

Sussex County Council Public/Media Packet

MEETING: February 4, 2020

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

COUNTY COUNCIL

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





SUSSEX COUNTY COUNCIL

<u>AGENDA</u>

FEBRUARY 4, 2020

<u>10:00 A.M.</u>

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

<u>Presentation by Cathy Kanefsky, Nemours Chief Development Officer, and Lindsay</u> <u>Rhodenbaugh, Bayhealth Foundation President - Sussex Expansion Update</u>

Todd Lawson, County Administrator

- 1. Caroling on The Circle Food Drive Recognition
- 2. Board of Assessment Review Appointment
- 3. Building Code Appeal Board Appointment
- 4. Administrator's Report

10:15 a.m. Public Hearing

1. Community Development Block Grant (CDBG) Program

10:30 a.m. Public Hearings

1. "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,701,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO WOLFE RUNNE AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"



Approval of USDA Loan Resolution

2. "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,526,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO MALLARD CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"

Approval of USDA Loan Resolution

Hans Medlarz, County Engineer

- 1. South Coastal Regional Wastewater Facility and Rehoboth Wastewater Treatment Plant Project
 - A. GHD Amendment 20 Construction Engineering and Inspection Services
 - B. BW Electric Change Order 1, Electrical Construction, Project C19-17
 - C. Authorization to Proceed for DP&L Power Service Relocation
- 2. Western Sussex Contract 1 Route 13 Force Main, Project 18-12
 - A. Change Order 1
- 3. Sussex County Administration Building Cooling Tower, Project C20-04
 - A. Recommendation to Award

John Ashman, Director of Utility Planning

- 1. Request for Permission to Prepare and Post Notices
 - A. Sycamore Chase
 - **B.** Plantation Medical Annexation

Grant Requests

1. Friends of the Georgetown Public Library for library programming

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Job Applicants' Qualifications and Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

- 1. <u>Conditional Use No. 2202 filed on behalf of John H. Passwaters</u> "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.345 ACRES, MORE OR LESS" (lying on the west side of Sussex Highway (Route 13) approximately 0.48 mile south of S. Main Street) (Tax I.D. No. 131-15.00-17.00) (911 Address: 18956 Sussex Highway, Bridgeville)
- <u>Conditional Use No. 2203 filed on behalf of Christopher F. Booth</u> "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.227 ACRES, MORE OR LESS" (lying on the north side of Omar Road, approximately 0.36 mile west of Armory Road) (Tax I.D. No. 433-7.00-13.01) (911 Address: 30725 Omar Road, Frankford)

<u>Adjourn</u>

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

In accordance with 29 <u>Del.C.</u> §10004(e)(2), this Agenda was posted on January 28, 2020 at 5:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

####

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 28, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 28, 2020, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

	Michael H. Vincent Irwin G. Burton III Douglas B. Hudson John L. Rieley Samuel R. Wilson Jr. Todd F. Lawson J. Everett Moore, Jr.	President Vice President Councilman Councilman Councilman County Administrator County Attorney		
Call to	The Invocation and Pledge of Allegiance were led by Mr. Vincent.			
Order	Mr. Vincent called the meeting to order.			
M 033 20 Approve Agenda	A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the Agenda, as posted.			
Agenua	Motion Adopted: 5 Yeas.			
	Mr. Wils	lson, Yea; Mr. Rieley, Yea; son, Yea; Mr. Burton, Yea; cent, Yea		
Minutes	The minutes of January 7 and	l 14, 2020 were approved by consent.		
Corre- spondence	Mr. Moore reported on correspondence received from the following: A Wave of Healthy Meals, The ARK Educational Resource Center, Survivors of Abuse in Recovery, and Catholic Charities.			
Public Comments	A public comment period was held and the following spoke: Paul Reiger, Dan Kramer, Keith Steck and DJ Hughes.			
DEC Check Presentation	Bill Andrew, President & CEO, Delaware Electric Cooperative, presented a check to the Sussex County Council representing a capital credit allocation.			
Adminis-	Mr. Lawson read the following information in his Administrator's Report:			
trator's Report	1. <u>Delaware State Police Activity Report</u>			
		e year-to-date activity report for December e number of violent crime and property crime		

arrests, as well as total traffic charges and corresponding arrests. In

Adminis-
trator'saddition, DUI and total vehicle crashes investigated are listed. In total,
there were 194 troopers assigned to Sussex County for the month of
December.(continued)December.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Coastal Club – Land Bay 6 – Phase B (Construction Record) and Bishop's Landing (formerly Dove Landing) – Phase 1D received Substantial Completion effective January 22nd and January 23rd, respectively.

3. <u>Henlopen Transportation Improvement District</u>

The Delaware Department of Transportation will host a public workshop on the Henlopen Transportation Improvement District (TID) on Wednesday, February 5, 2020 at the Lewes Fire Department – Station 2 in Nassau. The address is 32198 Janice Road, Lewes, Delaware. The workshop will run from 4:00 pm – 7:00 pm and offers the public and interested parties the opportunity to review and comment on the proposed Henlopen TID.

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

GrantMrs. Andrea Wall, Manager of Accounting, presented grant requests for
the Council's consideration.

M 034 20A Motion was made by Mr. Wilson, seconded by Mr. Burton, to giveCouncil-
manic\$500.00 (\$400.00 from Mr. Vincent's Councilmanic Grant Account and
\$100.00 from Mr. Wilson's Councilmanic Grant Account) to Eastern ShoreGrantAFRAM Festival for the MLK Day of Celebration.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 035 20A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to giveCouncil-
manic\$2,000.00 from Mr. Rieley's Councilmanic Grant Account to the GreaterMillsboro Chamber of Commerce for the Stars & Stripes Celebration.Grant

Motion Adopted: 5 Yeas.

Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea;
	Mr. Wilson, Yea; Mr. Burton, Yea;
	Mr. Vincent, Yea

M 036 20A Motion was made by Mr. Hudson, seconded by Mr. Burton, to giveCouncil-\$1,500.00 (\$750.00 each from Mr. Hudson's and Mr. Burton'smanicCouncilmanic Grant Accounts) to the Cape Henlopen EducationalGrantFoundation for the Teacher Grant Program.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Introduction of Proposed Ordinances Mr. Hudson introduced the Proposed Ordinance entitled "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 50.62 ACRES, MORE OR LESS" (Conditional Use No. 2206) filed on behalf of Linder & Company, Inc. (Evans Farm) (Tax I.D. No. 134-12.00-74.00) (911 Address: 31434 Railway Road, Ocean View.

> Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCE CONSTRUCTION BUSINESS AND FOR OUTDOOR STORAGE OF CONSTRUCTION MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (Conditional Use No. 2220) filed on behalf of Sussex Land Company (Tax I.D. No. 230-20.00-9.09) (911 Address: 11412 Holly Tree Road, Lincoln).

> Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.06 ACRES, MORE OR LESS" (Change of Zone No. 1914) filed on behalf of Ronald E. and M. Candice Gray (Tax I.D. No. 134-15.00-20.06) (911 Address: Not Available).

> Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-3 BUSINESS RESEARCH DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.15 ACRES, MORE OR LESS" (Change of Zone No. 1915) filed on behalf of Fisher's Popcorn Fenwick, LLC (Tax I.D. No. 533-11.00-78.04) (911 Address: Not Available).

Introduction of Proposed Ordinances (continued) Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.03 ACRES, MORE OR LESS" (Change of Zone No. 1916) filed on behalf of Alice P. Robinson, Trustee (Tax I.D. No. 235-23.00-54.01, 54.02, and 54.05) (911 Address: Not Available).

> Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS" (Change of Zone No. 1917) filed on behalf of Iacchetta Development Corporation (Tax I.D. No. 533-18.00-28.01) (911 Address: 33175 Lighthouse Road, Selbyville).

> Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS" (Change of Zone No. 1918) filed on behalf of Mark A. Casey (Tax I.D. No. 234-33.00-55.00) (911 Address: 28517 Warwick Road, Millsboro).

The Proposed Ordinances will be advertised for Public Hearing.

M 037 20 At 10:21 a.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to recess until 10:30 a.m.

Motion Adopted: 5 Yeas.

Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea;
	Mr. Wilson, Yea; Mr. Burton, Yea;
	Mr. Vincent, Yea

M 038 20 At 10:30 a.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to reconvene.

Motion Adopted:	5 Yeas.
Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

with

Rules Mr. Moore read the rules of procedure for public hearings.

PublicAt 10:30 a.m., a Public Hearing was held on the Memorandum of
Understanding (MOU) between Sussex County and DelDOT regarding the
process of land use applications.

DelDOT The Planning and Zoning Commission held a Public Hearing on the MOU on December 12, 2019 at which time the record was left open and it was announced that the public hearing would be continued at the January 9, 2020 meeting to allow any additional speakers an opportunity to speak before the Commission. On January 9, 2020, at the conclusion of the public hearing, the public hearing and public record were closed.

Jamie Whitehouse, Planning and Zoning Manager, reported on the comments received: twelve (12) comments were received and circulated previously; an additional four (4) comments were received and circulated on this date.

Vince Robertson, Assistant County Attorney, stated that 9 <u>Del.C</u> §6962 requires a MOU and requires Sussex County to establish a traffic level of service suitable to the County and DelDOT. He stated that it is a MOU on the process and coordination of land use between Sussex County and DelDOT which will improve communication between the County and DelDOT. Mr. Robertson clarified that the MOU is not a Sussex County Code change nor is it a rewrite of DelDOT's regulations. Mr. Robertson noted that the previous version of the MOU dates back to 1988.

Mr. Robertson and Mark Cote, DelDOT's Assistant Director of Development Coordination, were present and provided an overview of the background of the MOU and what was included within it. Also reviewed was a red-lined version of the MOU, which represents the recommendation of the Planning and Zoning Commission.

Public comments were heard and the following people spoke: Dan Kramer, Bobby Horsey, Paul Reiger, Betty Tustin of The Traffic Group, Robert Tunnell III, DJ Hughes, Rich Borasso of SARG, and David Hutt. They commented on the document and made recommendations for amending the document and/or rewriting the document. They commented on the phasing plan, definitions, the process, and the reorganization of the document for clarity, and commented on the authority of the County and DelDOT.

There were no additional comments.

The public record and public hearing were closed.

M 039 20A Motion was made by Mr. Burton, seconded by Mr. Hudson, to deferDefer Actionaction on the "Memorandum of Understanding (MOU) between Sussexon MOUCounty and DelDOT regarding the process of land use applications".

M 039 20 (continued)	Motion Adopted:	5 Yeas.			
(continued)	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea			
M 040 20 To Into Executive Session	At 12:56 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session to discuss matters relating to personnel.				
56551011	Motion Adopted:	5 Yeas.			
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea			
Executive Session	At 1:00 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to personnel. The Executive Session concluded at 1:30 p.m.				
M 041 20 Reconvene Regular	At 1:35 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.				
Session	Motion Adopted:	5 Yeas.			
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea			
Planning and Zoning Director Vacancy	Mr. Lawson stated that given the current vacancy in the Planning and Zoning Office and the position of the Planning and Zoning Director, it would be appropriate for Council to make a Motion appointing an Acting Planning and Zoning Director.				
M 042 20 Approve Appoint- ment of	A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the appointment of Mr. Jamie Whitehouse to the position of Acting Planning and Zoning Director until such time as the County Council selects and appoints the Planning and Zoning Director.				
Jamie Whitehouse	Motion Adopted:	4 Yeas, 1 Absent.			
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Absent; Mr. Burton, Yea; Mr. Vincent, Yea			
Rules	Mr. Moore read the ru	lles of procedure for zoning hearings.			
	Mr. Wilson joined the meeting.				

Public

A Public Hearing was held on the Proposed Ordinance entitled "AN Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1** CU 2199 **COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (224** UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.793 ACRES, MORE OR LESS" (Conditional Use No. 2199) filed on behalf of OA-Rehoboth, LLC (Tax I.D. No. 334-12.00-127.01 and 127.10) (911 Address: Not Available).

> The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2019 at which time action was deferred. On January 9, 2020, the Commission recommended approval, with conditions.

> (See the minutes of the Planning and Zoning Commission dated December 12, 2019 and January 9, 2020.)

> Jamie Whitehouse, Acting Director of Planning and Zoning, presented the application.

> The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant with Preston Schell, member of OA - Rehoboth, LLC, and Zac Crouch of Davis, Bowen and Friedel. They discussed the Applicant's proposal to develop a residential rental apartment complex containing 224 units (7 buildings – 32 units each) on a parcel of land located between Route 24 and Old Landing Road behind the Rehoboth Mall on the west side of Route 1 and stated that the land is being purchased from the Herola Family, LLC; that the project's location is in the Investment Level 2 Area; that central water will be provided by Tidewater Utilities; that central sewer will be provided by Sussex County; that the site is an undeveloped "infill" parcel predominately surrounded by commercial uses and commercial zoned land with residential uses to the south; that no additional residential development of this property would be permitted; that there are two partially constructed roads bordering the site, one of which is a private access road that will run from the Rehoboth Mall access road from Route 24 to the connector road and the connector road to the Beebe Healthcare Campus which currently stops at just beyond the campus; that the connector road is planned to extend all the way to Old Landing Road; that this new alignment for the connector road will have less of an impact on the Sterling Crossing development; that the Developer will work with DelDOT regarding alignment to Old Landing Road and other off-site improvements that may be required; that in lieu of a Traffic Impact Study (TIS), the Developer will pay an Area-Wide Study Fee; that there is a need for this proposed project in the area as there is a need for workforce housing; that the proposed project is located in an area defined by the Delaware State Housing Authority; and that the project is in accordance with the Sussex **County Zoning Ordinance and the 2019 Comprehensive Plan.**

PublicMr. Fuqua asked that Condition G recommended by the Planning and
Zoning Commission be changed from "Recreational amenities, including a
community clubhouse, outdoor swimming pool, playground, and enclosed
dog park shall be completed prior to the issuance of a building permit for
the 4th multi-family building." to read as follows "Recreational amenities,
including a community clubhouse, outdoor swimming pool, playground and
enclosed dog park, shall be completed prior to the issuance of a Certificate
of Occupancy for the third multi-family building".

Public comments were heard.

Mr. Moore reported that a letter was submitted by Howard Gorrell and Mr. Moore summarized the letter.

Kathleen Baker of Sterling Crossing spoke on her own behalf and on behalf of other members of the community in support of the application.

There were no public comments in opposition to the application.

The Public Hearing and public record were closed.

M 043 20A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to reviseReviseCondition G to read as follows: "Recreational amenities, including aConditioncommunity clubhouse, outdoor swimming pool, playground and enclosedG/dog park, shall be completed prior to the issuance of a Certificate ofCU 2199Occupancy for the third multi-family building".

Motion Adopted: 5 Yeas.

Vote by Roll Call:

Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

M 044 20 Adopt Ordinance No. 2702/ CU 2199

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2702 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE A CR-1 **COMMERCIAL** OF LAND IN **RESIDENTIAL DISTRICT FOR MULTI-FAMILY (224 UNITS) TO BE** LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED. **SUSSEX** COUNTY. CONTAINING 18.793 ACRES, MORE OR LESS" (Conditional Use No. 2199) filed on behalf of OA-Rehoboth, LLC, with the following conditions, as amended:

- A. The maximum of number of residential apartment units shall not exceed 224 units located in no more than 7 buildings.
- **B.** All entrances, intersections, interconnections, roadways, and multimodal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.

M 044 20 Adopt Ordinance No. 2702/ CU 2199 (continued)

- C. The Applicant shall dedicate land and contribute to the cost of a DelDOT planned connector road from Route 24 to Old Landing Road.
 - **D.** The development shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
 - E. The development shall be served by central water.
 - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner which is consistent with Best Management Practices.
 - G. Recreational amenities, including a community clubhouse, outdoor swimming pool, playground and enclosed dog park, shall be completed prior to the issuance of a Certificate of Occupancy for the third multifamily building.
 - H. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - I. If required by the school district, the location for a school bus shelter shall be coordinated with the local school district's transportation manager. The location of the bus stop shelter shall be shown on the Final Site Plan.
 - J. No outdoor construction activities or deliveries of dirt, fill, or similar material shall occur at the site except between the hours of 7:30 a.m. through 7:30 p.m. Monday through Friday and between 8:00 a.m. through 5:00 p.m. on Saturdays. There shall be no construction, site work, grading, or deliveries at the site on Sundays.
 - K. The design of interior drives shall meet or exceed Sussex County road design standards and requirements.
 - L. The use shall comply with all Sussex County parking requirements.
 - M. One lighted entrance sign, not to exceed 32 square feet per side, shall be permitted.
 - **N.** Space in the community clubhouse or in 1 unit shall be permitted as an on-site management office.
 - O. The Applicant or its assigns shall be responsible for the maintenance of interior drives, parking areas, buildings, buffers, stormwater management, recreational amenities, and all open space.
 - **P.** A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning. The staff shall approve the Revised Preliminary Site Plan upon confirmation that the conditions of approval have been depicted or noted on it.
 - Q. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - **R.** The Final Site Plan shall include a landscape plan for all buffer areas showing all the landscaping and vegetation to be included in the buffer areas.
 - S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

M 044 20	Motion Adopted:	5 Yeas.
(continued)		
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea;
		Mr. Wilson, Yea; Mr. Burton, Yea;
		Mr. Vincent, Yea

PublicA Public Hearing was held on the Proposed Ordinance entitled "AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT
TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL
PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 16.1 ACRES, MORE OR LESS" (Change of Zone No. 1900)
filed on behalf of Michael P. Justice, Trustee (Tax I.D. No. 134-16.00-51.00)
(911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2019 at which time the Commission deferred action. On January 9, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated December 12, 2019 and January 9, 2020.)

Jamie Whitehouse, Acting Director of Planning and Zoning, presented the application.

The Council found that John Sergovic, Attorney, was present on behalf of the application with the Applicant, Michael P. Justice, and Ken Christenbury with Axiom Engineering. They discussed the proposed use of the property for the Evergreen Residential Planned Community, a singlefamily 45-unit development. Mr. Christenbury stated that they have submitted a revised plan showing amendments requested by the Planning and Zoning Commission. Based on input at the Planning and Zoning Commission meeting, the prior design to clear the existing property line ditches has been replaced by bypass pipes directed toward the low-lying areas on the property line. In addition to the bypass pipes, a cul-de-sac has been added to the northeast corner of the site. The addition of the cul-de-sac has adjusted the northern road away from the western property line and allowed for the retention of a forested buffer not included in the prior plan. They stated that this in an infill project; that the project property abuts several residential subdivisions; that they are proposing 2.82 dwelling units per acre; that the project property is located in the middle of an area zoned GR with the exception of one commercial property to the south; that the proposed project is in character with the surrounding properties and densities; that they proposed to clear the ditches, however, area residents did not want the ditches cleared nor the trees removed and therefore, they came up with the new plan and they reviewed the amendments to the original plan; that no Traffic Impact Study was required; and that water is

Publicavailable from Tidewater and sewer service is available from SussexHearing/County; and that this application is in accordance with the 2019CZ 1900Comprehensive Land Use Plan.(continued)Comprehensive Land Use Plan.

Public comments were heard.

Steve Maternick of Silver Woods spoke in support of the application. He referenced flooding in the area due to heavy rains and the lack of drainage in the area and stated that he is in support of the Applicant's amended plan; that the stormwater management plan for the application will help alleviate some drainage problems; that he commends the Applicant for working with him and another neighbor to rectify some of the design issues; and that his only concern is the ditch that goes to Millers Creek which has not been maintained and he hopes that any future plans would make sure that the homeowners in the Plantation Park development would not be allowed to cause any restricting of the drainage that occurs.

There were no comments in opposition to the application.

The public record and Public Hearing were closed.

Mr. Hudson stated that he would like to defer action on Change of Zone No. 1900 to allow time to develop wording regarding granting an easement to adjoining land owners. Mr. Rieley stated that he would like to defer action for two weeks to allow time for further consideration.

M 045 20 A Motion was made by Mr. Rieley, seconded by Mr. Burton, to defer action Defer on Change of Zone No. 1900 filed on behalf of Michael P. Justice, Trustee.

CZ 1900 Motion Adopted: 5 Yeas.

Vote by Roll Call:

Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Public Hearing/ CZ 1901 CU 2200 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED AND LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.927 ACRES, MORE OR LESS" (Change of Zone No. 1901) and the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (7 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED AND LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY CONTAINING 0.927 ACRES, MORE OR LESS" (Conditional Use No. 2200) filed on behalf of

Public	Mary and Victor Rico.
Hearing/	
CZ 1901	The Planning and Zoning Commission held a Public Hearing on this
CU 2200	application on December 12, 2019 at which time action was deferred. On
(continued)	January 9, 2019, the Commission recommended denial of the Change of
	Zone and the Conditional Use.

(See the minutes of the Planning and Zoning Commission dated December 12, 2019 and January 9, 2020.)

Jamie Whitehouse, Acting Director of Planning and Zoning, presented the application.

It was noted that the four existing buildings that are on the property have been there for a long time and are considered to be non-conforming; that at one point, two of the buildings were purchased and converted into multiple dwelling units within those buildings; that there are no permits for that conversion; that these applications are in response to a violation on the property; and that the application seeks to address that violation.

The Council found that Tim Willard, Attorney, was present with the Applicant, Mary Rico. They commented on the shape and location of the lot and stated that Sunset Lane was an old fishing village and as it evolved, this lot became a parcel with 4 houses located on it; that in the year 2000, the parcel was condominiumized; that the Ricos own Units 1 and 2 on the parcel; that the 2 units/houses went up for auction and the Ricos purchased them and rehabilitated the houses; that sewer service is available to the units; that both units were efficiencies and had electrical hook-ups for stoves; that the footprint of the houses has not changed; that the Applicant made efforts to be in compliance by calling the County for sewer hook-ups and for addresses, and they called the County and was told an inspection was not necessary; that they have letters of support from the tenants; that the Condominium owns Sunset Lane but the other residents along the road have access to it through an easement; that they have done a nice rehabilitation of the small apartments; that they question where the current tenants will go if this application is not approved; that the application is for a MR rezoning since that is the only way the Conditional Use could be applied for; that the Conditional Use would limit the uses on the property; that the County's Comprehensive Plan encourages the rehabilitation of houses to make them affordable housing; that MR zoning is appropriate and is consistent with the Comprehensive Plan; and that all four unit owners of the Condominium have signed the application, which was required. Mr. Willard and Mrs. Rico showed and described before and after pictures of the two units. Mr. Willard stated that Commissioner Stevenson's Motion to deny the applications is legally flawed.

