

Sussex County Council Public/Media Packet

**MEETING:
February 9, 2021**

****DISCLAIMER****

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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
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

FEBRUARY 9, 2021

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – February 2, 2021

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND ALLOWABLE EXPENDITURES"

Hans Medlarz, County Engineer & Robert Bryant, Airport & Business Park Operations Manager

1. Ground Lease and Hangar Development at Delaware Coastal Airport



Hans Medlarz, County Engineer

1. South Coastal RWF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2
 - A. Electrical Construction, Project C19-17, Change Order 9
2. Ellendale Water District, W20-17
 - A. Bid Award
 - B. Davis Bowen & Friedel - Amendment 2

John Ashman, Director of Utility Planning and Design

1. Proposed Resolution declaring the Blackwater Village Area of the Sussex County Unified Sanitary Sewer District

Grant Requests

1. Race4Warriors for fundraiser event

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)”

Change of Zone No. 1910 – Brickyard Apartments, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS” (property lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway) (Route 13) (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford)

Conditional Use No. 2212 – Brickyard Apartments, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS” (property lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway (Route 13) (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 2, 2021 at 4:20 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.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, February 8, 2021.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 2, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 2, 2021, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 037 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend the Agenda by deleting "Administrator's Report" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of January 26, 2021 were approved by consent.

**Commercial
Property
Assessed
Clean
Energy
Program**

Mrs. Jennings referenced the Commercial Property Assessed Clean Energy (aka C-PACE or D-PACE) Program which was discussed at the January 26, 2021 Council meeting. Mrs. Jennings noted that, at that meeting, Tony DePrima, Executive Director of Delaware Sustainable Energy Utility, reviewed the Program. Mrs. Jennings reported that the Participation Agreement between Sussex County and Sustainable Energy Utility, Inc. has been filled out and she presented a Proposed Resolution for Council's consideration.

**M 038 21
Adopt
R 002 21**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Resolution No. R 002 21 entitled "AUTHORIZING DELAWARE SUSTAINABLE ENERGY UTILITY TO CONDUCT THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM WITHIN SUSSEX COUNTY".

Motion Adopted: 5 Yeas.

**M 040 21
Approve
Transfer
of Funds/
Base
Professional
Environ-
mental
Services
Contract/
RK&K**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the transfer of approximately \$20,000.00 from Amendment 1 to the Base Professional Environmental Services Contract with RK&K.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Rules

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

**Public
Hearing/
CDBG
Program**

A Public Hearing was held on the development of the 2021 Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.

Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA and that the Department has held Public Hearings in all of the municipalities listed and the projects presented represent their requests.

Mr. Whaley reported that, over the past five years, the County and the communities within the County have received over \$8.8 million in Community Development Block Grant and HOME funding and have been able to assist 759 households and over 1,596 residents (primarily for housing rehabilitation, demolition, and sewer and water hook-ups).

Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported on the allocation of the funding during FY2019: approximately \$1,610,142 was received in CDBG and HOME funding and 151 low-to-moderate income households received assistance.

Mr. Whaley reviewed the income guidelines and other requirements to qualify for housing rehabilitation.

Mr. Whaley reported on the prioritization plan of CDBG funds in rural communities.

**Public
Hearing/
CDBG
Program
(continued)**

Mr. Whaley noted that the public hearing on this date is held to collect information to make application for funding.

Mr. Whaley presented the FY21 CDBG request which includes municipality applications and the County application (scattered sites), a list of projects to be submitted to the Delaware State Housing Authority for CDBG funding. Projects include rehabs, sewer and water hookups, roofing and emergency home repair, The total requested amount is \$1,903,000.

Mr. Whaley noted that the total funding available is approximately \$2,200,000 for Sussex and Kent Counties and that the Delaware State Housing Authority will review the applications and determine how the funding will be awarded.

Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects. Mr. Whaley reviewed the primary uses for this funding and the number of households assisted.

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, was in attendance and presented two proposed Resolutions for the Council's consideration.

There were no public comments.

The Public Hearing and public record were closed.

**M 041 21
Adopt
R 003 21**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Resolution No. R 003 21 entitled "Authorization to Submit Applications".

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 042 21
Adopt
R 004 21**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Resolution No. R 004 21 entitled "Fair Housing Resolution".

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA".

