICK COMMONS, LLC for Multi-Family Dwellings in an MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

1. This application is very similar to Conditional Use #2098 that received a recommendation of approval from this Commission for 52 units on November 16, 2017.
2. This application seeks the approval of 52 single family duplex-type structures on 13.3 acres. This results in a density of approximately 4 units per acre.
3. The property is in an area where other residential development has occurred, including the large mixed-use Bayside Development and other single family and multi-family developments. Bayside Phase 7 has also recently received approval for 48 multifamily units across Route 54 from this site. This project is consistent with these nearby uses.
4. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high densities when a site is near commercial uses, is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
5. The proposed development will not have an adverse impact on the neighboring properties or roadways.
6. The proposed density is within the allowable density in the MR District, and it is consistent with the densities of the nearby multifamily developments.
7. The project will have 48% open space, including preservation of 68% of the existing forest. The design also provides protection to the Hudson Family Cemetery on the site.
8. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addressed by the applicant.
9. The development will be served by central sewer provided by Sussex County.
10. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 52.
 - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.

- E. Interior Street design shall meet or exceed the Sussex County street design requirements.
- F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
- G. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall clearly designate all existing forested areas that will be preserved (68% of the existing forested area, according to the Applicant). The landscape plan shall also include landscaping along the property's entire Route 54 frontage.
- H. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7 am and 6 pm Monday through Saturday.
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- J. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
- K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
- L. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. The developer, and then the HOA or Condo Association shall protect and preserve the Hudson Family Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided for the Hudson family members wishing to visit the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
- N. The applicant shall coordinate with the Indian River School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate seconded by Mr. Hopkins and carried with a vote of 4-1 to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 4-1.

Introduced 07/30/19

**Council District No. 5 - Rieley
Tax I.D. No. 533-19.00-52.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS

WHEREAS, on the 16th day of July 2019, a zoning application, denominated Change of Zone No. 1896, was filed on behalf of Fenwick Commons, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 1896 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 of MR Medium Density Residential 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 Baltimore Hundred, Sussex County, Delaware, and lying at the southwest corner of Lighthouse Road (Route 54) and Sand Cove Road, and the east side of Sand Cove Road approximately 211 feet south of Lighthouse Road (Route 54), and being more particularly described in the attached legal description prepared by Parsons & Weidman, P.A., said parcel containing 13.33 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.

PROPOSED

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 9, 2020

RE: County Council PC Recommendation & Old Business Report for CU 2197 Fenwick Commons, LLC

County Council held a public hearing on December 17, 2019. County Council deferred action for further consideration.

The Planning and Zoning Department received an application (CU 2197 Fenwick Commons, LLC) for a Conditional Use for parcel 533-19.00-52.00 to allow for multi-family (62 units) to be located at the southwest corner of Lighthouse Rd. and Sand Cove Rd. The Planning and Zoning Commission held a public hearing on November 14, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the Applicant, the Chairman Wheatley announced that the Commission would hear a combined public hearing on application C/Z 1896 and application C/U 2197. Whilst the hearings would be combined, the Commission would ultimately vote on each application separately.

C/U 2197 Fenwick Commons, LLC

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family (62 duplex units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove Rd., and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

C/Z 1896 Fenwick Commons, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres,



more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove Rd, and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

Ms. Cornwell advised the Commission that submitted into the record for both applications is a Site Plan, a staff analysis, agency comments and an Exhibit Booklet. The record for CZ 1896 includes a DelDOT Service Level Evaluation Response stating that a TIS is not required.