Public comments were heard.

There were no public comments in support of the application.

Public Hearing (continued)	 Public comments were heard in opposition to the application. Tom O'Neill and Larry Fisher, both residents of Sunset Lane, spoke in opposition to the applications. They gave a brief overview of the history of the houses and the motel on Sunset Lane. They stated that the Applicant rehabilitated the units and made them into rental units without following proper procedures and with no permits; that the proposed use of this property (Units 1 and 2) will negatively impact property values; that there is a health concern as the cesspool on the property overflows and is not pumped out regularly as the Applicant states; that water quality is a concern; and that the residents, not the condominium association, pay for the maintenance of the road. There were no additional public comments. The Public Hearing and public record were closed. 			
M 046 20 Defer Action on CZ 1901	A Motion was made by Mr. Burton, seconded by Mr. Hudson, to defer action on Change of Zone No. 1901 (Conditional Use No. 2200) filed on behalf of Mary and Victor Rico.			
02 1901	Motion Adopted:	5 Yeas.		
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Mr. Wilson, Yea; Mr. H Mr. Vincent, Yea		
M 047 20 Defer Action on	A Motion was made by Mr. Burton, seconded by Mr. Hudson, to defer action on Conditional Use No. 2200 filed on behalf of Mary and Victor Rico.			
CU 2200	Motion Adopted:	5 Yeas.		
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Mr. Wilson, Yea; Mr. H Mr. Vincent, Yea	•	
M 048 20 Adjourn	A Motion was made by 5:00 p.m.	y Mr. Burton, seconded	by Mr. Hudson, to adjourn at	
	Motion Adopted:	5 Yeas.		
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Mr. Wilson, Yea; Mr. H Mr. Vincent, Yea	•	
			Respectfully submitted,	
			Robin A. Griffith	

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

Clerk of the Council

BRAD D. WHALEY DIRECTOR OF COMMUNITY DEVELOPMENT & HOUSING (302) 855-7777 T (302) 854-5397 F bwhaley@sussexcountyde.gov





MEMORANDUM

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

FROM: Brad D. Whaley

RE: 2020 CDBG Application

DATE: January 29, 2020

During Tuesday's Council meeting, I will be presenting the County's Community Development Block Grant application request for the 2020 CDBG grant year. My department has held Public Hearings at all of the Towns/Cities listed and the projects represent their requests.

For the Rural Communities, we are following the Sussex County Community Development Rural Community Funding Plan. Additionally, I have consulted my Advisory Committee for guidance and approval for selecting these targeted rural areas.

Attached is the proposed application request for your review.

I do not have Millsboro's project costs yet. They are requesting funding to Re-Surface Monroe Street. They were approved for a Sidewalk Improvement Project on this street for the FY19 CDBG funding year. I am hoping to have the estimates before Tuesday's Public Hearing.



STATE OF DELAWARE DELAWARE STATE HOUSING AUTHORITY DELAWARE CDBG PROGRAM-PROJECT <u>COST SUMMARY</u>

CONTRACT PERIOD FROM: JULY 1, 2020 TO JUNE 30, 2021 SUMMARY OF PROGRAM ACTIVITIES

PROGRAM ACTIVITIES	PROGRAMS	CDBG PROGRAM	LOCAL	OTHER	TOTAL
		FUNDS	MATCH	FUNDS	REQUESTED
Blades	(4) Rehab	\$80,000.00			\$80,000.00
Bridgeville	(4) Rehab	\$80,000.00			\$80,000.00
Delmar	(4) Rehab	\$80,000.00			\$80,000.00
Ellendale	(4) Rehab	\$80,000.00			\$80,000.00
Georgetown	(6) Rehab	\$105,000.00			\$105,000.00
Laurel	(8) Rehab	\$140,000.00			\$140,000.00
Millsboro	Infarstructure		XXX	XXX	\$0.00
Milford	(6) Rehab	\$105,000.00			\$105,000.00
Milton	(6) Rehab	\$105,000.00			\$105,000.00
Seaford	(8) Rehab	\$140,000.00			\$140,000.00
Selbyville	(6) Rehab	\$105,000.00			\$105,000.00
Scattered Rehab	(20) Rehab	\$320,000.00			\$320,000.00
					\$0.00
Scattered Emergency Rehab	(12) Rehab	\$78,000.00			\$78,000.00
Handicapped Accessibility	(8) Rehab	\$48,000.00			\$48,000.00
Scattered Hookups	(20) Hookups	\$40,000.00			\$40,000.00
Scattered Roofing	(22) Rehab	\$182,000.00			\$182,000.00
Coverdale Crossroads	(4) Rehab	\$64,000.00			\$64,000.00
Cedar Creek	(4) Rehab	\$44,000.00			\$44,000.00
Possum Point/Riverview	(4) Rehab	\$68,000.00			\$68,000.00
Diamond Acres	(4) Rehab	\$56,000.00			\$56,000.00
TOTALS		\$1,920,000.00	\$0.00	\$0.00	\$1,920,000.00
TOTAL PROJECTS:	1 Infrastructure	134 Rehabs	20 Hookups		
ADMINISTRATION	CDBG	LOCAL MATCH	OTHER	TOTAL	
	PROGRAM	FUNDS	FUNDS	REQUESTED	
Salaries	\$200,000.00	\$100,218.00		\$300,218.00	
Other Employment Costs	\$0.00	\$239,901.00	\$0.00	\$239,901.00	
TOTAL ADMINISTRATION COSTS	\$200,000.00	\$340,119.00	\$0.00	\$540,119.00	
	\$ 1 00,000	<i>*****</i>	÷	+•••••	
TOTAL PROGRAM COSTS	\$2,120,000.00	\$340,119.00	\$0.00	\$2,460,119.00	

CITIZEN PARTICIPATION CERTIFICATE OF ASSURANCE

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- (1) made available information concerning the amount of funds that may be applied for;
- (2) made known the range of activities that may be undertaken with these funds;
- (3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- (4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies, and others in a timely manner; and
- (5) provided a summary of other important program requirements.

The Sussex County Council has held a public hearing on February 4, 2020 with required

notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

The Sussex County Council has by resolution and after one public hearing, endorsed this application.

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson County Administrator

RESOLUTION NO. R

FAIR HOUSING RESOLUTION

WHEREAS, the Sussex County Council recognizes the importance of fair housing for the citizens of Sussex County; and

WHEREAS, the Sussex County Council supports the goals of the State and Federal fair housing laws;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council heartily encourages all parties involved in the renting, selling or financing of housing in Sussex County to insure that no person shall, on the grounds of race, color, religion, national origin, sex, disability, familial status, marital status, sexual orientation, gender identity, creed, age, or source of income be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED that the Sussex County Council, when acting as Administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with applying for the Community Development Block Grant funding.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4th DAY OF FEBRUARY 2020.

RESOLUTION NO. R

AUTHORIZATION TO SUBMIT APPLICATIONS

BE IT KNOWN, The Sussex County Council resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants for the State of Delaware Community Development Block Grant Program; and

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$200,000.00 will be made available upon the approval by the Delaware State Housing Authority.

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2020 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 4th DAY OF FEBRUARY 2020.

ROBIN A. GRIFFITH CLERK OF THE COUNTY COUNCIL

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,701,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO WOLFE RUNNE AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 7001(a), Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, the County has authorized the extension of sanitary sewer services to Wolfe Runne (the "Project");

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. <u>Amount and Purpose of the Bonds</u>. Acting pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,701,000 (the "Bonds") to finance or reimburse the County for all or a portion of the costs of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. <u>Security for the Bonds</u>. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, <u>Delaware Code</u>

Section 8002 (c). Pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, <u>Delaware Code</u>, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues generated by the Project.

Section 3. <u>Terms of the Bonds</u>. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding forty (40) years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. <u>Sale of the Bonds</u>. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, acting through the United States Department of Agriculture, Rural Utilities Service (or any successor agency).

Section 5. <u>Details of the Bonds</u>. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. <u>Debt Limit</u>. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. <u>Further Action</u>. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. <u>Effective Date</u>. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the <u>Delaware Code</u>, as amended.

<u>SYNOPSIS</u>: This Ordinance provides for the issuance of up to \$1,701,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs of the extension of sanitary sewer services to Wolfe Runne (the "Project").

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, ___.

Robin A. Griffith Clerk of the Sussex County Council

(Wolfe Runne USDA RUS Ordinance)

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,526,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO MALLARD CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 7001(a), Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, the County has authorized the extension of sanitary sewer services to Mallard Creek (the "Project");

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. <u>Amount and Purpose of the Bonds</u>. Acting pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,526,000 (the "Bonds") to finance or reimburse the County for all or a portion of the costs of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. <u>Security for the Bonds</u>. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, <u>Delaware Code</u>

Section 8002 (c). Pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, <u>Delaware Code</u>, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues generated by the Project.

Section 3. <u>Terms of the Bonds</u>. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding forty (40) years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. <u>Sale of the Bonds</u>. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, acting through the United States Department of Agriculture, Rural Utilities Service (or any successor agency).

Section 5. <u>Details of the Bonds</u>. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. <u>Debt Limit</u>. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. <u>Further Action</u>. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. <u>Effective Date</u>. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the <u>Delaware Code</u>, as amended.

<u>SYNOPSIS</u>: This Ordinance provides for the issuance of up to \$1,526,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs of the extension of sanitary sewer services to Mallard Creek (the "Project").

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, ___.

Robin A. Griffith Clerk of the Sussex County Council

(Mallard Creek USDA RUS Ordinance)

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
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799





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HANS M. MEDLARZ, P.E. COUNTY ENGINEER

Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable I.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: South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. GHD Amendment 20 – Construction Engineering and Inspection Services B. BW Electric – Change Order 1, Electrical Construction Project C19-17 C. Authorization to Proceed for DP&L - Power Service Relocation

DATE: February 4, 2020

Intergovernmental Background:

On August 8, 2017, the County Council approved a comprehensive wastewater agreement with the City of Rehoboth Beach. Treatment capacity allocation and associated debt service was based on a percentage of the facility's year-round permitted design capacity. The County's initial debt service allocation was set at the historical 42% mark. However, it allows an increase up to 50% after the first year of full operation of the upgraded wastewater plant. Operational, maintenance and administrative costs are split on actual flow percentages.

The Agreement is set up as a partnership allowing the City and the County to jointly develop alternatives for the next phases of the treatment plant upgrade project. On July 20, 2018, the City Commissioners agreed to accept the County's offer to assume the design and construction of Phase 2, consisting of mainly electrical work, under \$6.0 million, 10-year, 0% interest alternative financing agreement which County Council approved on July 31, 2018.

In the spring of 2019, a failure of the influent screen forced the acceleration of the headworks component, previously included in Phase 3. The City requested the integration of this work into Phase 2 triggering a modification to the alternative financing agreement and a GHD design amendment. On June 4, 2019, Council approved a supplemental alternative financing agreement up to 3.0 million in additional funds using the initial 42%/58% cost split and charging 2% interest, the same as an SRF financing arrangement.



The Town of Selbyville participated in the original ocean outfall construction with Sussex County and therefore owns 9.1% of the capacity. The distribution of the operational expenses related to the outfall are governed by the December 29, 2008 agreement between the parties. The agreement is silent on future capital expenses such as major repairs. On November 13, 2018, Council approved a partial effluent forcemain relocation/replacement. The segment in question, containing Selbyville's tie-in, had been slated for replacement due to three (3) line breaks in the previous 2 years.

The Engineering and Finance Departments have met with Town officials and presented two alternatives for amending the Agreement. The Town has expressed interest in implementing one of the options based on further evaluation. Currently the Departments are developing the cost share scenarios and necessary specific agreement modifications. They will be presented to the Town Council for a vote and then the selected option will be presented to County Council for final approval.

Professional Services Background:

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. They also held the City of Rehoboth Beach's engineering services contract associated since 2000. Council reaffirmed GHD as the "Engineer of Record" South Coastal in 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City's Wastewater Treatment Plant. Since contract inception, Sussex County awarded nineteen (19) amendments under this base contract.

Amendments 11 - 13 were associated with South Coastal's RWF Treatment Process Upgrade No.3. The 11th amendment covering planning and conceptual design was approved by Council on October 25, 2016 and used in the 2018 budgeting process. <u>The 12th amendment was approved August 22, 2017 for development of construction documents excluding any construction phase services.</u> Lastly, on July 11, 2017 Council awarded the 13th one for electrical value engineering design and constructability reviews.

Amendments 14 - 18 were associated with the City's Wastewater Treatment Plant. On July 24, 2018, Council approved the 14th for design services of the Phase 2 capital upgrade project. On October 2, 2018 Council approved the 15th for design services associated with the wastewater transmission line crossing of the Lewes-Rehoboth Canal allowing Pump Station No. 202 to be diverted to the City's treatment plant. On February 5, 2019 Council approved the 16th incorporating scope changes to the electrical motor control center design scope, as part of the City's WTP Phase 2 project. On March 26, 2019 Council approved the 17th for a flow diversion of Pump Station No. 204 to the gravity sewer on the opposite side of SR-1 and ultimately to the City's plant. On June 4, 2019 Council approved the 18th for the design of the headworks improvements under an expanded scope of the Phase 2 project.

On June 18, 2019 Council approved the 19th Amendment covering development of South Coastal bid alternates associated mostly with the influent forcemains, the fiber optic network and the pre-cast concrete construction. The consolidation of thirteen (13) influent forcemains outside of the South Coastal plant headworks into two (2) eliminated a complex cast-in-place concrete riser box expansion offering overall construction cost savings. In summary, award of

the amendments associated with the various design aspects of the SCRWF and the City's WTP totaled \$3,437,247.32.

<u>The Engineering Department is now requesting award of construction phase and inspection</u> <u>services to GHD, Inc under Amendment 20.</u> Also included in this amendment will be control programming services of the treatment components and a comprehensive site mapping effort during construction. Previously, GHD, Inc had already provided additional design services for both SCRWF and the City's WTP valued at approximately \$250,000. These services were also rolled into Amendment 20.

During the development of the scope of services, the Engineering Department met with GHD, Inc. several times discussing the approach with the intent of obtaining the most economical path forward by optimizing the County's involvement. The specific cost savings items to be assumed by County staff were associated with on site management, process coordination, fiscal oversight and supplemental inspection services.

The attached "not to exceed" Amendment 20 in the amount of 6,589,558.49 represents a well-balanced scope of services. In addition to professional services it includes a significant 3^{rd} party material testing allowance of 400,000. Merging of the timelines for both projects allowed the total compensation of the professional services to be held at 15% of the overall project construction costs. This is well within the customary professional services range for such a highly complex project

Overall South Coastal Project Summary:

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

- a. Effluent Forcemain Relocation/Replacement; Construction completed at a total cost of \$597,970.
- b. Influent Forcemain Consolidation; In house consolidation design with Council award of the materials purchase on October 22, 2019. The installation will be accomplished under the General Labor & Equipment Contract beginning as soon as material deliveries are complete and estimated at a total cost of \$1.0 million.
- c. Drainage Network Rerouting;

The design completed but construction responsibility not yet assigned. Possible completion under the General Labor & Equipment Contract or via change order under general construction contract.

 d. General & Electrical Construction; On December 17, 2019 Council awarded the General Construction, Project C19-11 to M.F. Ronca & Sons, Inc. in the amount of \$39,526,400.00 including allowances and the Electrical Construction, Project C19-17 to BW Electric, Inc. in the amount of \$22,178,674.00 excluding allowances. e. Mobile Belt Filter Press;

on January 7, 2020 Council awarded Alternate Bid 1 to Kershner Environmental Technologies in the amount of \$295,000.00 contingent upon on-site confirmation of "fully refurbished" condition. Staff has since then confirmed the condition and pick-up has been scheduled.

f. DP&L expenses; the Engineering Department has concluded the negotiations with the utility and request approval of the estimated expenses. At the City's WTP, DP&L will install and maintain the new primary cables from the point of connection on Washington St. to the new primary switching pedestal near the entrance gate. DP&L will also provide terminations at the new single-phase pad-mounted transformer at an estimated cost of \$50,000. At the SCRWF, DP&L will provide an electronic fuse to facilitate the increased loading from the modified facility including coordination of the overcurrent analyses. In addition, DP&L will provide a new "branch" pole with a pole mounted fused "recloser" type electronic fuse, the conductors down the pole to below grade, the underground ducts and conductors between the pole and the utility's new current transformers (CTs) cabinet, and the associated metering enclosure with wiring and conduit connections at an estimated cost of \$125,000.

Contractual Summary:

The South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Phase 2 projects were designed as separate prime contractor bids for the electrical work and the general/structural work items. Both contractors were invited to a de-briefing meeting on December 10, 2019 were no scope gaps were discovered. To the contrary, the Team agreed on five (5) value engineering opportunities on the electrical side not affecting project integrity. Unfortunately, DP&L's change to the service entrance location added 110 LF of modified ductbank and an additional set of conductors as well as more protective bollards. The complete listing of requests for value engineering pricing proposals as well as the beforementioned additions are as follows:

- RFP-001: Modification of below grade to above grade ductbank transitions.
- RFP-003: Reduction of SCRWF ductbank reinforcement.
- RFP-005: SCRWF Service Entrance Location Change as per DP&L's request adding 110 LF of modified ductbank and an additional set of conductors.
- RFP-007: Additional bollards to protecting DP&L's new current transformers cabinet
- RFP-008: Elimination of grounding system fall potential testing.
- RFP-009 replacing RFP-002: Elimination of ductbank ground conductor and replacement with individual bonding connections to the equipment grounding conductor in each manhole and handhole.

After review, both the Finance Director and the County Engineer recommend acceptance of Change Order No.1 in the credit amount of \$759,374.80. Future unit price based contingency costs will be tracked over the course of the project and brought forward as one future change order at the end of the project.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 20

This contract amendment, **Contract Amendment No. 20** dated ______, **2020** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, <u>as thereafter amended</u>, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 19** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for Construction Engineering Services for the SCRWF Treatment Upgrade No. 3 and RBWTP CIP Upgrade Phase 2 as set forth in Attachment A, which is attached hereto and incorporated by reference, shall not exceed Six Million, Five Hundred Eighty-Nine Thousand, Five Hundred Fifty-Eight dollars and Forty-Nine cents (\$6,589,558.49). In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN INCORPORATED DOCUMENTS

14.2 Attachment A: Consultant's Scope of Services, Construction Engineering Services for the SCRWF Treatment Upgrade No. 3 and RBWTP CIP Upgrade Phase 2 with Man-hour Spreadsheets. (Contract Amendment No. 20).

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 20 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY: SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD Inc Thor Young, P.E.

Kimberly Bailez





January 24, 2020

Mr. Hans M. Medlarz, PE Sussex County PO Box 589 2 The Circle Georgetown, DE 19947

Dear Mr. Medlarz:

Re: Engineering Services Proposal Construction Services for the SCRWF Treatment Upgrade No. 3 and RBWWTP CIP Upgrade Phase 2

GHD is pleased to submit this proposal for Engineering Services during construction of the SCRWF Treatment Upgrade No. 3 and Rehoboth Beach WWTP CIP Upgrade Phase 2 project.

Overview

GHD has designed and prepared bid documents for the expansion of the South Coastal Regional Wastewater Facilities (SCRWF) and upgrade of the Rehoboth Beach Wastewater Treatment Plant (RBWWTP). The scope and fee presented herein is for construction management and engineering, inspection, materials testing, programming, utility mapping, and additional design services.

Scope of Services

GHD will provide the following services for the multi-site project:

- 1. Construction Management and Engineering Services
 - a. Contract Coordination and Project Management: Contract coordination will involve routine communication with the OWNER, OWNER's Authorized Representative, and Contractor to discuss overall project issues, help resolve conflicts or discrepancies, make contract interpretations, and assist in resolution of certain field-related construction issues. Project management tasks include contract administration, invoicing, resource scheduling, and communications.
 - b. Construction Meetings: Attend pre-construction meeting (1), monthly construction progress meetings (42), weekly coordination meetings (180, by teleconference), pre-final inspection meetings (2), and final inspection meetings (2) with the Contractor and OWNER. Prepare agendas and minutes.





- C. Preliminary Submittals: Review the Contractor's required preliminary submittals (including the progress schedule, shop drawing schedule, and schedule of values) for conformance with Contract Documents. Request modifications, where required.
- d. Shop Drawings and Submittals: Review shop drawings and submittals for conformance with Contract Documents, Request modifications, where required, Submittals will be stored and tracked using a software database hosted by ENGINEER.
- e. Requests for Information (RFI): Respond to Contractor's written requests for clarification in a written format. RFI's will also be stored and tracked using a software database hosted by ENGINEER.
- f. Operations & Maintenance (O&M) Submittals: Review operations and maintenance submittals furnished by the Contractor for conformance with Contract Documents. Request modifications, where required. Three separate stages of O&M manuals are required including Preliminary O&M manuals, Final Draft O&M manuals, and Final O&M manuals.
- Materials Testing Results: ENGINEER will review and analyze the results of field and g. materials testing results. The field testing requirements will be coordinated with the ENGINEER's Resident Project Representative.
- h. Field Engineering and Change Review: Engineering of solutions to construction issues and as potential value engineering opportunities are identified. Technical review of change proposals. Provide written comments and recommendations to OWNER.
- i. Testing and Startup: Engineering assistance during testing and startup of major equipment and systems by lead engineers involved in the design.
- j. Schedule Review: ENGINEER will utilize a subconsultant (Keville Enterprises, Inc.) to review the Contractor's baseline schedule and subsequently review schedule updates provided by the Contractor. The third party review will be complimented by sequencing reviews conducted by the GHD design team.
- Training: Provide five (5) days of interactive on-site training for OWNER operations staff on k. the operation of the facility including overviews of each process, and review of recommended field data collection procedures.
- I. Record Drawings: Modify bid drawings at the completion of the project and produce a Record Drawing set for the OWNER's use based on red-line drawings provided by the Contractor . Three (3) sets of Record Drawings will be provided to the OWNER along with electronic AutoCAD files.
- Witness Factory Acceptance Test for Process Control Systems: ENGINEER will witness m. Factory Acceptance Testing of critical Process Control Systems at the Control System Integrator's panel fabrication facility. The Factory Acceptance Test shall be successfully completed when all of the required functions have been demonstrated to ENGINEER and ENGINEER will sign off the acceptance documents for system delivery to project site.
- ENGINEER will host a project database utilizing PROCORE software. n.