**Public
Hearing/
Proposed
Ordinance/
Coastal
Area
(continued)**

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 7, 2021 at which time action was deferred. On January 21, 2021, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated January 7 and 21, 2021.)

Jamie Whitehouse, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, were in attendance to present the Proposed Ordinance.

Mr. Whitehouse noted the receipt of approximately 140 emails and letters, largely appearing in support of the Proposed Ordinance. Mr. Whitehouse noted that there are some duplications in the approximately 140 emails/letters.

Mr. Robertson reported that the desire is to make what is in the Coastal Area match what is in the rest of Sussex County in terms of what is required for a Cluster Subdivision; that the original Proposed Ordinance that was introduced and heard by the Commission did two things: it brought the Coastal Area consistent with the rest of the County but it also added a Yield Plan to the Coastal Area; that there was a lot of opposition to the Yield Plan and that Proposed Ordinance was not acted on; that the County Council made a decision to have the Proposed Ordinance simplified and reintroduced without the Yield Plan; that the new Ordinance retains the goal of making Cluster Subdivisions consistent throughout the County; that there are no new rules or regulations which is being brought into the Coastal Area as it is just applying the existing Superior Design requirements to the Coastal Area; that by having the design standards, the County ends up having better designed subdivision and still achieving the 2 units per acre.

Mr. Robertson referenced a request from Sussex Alliance for Responsible Growth (SARG) to delete the word *design* from Line 164 of the Proposed Ordinance and to delete [F], Line 165 of the Proposed Ordinance. Mr. Robertson stated that he has no problem with the deletion of the word “design”; however, he recommended that “F” remain in the Proposed Ordinance as it is needed for superior design requirements. Mr. Robertson stated that Section 115-25F of the Code includes the specific superiority standards for subdivisions.

Councilmembers discussed the Proposed Ordinance.

Public comments were heard.

Rich Borrasso of Sussex Alliance for Responsible Growth (SARG) read the organization’s letter into the record, noting their support of the goal of the Proposed Ordinance, and their suggestion to delete the word “design” and to delete the reference to Section 115-25F.

**Public Hearing/
Proposed Ordinance/
Coastal Area
(continued)**

Ring Lardner of Davis, Bowen & Friedel spoke on behalf of American Council of Engineering Companies of Delaware (ACEC Delaware) in support of the Proposed Ordinance, as written.

Chris Bason, Executive Director of the Center for the Inland Bays, spoke in support of the Proposed Ordinance.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 043 21
Amend
Proposed
Coastal
Area
Ordinance**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to take out the word “design” in Line 164 of the Proposed Ordinance.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 044 21
Adopt
Ordinance
No. 2764**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2764 entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA, AS AMENDED”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mrs. Green introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION BUSINESS, WORK TRAILER, AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.968 ACRES, MORE OR LESS” (Conditional Use No. 2250) filed on behalf of Paola Pacheco Vazquez (Tax I.D. No. 230-12.00-10.04) (911 Address: None Available).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS” (Conditional Use No. 2252) filed on behalf of Delaware Electric Co-Op (Tax I.D. No. 334-12.00-2.00) (911 Address: 34139 Cedar Grove Road, Lewes).

**Introduction
of Proposed
Ordinances
(continued)**

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.0 ACRES, MORE OR LESS” (Conditional Use No. 2253) filed on behalf of Chester V. Townsend IV and Shirley D. Townsend (Tax I.D. No. 134-11.00-2.02 & 134-11.00-3.00) (911 Address: 32859 & 32805 Vines Creek Road, Dagsboro).

Mr. Schaeffer 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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.33 ACRES, MORE OR LESS” (Change of Zone No. 1935 filed on behalf of H R Phillips Inc. (Tax I.D. No. 330-7.00-12.00) (911 Address: 20141 Cedar Beach Road, Milford).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Rieley commented on the completion of two important matters of business at this meeting.

Mr. Vincent passed along compliments received regarding the EMS Department’s help at the DMV vaccination event held February 22-24.