That the Commission found that Mr. Gene Bayard, Esquire, and Mr. Ken Christenbury, with Axiom Engineering were present on behalf of the application that CU 2098 & CZ 1827 were recommended for approval with conditions by the Commission in November 2017; that the record of this Application be made a part of this record; that in 2017, the Commission had approved the 52 duplex type residential structures with a density of 3.9 units per acre; that the project had 41% of open space; that 65% of all trees were preserved; that protection, parking and access to the Hudson family cemetery was provided; that landscaping would be provided along Route 54 to screen the project from the farm on the south side; that on January 23, 2018, County Council denied the applications; that Councilman Cole stated that the Environmentally Sensitive Development District Overlay Zone should have a western boundary and that the subject property should be limited to AR density of not more than two units per acre; that the motion carried by a vote of 3-2; that since that time two things have changed; that to the south of the subject property is farmland; that to the east is Bayside – Phase 7 which is fronted by commercially zoned property on Route 54; that the Bayside development has 48 multi-family dwellings on 9.87 acres which is a density of 4.86 units per acre; that the second change is that in March 2019, the Environmentally Sensitive Development District Overlay Zone and was replaced by the new classification of Coastal Area and that County’s Future Land Use maps were amended accordingly; that this property is within the Coastal area; that the Comprehensive Plan states that, for Coastal Areas, it is clear that where central water and sewer are available, a range of housing types should be permitted including single-family homes, townhomes, and multi-family units; that the language also states that medium and higher density is appropriate in certain locations where there is central water and sewer, near sufficient commercial uses and employment areas, and where it is in keeping with the character of the area; that the Applicant therefore requests that the Commission renew it’s recommendation that this Conditional Use and Change of Zone with the same density as previously proposed be sent to Council with an affirmative recommendation.

Ms. Stevenson asked about the difference between the Site Plans; that Ms. Cornwell stated that there are ten less units in the current plan.

Mr. Robertson asked about the condition to provide access to the cemetery; that Mr. Bayard stated that there will be protection, parking and access provided to the cemetery.

That the Commission found that no one spoke in favor or in opposition of the Application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration for Conditional Use 2197. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration for Change of Zone 1896. Motion carried 5-0.

At their meeting of December 12, 2019, the Planning Commission discussed the application that has been deferred since November 14, 2019.

Ms. Wingate moved that the Commission recommend approval for Conditional Use # 2197 for FENWICK COMMONS, LLC for Multi-Family Dwellings in an MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

1. This application is very similar to Conditional Use #2098 that received a recommendation of approval from this Commission for 52 units on November 16, 2017.
2. This application seeks the approval of 52 single family duplex-type structures on 13.3 acres. This results in a density of approximately 4 units per acre.
3. The property is in an area where other residential development has occurred, including the large mixed-use Bayside Development and other single family and multi-family developments. Bayside Phase 7 has also recently received approval for 48 multifamily units across Route 54 from this site. This project is consistent with these nearby uses.
4. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high densities when a site is near commercial uses, is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
5. The proposed development will not have an adverse impact on the neighboring properties or roadways.
6. The proposed density is within the allowable density in the MR District, and it is consistent with the densities of the nearby multifamily developments.
7. The project will have 48% open space, including preservation of 68% of the existing forest. The design also provides protection to the Hudson Family Cemetery on the site.
8. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addressed by the applicant.
9. The development will be served by central sewer provided by Sussex County.
10. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be 52.
 - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.

- E. Interior Street design shall meet or exceed the Sussex County street design requirements.
- F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
- G. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall clearly designate all existing forested areas that will be preserved (68% of the existing forested area, according to the Applicant). The landscape plan shall also include landscaping along the property's entire Route 54 frontage.
- H. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7 am and 6 pm Monday through Saturday.
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- J. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
- K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
- L. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. The developer, and then the HOA or Condo Association shall protect and preserve the Hudson Family Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided for the Hudson family members wishing to visit the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
- N. The applicant shall coordinate with the Indian River School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate seconded by Mr. Hopkins and carried with a vote of 4-1 to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 4-1.

Introduced 07/30/19

**Council District No. 5 – Rieley
Tax I.D. No. 533-19.00-52.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (62 DUPLEX UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS

WHEREAS, on the 16th day of July 2019, a conditional use application, denominated Conditional Use No. 2197, was filed on behalf of Fenwick Commons, LLC; and

WHEREAS, on the ____ day of _____ 2019, 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. 2197 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2197 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the southwest corner of Lighthouse Road (Route 54) and Sand Cove Road, and the east side of Sand Cove Road approximately 211 feet south of Lighthouse Road (Route 54), and being more particularly described in the attached legal description prepared by Parsons & Weidman, P.A., said parcel containing 13.33 acres, more or less.