- 2. Inspection Services (Owner's Authorized Representative)
 - a. ENGINEER will provide Resident Project Representatives (RPRs) to serve as the OWNER's Authorized Representative during construction activities as follows:
 - i. One lead SCRWF RPR: The lead SCRWF RPR shall work out of the ENGINEER's field office located at SCRWF, and shall be onsite for 40 hours per week (except for Observed Holidays as listed in the Supplementary Conditions of the Contract Documents) for 42 months following Notice to Proceed, and for another 1.5 months after Substantial Completion.
 - ii. One RBWWTP RPR: The RBWWTP RPR shall also work out of the ENGINEER's field office located at RBWWTP, and shall be onsite for 40 hours per week (except for Observed Holidays as listed in the Supplementary Conditions of the Contract Documents) for 27 months beginning within two (2) months of Notice to Proceed, and for another 1.5 months after Substantial Completion.
 - iii. Electrical engineer: ENGINEER will provide a part time electrical engineer who will specialize in the review of electrical and instrumentation systems. The part-time electrical engineer will be onsite for a total of 20 months at 16 hours per week, spread over the duration of the project.
 - b. OWNER will provide County staff to fill the position of assistant SCRWF RPR as follows:
 - Assistant SCRWF RPR shall work out of the ENGINEER's field office located at SCRWF, and shall be onsite for 40 hours per week (except for Observed Holidays as listed in the Supplementary Conditions of the Contract Documents) for 45 months following Notice to Proceed.
 - ii. The assistant SCRWF RPR will undertake tasks and responsibilities as assigned by the lead SCRWF RPR, with the intent that each will have an equal share of tasks and responsibilities. The assistant SCRWF RPR will work with the lead SCRWF RPR to determine the allocation of tasks and responsibilities (and changes to the allocation as work progresses), with the lead SCRWF RPR ultimately responsible for determining the allocation.
 - iii. The assistant SCRWF RPR will coordinate with the lead SCRWF RPR and Construction Manager with regards to daily schedule, including working hours and absences.
 - iv. The assistant SCRWF RPR will share overtime responsibilities with the lead SCRWF RPR, with the intent that each will have an equal share of overtime, unless otherwise agreed by the assistant SCRWF RPR, lead SCRWF RPR, and Construction Manager. Overtime is when total hours for the week exceed 40 hours, inclusive of contract recognized holidays.
 - v. OWNER will provide alternative qualified staff to cover periods that the designated assistant SCRWF RPR is not on site (for example, sick leave and vacations).



- vi. OWNER will be responsible for performance of the assistant SCRWF RPR. Should the assistant SCRWF RPR's performance fall beneath the applicable standard of care, the County shall indemnify, defend, and release ENGINEER from any and all liability for any damages to the extent caused by such performance.
- c. OWNER will provide furnished office space in the SCRWF Administration Building to serve as the ENGINEER's field office located at SCRWF, as well as a temporary construction office and sanitary facilities at RBWWTP to serve as the ENGINEER's field office located at RBWWTP. OWNER will provide high speed internet access at each field office for use by the ENGINEER.
- d. Responsibilities and limitations for all RPRs, including the assistant SCRWF RPR, shall be as described in the exhibit.
- 3. Materials Testing and Special Inspections
 - a. ENGINEER will contract with a third party materials testing and inspection subconsultant to complete concrete testing, masonry testing, soils testing, and Special Inspections as necessary to meet the requirements of the Contract Documents.
 - b. Field and laboratory services performed by the third party materials testing and inspection subconsultant will be billed to the OWNER at direct cost under an Allowance for this item.
 - c. Final allowance will be adjusted up or down by Addendum to reflect actual final cost of field and laboratory services.
- 4. PLC Programming and Process Control System Development
 - a. Deliverables: GHD will provide the following deliverables for the control systems:
 - i. Complete and Annotated Programmable Logic Controller (PLC) Logic.
 - ii. Complete and Annotated Supervisory Software (SCADA/HMI) Development.
 - iii. Programming of PLC panel-mounted local operator interfaces (OIT).
 - iv. Client collaborative meetings.
 - v. Specific Ancillary Software Programming.
 - vi. Preliminary Testing.
 - vii. Startup/Commissioning.
 - viii. Software Training.
 - b. Workshops the GHD Automation team will attend specific meetings onsite and in-person. Meetings shall include:
 - i. Process Control Narrative workshop Onsite meetings to review the final automated processes the PLCs shall be programmed to facilitate.



- Client Standards Coordination Four (4) onsite meetings to discuss and document that standards to which the PLC, OIT, and HMI programming shall conform to, including details on how program updates shall be facilitated, and lines of communication.
- Additional collaboration may be facilitated via online meetings. Such meetings may include network configuration, interim graphics reviews, construction progress meetings, and individual startup preparatory meetings.
- c. PLC Logic Development: GHD will develop the PLC programs for the complete control system as shown on the Contract Documents.
 - i. These PLC's include:
 - 1. PLC-SLB (Sludge Building)
 - 2. PLC-5 (Electrical Building)
 - 3. PLC-5D (Sodium Hypochlorite Building)
 - 4. PLC-MB (Mechanical Building)
 - 5. PLC-HW (Headworks Building)
 - 6. PLC-5A (Blower Building 1)
 - 7. PLC-BB2 (Blower Building 2)
 - 8. PLC-LTS (LTS Digester Building)
 - 9. PLC-RSB2 (Return Sludge Building)
 - 10. PLC-EPS (Effluent Pumping Station Electrical Building)
 - 11. PLC-5B (Return Sludge Building)
 - 12. PLC-VSB (Vehicle Storage Building)
 - 13. PLC-B6 (Electrical Building at RBWWTP)
 - 14. PLC-T1 (MCC-T1 Electrical Building at RBWWTP)
 - ii. The above PLCs will be programmed by GHD. The logic will be based on the control system descriptions developed by the project team. GHD will continue modifications of the control logic during the startup period based on information provided by the project team. The programming effort will be a dynamic effort, which expands to provide the facility a control system to satisfy the requirements necessary for plant automation.
- d. Packaged Control Systems: This project includes multiple PLC-based control systems that are specified in the Contract Documents to be performance-based systems. The supplying manufacturer, or OEM, is responsible for programming the supplied PLC(s) and local



Operator Interface Terminals (OITs) that accompany the respective packaged control system. While the respective OEM is responsible for the performance, graphical content, and automation methodologies of their system, GHD will integrate data obtained from each OEM system into the plant's SCADA/HMI application. Data from the OEM's system will be read into the HMI application raw and, hence, any manipulation of the data shall be performed by the OEM in their PLC.

- i. Belt Filter Press 1
- ii. Belt Filter Press 2
- iii. Convevor System Control Panel
- **Biosolids Container Winch MCP** iv.
- Mechanical Screen 1 ν.
- Mechanical Screen 3 vi.
- vii. **Spiral Dewatering Press**
- viii. Aeration System MCP
- ix. Mixing System MCP
- **RBWWTP Grit System** х.
- xi. **RBWWTP Screen System**
- Other Network Accessible Devices: Several network accessible devices are included in this e. project. Such devices will be furnished, installed, and configured by the Contractor. The Contractor will be responsible for configuring an IP or node address into the device, configuring how the device functions and communicates, and all other configuration within the device itself necessary to achieve the design intent. GHD will provide programming in the PLC to monitor select data from the device, in some cases manipulate raw data to achieve advanced functionality, and perform HMI configuration to facilitate monitoring via the SCADA/HMI application. Such network accessible devices include:
 - i. Digital Power Meters identified in Contract Documents PLC I/O lists
 - ii. Variable Frequency Drives (VFDs) identified in Contract Documents PLC I/O lists
- f. HMI Development: GHD will configure the HMI software, which includes database development, graphics development, alarming, and data logging/historization for the facility. The supervisory software program shall be the client's existing version, licenses, and view stations of Iconics. GHD will maintain an active support contract with the HMI vendor through the course of construction, which is included in the fee. The scope of HMI development and responsibility through the term of GHD's contract shall be as follows:
 - i. Creation of new HMI graphics for new data generated under this project, including new data obtained from plant PLCs programmed by the Engineer, new data obtained



from OEM PLCs, and data obtained from Other Network Accessible Devices identified herein. Quantity of HMI graphics will be coordinated with the OWNER during workshops identified herein.

- ii. Creation of new HMI preconfigured trends.
- iii. Addition of new data to the existing HMI database.
- iv. Addition of new data to the existing Historian database.
- v. Addition of new Ethernet connected devices to the existing software drivers.
- vi. Deployment of Engineer-issued improvements to view stations local to the South Coastal Regional Wastewater Facility. Synchronization of data remote from the SCRWF will be the responsibility of the OWNER.
- vii. Troubleshooting and corrective action resulting from content added to the system by the Engineer.
- viii. Rehoboth Beach WWTP PLCs shall not communicate with the client's HMI application.
- g. Ancillary Software
 - i. Reporting GHD will configure the client's existing lconics ReportWorX reporting software to generate up to ten (10) reports. Report content and format will be coordinated with the OWNER during workshops identified herein.
 - ii. Remote Alarm Annunciation GHD will configure the software-based remote alarming program to notify the OWNER personnel of up to 200 alarms via cell phone, text messaging, and email notification, as selected by the OWNER during workshops identified herein. Alarms, contact information, alarm priority, and alarm voice message will be coordinated with the OWNER during construction. Dialer software shall be the client's existing Iconics AlarmWorX alarm annunciation software via SNMP notification method.
- h. Local Operator Interface Terminal (OIT) Development: GHD will configure new Magelis OITs provided under the project to facilitate monitoring and control as coordinated during workshops with the OWNER specified herein. It is anticipated that the completed OIT program will:
 - i. Perform identically across all OITs local to the SCRWF.
 - ii. Be specific to the processes local to PLC-B6.
 - iii. Be specific to the processes local to PLC-T1.
 - iv. Conform to graphical and functional details coordinated with the OWNER during the Client Standard Coordination Workshops specified herein.
 - v. Not include trending. Trending will be facilitated through the plant's HMI application.



- vi. Alarm suppression shall be facilitated through the plant's HMI application.
- i. Preliminary Testing: GHD will perform in-house simulation of PLC and supervisory programs to validate programs are ready for onsite deployment. Upon confirmation by the Construction Manager that all point-to-point testing required in the Contract Documents has been fully and successfully demonstrated by the Contractor, GHD will commit to a startup schedule for the confirmed system(s). One (1) week of onsite time per GHD-programmed PLC is accommodated.
- j. Startup/Commissioning
 - GHD will perform the field testing of the control system for each process. Site visits will be based on the progress of construction and the needs of individual systems.
 GHD will assist the project team in verification and startup of the PLCs and supervisory software programmed by the Engineer. GHD will provide programming to facilitate monitoring and control as designed, which includes tuning of the programs to resolve nuisance operation incurred by the PLC or supervisory programs.
 - ii. Documentation Contractor will be responsible for as-built documentation on the PLC, OIT, and networking hardware; as well as PLC FAT, Intermediate Point-to-Point testing, and Final Point-to-Point testing. GHD will develop documentation to reflect the validation of individual datapoints programmed by GHD. Format of documentation will be coordinated with the OWNER during workshops specified herein. It is anticipated that GHD will be permitted to self-validate testing.
- k. Remote Access: Programming cost is based upon the availability of remote access. Remote access allows our integration specialists to be highly available to the OWNER, Field Engineer, and Contractor. Access is anticipated to include real-time access through a computer local to the plant's network with access to the HMI, OIT, and PLC development applications.
- I. Training: GHD will provide the operations staff training on use of the HMI and OIT programs, reporting software, and software-based dialer software. The final, comprehensive training session will be video recorded and stored on the SCADA computer for future viewing by the OWNER. Training will be provided in multiple sessions as distinct milestones are accomplished during construction. Eight days of training are budgeted followed up by one, final comprehensive training session. Training on use of the OEM systems will be provided by the respective OEM.
- 5. Utility Mapping (SCRWF only)
 - RPRs will collect GPS location data for new underground utilities, as well as existing underground utilities exposed over the course of construction. RPRs will utilize a Trimble RTK GPS unit purchased for the project (and turned over to Sussex County on final completion), with a KeyNetGPS subscription renewed annually for the duration of construction.
 - b. ENGINEER will regularly import and manage data in AutoCAD format, and at the completion of work incorporate the data into the project's record drawings.



- c. At the completion of data collection, ENGINEER will also export data from AutoCAD format into a GPS platform as agreed with the County (ESRI, Utility Networks) to create a model of underground utilities at SCRWF and submit to the County.
- 6. Additional Design Services
 - a. Additional Network Design
 - Design for the replacement of existing PCS cabinets and associated PLCs with new PCS cabinets and PLCs to accommodate obsolescence of existing Quantum PLC processors, and to provide updated (Cisco IE4000) Ethernet switches requested by County IT department.
 - ii. Design for the replacement of existing multi-mode fiber optic cable network backbone (fiber loop) with new single mode fiber optic loop to coincide with updated County standards and request.
 - iii. Addition of PCS cabinet in Vehicle Storage Building, with corresponding modifications to fiber optic loop and underground duct bank design.
 - iv. Interface existing security camera systems with new PCS cabinets, and provide infrastructure (light poles, conduits, duct banks and termination points) for future installation of security cameras by County.
 - v. Conceptual design and routing of new duct bank with fiber optic cable link between Administration Building server and State Communications Tower facilities to replace critical fiber optic cable connection used by County for administrative services within the plant.
 - vi. Incorporation of two (2) additional existing PCS cabinets (BB1 and Headworks), including re-design and re-connection of existing I/O to corresponding new PCS cabinets.
 - b. Additional Power Distribution Design
 - i. Incorporate the State Communications Tower facilities into the overall power distribution design, including meeting with the State's representative on site, recording data and information on electrical system, and developing design of temporary power and replacement of permanent power feeders to facilities.
 - ii. Coordination of emergency generator and automatic transfer switch timing requirements with State personnel.
 - iii. Replacement of the entire medium voltage underground power distribution loop on site with a new medium voltage distribution loop. Aspects include:
 - 1. Development of demolition drawings for existing medium voltage loop.



- 2. Replacement of four (4) load area pad mounted primary switches and associated pad mounted transformers with two (2) new, larger primary switches and transformers.
- 3. Design of new underground medium voltage duct bank system with manholes to provide a complete new distribution loop at the plant, and to connect to and re-feed the existing load area at the Administration Building.
- 4. Coordination with DP&L to provide a new, upgraded medium voltage service to the plant to accommodate anticipated increase in electrical loads at the facility through the year 2030.
- iv. Design of manual transfer and key-interlocking scheme and 2000A tie feeder between two new main switchboards in order to utilize the emergency generators in a backup mode between switchboards served by each generator.
- v. Design of new feeder from existing generator to new Effluent Pump Station switchboard to allow new generator to feed new blower building (BB2), existing Electrical Building, and existing blower building (BB1).
- vi. Design of new underground power feeder, new service and new power distribution equipment for the Vehicle Storage Building.
- c. Additional Electrical Design Items
 - i. Design of electrical power and controls for screen and press for lagoon solids.
 - ii. Design of electrical power and controls for back-up cooling fans with intake air louvers for new and existing electrical rooms.
 - iii. Design temporary control enclosure with temporary power panel, VFD and mixer control panel for temporary operations at Sodium Hypochlorite Feed Building.
 - iv. Incorporating overhead conduits at Aeration Tank Nos. 5-8 in lieu of original design incorporating conduits to be installed in concrete walkways.
 - v. Electrical and controls design, including VFDs to replace existing pumps and instrumentation in Mechanical Building Pumping Station.
 - vi. Developed design of demolition of existing sludge lagoon decant pumps and new power and control systems for new decant pumps.
- 7. RBWWTP Influent Force Main Consolidation
 - a. Design of a manifold system to tie together the influent force mains in a location adjacent to the plant entrance.
 - b. Design of a temporary piping system to allow for concrete repair and pipe replacement works to proceed in the Preliminary Treatment Facility, T-1.



- C. Investigations to attempt identification of a practical and cost-efficient means of removing accumulated grit from the influent force mains adjacent to the Preliminary Treatment Facility, T-1. OWNER will be responsible for exploratory excavations (self-performed or completed by the General Construction Contractor).
- d. ENGINEER will prepare a RFP with figures to issue to the Contractor.
- 8. Post-Bid Value Engineering Services
 - a. ENGINEER will work with the OWNER and CONTRACTORS to develop, review, and incorporate various value engineering opportunities. This includes attending a meeting at the County offices with the low bid Contractors to identify and discuss opportunities, reviewing opportunities, developing RFPs to submit to the Contractors, and reviewing technical aspects of PCOs submitted by the Contractors.

County Responsibilities

- 1. Providing gualified staff to fill the position of assistant SCRWF RPR.
- 2. Processing of Contractor pay applications following review by GHD RPRs.
- 3. Reviewing pricing of Change Proposals submitted by Contractors.
- 4. Preparing and processing of Change Orders.
- 5. Exploratory excavations at RBWWTP to inform design of the influent force main consolidation.

Project Schedule

- This Amendment is based on a construction contract duration for SCRWF of 42 months from Notice 1. to Proceed to Substantial Completion and three (3) additional months to Final Completion, and for RBWWTP of 27 months from Notice to Proceed to Substantial Completion and three (3) additional months to Final Completion. The scope of services and price will have to be adjusted by Amendment if the construction contract duration varies from this assumption.
- 2. This Amendment is based on the OWNER's Authorized Representatives being on site for up to 40 hours per week each (reduced by 8 hours for each contract recognized holiday in any week). Should an OWNER's Authorized Representative be required to be on site in excess of this amount ("overtime") due to a Contractor working outside of normal working hours, including any work on weekends and contract recognized holidays, engineering cost for providing these additional OWNER's Authorized Representative services will be adjusted by Amendment.
- Preparation of As-Built drawings based on red-line drawings provided by the General Contractor: 3. As-Built drawings will be provided 16 weeks following receipt of complete and approved red-line drawings from the Contractor.

Engineering Fee

GHD proposes to provide engineering services for the Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's



current audited overhead rate (fixed for duration of services provided under this amendment), plus out-ofpocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval

GHD will not charge travel time in excess of 1-hour each way, for each person travelling, for each trip to SCRWF, RBWWTP and Georgetown.

	Description	Direct Wage Costs	Overhead and Fringe Benefits	Fixed Fee	Expenses	Total Cost
1.	Construction Management & Engineering	\$935,084.00	\$1,664,449.52	\$259,953.35	\$207,437.00	\$3,066,923.87
2.	Inspection	\$559,920.00	\$996,657.60	\$155,657.76	\$324,772.00	\$2,037,007.36
3.	Materials Testing	\$0.00	\$0.00	\$0.00	\$400,000.00	\$400,000.00
4.	Programming	\$230,860.00	\$410,930.80	\$64,179.08	\$19,992.00	\$725,961.88
5.	Utility Mapping	\$24,480.00	\$43,574.40	\$6,805.44	\$25,000.00	\$99,859.84
6.	Additional Design	\$76,055.00	\$135,377.90	\$21,143.29	\$0.00	\$232,576.19
7.	RBWWTP Influent Force Main Consolidation	\$2,872.00	\$5,112.16	\$798.42	\$0.00	\$8,782.58
8.	Post-Bid VE Services	\$5,996.00	\$10,672.88	\$1,666.89	\$111.00	\$18,446.77
тс	TAL	\$1,835,267.00	\$3,266,775.26	\$510,204.23	\$977,312.00	\$6,589,558.49

Please let us know if you have any questions or comments regarding this proposal.

Sincerely,

GHD

 $\langle \rangle$

Thor Young, PE Principal

TAY/SPC/kab

Attachments: Responsibilities of Resident Project Representatives GHD 2020 Hourly Rates Hour and Cost Summary Table



Responsibilities of Resident Project Representatives

- a. The RPR responsibilities shall be as outlined in Article 2 of the General Conditions of the Contract Documents for Construction and as described below:
 - i. RPR will be ENGINEER's employee or agent at the Site, will act as directed by and under the supervision of ENGINEER, and will confer with ENGINEER regarding RPR's actions. RPR's dealings in matters pertaining to the Work in general shall be with ENGINEER and Contractor. RPR's dealings with Subcontractors shall be through or with the full knowledge and approval of Contractor. The RPR shall:
 - 1. Schedules: Review the progress schedule, schedule of Shop Drawing and Sample submittals, and schedule of values prepared by Contractor and consult with ENGINEER concerning acceptability.
 - 2. Conferences and Meetings: Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and circulate copies of minutes thereof.
 - ii. Liaison:
 - 1. Serve as ENGINEER's liaison with Contractor, working principally through Contractor's authorized representative, assist in providing information regarding the intent of the Contract Documents.
 - 2. Assist ENGINEER in serving as OWNER's liaison with Contractor when Contractor's operations affect OWNER's on-site operations.
 - 3. Assist in obtaining from OWNER additional details or information, when required for proper execution of the Work.
 - iii. Interpretation of Contract Documents: Report to ENGINEER when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor clarifications and interpretations as issued by ENGINEER.
 - iv. Shop Drawings and Samples:
 - 1. Record date of receipt of Samples and approved Shop Drawings.
 - 2. Receive Samples which are furnished at the Site by Contractor, and notify ENGINEER of availability of Samples for examination.
 - Modifications: Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report such suggestions, together with RPR's recommendations, to ENGINEER. Transmit to Contractor in writing decisions as issued by Engineer.



- vi Review of Work and Rejection of Defective Work:
 - 1. Conduct on-site observations of Contractor's work in progress to assist ENGINEER in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - 2. Report to ENGINEER whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Contract Documents or will imperil the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise ENGINEER of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
 - 3. Inspections, Tests, and System Startups:
 - Verify that tests, equipment, and systems start-ups and operating and a. maintenance training are conducted in the presence of appropriate OWNER's personnel, and that Contractor maintains adequate records thereof.
 - Observe, record, and report to ENGINEER appropriate details relative to the b. test procedures and systems start-ups.
- vii. Records:
 - 1. Record names, addresses, fax numbers, e-mail addresses, web site locations, and telephone numbers of all Contractors, Subcontractors, and major Suppliers of materials and equipment.
 - 2. Maintain records for use in preparing Project documentation.
- viii. Reports:
 - 1. Furnish to ENGINEER periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
 - 2 Immediately notify ENGINEER of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, damage to property by fire or other causes, or the discovery of any Hazardous Environmental Condition.
- ix. Payment Requests: Review quantities of installed and stored materials on Contractor's Applications for Payment and forward with recommendations to OWNER for processing.
- Certificates, Operation and Maintenance Manuals: During the course of the Work, Х. verify that materials and equipment certificates, operation and maintenance manuals and other data required by the Specifications to be assembled and furnished by



Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have these documents delivered to ENGINEER for review and forwarding to OWNER prior to payment for that part of the Work.