**M 045 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at 11:32 a.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & BUSINESS PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7773



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
ROBERT L. BRYANT, A.A.E.
AIRPORT MANAGER

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia G. Green
The Honorable Douglas B. Hudson
The Honorable Mark Schaeffer

FROM: Hans Medlarz, P.E., County Engineer &
Robert L. Bryant, A.A.E., Manager, Airport & Business Park

RE: *Commercial Hangar Development RFP Update*

DATE: February 9, 2021

At the December 10, 2019 meeting, Council approved an “*Authorization to Issue Request for Proposals (RFP)*” for the redevelopment of Lots A & B by replacing two (2) aging hangars totaling 5,000 square feet of existing space with either:

- One Lessee for the majority of the land available to construct a hangar ranging in size from 25,000 to 60,000 sq. ft., or
- One or more Lessees to construct a hangar(s) on a portion of the land available divided to accommodate a hangar ranging in size from 10,000 to 25,000 sq. ft.

The redevelopment of Lots A & B was based upon well documented demand of hangar space housing larger corporate jets along the Eastern Seaboard, including demand from locally-based aircraft operators, and the Federal Aviation Administration’s 2020-2040 Aerospace Forecast that sophisticated turboprop and turbojet powered fleet of general aviation aircraft are projected to grow by 14,640 aircraft.

An RFP was drafted, and advertised, with the requirement that interested parties must submit a written proposal to the Airport Manager by March 13, 2020 but “no” proposals were received. Therefore, it was decided by the Airport Manager, the County Engineer and the County Administrator to revise the RFP and permit interested parties the option to provide Commercial Aeronautical Activity limited to Specialized Aviation Service Operator (SASO) as defined in FAA Advisory Circular 150/5190-7 subject to Minimum Standards for Commercial Aeronautical Activities.



Commercial Aeronautical Activity can include:

Specialized Aviation Service Operator (SASO), meaning a single-service provider performing less than full (Fixed Based Operator) services. **Fuel sales are not allowed as a SASO but can include the following:**

- a. Aircraft Maintenance Operator (SASO)
- b. Aircraft Rental Operator (SASO)
- c. Flight Training Operator (SASO)
- d. Aircraft Sales Operator (SASO)
- e. Aircraft Storage Operator (SASO)
- f. Air Charter or Air Taxi Operator (SASO)
- g. Specialized Commercial Aeronautical Operator (SASO)
 1. Limited Aircraft Services and Support
 2. Miscellaneous Commercial Services and Support
 3. Air Transportation Service for Hire

The original RFP was revised, and advertised, with the requirement that interested parties must submit a written proposal by December 18, 2020. One single proposal was received from Schell Aviation LLC containing the following key aspects:

- Length of Lease: 30 years with to (2) 10-year options to renew.
- Land rent of \$0.40 per SF, escalating at CPI-U every 5 years (capped at a maximum increase of 15%)
- Construction of two (2) 10,000 sf. Ft., hangers under stipulated timelines and incl. a reserve area for either fuel storage or additional parking; and
- A consideration by Schell Aviation LLC to expand into Aircraft Maintenance and/or additional aromatical storage

The original response included FBO/Fuel Service which was removed under the revised proposal submitted on January 27, 2021 by Schell Aviation LLC while adding self-fueling services for company owned aircraft, an activity permitted for any Airport tenant.

FAA Airport Grant Assurance #22. Economic Nondiscrimination, dictates that an airport sponsor (that has received a grant from the FAA's Airport Improvement Program) "*will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.*" With the revised proposal, Schell Aviation LLC's proposal has met all RFP requirements.

The Engineering Department is requesting Council acceptance of the proposal submitted by Schell Aviation LLC contingent upon FAA approval of the changes to the Airport Layout Plan. Once FAA's concurrence is in hand we will return to Council for approval of the actual lease and Commercial Aeronautical Activity documents.

January, 27 2021

REVISION TO RFP 21469/21449 Rudder Lane

Dustin Berlinger
Schell Aviation LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Robert L. Bryant A.A.E., Airport Manager
Delaware coastal Airport
21553 Rudder Lane,
Georgetown, DE 19947

Business Information

Schell Aviation LLC
20184 Phillips Street, Rehoboth Beach, DE 19971
Office: 302-226-1994 Dustin Cell: 302-745-6707
Email Address: dustin@schellbrothers.com
Contact Person: Dustin Berlinger

Schell Aviation LLC which currently has a lease on the hangar under construction in Delaware Coastal is a subsidiary of Schell Brothers LLC, a home builder based out of Sussex County Delaware with and a division in Richmond Virginia.