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

To Be Introduced 01/14/20

**Council District No. 4 – Hudson
Tax I.D. No. 334-13.20-25.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS

WHEREAS, on the 17th day of December 2019, a conditional use application, denominated Conditional Use No. 2214, was filed on behalf of Anthony Crivella and Harold E. Dukes, Jr.; and

WHEREAS, on the ____ day of _____ 2020, 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. 2214 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2214 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Johnson Street, southeast of Central Avenue, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.115 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 01/14/20

Council District No. 5 – Rieley

Tax I.D. No. 533-19.00-26.00

911 Address: 37116 and 37124 Lighthouse Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.56 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2019, a conditional use application, denominated Conditional Use No. 2215, was filed on behalf of BZ Land, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 2215 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2215 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Lighthouse Road at Bayville Road, and being more particularly described in the attached legal description prepared by Sergovic & Carmean, P.A., said parcel containing 1.56 acres, more or less.

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

To Be Introduced 01/14/20

**Council District No. 3 – Burton
Tax I.D. No. 234-5.00-46.04 (part of)
911 Address: 20366 Hopkins Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2019, a conditional use application, denominated Conditional Use No. 2216 was filed on behalf of Kenneth Dominic Alton Drummond; and

WHEREAS, on the ____ day of _____ 2020, 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. 2216 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2216 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Hopkins Road, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 3.57 acres, more or less.

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

To Be Introduced 01/14/20

**Council District No. 1 – Vincent
Tax I.D. No. 331-2.00-44.07
911 Address: 20871 Sanfilippo Road, Bridgeville**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF UTILITIES EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS

WHEREAS, on the 11th day of December 2019, a conditional use application, denominated Conditional Use No. 2217, was filed on behalf of Israel Bravo; and

WHEREAS, on the ____ day of _____ 2020, 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. 2217 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2217 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 Seaford Hundred, Sussex County, Delaware, and lying on the east side of Sanfilippo Road, and being more particularly described in the attached legal description prepared by Glynis MacAnanny, P.A., said parcel containing 6.16 acres, more or less.

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

To Be Introduced 01/14/20

**Council District No. 2 – Wilson
Tax I.D. No. 230-13.00-429.00
911 Address: 10321 Greentop Road, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL MACHINE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.76 ACRE, MORE OR LESS

WHEREAS, on the 26th day of December 2019, a conditional use application, denominated Conditional Use No. 2218, was filed on behalf of Edward and Laurie Dampman; and

WHEREAS, on the ____ day of _____ 2020, 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. 2218 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2218 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the northeast side of Greentop Road, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 0.76 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 01/14/20

**Council District No. 4 – Hudson
Tax I.D. No. 234-29.00-67.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MEDIUM DENSITY RESIDENTIAL DISTRICT AND A CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 43.463 ACRES, MORE OR LESS

WHEREAS, on the 10th day of December 2019, a zoning application, denominated Change of Zone No. 1911, was filed on behalf of Schiff Land Development Co., LLC (Patriots Glen); and

WHEREAS, on the ____ day of _____ 2020, 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. 1911 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 [MR Medium Density Residential District and CR-1 Commercial Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District-Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying south of John J. Williams Highway (Route 24), and being more particularly described in the attached legal

description prepared by Ellis & Szabo, LLP, said parcel containing 43.463 acres, more or less.

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

TO BE INTRODUCED

To Be Re-Introduced 01/14/20

Council District No. 4 – Hudson

Tax I.D. No. 134-12.00-74.00

911 Address: 31434 Railway Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (200 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 48.36 ACRES, MORE OR LESS

WHEREAS, on the 17th day of September 2019, a conditional use application, denominated Conditional Use No. 2206, was filed on behalf of Linder & Company, Inc. (Evans Farm); and

WHEREAS, on the ____ day of _____ 2020, 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. 2206 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2206 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of Old Mill Road and Railway Road, also being on the south side of Railway Road approximately 696 feet northeast of Old Mill Road, and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 48.36 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 Re-Introduced 01/14/20

**Council District No. 2 – Wilson
Tax I.D. No. 135-20.00-137.00
911 Address: 17471 Whitetail Lane, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 220.38 ACRES, MORE OR LESS

WHEREAS, on the 27th day of November 2019, a conditional use application, denominated Conditional Use No. 2213, was filed on behalf of Whitetail Lane, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 2213 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2213 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 Georgetown Hundred, Sussex County, Delaware, and lying on the northeast side of Cedar Lane, and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 220.38 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.