- xi. Completion:
 - 1. Participate in a Substantial Completion inspection, assist in the determination of Substantial Completion and the preparation of lists of items to be completed or corrected.
 - Participate in a final inspection in the company of ENGINEER, OWNER, and Contractor and prepare a final list of items to be completed and deficiencies to be remedied.
 - 3. Observe whether all items on the final list have been completed or corrected and make recommendations to ENGINEER concerning acceptance and issuance of the Notice of Acceptability of the Work.
- b. The RPR shall not:
 - i. Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).
 - ii. Exceed limitations of ENGINEER's authority as set forth in the Contract Documents.
 - iii. Undertake any of the responsibilities of Contractor, Subcontractors, Suppliers, or Contractor's superintendent.
 - iv. Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work unless such advice or directions are specifically required by the Contract Documents.
 - v. Advise on, issue directions regarding, or assume control over safety practices, precautions, and programs in connection with the activities or operations of OWNER or Contractor.
 - vi. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by ENGINEER.
 - vii. Accept Shop Drawing or Sample submittals from anyone other than Contractor.
 - viii. Authorize OWNER to occupy the Project in whole or in part.

Personnel Category	Hourly R	ate (\$/Hr)
	Minimum	Maximum
Principal	72.00	82.00
Associate	58.00	74.00
Senior Engineer	50.00	74.00
Project Manager	45.00	60.00
Project Engineer	38.00	54.00
Engineer	25.00	38.00
Managing Designer	45.00	50.00
Senior Designer	30.00	35.00
Designer	25.00	30.00
Drafter	20.00	25.00
Senior Rep	30.00	45.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	28.00

GHD, Inc. Hourly Direct Rate Ranges By Classification Effective January 1, 2020

Rates are subject to annual adjustment

Rates do not include overhead and profit

PROJECT: Similar ASK DESCRIPTION ASK DESCRIPTION Contract coord & project mgt Project Director Construction Manager Construction Engineer Construction Coordinator Meetings Preconstruction Pregress Coordination Fre-final inspection Final-inspection Prediminary submittals Shop drawings and submittals Civil & Permitting		TAY S PD C	PC Eric	liisel CC 0 2730 6	JVS	LD	AR	CMN SF CIV ST	HOU IA SEB			TJR EIC	BC		1/24/2 MM C	M DD		BK PL	RS J PL C/		KL KI	B Ed	:	Sonny Dus	stin Josh		PROJECT: <u>SCRWF No.</u>					Overhead= Profit=	1.78	KED BY : SUMMARY COST	: <u>VMM/TAY</u>	<u>r</u>
. Contract coord & project mgt Project Director Construction Manager Construction Engineer Construction Coordinator . Meetings Preconstruction Progress Coordination Pre-final inspection Final-inspection . Freliminary submittals . Shop drawings and submittals		PD C 390 2 8 134 16 16	M CE 37.5 273 8 1 336 33 180 18 16	CC 0 2730 6					IA SEB		CS											B Ed		Sonny Dus	stin Josh							Profit=				
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Process-mechanical			320		320	320							320														Process-mechanical					69120	123034	19215		21136
HVAC													80			8	0 160										HVAC					14320	25490	3981		4379
Plumbing																		40	80								Plumbing					5480	9754	1523		1675
Electrical												12	720	960	640											233	Electrical					119744	213144	33289		36617
 Operations & maintenance manuals Civil 																											5. Operations & maintenance manuals									
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Process-mechanical			80		80	80							80														Process-mechanical					17280	30758	4804		5284
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Plumbing																		10	20								Plumbing					1370	2439	381		418
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. Field engineering & change review		120 32	160 24 240 24		80							12	160 40	160 80	160 120												6. Field engineering & change review 7. Testing & startup	4000				59584	106060 69278	16564 10820		18220
. Testing & startup . Witnessing factory acceptance tests		32	240 24	U									40	80 40	40												8. Witnessing factory acceptance tests	4000				38920 6280	11178	10820		12123
. Materials testing results			4	0					80				40	40	40												9. Materials testing results					6200	11036	1740		1896
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2PR																											RPR									
SCRWF - Lead Inspector																						754	40			7540	SCRWF - Lead Inspector	37700	1324			316680.00	563690	88037	179804	114821
SCRWF - EIC Inspector														694												694	SCRWF - EIC Inspector	8667	4	4		27760.00	49413	7717		
RBWWTP - Inspector																								4940			RBWWTP - Inspector	24700	867			187720.00	334142	52186		69179
RBWWTP - EIC Inspector														694												694	RBWWTP - EIC Inspector	8667	4	4		27760.00	49413	7717	13610	9850
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additional Design Services		32	272		78			64					363	478							215					1503	Additional Design Services					76055	135378	21143		23257
RBWWTP Influent Force Main Consolidation		4	24	8				8													16					60	RBWWTP Influent Force Main Consolida	ion				2872	5112	798		878
Post-Bid VE Services		16	24										28		28											96	Post-Bid VE Services	200				5996	10673	1667	111	1844
OTALS		776	338 3902	2730	722	424	80	416	520 8	4 168	24	24	2369	3322	1270	80 14) 240	50	100	160	871	136 754	8	4948 1	500 2810	39752	2 TOTALS	107733	2191 14	8 105000	520000	1835267	3266775	510204	977312	658955
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ATES THIS PROJECT	100%	80.00 6	0.00 43.00	38.00	51.00	35.00	56.00	38.00 56	6.00 52.0	00 35.00	42.00	72.00	70.00	40.00	47.00 3	8.00 45.0	0 32.00	65.00	36.00	48.00 2	29.00 20	6.00 42.0	0 40.00	38.00 72	2.00 34.00		UNIT RATES	0.555	20.00 200.0	00 1.0	0 1.0 1.2	25 0.05				
00% DIRECT LABOR RATE		80.00	0.00 43.00	38.00	51.00	35.00	56.00	38.00 56	6.00 52.0	0 35.00	42.00	72.00	70.00	40.00	47.00 3	8 00 45 0	0 32.00	65,00	36.00	18.00 1						1	TOTAL EXPENSE COST		1	0 105000						



SUSSEX COUNTY CHANGE ORDER REQUEST

A. <u>ADMINISTRATIVE</u>:

1. Project Name: SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction

2.	Susse	ex County Project No.	<u>C19-17</u>
3.	Chang	ge Order No.	1
4.	Date	Change Order Initiated -	1/31/20
5.	a.	Original Contract Sum	<u>\$22,178,674.00</u>
	b.	Net Change by Previous Change Orders	\$ 0
	C.	Contract Sum Prior to Change Order	<u>\$22,178,674.00</u>
	d.	Requested Change	(\$759,374.80)
	e.	Net Change (No. of days)	0
	f.	New Contract Amount	_\$21,419,299.20

6. Contact Person: <u>Hans Medlarz, P.E.</u>

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
- X 4. Design Change
 - 5. Overrun/Underrun in Quantity

6.	Factors Affecting Time of	Completion

7. Other (explain below):

C.	BRIEF DESCRIPTION OF CHANGE ORDER:
	Value engineering design changes resulting in multiple credits and changes to the service entrance.

JUSTIFICATION FOR CHANGE ORDER INCLUDED? D.

Yes_	Х	No	
		and the second s	The state of the state

APPROVALS E, B.W. Flectric, Igc., Contractor 1. Signature

Bryon S. Warren Representative's Name in Block Letters

Sussex County Engineer 2 -31 20 Signature Date

Sussex County Council President

Signature

3.

Date

1-31-20 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

January 7, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 1, 2, & 3

Dear Hans Medlarz,

Our price to perform the electrical work associated with the above project is based on RPF No. 1, 2, &3. Our price does not include the use of Prevailing Wages. Our pricing is listed as follows:

RFP No. 1 - Credit \$715,000.00 and includes the following:

- 1. Credit for the PVC coated expansion fittings and PVC coated conduit.
- 2. Supply and install PVC sch 80 and PVC expansion fitting.

RFP No. 2 - Credit \$27,520.00 and includes the following:

- 1. Credit for the #4/0 AWG ground conductor.
- 2. Supply and install #2 AWG ground conductor.

RFP No. 3 - Credit \$20,000.00 and includes the following:

1. Credit for the rebar indicated in RFP.

Exclusions

- 1. No permit fees.
- No cutting.
 No patching or painting.
 No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters B. W. Electric, Inc. Superintendent



15342 S. DuPont Hwy Harrington DE 19952 Bryon Warren President 302-270-5719

Office: 302.566.6248 Fax: 302.566.6251 Email(s): office@bwelectricinc.com estimates@bwelectricinc.com

January 30, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 5, 7, 8, & 9 REVISED

Dear Hans Medlarz,

Our price to perform the electrical work associated with the above project is based on RPF No. 5, 7, 8, &9. Our price does not include the use of Prevailing Wages. Our pricing is listed as follows:

RFP No. 5 - ADD \$14,978.41 and includes the following:

- 1. Supply and install conduit and wire for the relocation of the Medium Voltage service entrance equipment.
- 2. Supply and install 5" conduit in lue of 4" conduit as instructed by RFP.
- 3. Supply and install 25kv cable as instructed by RFP.

RFP No. 7 - ADD \$4,827.79 and includes the following:

1. Supply and install six (6) removable bollards.

RFP No. 8 - Credit \$27,197.94 and includes the following:

1. Credit for the Ground system testing as indicated in RFP.

RFP No. 9 - Credit \$16,983.06 and includes the following:

1. Credit for the supply and installation of the 4/0 AWG tinned copper ground wire as indicated in RFP.

- 2. Supply and install manhole/handhole exposed metallic components to be bonded to the largest equipment grounding conductor.
- 3. Supply and install 2"x1/4"x10" tinned copper bus bar in each manhole/handhole and connect to the largest equipment grounding conductor.

Exclusions

- 1. No permit fees.
- 2. No cutting.
- 3. No patching or painting.
- 4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

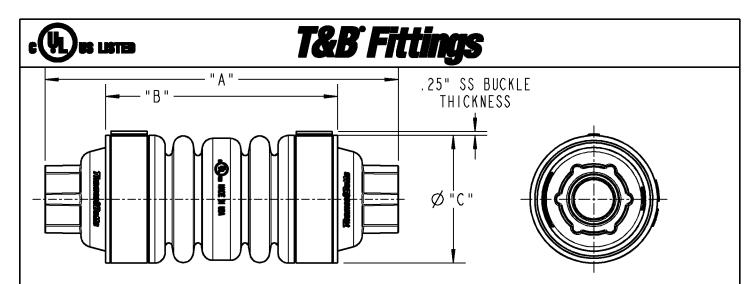
Jason R. Walters B. W. Electric, Inc. Superintendent



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2								
Owner	Sussex County, Delaware								
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182						
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.									
RFP No.	001		B						
RFP Subject	Duct Bank Below Grade to Above Grade Tran	sition	Q						
Issued By	D. Murray	Issue Date	Dec. 20, 2019						

Provide credit proposal for the following changes to the transition from below grade to above grade of new duct banks that stub up and terminate into boxes or pull fittings attached to the exterior of a building, structure, or equipment mounting rack:

- In lieu of transitioning from Schedule 40 PVC to PVC coated RSC 10' min from edge of building or structure as shown on Detail 7 on Contract Drawing E6008, transition to schedule 80 PVC conduit 10' min from edge of building or structure. This change applies to the 10' min horizontal length, the 36" radius elbows required per Section 16110-3.03-G-2, and the vertical length of conduit from the elbow to the expansion/deflection fitting required per Detail 1 on Contract Drawing E6001.
- 2. In lieu of the expansion/deflection fittings specified in Section 16110-2.02, provide Catalog No. XD010NM-TB PVC expansion fittings by ABB/Thomas and Betts. Data sheet for proposed expansion/deflection fittings is attached. Aforementioned model number is based on 4" conduit trade size. Required sizes may vary.
- 3. In lieu of providing PVC coated RSC between expansion/deflection fittings and nearest box or pull fitting, as is required per the Conduit Installation Schedule in Section 16110, provide Schedule 80 PVC conduit.



NOTES:

- NM EXPANSION/DEFLECTION COUPLINGS ARE USED WITH SCHEDULE 40 AND 80 PVC RIGID NONMETALLIC CONDUIT (RNC) TO COUPLE (2) SECTIONS OF CONDUIT & PROTECT CONDUIT WIRING SYSTEMS FROM DAMAGE DUE TO MOVEMENT: ACCOMMODATE AXIAL EXPANSION/CONTRACTION UP TO I-I/2" TOTAL TRAVEL, PARALLEL DEFLECTION UP TO 3/4" & ANGULAR DEFLECTION UP TO 30° IN ANY DIRECTION OF COUPLED CONDUIT RUNS.
 COMPLIES WITH 2014 NEC 300.4(H) REQUIREMENT FOR PROTECTION AGAINST PHYSICAL DAMAGE.
- 3. HUB MATERIAL: PVC
- 4. CLAMPS MATERIAL: TYPE 201 SS BAND AND BUCKLE
- 5. OUTER JACKET MATERIAL: MOLDED NEOPRENE IN NATURAL BLACK.
- 6. INNER FUNNELED TUBE MATERIAL: PVC
- 7. LISTED CAT. NUMBERS ARE CULUS LISTED (UL 651 FOR USA) & CSA C22.2 NO.85 FOR CANADA.
- 8. SUITABLE FOR WET LOCATION.
- 9. THE NM EXPANSION/DEFLECTION COUPLING UNITS COME FROM THE FACTORY ASSEMBLED WITH SS TAMPER-PROOF CLAMPS.
- IO. MADE IN USA.

CAT. NO.	TRADE SIZE	DESCRIPTION	DIM."A"	DIM. "B"	DIM."C" LESS SS BUCKLE
XDINM-TB	1/2"	1/2" SCH 40 & 80 NM EXP/DEF CPL.	7.28"	4.84"	2.40"
XD2NM-TB	3/4"	3/4" SCH 40 & 80 NM EXP/DEF CPL.	7.36"	4.84"	2.66"
XD3NM-TB	"	I" SCH 40 & 80 NM EXP/DEF CPL.	7.66"	4.84"	2.96"
XD5NM-TB	- /2"	I-I/2" SCH 40 & 80 NM EXP/DEF CPL.	8.26"	5.11"	3.60"
XD6NM-TB	2 "	2" SCH 40 & 80 NM EXP/DEF CPL.	9. 4"	5.76"	4.34"
XD7NM-TB	2-1/2"	2-1/2" SCH 40 & 80 NM EXP/DEF CPL.	10.75"	6.33"	5.15"
XD8NM-TB	3"	3" SCH 40 & 80 NM EXP/DEF CPL.	.36"	6.59"	5.60"
XDOIONM-TB	4"	4" SCH 40 & 80 NM EXP/DEF CPL.	12.25"	7.09"	7.17"

	GENERAL NOTES				Thomas&Betts
Ι.	ALL DIMENSIONS ARE FOR				
	REFERENCE ONLY.	www.tnb.com			A Member of the ABB Group
2.	DIMENSIONS IN BRACKETS [] ARE IN METRIC UNITS.	DESCRIPTION: NM EXPANS	ON/DEF		COUPLINGS
	REVISIONS	1/2" THR			·" & 3-1/2"
**	SFF FRN (****)				
	FOR APPROVAL SIGNATURES	ORIGINAL PROJECT NO / (ERN NO)	SHEET NO:	REV. NO:	DRAWING NO:
	& RELEASE DATE. PROJECT NO: ****	01310000216 / (2014693)	10F1	**	WSD-001233

THIS DRAWING IS INTENDED FOR DESCRIPTIVE PURPOSES ONLY. AND THE RIGHT IS RESERVED TO DEVIATE FROM ANY OF THE DETAILS SHOWN HEREON. COPYRIGHT THOMAS & BETTS CORPORATION. ALL RIGHTS RESERVED. PROPRIETARY AND CONFIDENTIAL.



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2								
Owner	Sussex County, Delaware								
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182						
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.									
RFP No.	002		B						
RFP Subject	Subject Duct Bank Ground Conductor Size								
Issued By	D. Murray	Issue Date	Dec. 20, 2019						

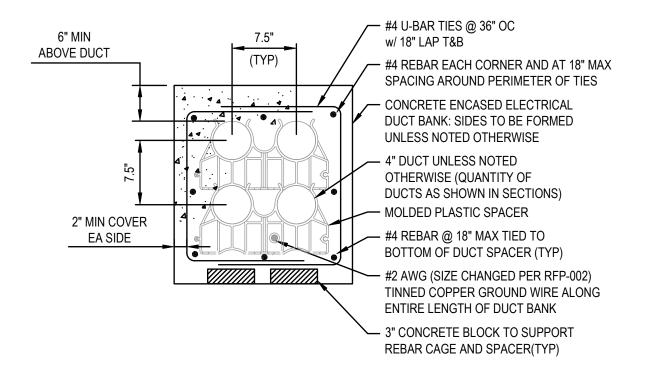
Provide credit proposal to reduce size of #4/0 AWG tinned copper ground wire shown on Detail 6 on Contract Drawing E6008 to #2 AWG tinned copper.



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2								
Owner	Sussex County, Delaware								
Contract No.	C19-11: General Construction C19-17: Electrical ConstructionGHD Project No.11121182								
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.									
RFP No.	003		B						
RFP Subject	Duct Bank Reinforcement		0						
Issued By	D. Murray	Issue Date	Dec. 20, 2019						

Provide credit proposal to reduce amount of rebar required in underground concrete-encased duct banks as detailed below and in attached Figure RFP3-01. This proposed change applies to new duct banks at SCRWF only.

- 1. Per Detail 2 on Contract Drawing E6008, longitudinal bars are required at the corners and at 12" maximum spacing around the perimeter of ties. Provide longitudinal bars at the corners and at 18" maximum spacing around the perimeter of the ties. This change will only apply to duct banks that have at least three rows or three columns of conduits. Smaller duct banks will have longitudinal bars at the corners only.
- 2. In lieu of providing u-bar ties with 18" lap at 18" on centers per Detail 2 on Contract Drawing E6008, provide u-bar ties with 18" lap at 36" on centers.





NOTES:

- 1. REFER TO "DUCT BANK COVER DETAIL ON CONTRACT DRAWING E6008 FOR ADDITIONAL INFORMATION.
- 2. THIS DETAIL APPLIES TO NEW DUCT BANKS AT SCRWF ONLY. REFER TO CONCRETE ENCASED DUCT BANK DETAIL ON CONTRACT DRAWING E6008 FOR NEW DUCT BANKS AT RBWWTP.

	UPGRADE PHASE	2	-
Project Manager Date Drawn	S.CLARK DECEMBER 19, 2019 D.MURRAY	Sheet No.	RFP3-01
	Title Project N Project Manager Date	UPGRADE PHASETitleRFP-003 DUCT BAProject No.11121182Project ManagerS.CLARKDateDECEMBER 19, 2019	VPGRADE PHASE 2 Title RFP-003 DUCT BANK REINFO Project No. 11121182 Project Manager S.CLARK Date DECEMBER 19, 2019



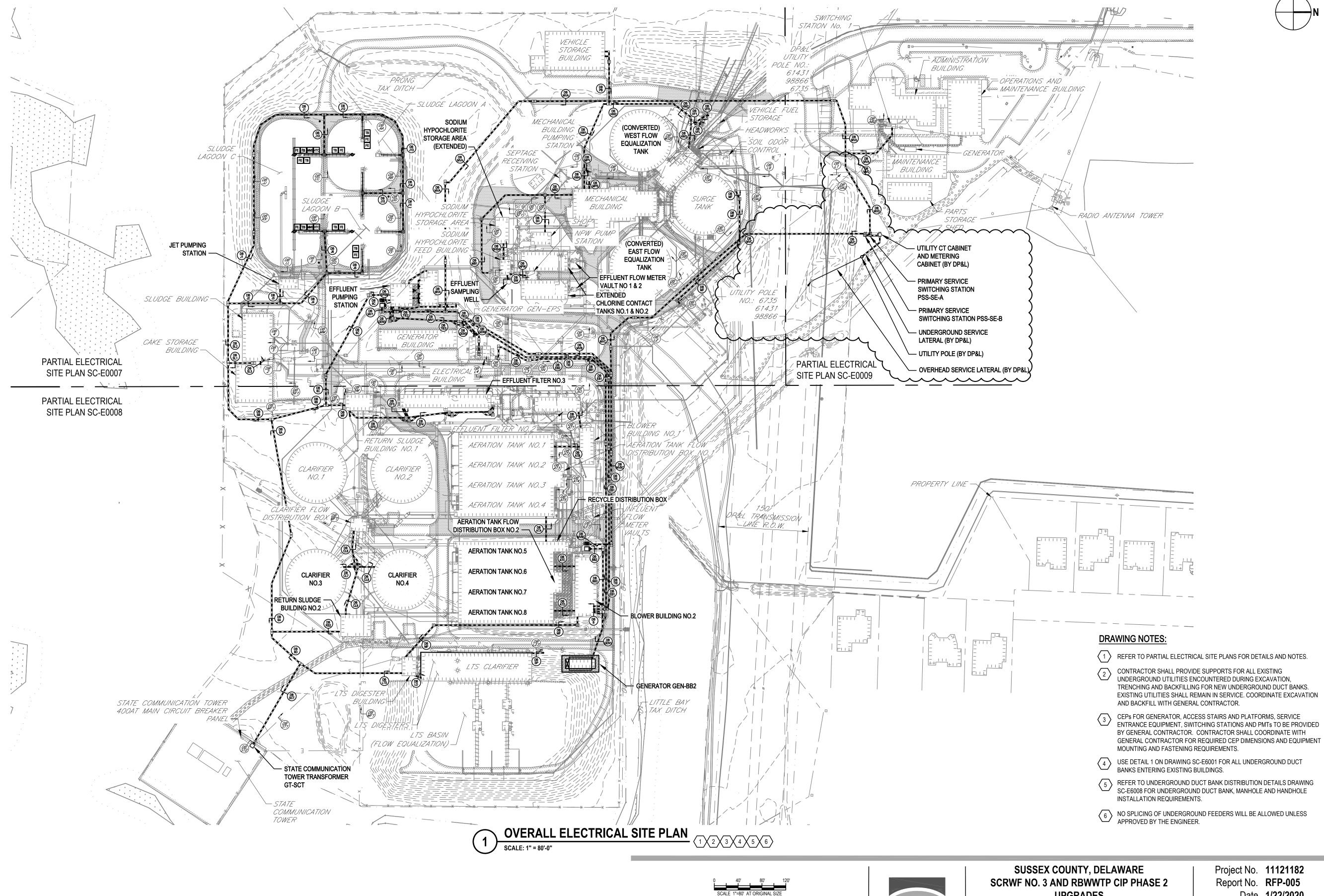
Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	005		
RFP Subject	Service Entrance Location Change		
Issued By	B. Cardinal	Issue Date	Jan 22, 2020