Key Owner: Chris Schell is majority owner and CEO of Schell Brothers. Dustin Berlinger VP of Operations would be the main point of contact for the lease.

Schell Aviation is looking to expand its business to include Aircraft Maintenance, additional aircraft storage and potentially self fueling services for company owned aircraft. We are proposing the construction of 2x 10,000+/- SF hangars with a reserve field measuring approximately 6,000. Reserve field to be used for fuel storage or additional parking TBD.

Proposed Lease Terms

Annual Land Rent: We are proposing an annual land rent of \$0.40 per SF, escalating at CPI-U every 5 years. Each escalation to be capped at a maximum increase of 15%.

Length of Lease: 30 years with two 10-year options to renew.

Proposed annual fuel purchases: Approximately 18,140 with the current aircraft owned and not accounted for in the main hangar lease. Actual number will be significantly higher with the additional planes that will be both based in KGED due to increase in hangar space and addition of a Maintenance Facility servicing Jets. Schell Aviation also intends to purchase a PC12 within the next 12 months that would add an additional 10,000+ gallons to the total.

Type & Number of Aircraft: Initially we would be storing a C172 and T206 in the hangar and offering space to other entities, Schell also intends to purchase a Pilatus PC12 within the next 12 months that

would also be stored in the hangar. We currently have a G100 based out of Wilmington DE that has committed verbally to a relocation to KGED should we have space available for the aircraft. Additionally we have been approached by the owner of a Cessna Citation CJ4 and a Hawker 400 regarding hangar space. Given we have not offered space in the current large hangar to date we anticipate bringing in several small/medium jets to KGED.

Annual Takeoff & Landings: Anticipated takeoff and landings (not including our GIV or G550) are 331 between our T206 and C172. Additionally we anticipate the addition of a facility providing Jet/GA maintenance will add to the landings at KGED along with new aircraft being relocated due to available hangar space.

Proposed Use of Facility: Schell is proposing 2 buildings and one reserve space. The first building is intended to be use for aircraft storage and the addition of a maintenance facility. The second hangar to be used for aircraft storage. The reserve field to be used for fuel tank storage fueling company planes and/or additional parking TBD.

Insurance Proof: Please see attached documents for insurance certificates.

As the County is aware we are currently constructing the 31k SF hangar next to the terminal, we have a significant interest in the growth and success of Delaware Coastal Airport and are looking to assist in making it a premier destination. The addition of certain services should open KGED up to more Jet traffic and JETA fuel sales.