At the SCRWF site: Provide proposal to modify the service entrance location, duct bank orientation and conductors as described herein and depicted in the clouded revisions indicated in the referenced figures, as follows:

- Locate medium voltage (MV) service entrance equipment in new location as depicted in attached Figure Nos. RFP-005-01 and RFP-005-02. Provide additional underground duct bank as indicated to accommodate new location of service entrance equipment as indicated in the figures (estimated length of additional 2-way MV duct bank is 110 feet). Also refer to attached Figure No. RFP-005-04, which depicts the revised orientation of underground duct banks entering PSS-SE-A and PSS-SE-B. Coordinate with DP&L for final locations of equipment.
- 2. Modifications to utility (DP&L) work and Contractor's work:
 - a. Refer to attached Figure No. RFP-005-03. Modifications depict a new utility pole to be installed north of the existing mound area located in the northwest corner of the site. The new utility pole, Utility CT Cabinet and metering, and associated conduit and conductors and connections up through the load side of the Utility CT Cabinet will be provided by DP&L.
 - b. Per this RFP, the Contractor will now be responsible for providing the conductors between the utility CT cabinet and PSS-SE-A, with final connections to the utility CT cabinet to be made by DP&L. Contractor will make final connections to PSS-SE-A. Conductors to be provided between the Utility CT Cabinet and PSS-SE-A shall be as specified herein.
- 3. Increase conduit size: On Drawing SC-E0011, in the "DUCT BANK SECTIONS", DELETE "4" from the two ducts in "DB-MC1" and REPLACE with "5".
- On Drawing SC-E0015, "CIRCUIT SCHEDULE", in the row for Circuit PF-MC1, DELETE "BY DP&L" under the "CONDUCTORS" column and REPLACE with "3-#4/0 AWG WITH FULL CONCENTRIC NEUTRAL – REFER TO SECTION 16120 FOR SPECIFICATIONS."
- 5. In Section 16120, under "PART 2 PRODUCTS", ADD the following:

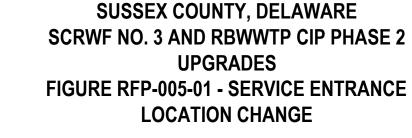
"2.16 SCRWF SERVICE ENTRANCE CABLES

- A. SCRWF service entrance cables between the Utility CT Cabinet and PSS-SE-A shall be furnished and installed by the Contractor.
- B. Cables shall be approved by the Utility (DP&L) prior to purchase and installation.
- C. Description:
 - 1. Conductor Copper #4/0 AWG Solid Non-Filled Solid
 - 2. Conductor Shield Semi-conducting layer
 - 3. Insulation 0.26 TRXLPE
 - 4. Insulation Shield Semi-conducting "EzStrip" layer
 - 5. Concentric Neutral Full neutral, concentric, 20 No. 10 AWG, copper
 - 6. Jacket 0.045 LLDPE with 3 red stripes
- D. Voltage Rating 25 kV
- E. Manufacturer
 - 1. Hendrix-Kerite Cable, Type URD, 90 degree C, 100% rated"
- 6. In Section 16421, DELETE 3.04.A.7.a in its entirety and REPLACE with the following:
 - "a. Provide underground ducts between utility CT cabinet and PSS-SE-A. Provide conductors between utility CT cabinet and PSS-SE-A, with final connections at PSS-SE-A. Utility will make final connections at Utility CT Cabinet."

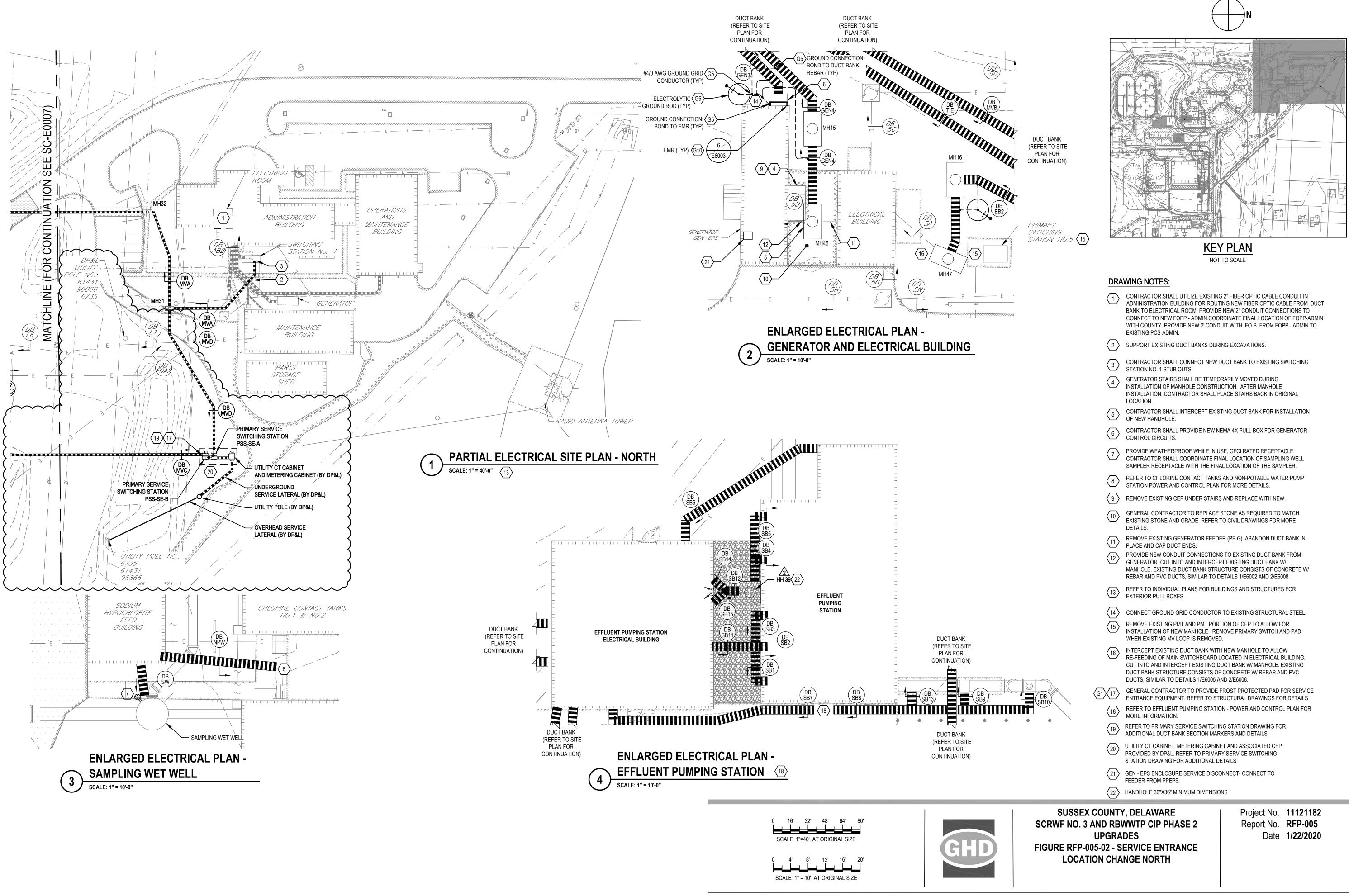


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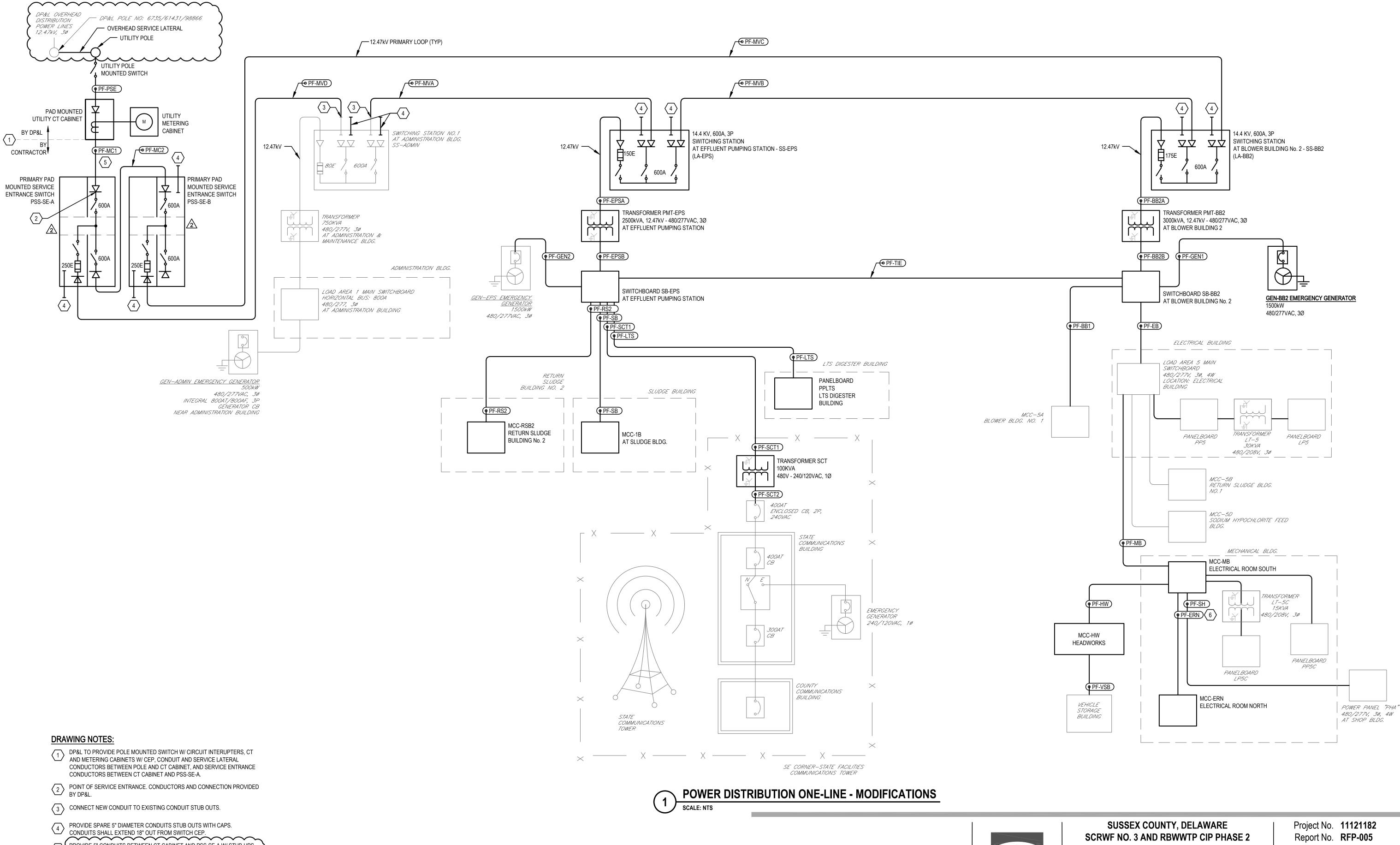




Date 1/22/2020



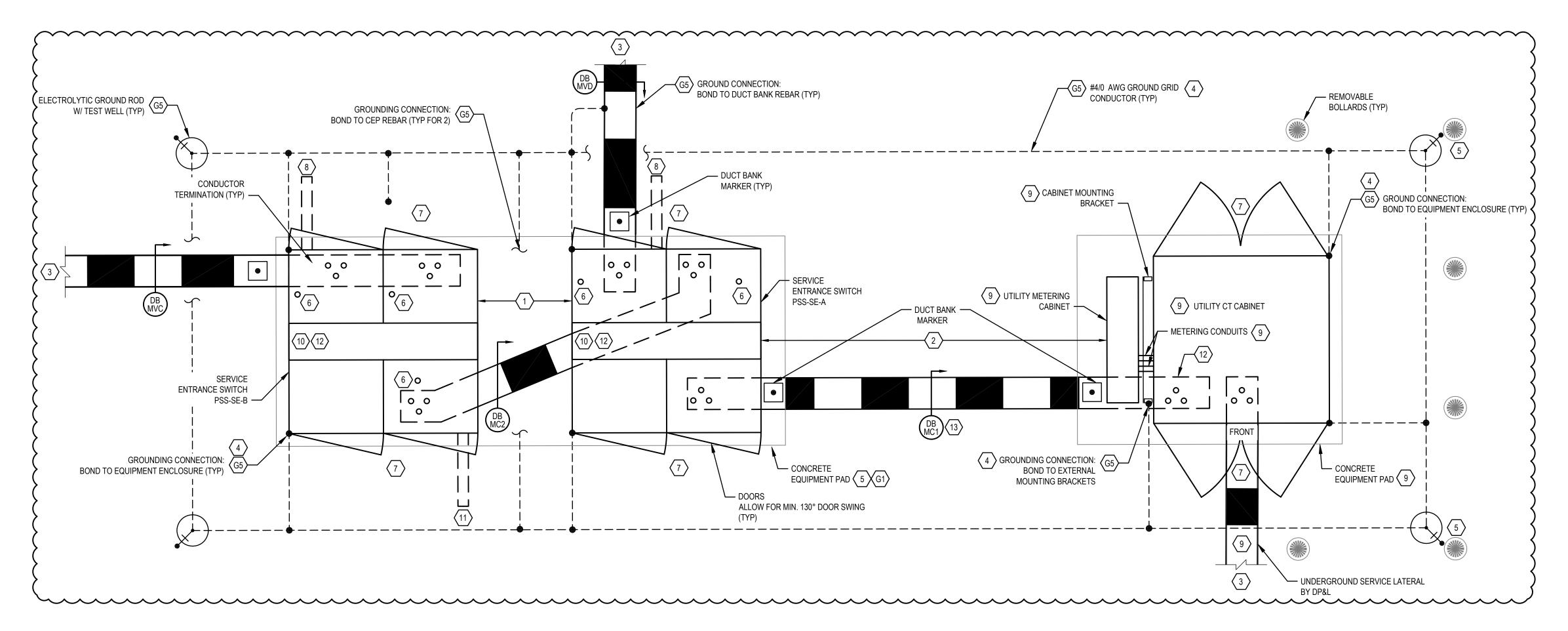
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- PROVIDE 5" CONDUITS BETWEEN CT CABINET AND PSS-SE-A W/ STUB-UPS AT EACH END. PROVIDE SERVICE ENTRANCE CONDUCTORS AS SPECIFIED.
- 6 REFER TO CONDUIT RISER DIAGRAM AND CIRCUIT SCHEDULE.

UPGRADES FIGURE RFP-005-03 - SERVICE ENTRANCE **MODIFICATIONS - ONE-LINE DIAGRAM**

Date 1/22/2020



ENLARGED PLAN - PRIMARY SERVICE SWITCHING STATION

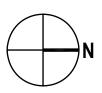
SCALE: 1/2" = 1'-0"



SCALE 1/2"=1'-0" AT ORIGINAL SIZE

1'-0" 2'-0" 3'-0" 4'-0"

Filename: \\ghdnet\ghd\US\Bowie\Projects\111\1121182 South Coastal Expansion\CADD\Drawings -Construction\Electrical\RFP-005\Sheets\111-11121182-E6011_RFP-005.dwg Plot Date: 22 January 2020 - 4:39 PM



DRAWING NOTES:

$\langle 1 \rangle$	PROVIDE MINIMUM 36" CLEARANCE BETWEEN ELECTRICAL EQUIPMENT.
$\langle 2 \rangle$	PROVIDE MINIMUM 11'-0" CLEARANCE BETWEEN ELECTRICAL EQUIPMENT.
$\langle 3 \rangle$	REFER TO SITE PLAN FOR DUCT BANK CONTINUATION.
$\langle 4 \rangle$	GROUNDING CONNECTIONS INDICATED ARE THE MINIMUM REQUIRED. PROVIDE GROUNDING PER DP&L'S REQUIREMENTS AND DIRECTION. COORDINATE GROUNDING REQUIREMENTS AND CONNECTIONS WITH DP&L.
5	CEP AND BOLLARDS PROVIDED BY GENERAL CONTRACTOR.
	PROVIDE 1" DIAMETER CONDUIT SLEEVE FOR EQUIPMENT GROUNDING CONDUCTOR.
$\langle 7 \rangle$	PROVIDE MINIMUM 10' CLEARANCE FROM ALL ITEMS/EQUIPMENT IN FRONT OF ENCLOSURE ACCESS DOORS, EXTENDING MINIMUM 1'-0" EACH SIDE OF THE ENCLOSURE.
8	PROVIDE SPARE 4" CONDUIT STUB OUTS WITH CAPS. CONDUITS SHALL EXTEND 18" OUT FROM CEP.
9	EQUIPMENT AND WORK PROVIDED BY DP&L. COORDINATE WITH DP&L FOR SCHEDULING OF WORK AND LOCATION OF UTILITY CT CABINET AND CEP.
(10)	DESIGN BASED ON S&C ELECTRIC COMPANY SWITCH MODEL PMU-6.
(11)	PROVIDE SPARE 6" CONDUIT STUB OUTS WITH CAPS. CONDUITS SHALL EXTEND 18" OUT FROM CEP.
$\langle 12 \rangle$	PROVIDE CONDUIT STUB-UPS AT LOCATION OF UTILITY CT CABINET AND CEP. COORDINATE WITH DP&L FOR EXACT LOCATION OF CONDUIT STUB-UPS
	UNDERGROUND DUCT BANK AND CONDUIT STUB-UPS PROVIDED BY CONTRACTOR. SERVICE ENTRANCE CONDUCTORS PROVIDED BY CONTRACTOR.
NTY. DF	LAWARE I Project No. 11121182



SUSSEX COUNTY, DELAWARE SCRWF NO. 3 AND RBWWTP CIP PHASE 2 UPGRADES FIGURE RFP-005-04 - SERVICE ENTRANCE MODIFICATIONS - PLAN
 Project No.
 11121182

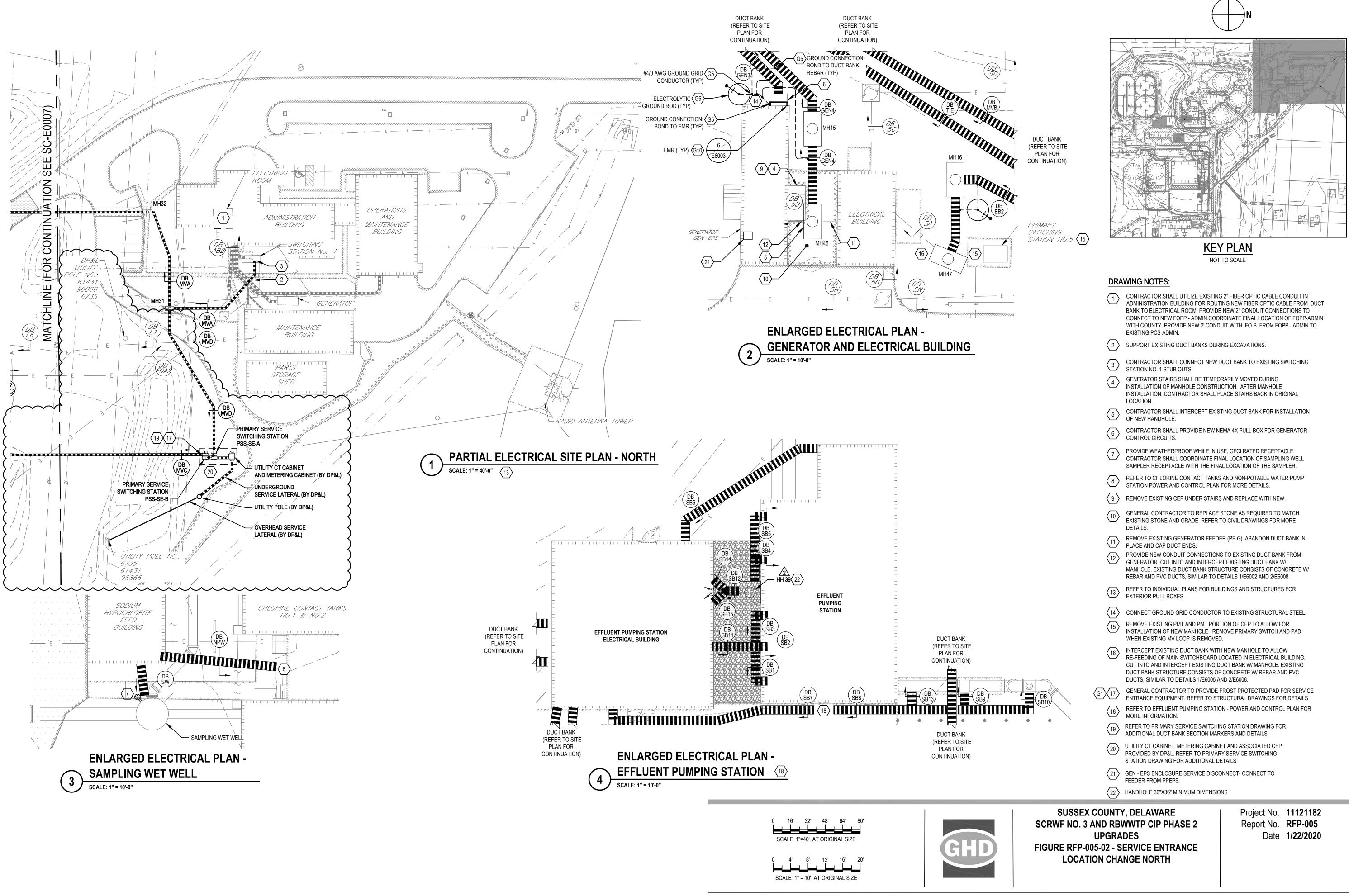
 Report No.
 RFP-005

 Date
 1/22/2020

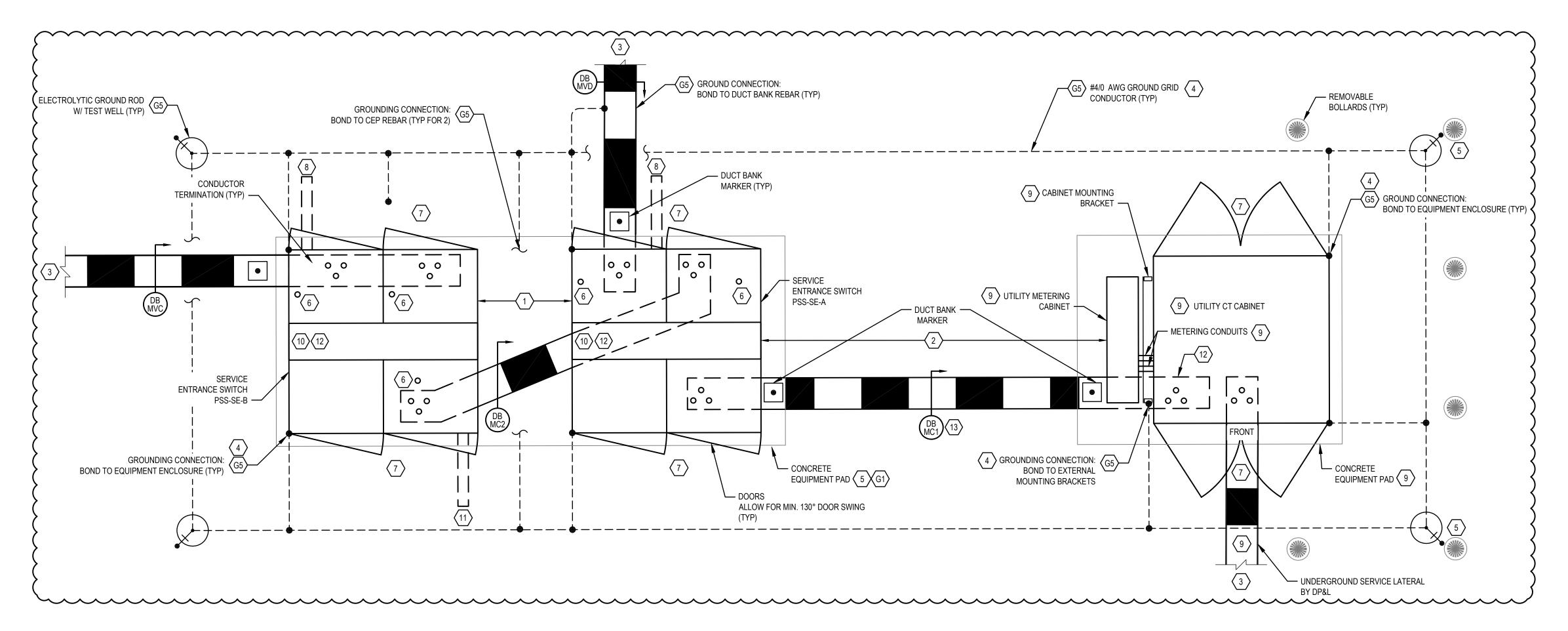


Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	007		
RFP Subject	DP&L CT Cabinet Bollards		
Issued By	B. Cardinal	Issue Date	Jan 22, 2020

Provide proposal to add six (6) removable bollards in accordance with Detail 9 on Drawing SC-C6001 around the SCRWF Utility CT Cabinet in its revised location as modified by RFP-005 (Electrical Construction Contract). The revised location of the Utility CT Cabinet and associated service entrance equipment is depicted in the attached Figure No. RFP-005-02 as indicated by the clouded revisions. The locations of the six (6) removable bollards are indicated in the attached Figure No. RFP-005-02.



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ENLARGED PLAN - PRIMARY SERVICE SWITCHING STATION

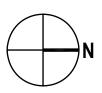
SCALE: 1/2" = 1'-0"



SCALE 1/2"=1'-0" AT ORIGINAL SIZE

1'-0" 2'-0" 3'-0" 4'-0"

Filename: \\ghdnet\ghd\US\Bowie\Projects\111\1121182 South Coastal Expansion\CADD\Drawings -Construction\Electrical\RFP-005\Sheets\111-11121182-E6011_RFP-005.dwg Plot Date: 22 January 2020 - 4:39 PM



DRAWING NOTES:

$\langle 1 \rangle$	PROVIDE MINIMUM 36" CLEARANCE BETWEEN ELECTRICAL EQUIPMENT.
$\langle 2 \rangle$	PROVIDE MINIMUM 11'-0" CLEARANCE BETWEEN ELECTRICAL EQUIPMENT.
$\langle 3 \rangle$	REFER TO SITE PLAN FOR DUCT BANK CONTINUATION.
$\langle 4 \rangle$	GROUNDING CONNECTIONS INDICATED ARE THE MINIMUM REQUIRED. PROVIDE GROUNDING PER DP&L'S REQUIREMENTS AND DIRECTION. COORDINATE GROUNDING REQUIREMENTS AND CONNECTIONS WITH DP&L.
5	CEP AND BOLLARDS PROVIDED BY GENERAL CONTRACTOR.
	PROVIDE 1" DIAMETER CONDUIT SLEEVE FOR EQUIPMENT GROUNDING CONDUCTOR.
$\langle 7 \rangle$	PROVIDE MINIMUM 10' CLEARANCE FROM ALL ITEMS/EQUIPMENT IN FRONT OF ENCLOSURE ACCESS DOORS, EXTENDING MINIMUM 1'-0" EACH SIDE OF THE ENCLOSURE.
8	PROVIDE SPARE 4" CONDUIT STUB OUTS WITH CAPS. CONDUITS SHALL EXTEND 18" OUT FROM CEP.
9	EQUIPMENT AND WORK PROVIDED BY DP&L. COORDINATE WITH DP&L FOR SCHEDULING OF WORK AND LOCATION OF UTILITY CT CABINET AND CEP.
(10)	DESIGN BASED ON S&C ELECTRIC COMPANY SWITCH MODEL PMU-6.
(11)	PROVIDE SPARE 6" CONDUIT STUB OUTS WITH CAPS. CONDUITS SHALL EXTEND 18" OUT FROM CEP.
$\langle 12 \rangle$	PROVIDE CONDUIT STUB-UPS AT LOCATION OF UTILITY CT CABINET AND CEP. COORDINATE WITH DP&L FOR EXACT LOCATION OF CONDUIT STUB-UPS
	UNDERGROUND DUCT BANK AND CONDUIT STUB-UPS PROVIDED BY CONTRACTOR. SERVICE ENTRANCE CONDUCTORS PROVIDED BY CONTRACTOR.
NTY. DF	LAWARE I Project No. 11121182



SUSSEX COUNTY, DELAWARE SCRWF NO. 3 AND RBWWTP CIP PHASE 2 UPGRADES FIGURE RFP-005-04 - SERVICE ENTRANCE MODIFICATIONS - PLAN
 Project No.
 11121182

 Report No.
 RFP-005

 Date
 1/22/2020



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	008 78		
RFP Subject	Elimination of Grounding System Testing		
Issued By	D. Murray	Issue Date	Jan. 22, 2020

Provide credit proposal to remove the 5 ohm resistance to ground requirement and the associated fall of potential testing required by Section 16950 Article 3.05 from the scope of work.



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upg	rade Phase 2	
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction C19-17: Electrical Construction	GHD Project No.	11121182
This request alone ne Price or Contract Time requirements of the C	ed to provide a Change Proposal for the following ither directs nor approves any change to the Wo es. Contractor's proposal shall be submitted to E ontract Documents. If found acceptable to Owne porated into the Work via Change Order.	ork nor any adjustments t Engineer for review and s	o the Contract hall adhere to all
RFP No.	009		B
RFP Subject	Elimination of Duct Bank Ground Conductor		Ø
Issued By	D. Murray	Issue Date	Jan. 22, 2020

Description of proposed changes:

This Request for Proposal supersedes RFP-002 Duct Bank Ground Conductor Size.

Provide credit proposal to remove the requirement for the #4/0 AWG tinned copper ground wire shown in Detail 2 on Contract Drawing E6008.

Electrical Contractor shall still be required to ground manhole/handhole (MH/HH) frames, conduits and other exposed metallic components in all other new MH/HH as noted on Detail 4 on Contract Drawing E6008; however, this will be accomplished by bonding to the largest equipment grounding conductor (EGC) present in the MH/HH.

For manhole MHE-13 at RBWWTP, bond metallic components to the ground rod inside the manhole with a #1/0 minimum tinned copper conductor. Concentric neutral is not to be used to bond metallic components in this manhole.

Install 2" x 1/4" x 10" minimum tinned copper bus bar in each MH/HH to which to connect the largest equipment grounding conductor as well as bonding jumpers to the ground rod and all other metallic components in the MH/HH. Bonding jumpers shall be the same size as the largest EGC present in the MH/HH.

Mount the ground bus as near as is practical to the top of the MH/HH to minimize likelihood of submergence under rainwater. Mounting hardware for ground busses shall type 316 stainless steel. Provide 1/8" thick neoprene between mounting bracket and concrete MH/HH.

ENGINEERING DEPARTMENT





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

<u>Memorandum</u>

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: Western Sussex Transmission Facilities: Contract 1: RT-13 Force Main, Project 18-12 A. Change Order No. 1

DATE: February 4, 2020

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. Upon review of the findings, both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501, and on <u>August 22, 2017</u>, County Council created the District.

On December 5, 2017, Council approved the GMB, Inc. base for engineering planning, design and construction phase services in conjunction with transmission facilities to convey wastewater from the Towns of Bridgeville & Greenwood to Seaford for treatment & disposal.

The project has three (3) components; transmission, treatment plant demolition and Bridgeville Branch restoration. The construction of the transmission project was further broken down in four (4) individual contracts based on DelDOT's schedule requirements. Council awarded the unit cost-based Contract No.1 to A-Del Construction Co, Inc. on May 14, 2019, in the amount of \$3,224,820.00, for the force main work in the RT-13 right-of-way.

During the construction, DelDOT did not allow the reuse of most of the excavated trench material and required Type C Borrow to be installed instead. In return, this unit price item went considerably above the bid quantity requiring an adjustment. In addition, a wider concrete base course was encountered under the Cannon Road crossing. Rather than using hot-mix for restoration, DelDOT required reinstallation of the concrete base course adding 25% to the cost of this lump sum item. In summary, the Department recommends acceptance of Change Order No.1 in the amount of \$254,188.92 to cover these increases. The additional cost has been incorporated into the County's pending supplemental funding request to the State Revolving Fund.



CHANGE ORDER NO. 1

Owner:	Sussex County	Owner's Project No.: 1	18-12
Engineer:	George, Miles, & Buhr, L	Engineer's Project No.: 1	170219
Contractor:	A-Del Construction	Contractor's Project No.: 3	39R010
Project:	Western Sussex Transmi	on Facilities	
Contract Name:	Contract 1 – Route 13 Fo	e Main	
Date Issued:	January 15, 2020	Effective Date of Change Order:	

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

Description:

Cannon Road Concrete Patch:

ADD – Restoration of concrete base (12"), restoration of trench base course and 2" top coat paving, detour plan (Option 2 - \$40,188.92) in accordance with DelDOT requirement DEDUCT – Item B-4 (\$30,000) for Permanent Restoration within Cannon Road intersection

NET ADD = \$10,188.92

<u>Bid Item C-2 – Contingent Borrow Material – Type C:</u> INCREASE quantity by 4000 CY @ \$61/CY due to substantial overrun on item directed by DelDOT for trench backfill along Route 13.

NET ADD = \$244,000.00

Attachments:

Contractor Proposal Form - Cannon Road - CR0004

Change in Contract Price	Change in Contract Times
Original Contract Price: \$	Original Contract Times: Substantial Completion: 150 days Ready for final payment:
[Increase] [Decrease] from previously approved Change Orders: \$ _0	[Increase] [Decrease] from previously approved Change Orders: Substantial Completion: None Ready for final payment:
Contract Price prior to this Change Order: \$ 3,224,820.00	Contract Times prior to this Change Order: Substantial Completion: 150 days Ready for final payment:
Increase this Change Order: \$ _ 254,188.92	Increase this Change Order: Substantial Completion: +5 days Ready for final payment:
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders: Substantial Completion: 155 days Ready for final payment:

	Recommended by Engineer (if required)		Accepted by Contractor
By:	Burgmi Hem		
Title:	Graduate Engineer		
Date:	1/30/2020	sia:	

EJCDC[®] C-941, Change Order EJCDC[®] C-941, Change Order, Rev.1. Copyright[®] 2018 National Society of Professional Engineers, American Council of Engineering Companies and American Society of Civil Engineers. All rights reserved.

Page 1 of 2

a and

Authorized by Owner	Approved by Funding Agency (if applicable)
Ву:	
Title:	
Date:	



10 ADEL DRIVE NEWARK, DE 19702-1331 1-302-453-8286, VOICE 1-302-453-9550, FACSIMILE

Sent-via-email

CR0004

GMB 400 High Street Seaford, DE 19973

Attn: Benjamin Hearn

Dear Ben,

Per this CR0004, A-Del is providing the 3 options listed below for the Cannon Road Restoration.

Option #1 –	Excavation and Concrete = \$39,670.90 Remobilization = \$1,500.00 Detour = \$2,500.00 Sawcut = \$2,000.00 Typ B = 64 SY X \$56.00/SY = \$3,584.00 Typ C = 63 SY X \$34.00 = \$2,142.00 Total = \$51,396.90
Option #2 -	Excavation and Concrete = \$24,444.92 Remobilization = \$1,500.00 Detour = \$2,500.00 Typ B = 64SY X \$56.00/SY = \$3,584.00.00 2" Typ C = 240 SY X \$34.00/SY = \$8,160.00 Total = \$40,188.92
Option #3 -	Excavation and Concrete = \$19,966.92 Remobilization = \$1,500.00 Detour = \$2,500.00 4" of Base = 164 SY X \$56.00/SY = \$9,184.00 2" Typ C = 240 SY X \$34.00/SY = \$8,160.00 Total = \$41,310.92

<u>Clarifications</u>: no dowels, control joints, gabc for the concrete work. Hot mix when the paving crew is onsite. Option 1 can be finished in the 3-day closure. Option 2-3 may take longer depending on weather. If temporary hot mix needs to be placed, that will be an additional cost.

If you have any questions, please contact me at 302/354-3720.

Sincerely, A-Del Construction Co., Inc.

Patrick Kintz

January 13, 2020



10 Adel Drive Newark, DE 19702-1331 1-302-453-8286, voice 1-302-453-9550, facsimile

Western Sussex Transmission Facilities

OWNER:	Sussex County	DATE:	1/9/2020
ADDRESS:	Sussex County, DE	PAGE #:	1 of 1
JOB NAME:	Western Sussex Transmission Facilities Contract #1	JOB #:	
PURCHASE -	or- CHANGE ORDER No.: CR0004	A-Del Job #:	39R010

(Pricing Below is for Excavation and Concrete Placement Only)

NAME OF EMPLOYEE	CLASS	REG. HOURS	RATE ffice use)	 MOUNT office use)
Foreman	Foreman	16.00	\$ 112.79	\$ 1,804.64
Laborer (Common or Unskilled)	Laborer	56.00	\$ 84.54	\$ 4,734.24
Carpenter	Carpenter	0.00	\$ 97.99	\$
Truck Driver	Truck Drivers	8.00	\$ 59.54	\$ 476.32
Operator	Operator	16.00	\$ 112.79	\$ 1,804.64
Project Manager	Manager	3.00	\$ 110.00	\$ 330.00

Total Labor \$ 9,149.84

EQUIPMENT (to include trucking) Rate = Blue Book + Mark-up & Fuel Surcharge	HOURS	RATE (office use)	MOUNT office use)
Ford F250 Pick-up	16.00	\$24.30	\$ 388.80
Loader	4.00	\$68.42	\$ 273.68
Excavator (330 or Larger)	8.00	\$185.00	\$ 1,480.00
Excavator	0.00	\$130.00	\$
Bulldozer	0.00	\$88.87	\$ •
Milling Machine	0.00	\$511.47	\$ -
Asphalt Roller	0.00	\$92.78	\$ -
Dirt Roller	4.00	\$72.00	\$ 288.00
Trench Roller	0.00	\$39.00	\$ -
Tandem Dump Truck	8.00	\$67.95	\$ 543.60
Tractor & Low Boy Trailer	0.00	\$94.00	\$ -
Trench Box	0.00	\$17.00	\$
Utility Trailer	0.00	\$8.76	\$ / /

Materials / Subs	Qty	Unit	Cost	Total
Class A Conc 6 hour Rd Patch	22	CY	\$310.00	\$6,820.00
				\$0.00
				\$0.00
				\$0.00
Total with 15% OH&P				\$ 7,843.00

Total Equip \$ 2,974.08

Total Material \$ 7,843.00

TOTAL (THIS DATE/WORKSHEET) = \$ 19,966.92

OWNER

APPROVED:

APPROVED:

CONTRACTOR

Mitch Seitz, Project Manager A-Del Construction Company, Inc. (302) 893-3964 mseitz@a-del.com



10 Adel Drive Newark, DE 19702-1331 1-302-453-8286, voice 1-302-453-9550, facsimile

Western Sussex Transmission Facilities

OWNER:	Sussex County	DATE:	1/9/2020
ADDRESS:	Sussex County, DE	PAGE #:	1 of 1
JOB NAME:	Western Sussex Transmission Facilities Contract #1	JOB #:	
PURCHASE -	or- CHANGE ORDER No.: CR0004	A-Del Job #:	39R010

DESCRIPTION OF WORK: Cannon Road Restoration OPTION #2 - 12" of Class A 6 Hour Patch with 2" Typ C (Pricing Below is for Excavation and Concrete Placement Only)

NAME OF EMPLOYEE	CLASS	REG. HOURS		RATE (office use)		AMOUNT (office use)	
Foreman	Foreman	16.00	\$	112.79	\$	1,804.64	
Laborer (Common or Unskilled)	Laborer	56.00	\$	84.54	\$	4,734.24	
Carpenter	Carpenter	0.00	\$	97.99	\$	-	
Truck Driver	Truck Drivers	8.00	\$	59.54	\$	476.32	
Operator	Operator	16.00	\$	112.79	\$	1,804.64	
Project Manager	Manager	3.00	\$	110.00	\$	330.00	

Total Labor \$ 9,149.84

EQUIPMENT (to include trucking) Rate = Blue Book + Mark-up & Fuel Surcharge	HOURS	RATE (office use)	MOUNT
Ford F250 Pick-up	16.00	\$24.30	\$ 388.80
Loader	4.00	\$68.42	\$ 273.68
Excavator (330 or Larger)	8.00	\$185.00	\$ 1,480.00
Excavator	0.00	\$130.00	\$ -
Bulldozer	0.00	\$88.87	\$ -
Milling Machine	0.00	\$511.47	\$ -
Asphalt Roller	0.00	\$92.78	\$ -
Dirt Roller	4.00	\$72.00	\$ 288.00
Trench Roller	0.00	\$39.00	\$
Tandem Dump Truck	8.00	\$67.95	\$ 543.60
Tractor & Low Boy Trailer	0.00	\$94.00	\$
Trench Box	0.00	\$17.00	\$
Utility Trailer	0.00	\$8.76	\$ -

Materials / Subs	Qty	Unit	Cost	Total
Class A Conc 6 hour Rd Patch	34	CY	\$310.00	\$10,540.00
				\$0.00
				\$0.00
				\$0.00
Total with 15% OH&P				\$ 12,121.0

APPROVED:

Total Equip \$ 2,974.08

Total Material \$ 12,121.00

TOTAL (THIS DATE/WORKSHEET) = \$ 24,244.92

OWNER

APPROVED:

CONTRACTOR

Mitch Seitz, Project Manager A-Del Construction Company, Inc. (302) 893-3964 mseitz@a-del.com



10 Adel Drive Newark, DE 19702-1331 1-302-453-8286, voice 1-302-453-9550, facsimile

Western Sussex Transmission Facilities

OWNER:	Sussex County	DATE:	1/9/2020
ADDRESS:	Sussex County, DE	PAGE #:	1 of 1
JOB NAME:	Western Sussex Transmission Facilities Contract #1	JOB #:	
PURCHASE -	or- CHANGE ORDER No.: CR0004	A-Del Job #:	39R010

DESCRIPTION OF WORK: Cannon Road Restoration OPTION #1 - 14" of Class A 6 Hour Patch - (Pricing below is for Excavation and Concrete Placement Only)

NAME OF EMPLOYEE	CLASS	REG. HOURS	(0	RATE office use)	1.602	MOUNT office use)
Foreman	Foreman	20.00	\$	112.79	\$	2,255.80
Laborer (Common or Unskilled)	Laborer	70.00	\$	84.54	\$	5,917.80
Carpenter	Carpenter	0.00	\$	97.99	\$	-0
Truck Driver	Truck Drivers	10.00	\$	59.54	\$	595.40
Operator	Operator	20.00	\$	112.79	\$	2,255.80
Project Manager	Manager	3.00	\$	110.00	\$	330.00

\$ 11,354.80 Total Labor

EQUIPMENT (to include trucking) Rate = Blue Book + Mark-up & Fuel Surcharge	HOURS	RATE (office use)	MOUNT
Ford F250 Pick-up	20.00	\$24.30	\$ 486.00
Loader	5.00	\$68.42	\$ 342.10
Excavator (330 or Larger)	10.00	\$185.00	\$ 1,850.00
Excavator	0.00	\$130.00	\$
Bulldozer	0.00	\$88.87	\$ -
Milling Machine	0.00	\$511.47	\$ -
Asphalt Roller	0.00	\$92.78	\$
Dirt Roller	5.00	\$72.00	\$ 360.00
Trench Roller	0.00	\$39.00	\$ -
Tandem Dump Truck	10.00	\$67.95	\$ 679.50
Tractor & Low Boy Trailer	0.00	\$94.00	\$ -
Trench Box	0.00	\$17.00	\$
Utility Trailer	0.00	\$8.76	\$ -

Materials / Subs	Qty	Unit	Cost	Total
Class A Conc 6 hour Rd Patch	69	CY	\$310.00	\$21,390.00
				\$0.00
				\$0.00
				\$0.00
Total with 15% OH&P				\$ 24,598.50

APPROVED:

Total Equip \$ 3,717.60

Total Material \$ 24,598.50

TOTAL (THIS DATE/WORKSHEET) = \$ 39,670.90

OWNER

APPROVED:

CONTRACTOR

Mitch Seitz, Project Manager A-Del Construction Company, Inc. (302) 893-3964 mseitz@a-del.com

ENGINEERING DEPARTMENT

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02) 855-7718 02) 855-7774 02) 855-7730 02) 855-7703 02) 854-5033 02) 855-7717 02) 855-7719 02) 855-7719 02) 855-7799





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: Sussex County Administrative Building Cooling Tower, Project C20-04 A. Recommendation to Award

DATE: February 4, 2020

Since the Sussex County Admin Building's cooling tower has reached the end of life, funding for its replacement was established in the 2020 budget. Invitations were advertised in the newspaper, viewable on the Sussex County website, and bid documents were directly sent to eight (8) applicable contractors. On January 22, 2020, two (2) bids for the Sussex County Administration Building Cooling Tower project were received.