Attachment 1 Lot B

— Lot B
— Centerline of Taxiway A



0 25 50 100
Feet



Point B
N: 252099.5627
E: 671966.6678

Point A
N: 252385.0940
E: 672151.2525

Point C
N: 252235.2836
E: 671756.7165

Point D
N: 252520.8148
E: 671941.3011

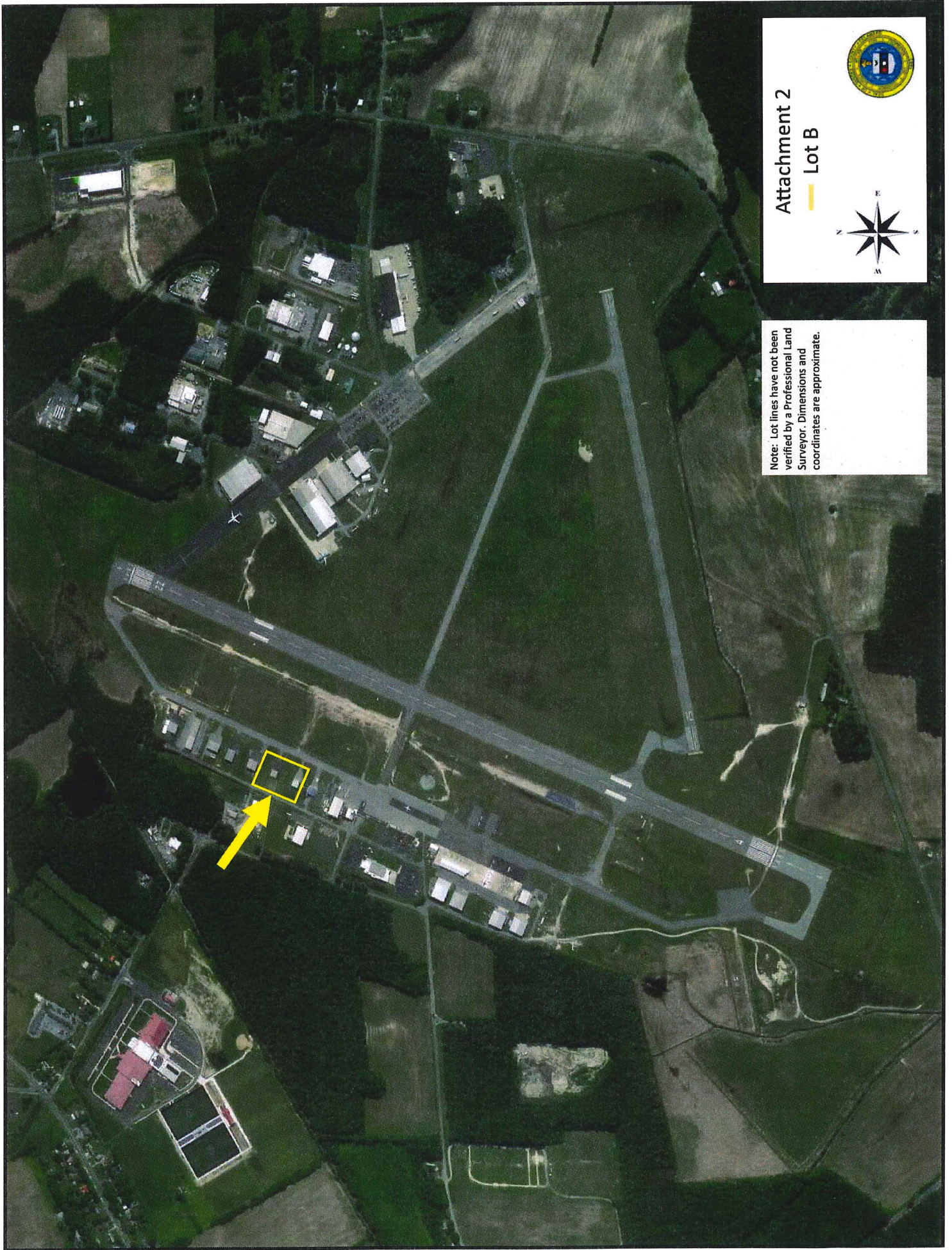
RUDDER LN
340'

250'


65.5'

TAXIWAY A

Note: Lot lines have not been verified by a Professional Land Surveyor. Dimensions and coordinates are approximate. Points A, B, C, and D were captured using a High Accuracy GPS receiver in DE State Plane Coordinates and traversed parallel to Taxiway A.



Attachment 2
— Lot B



Note: Lot lines have not been verified by a Professional Land Surveyor. Dimensions and coordinates are approximate.