The Sussex County Engineering Department reviewed the bids based on the best value evaluation factors identified in the contract documents, including price, delivery schedule and proximity of a service provider. The Department recommends award of the highest scoring total bid to Joseph T. Richardson in the amount of \$120,000.00.



Joseph T. Richardson

	Bid Point Value	Delivery Schedule Value	Proximity of Service Provider Value	Total Point Value
Base Bid				
\$108,000.00	75.00	18.82	5.00	98.82
Additive Bid				
\$12,000.00				
Delivery Schedule (in days)				
59.5				
Proximity of Provider 1				
-				
Electrical Automation Services				
			Proximity of Service Provider	
	Bid Point Value	Delivery Schedule Value	Value	Total Point Value
Base Bid				
\$137,000.00	59.12	20.00	2.50	81.62
Additive Bid				
\$6,000.00				
Delivery Schedule (in days)				
56				
Proximity of Provider				
2				

ENGINEERING DEPARTMENT

ADMINISTRATION AIRPORT & INDUSTRIAL PARK ENVIRONMENTAL SERVICES PUBLIC WORKS RECORDS MANAGEMENT UTILITY ENGINEERING UTILITY PERMITS UTILITY PLANNING FAX (302) 855-7718 (302) 855-7774 (302) 855-7730 (302) 855-7703 (302) 854-5033 (302) 855-7717 (302) 855-7719 (302) 855-7299 (302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

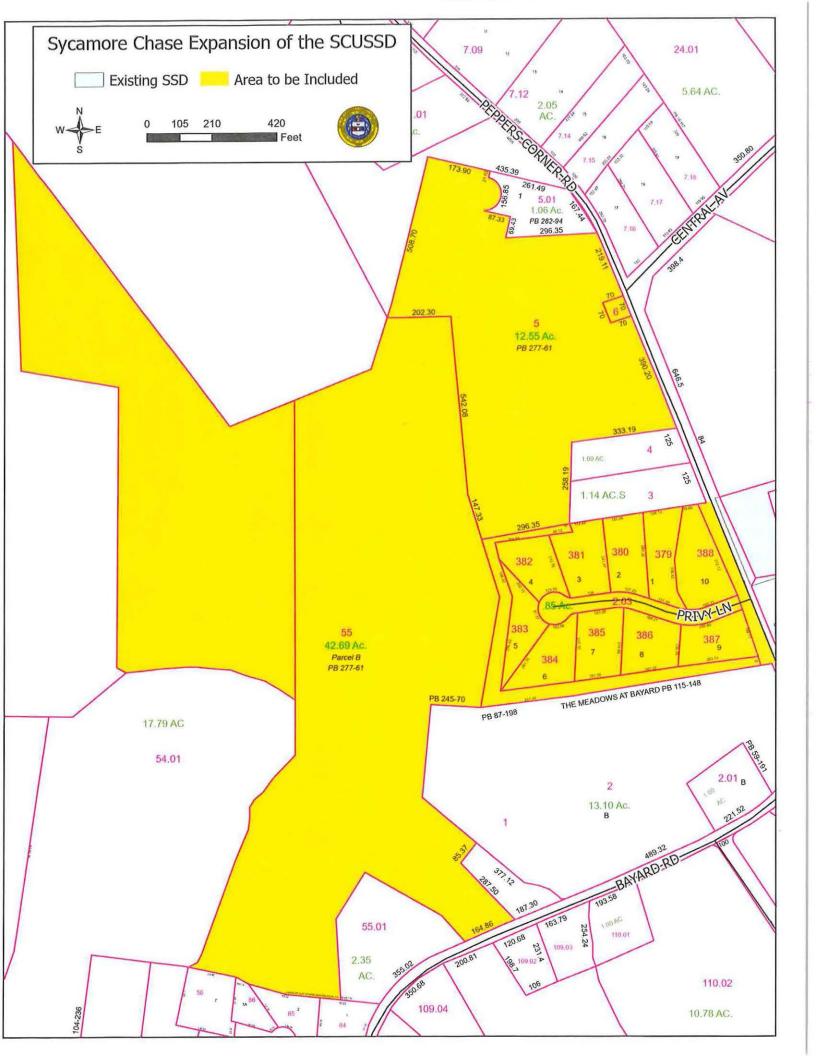
JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

Proposed Sycamore Chase Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- Includes parcels 134-18.00-55.00, 134-19.00-5.00& 6.00 and the Meadows at Bayard subdivision.
- The Engineering Department has received a request from Solutions IPEM on behalf of their client Charter Oak Investment LLC the owners/developers of the proposed Sycamore Chase and The Meadows at Bayard LLC on behalf of the existing Meadows at Bayard subdivision.
- Sycamore Chase is a proposed 104 lot subdivision.
- The Meadows at Bayard is a 10-lot subdivision that is currently restricted to 5 lots based on their existing on-site community septic system. The Sycamore Chase project will be providing a connection point for the Meadows. At which point the Meadows owner will construct infrastructure to connect to that connection point and abandon the existing on-site system.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area at this time.





ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

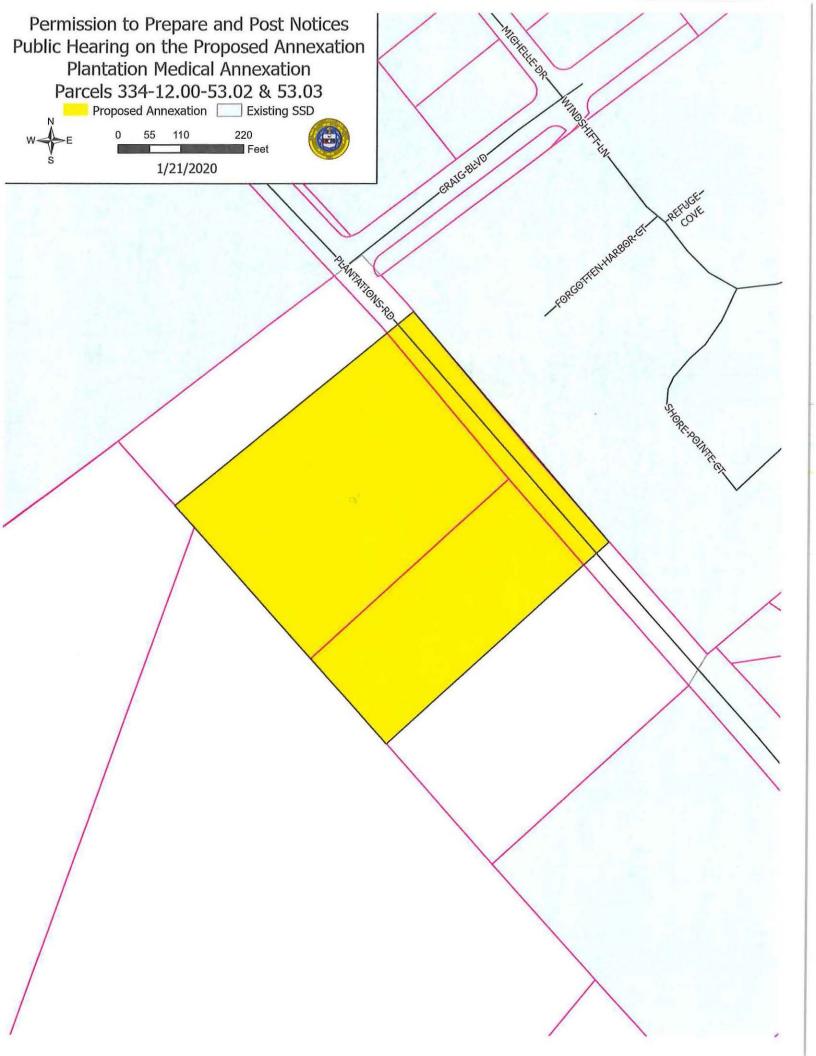
JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

Proposed Plantation Medical Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- Includes parcels along Plantation Road north of Route 24.
- The Engineering Department has received a request from the owners/developers of the Plantation Medical Facility on parcel 334-12.00-53.03.
- The Engineering Department sent letters to the neighboring parcels asking them if they wish to be included at this time.
- The parcel immediately to the south is the Metropolitan Community Church they have requested to be included as well.
- The next parcel did not respond so we sent a 2nd notice and informed them that an easement may be need regardless in order to serve the 2 parcels to the north.
- The Engineering Department intends to secure one of our miscellaneous consultants who are also involved with the parcel next to our paramedic station to design the project.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.







SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION								
ORGANIZATION NAME: Friends of the Georgetown Public Library								
PROJECT NAME:	Library Programming		erannen sonalda tanderet formulantissansansansansansansa da					
FEDERAL TAX ID: 51-0403103 NON-PROFIT: YES NO								
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?								
YES NO *IF YES, FILL OUT SECTION 3B.								
ORGANIZATION'S MISSIO	ON:							
ADDRESS:	123 W. Pine Stree	t						
	Georgetown	DE	19947					
	(CITY)	(STATE)	(ZIP)					
CONTACT PERSON:	Debby Eckrich							
TITLE:	Board Member at	Large	enternanten er ander soften der einer er ander soften er ander soften einer er ander soften einer er ander soft					
PHONE:	(302) 856-2186	EMAIL: finishstrong6212@gmail.co						
	TOTAL FUNDING R	EQUEST: \$300.00						
Has your organization re the last year?	ceived other grant fund	ls from Sussex County Government in	YES NO					
2	If YES, how much was received in the last 12 months? \$300.00							
	If you are asking for funding for building or building improvements, do you own the YES NO building in which the funding will be used for?							
Are you seeking other sou	urces of funding other t	han Sussex County Council?	YES NO					
If YES, approximately what percentage of the project's funding does the Council grant represent? 10%								

SECTION 2: PROGRAM DESCRIPTION								
PROGRAM CATEGORY (choose all that apply) Fair Housing Health and Human Services Cultural Infrastructure ¹ Other Programs and Operations Educational								
BENEFICIARY CATEGORY Disability & Special Needs Victims of Domestic Violence Homeless Elderly Persons Low to Moderate Income ² Youth Minority Other Residents of Sussex County								
BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: Thousands								

SECTION 3: PROGRAM SCOPE

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

This request is make on behalf of The Friends of the Georgetown Public Library.

Our mission is to raise money in an effort to help finance the Georgetown Public Library's budget. In the past, "The Friends" have allocated funds for the Library's e-book collection, tablets with educational testing (SAT prep, Math, Learning a foreign language, Brain games, etc) and toys for the children's area.

Throughout the year "The Friends" group hosts events to raise finding that goes directly to the Georgetown Library. The events include a 5K Race/1 Mile Walk through Georgetown, and dinner auction, two book sales, etc.

All members of the community, but especially residents of Sussex County benefit from the many services the Georgetown Public Library offers. One of the greatest opportunities to residents is the use of computers and internet access to those residents who do not have internet service (or slow internet service) in their homes.

One hundred percent (100%) of this grant will be used to supplement Library programs operating costs.

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

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

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

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

SECTION 4: BUDGET	
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	Operating Costs
TOTAL EXPENDITURES	0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the <u>Friends of the Georgetown Library</u> agrees that: (Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official

Witness

January 17, 2020

Date

January 17, 2020

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Im Exerce

Applicant/Authorized Official

Board Member at Large

Title

115/2020

Wil 501) 1-28-2020

To Be Introduced 02/04/20

Council District No. 4 - Hudson Tax I.D. No. 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00 911 Address: None Available

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR (MEDIUM DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS

WHEREAS, on the 18th day of September 2019, a conditional use application, denominated Conditional Use No. 2207 was filed on behalf of CBB Cedar Pines, 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. 2207 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. 2207 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 east side of Cedar Neck Road, approximately 0.3 miles north of Hickman Road, and being more particularly described in the attached legal description prepared by Land Tech Planning, LLC, said parcel containing 29.34 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 02/04/20

Council District No. 5 - Rieley Tax I.D. No. 233-16.00-27.00 (portion of) 911 Address 32630 DuPont Blvd., Dagsboro

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS

WHEREAS, on the 30th day of December 2019, a conditional use application, denominated Conditional Use No. 2219 was filed on behalf of 32630 DuPont Boulevard, 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. 2219 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. 2219 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 situated in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of DuPont Blvd., approximately 0.51 miles south of Nine Foot Road and being more particularly described in the attached legal description prepared by Axiom Engineering, LLC, said parcel containing 11.80 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.





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

CC: Everett Moore, County Attorney

Date: January 30, 2020

RE: County Council Report for CU 2202 John H. Passwaters

The Planning and Zoning Department received an application (CU 2202 John H. Passwaters) for a Conditional Use for parcel 131-15.00-17.00 to allow for a landscaping business to be located at 18956 Sussex Highway, Bridgeville. The Planning and Zoning Commission held a public hearing on December 19, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

C/U 2202 John H. Passwaters

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a landscaping business to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 6.345 acres, more or less. The property is lying on the west side of Sussex Hwy. (Rt. 13), approximately 0.48 mile south of S. Main St. 911 Address: 18956 Sussex Hwy., Bridgeville. Tax Parcel: 131-15.00-17.00.

Ms. Cornwell confirmed that, submitted into the record for this application, are comments from Sussex Conservation District, a site plan, a staff analysis, and comments from the Sussex County Engineering Department – Utility Planning Division stating that the site is located in a Tier 2 Sewer District.

The Commission found that Mr. John Passwaters was present on behalf of the application; that he stated that he was seeking approval for a small landscaping business; that the structures have been in situ for 30 years; that he has been in business for 15 years; that he operates a landscaping and lawncare operation; that this involves pick-up trucks that come in and out of the site; that his parents own the surrounding properties; that his site is located in-between these two farms; that his family has operated the site for over 60 years including the use of tractors; that this application was identified as being



necessary by the County's Zoning Staff; that the hours of operation are 7:30 am to 5:30 pm Monday through Friday with some Saturdays; that snow removal is undertaken in the winter months; that there are 8-vehicles but this varies throughout the season; that this can increase to 16 vehicles; that there is no storage of chemicals; that there is a shop for repairs; that all repairs are inside the shop; that all materials are stored inside except for vehicles; that loose mulch and stone is stored outside the buildings.

The Commission found that no one wished to speak in support of or in opposition to the application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the public hearings the Commission discussed this application.

Mr. Robertson commented that this property has a history of agricultural activities and is not located in the immediate vicinity of other dwellings. As such, Mr. Robertson noted that, if the Commission wish to make a motion to recommend approval this Application, that some of the conditions the Commission normally looks to impose on this type of business may not be necessary in this case.

Mr. Hopkins asked about the land use designation of the parcel in question. Mr. Robertson stated that the site is within the Developing Area and that commercial uses in this can be considered as consistent with the land use designation. Mr. Robertson also noted that there is also commercial zoning opposite also.

Mr. Hopkins moved that the Commission recommend approval of Conditional Use Application $\underline{C/U}$ 2202 for John H. Passwaters based upon the record made during the public hearing and for the following reasons:

- 1. The property is located along Route 13, which is an appropriate location for this limited type of use.
- 2. The site is located within a Developing Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area according to the Plan.
- 3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
- 4. The Applicant has stated that his landscaping company provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
- 5. No parties appeared in opposition to this application.
- 6. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. The hours of operation shall be limited to 6 a.m. through 9 p.m, Monday through Sunday.
 - D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

- E. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- F. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
- G. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Hopkins and seconded by Mr. Mears, and carried unanimously to recommend approval of application reference C/U 2202. Motion carried 5-0.

JANELLE M. CORNWELL, AICP DIRECTOR (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members From: Lauren DeVore, Planner III CC: Vince Robertson, Assistant County Attorney and Applicant Date: December 12, 2019 RE: Staff Analysis for CU 2202 John Passwaters

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2202 John Passwaters to be reviewed during the December 19, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 131-15.00-17.00 to allow for a Landscaping Office to be located at 18956 Sussex Highway in Bridgeville, Delaware 19933. The size of the property is 6.35 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Developing Area.

The surrounding land use to the north, south, east and west are designated on the Future Land Use Map as "Municipalities" (with the exception of the adjacent parcels directly to the north and south and two parcels on the opposite side of Route 13 (Sussex Highway) labeled as "Developing Area.") Developing Areas recognize a range of housing types including single family homes, townhomes, and multi-family units. Developing Areas may also include a variety of uses such as office uses, businesses, and careful mixtures of homes, with light commercial and institutional uses.

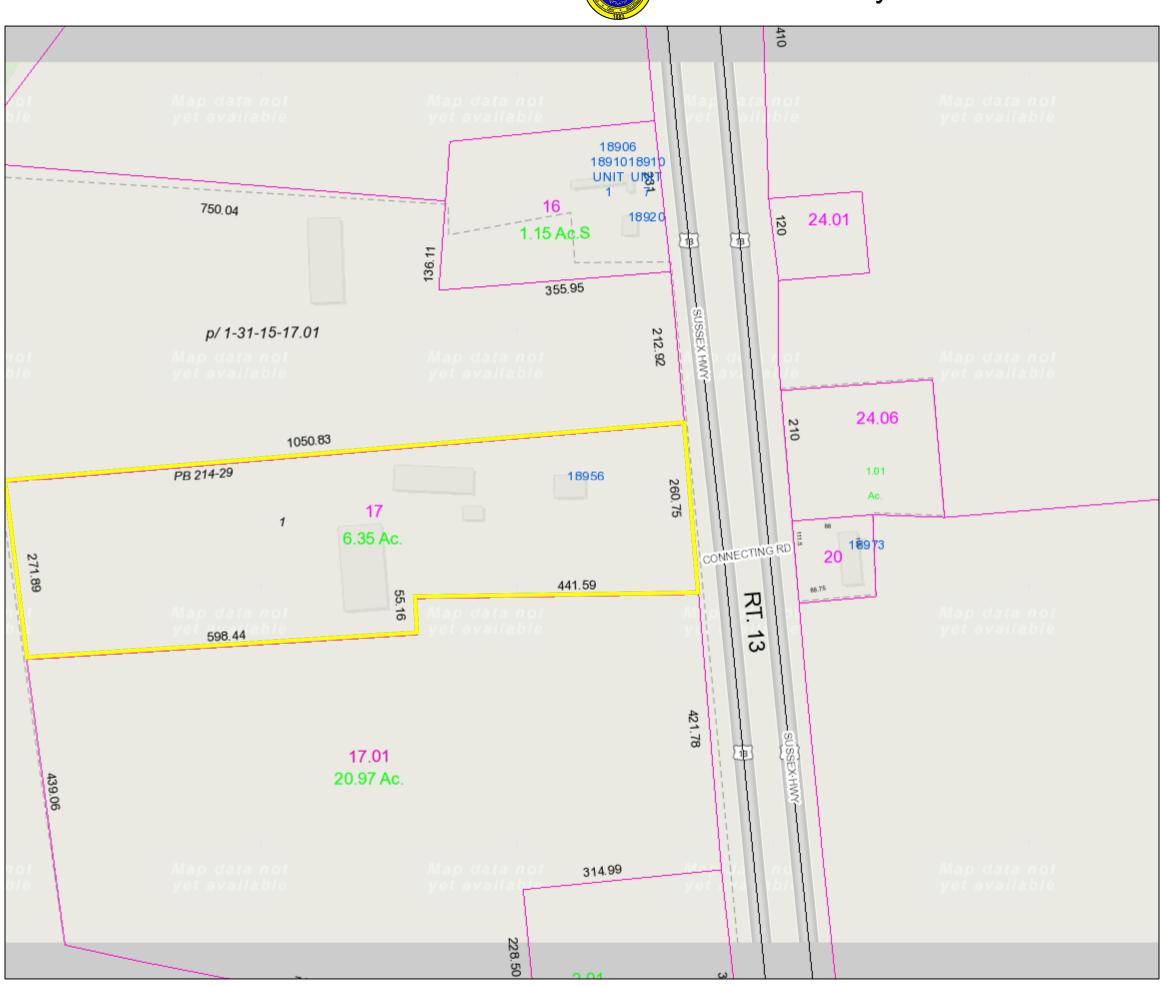
The property is zoned AR-1 (Agricultural Residential Zoning District.) The adjoining and surrounding parcels to the north, south, and west are all zoned Agricultural Residential (AR-1) (except for a single parcel to the east zoned General Commercial (C-1).

Since 2011, there have been no Conditional Use applications located within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a landscaping business could be considered consistent with the land use, area zoning and surrounding uses.