Federal Aviation
Administration

FAA AEROSPACE FORECAST

Fiscal Years 2020-2040

General Aviation

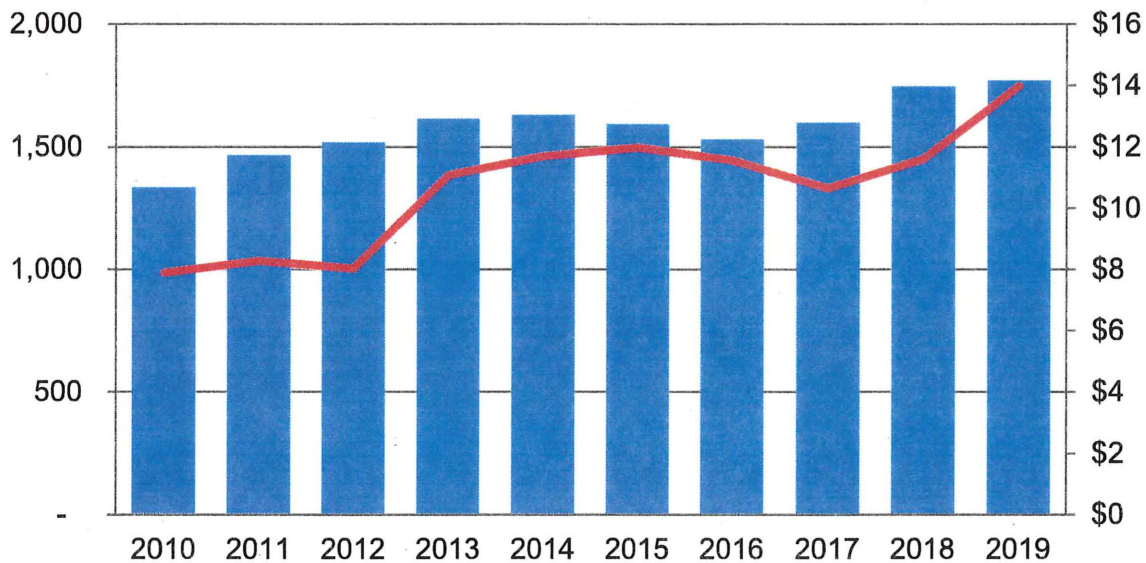
The FAA uses estimates of fleet size, hours flown, and utilization rates from the General Aviation and Part 135 Activity Survey (GA Survey) as baseline figures to forecast the GA fleet and activity. Since the survey is conducted on a calendar year (CY) base and the records are collected by CY, the GA forecast is done by CY. Forecasts of new aircraft deliveries, which use the data from General Aviation Manufacturers Association (GAMA), together with assumptions of retirement rates, produce growth rates of the fleet by aircraft categories, which are applied to the GA Survey fleet estimates. The forecasts are carried out for “active aircraft,”⁶ not total aircraft. The FAA's general aviation forecasts also rely on discussions with the industry experts conducted at industry meetings, including Transportation Research Board (TRB) meetings of Business Aviation and Civil Helicopter Subcommittees conducted twice a year in January and June.

The results of the 2018 GA Survey, the latest available, were consistent with the results of surveys conducted since 2004 improve-

ments to the survey methodology. The active GA fleet was estimated to be 211,749 aircraft in 2018 (0.0 percent change from 2017), as increases in fixed wing piston, fixed wing turbine, and experimental aircraft were offset by declines in rotorcraft and other aircraft (gliders and lighter than air). Total hours flown were estimated to be 25.5 million, up 1.2 percent from 2017. Increases in fixed wing piston and fixed wing turbine aircraft more than offset sharp declines in rotorcraft and experimental aircraft.

In 2019, deliveries of the general aviation aircraft manufactured in the U.S. increased slightly to 1,771, 1.4 percent higher than in CY 2018. Deliveries of single-engine piston aircraft were up 7.0 percent while multi-engine piston deliveries were flat. Business jet deliveries were up by 6.3 percent, but turbo-prop deliveries were down by 13.3 percent. Overall piston deliveries were up 6.5 percent while turbine shipments were down by 3.2 percent. Based on figures released by GAMA, they amounted to \$14.0 billion in factory net billings, a record for the U.S. industry.

⁶ An active aircraft is one that flies at least one hour during the year.



GAMA and industry experts reported the rotorcraft deliveries declined in 2019 in both piston and turbine segments.

Against these current conditions, the long-term outlook for general aviation, driven by turbine aircraft activity, remains stable. The active general aviation fleet is projected to decrease slightly from its current level, as the declines in the fixed-wing piston fleet remain just above the increases in the turbine, experimental, and light sport fleets. The total active general aviation fleet changes from an estimated 212,335 in 2019 to 210,380 aircraft by 2040 (a small decline of 0.9 percent).

The more expensive and sophisticated turbine-powered fleet (including rotorcraft) is projected to grow by 14,640 aircraft -- an average rate of 1.8 percent a year between

2019 and 2040, with the turbojet fleet increasing 2.3 percent a year. The growth in U.S. GDP and corporate profits are catalysts for the growth in the turbine fleet.

The largest segment of the fleet, fixed wing piston aircraft, is predicted to shrink over the forecast period by 26,365 aircraft (an average annual rate of -1.0 percent). Unfavorable pilot demographics, overall increasing cost of aircraft ownership, availability of much lower cost alternatives for recreational usage, coupled with new aircraft deliveries not keeping pace with retirements of the aging fleet are the drivers of the decline.

On the other hand, the smallest category, light-sport-aircraft (created in 2005), is forecast to grow by 3.4 percent annually, adding about 2,730 new aircraft by 2040, more than doubling its 2018 fleet size.