Sussex County



PIN:	131-15.00-17.00
Owner Name	PASSWATERS JOHN H
Book	5003
Mailing Address	18956 SUSSEX HWY
City	BRIDGEVILLE
State	DE
Description	SW/RT 13
Description 2	1/4 MILE N/HERITAGE
Description 3	SHORES DR LOT 1
Land Code	

polygonLayer

Override 1

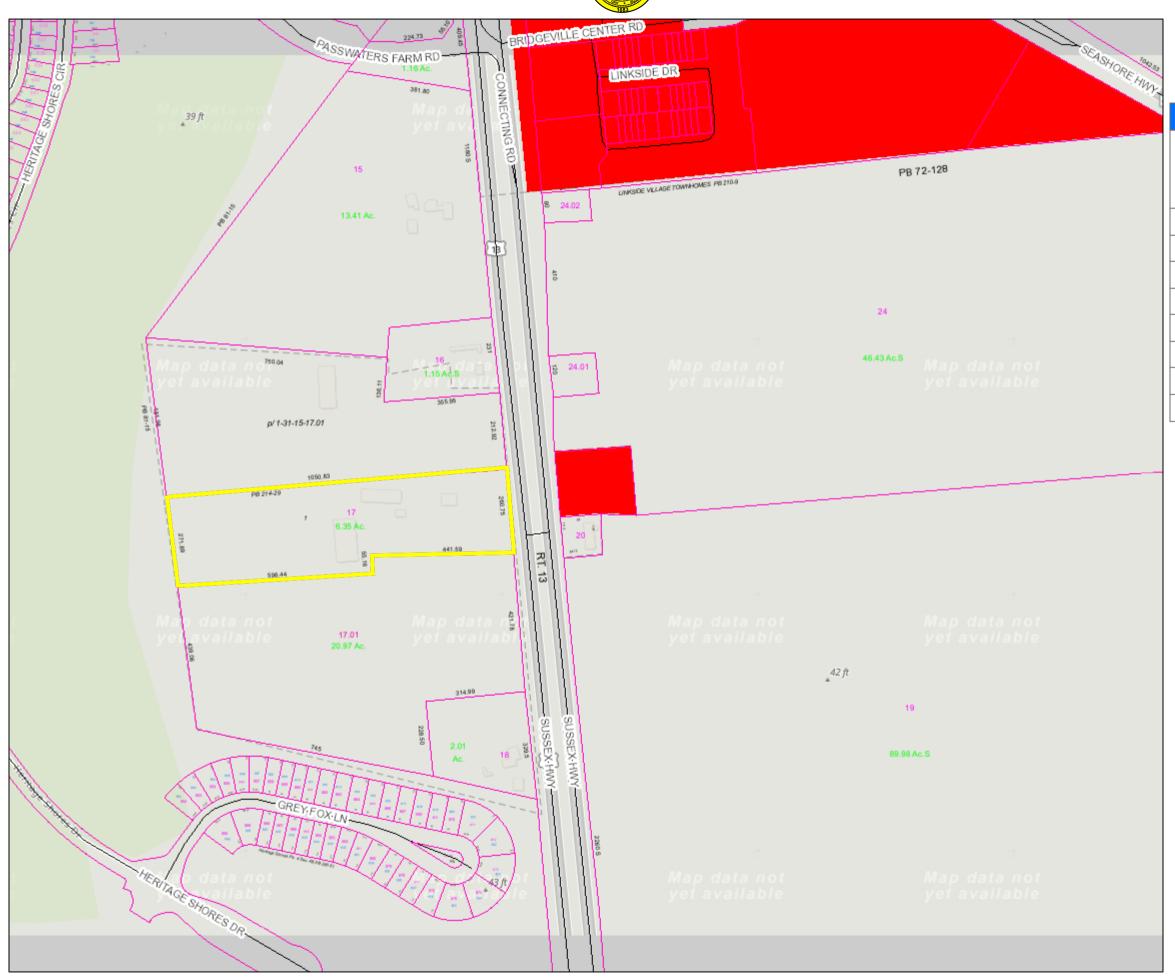
polygonLayer

Override 1

- Tax Parcels
 - 911 Address
- Streets
- County Boundaries

		1:2,257		
0	0.0275	0.055		0.11 mi
0	0.0425	0.085	- 1 - 1	0.17 km

Sussex County



DIN	
PIN:	131-15.00-17.00
Owner Name	PASSWATERS JOHN H
Book	5003
Mailing Address	18956 SUSSEX HWY
City	BRIDGEVILLE
State	DE
Description	SW/RT 13
Description 2	1/4 MILE N/HERITAGE
Description 3	SHORES DR LOT 1
Land Code	

polygonLayer

Override 1

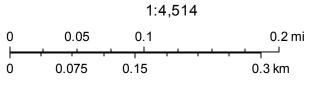
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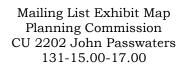
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Override 1

Tax Parcels

Streets





10

NR 725

7-26-

John Passwaters 18956 Sussex Highway Bridgeville, DE 19933

Located at 18956 Sussex Highway, Bridgeville, DE 19933.

31-15.00-17.01

131-15.00-17

131-15.00-1

GHWAY 00004

131-15.00-18.00

Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DelDOT Planning, Surdex Corp, 2017

Introduced 09/10/19

Council District No. 1 - Vincent Tax I.D. No. 131-15.00-17.00 911 Address: 18956 Sussex Highway, Bridgeville

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.345 ACRES, MORE OR LESS

WHEREAS, on the 29th day of August 2019, a conditional use application, denominated Conditional Use No. 2202, was filed on behalf of John H. Passwaters; 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. 2202 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. 2202 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13) approximately 0.48 mile south of S. Main Street and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 6.345 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.





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

CC: Everett Moore, County Attorney

Date: January 30, 2020

RE: County Council Report for CU 2203 Christopher F. Booth

The Planning and Zoning Department received an application (CU 2203 Christopher F. Booth) for a Conditional Use for parcel 433-7.00-13.01 to allow for a tree and landscaping business to be located at 30725 Omar Rd, Frankford. The Planning and Zoning Commission held a public hearing on December 19, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meeting.

C/U 2203 Christopher F. Booth

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a tree and landscaping business to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.227 acres, more or less. The property is lying on the north side of Omar Rd., approximately 0.36 mile west of Armory Rd. 911 Address: 30725 Omar Rd., Frankford. Tax Parcel: 433-7.00-13.01.

Ms. Cornwell outlined that, submitted into the record for this application, is a Staff analysis, comments from the Sussex Conservation District; and comments from the Sussex County Engineering Department – Utility Planning Division.

The Commission found that Mr. Christopher Booth was present on behalf of the application; that he was asked to make an application for a Conditional Use as the use is already operating; that the use is a small landscape business; that the business is for 2 people, but sometimes 3 people; that his business does provide snow removal services; that he also stores firewood on site; that he lives at the property with his wife and does sometimes have bonfires; that his wife's family have owned the property for many years; that he does not currently wish to expand his business at this time; that the hours are 7:00 am to 5:00 pm Monday through Saturday, but some Sundays do occur; that vehicles are maintained



on site for the business; that a small dump truck is stored on site; that wood chopping occurs on site; that Mr. Booth would like a small sign.

Mr. Hopkins asked about the use of the property. The Commission found that Mrs. Crystal Booth was present in support of the application; that she is the Applicant's wife and lives at the property; that he family used to own the property to the north but it was sold to a third-party; that the house to the west is used for a landscaping business also. Mr. Booth submitted letters of support from some of the adjoining occupiers.

Mrs. Stevenson asked whether the trucks were worked on inside or outside. Mr. Booth stated that trucks are worked on outside at the moment. Mr. Booth confirmed that no chemicals are stored outside but there is an outside dirt pile 10' high and 10' wide; that some of the tree bark/wood is burned and that there is a firepit. Mr. Whitehouse asked where the firepit is located and Mr. Booth stated that it is located in the northwesternmost part of the site.

Mr. Wheatley asked about potential noise from the activities on site. Mr. Booth stated that there is a wood splitter on site and that this is typically used during normal business hours, but that he does sometimes use this at weekends; that he is considerate of his neighbors; that his neighbor to the east also has a large woodpile.

The Commission found that no one wished to speak in favor to the application. The Commission found that Mr. Steve Harding was present in opposition to the application; that Mr. Harding lives in Omar Rd behind the property; that he has lived there for 18 years and that the application site was just a dwelling when he moved in; that the firepit is 60' from his windows and that he cannot open doors or windows when the fire is in operation; that he submitted aerial photos, taken on 12.18.2019 showing the condition of the rear of the application site; that what the applicant considers to be his back yard is actually Mr. Harding's front yard; that the garbage includes washing machines and refridgerators scattered over the entire property and that all the waste is a breeding ground for mice/rats; that the adjoining use has devalued his property; that he has confirmed this with a realtor; that there are feral cats on the property; that he would have no objection to the Applicant parking trucks in the front of his property instead of the rear.

Ms. Stevenson stated that DNREC has rules about when trash can be burned. Chairman Wheatley asked the Applicant to explain the purpose of the fire pit. Mr. Booth outlines that the fire pit serves to burn tree bark and that he does not burn this during the summer time except for parties such as 4th July, and that the fires are for recreational purposes only. Mr. Booth also stated that he does not keep any feral cats on the property.

Upon there being no one else wishing to speak, Chairman Wheatley closed the public hearing for this application.

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

Mr. Robertson noted that there were a number of factors raised in the public hearing that the Commission may wish to further consider. Mr. Hopkins asked about the County's rules for accumulation of trash/garbage. Ms. Cornwell noted that the Constable's office is aware of this matter and has the power to investigate and take action.

County Council Report for CU 2203 Christopher F. Booth P a g e \mid 3

Ms. Wingate stated that she is concerned about the accumulation of trash on the property. Ms. Stevenson stated that, if the Commission were minded to recommend approval of this application, this might be a case where the Commission might want to consider a forested/landscaped buffer to the rear of the property.

Motion by Ms. Wingate, and seconded by Ms. Stevenson to defer Conditional Use Application 2203 for further consideration. Motion carried 5-0.

January 9, 2020 Planning & Zoning Commission Draft Minutes

The Commission discussed application CU 2203, which had been deferred since December 19, 2019.

Ms. Wingate moved that the Commission recommend denial of Conditional Use # 2203 for **Christopher F. Booth** for a tree and landscaping business based upon the record made during the public hearing and for the following reasons:

- 1. This Application is for a landscaping business on a residential 1.227-acre lot in an area immediately adjacent to other residential properties.
- 2. The record indicates that the Applicant has been operating his small landscaping business from this property for some time without the proper approvals.
- 3. There was opposition to the Application from a neighboring property owner describing the current bad condition of the Property, and the neighbor expressed concerns that this would only get worse if the use is allowed to continue with a Conditional Use approval.
- 4. Photographs entered into the record show that there is a large accumulation of trash and junk throughout the rear area of the property and along the boundary with neighboring properties. There was also testimony that this area has attracted feral cats, rats and other vermin. Under these conditions, it is not appropriate to grant a Conditional Use on this property.
- 5. There is evidence in the record that the existing trash and junk and the proposed use and the materials, equipment and vehicles associated with it, adversely affects the neighboring and adjacent properties.
- 6. The current condition of the property and the proposed Conditional Use does not promote the health, safety and welfare of Sussex County and its residents.
- 7. The proposed use in this location does not satisfy the purpose of a Conditional Use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents and businesses.
- 8. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend denial of C/U #2203 Christopher F. Booth for the reasons stated in the motion. Motion carried 5-0.





Memorandum

To: Sussex County Planning Commission Members From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant Date: December 12, 2019 RE: Staff Analysis for CU 2203 Christopher F. Booth

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2203 Christopher F. Booth to be reviewed during the December 19, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 433-7.00-13.01 to allow for a tree and landscaping business to be located on the north side of Omar Rd. The size of the properties is 1.227 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Coastal Area.

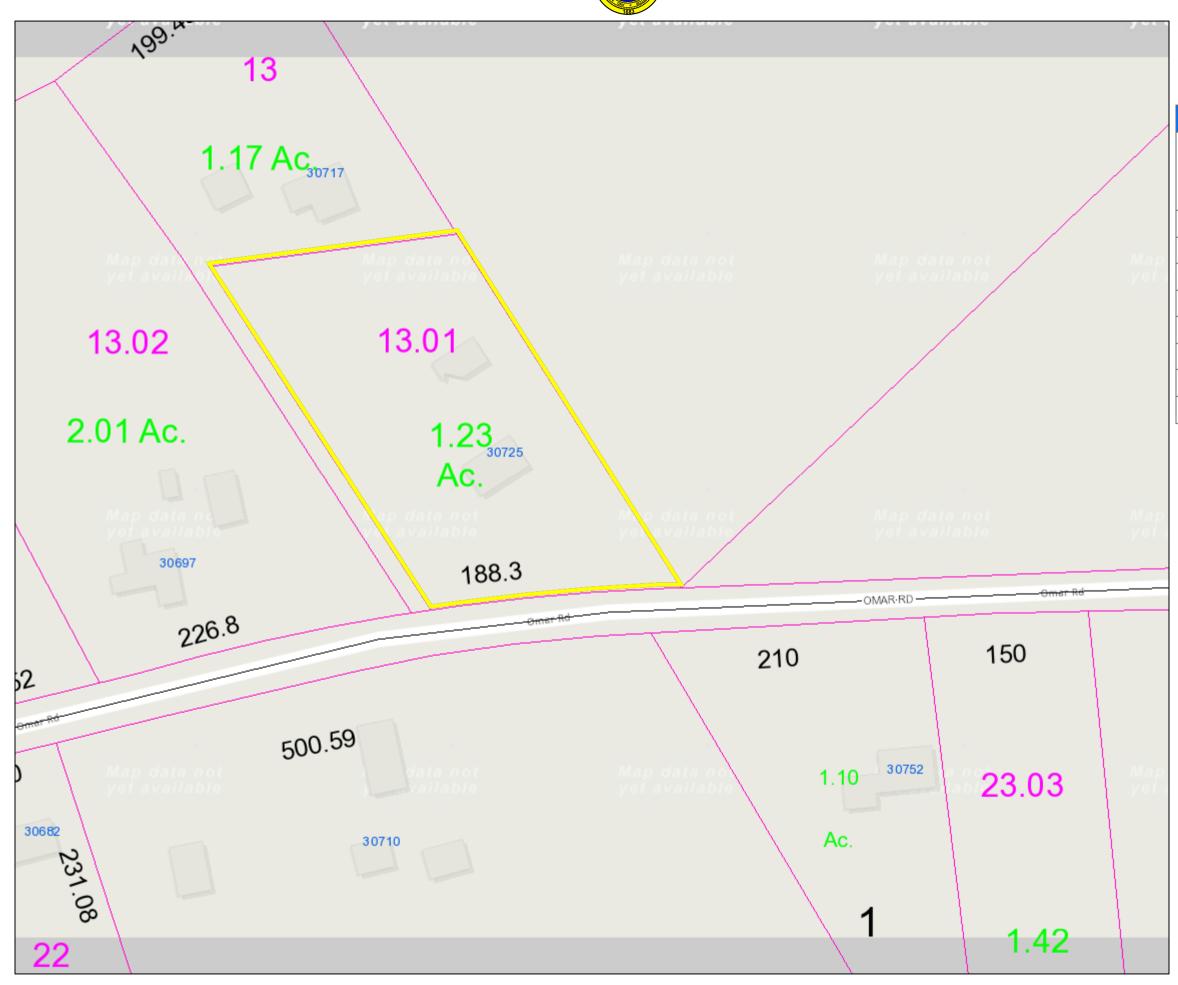
The surrounding lands located to the north, south, east and west of the application site are designated as being in Coastal Area. The Coastal Areas land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily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

The property is zoned AR-1 (Agricultural Residential Zoning District). The properties to the north, south, east and west are also zoned AR-1 (Agricultural Residential Zoning District). There are no known Conditional Uses in the area that have been approved since 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a tree and landscaping business could be considered consistent with the land use, area zoning and nearby uses.



Sussex County



433-7.00-13.01
BOOTH
CHRISTOPHER F
3950
30725 OMAR RD
FRANKFORD
DE
FRANKFORDOMAR
N/A
N/A

polygonLayer

Override 1

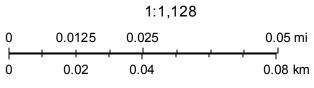
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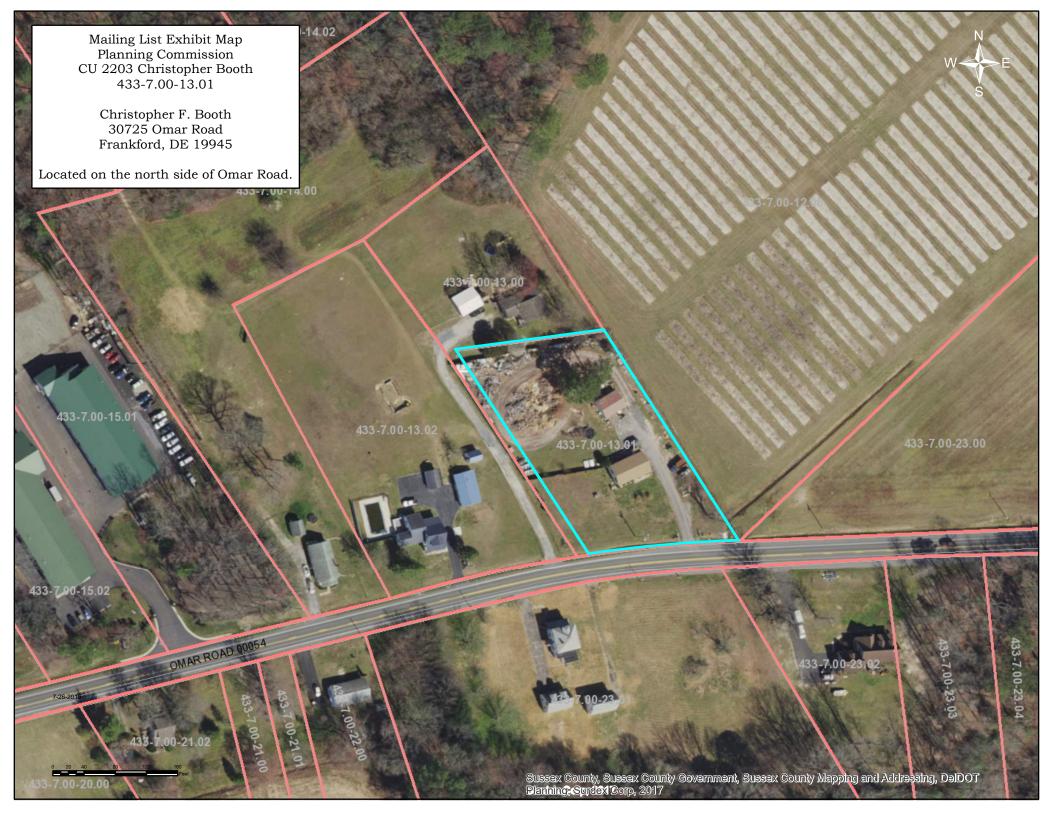
Override 1

Tax Parcels

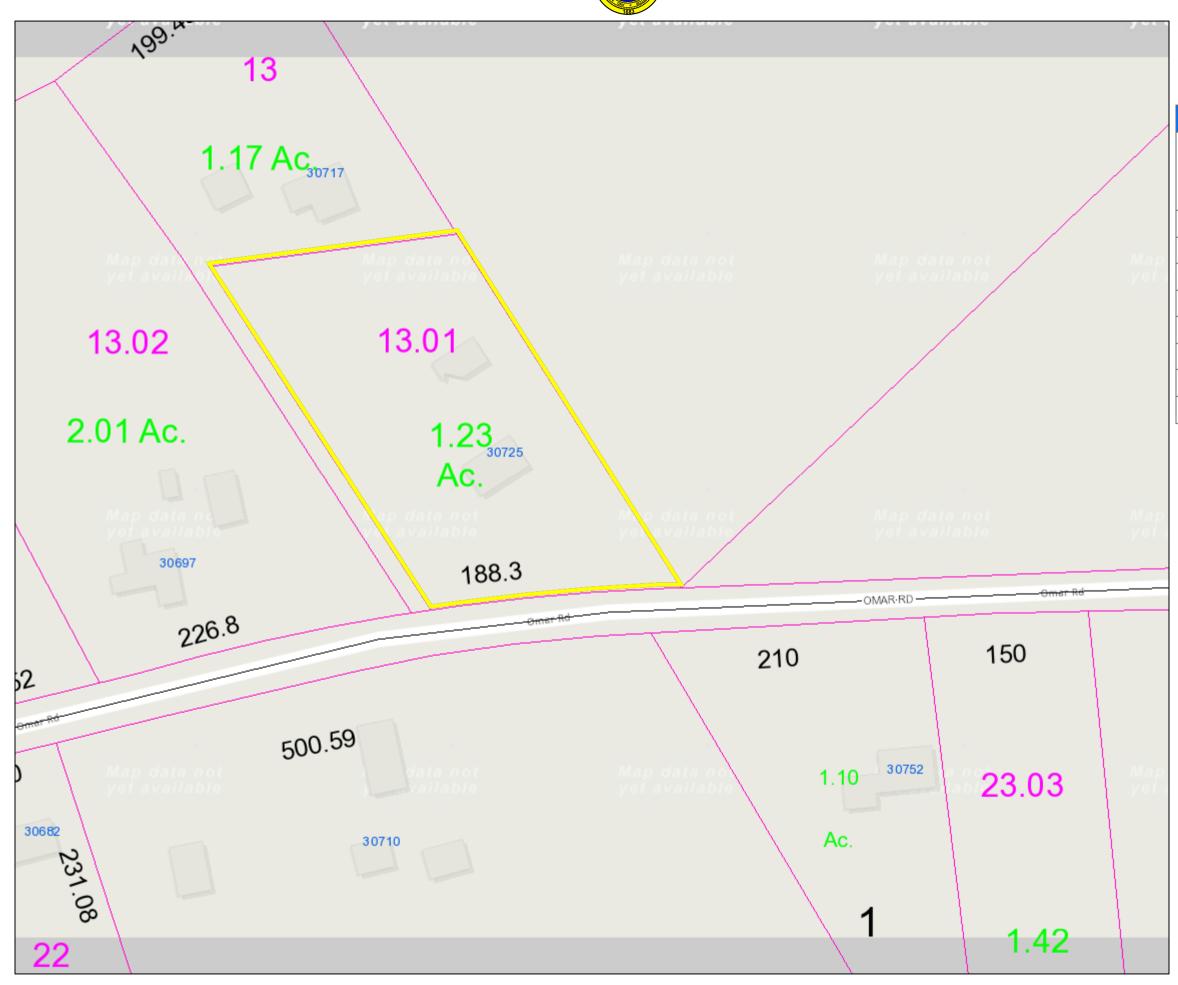
911 Address

Streets





Sussex County



433-7.00-13.01
BOOTH
CHRISTOPHER F
3950
30725 OMAR RD
FRANKFORD
DE
FRANKFORDOMAR
N/A
N/A

polygonLayer

Override 1

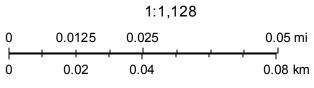
polygonLayer

Override 1

Tax Parcels

911 Address

Streets



We Chris and Krystal Booth are trying to get a permit for conditional use of property from the Sussex county council, to be able to keep my equipment for my business on the property. None of my business is conducted here and is all off site. These are the signatures of my neighbors below that they have no issues with this taking place.

TA X VANGHAA MIKE Х a Х meth 7 ml X

X

Applican* Exhibi

FILE COPY

CU2203













Introduced 09/17/19

Council District No. 5 – Rieley Tax I.D. No. 433-7.00-13.01 911 Address: 30725 Omar Road, Frankford

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.227 ACRES, MORE OR LESS

WHEREAS, on the 6th day of September 2019, a conditional use application, denominated Conditional Use No. 2203, was filed on behalf of Christopher Booth; 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. 2203 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. 2203 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Omar Road, approximately 0.36 mile west of Armory Road, and being more particularly described in the attached legal description prepared by Brennan Title Company, said parcel containing 1.227 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.