TABLE 28

ACTIVE GENERAL AVIATION AND AIR TAXI AIRCRAFT

AS OF DEC. 31	FIXED WING									TOTAL GENERAL AVIATION FLEET			TOTAL PISTONS	TOTAL TURBINES	
	PISTON			TURBINE			ROTORCRAFT			EXPERI- MENTAL**	LIGHT SPORT AIRCRAFT**	OTHER			
	SINGLE ENGINE	MULTI- ENGINE	TOTAL	TURBO PROP	TURBO JET	TOTAL	PISTON	TURBINE	TOTAL						
Historical*															
2010	139,519	15,900	155,419	9,369	11,484	20,853	3,588	6,514	10,102	24,784	6,528	5,684	223,370	159,007	27,367
2015	127,887	13,254	141,141	9,712	13,440	23,152	3,286	7,220	10,506	27,922	2,369	4,941	210,031	144,427	30,372
2016	129,652	12,986	142,638	9,779	13,751	23,530	3,344	7,233	10,577	27,585	2,478	4,986	211,794	145,982	30,763
2017	129,833	13,083	142,916	9,949	14,217	24,166	3,270	7,241	10,511	26,921	2,551	4,692	211,757	146,186	31,407
2018	130,179	12,861	143,040	9,925	14,596	24,521	3,082	6,907	9,989	27,531	2,554	4,114	211,749	146,122	31,428
2019E	129,535	12,800	142,335	9,965	15,035	25,000	3,130	7,035	10,165	27,725	2,700	4,410	212,335	145,465	32,035
Forecast															
2020	128,495	12,750	141,245	9,995	15,495	25,490	3,175	7,165	10,340	27,970	2,845	4,490	212,380	144,420	32,655
2025	122,245	12,485	134,730	10,230	17,760	27,990	3,405	7,820	11,225	29,365	3,545	4,545	211,400	138,135	35,810
2030	115,710	12,195	127,905	10,795	19,970	30,765	3,665	8,540	12,205	30,805	4,185	4,575	210,440	131,570	39,305
2035	109,600	11,900	121,500	11,530	22,035	33,565	3,940	9,305	13,245	32,245	4,810	4,595	209,960	125,440	42,870
2040	104,335	11,635	115,970	12,595	24,000	36,595	4,215	10,080	14,295	33,475	5,430	4,615	210,380	120,185	46,675
Avg Annual Growth															
2010-19	-0.8%	-2.4%	-1.0%	0.7%	3.0%	2.0%	-1.5%	0.9%	0.1%	1.3%	-9.3%	-2.8%	-0.6%	-1.0%	1.8%
2019-20	-0.8%	-0.4%	-0.8%	0.3%	3.1%	2.0%	1.4%	1.8%	1.7%	0.9%	5.4%	1.8%	0.0%	-0.7%	1.9%
2020-30	-1.0%	-0.4%	-1.0%	0.8%	2.6%	1.9%	1.4%	1.8%	1.7%	1.0%	3.9%	0.2%	-0.1%	-0.9%	1.9%
2020-40	-1.0%	-0.5%	-1.0%	1.2%	2.2%	1.8%	1.4%	1.7%	1.6%	0.9%	3.3%	0.1%	0.0%	-0.9%	1.8%

* Source: 2001-2010, 2012-2018, FAA General Aviation and Air Taxi Activity (and Avionics) Surveys.

**Experimental Light-sport category that was previously shown under Sport Aircraft is moved under Experimental Aircraft category, starting in 2012.

Note: An active aircraft is one that has a current registration and was flown at least one hour during the calendar year.

APO TERMINAL AREA FORECAST SUMMARY REPORT
Forecast Issued January 2020

GED

DELAWARE COASTAL AIRPORT

AIRCRAFT OPERATIONS

Fiscal Year	Enplanements			Itinerant Operations						Local Operations			Total Ops	Total Tracon Ops	Based Aircraft
	Air Carrier	Commuter	Total	Air Carrier	Air Taxi & Commuter	GA	Military	Total	Civil	Military	Total				
2010	0	1	1	0	500	5,400	100	6,000	20,000	0	20,000	26,000	0	61	
2011	0	2	2	0	500	5,400	100	6,000	20,000	0	20,000	26,000	0	61	
2012	0	0	0	0	500	5,400	100	6,000	20,000	0	20,000	26,000	0	62	
2013	0	1	1	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	54	
2014	0	4	4	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	54	
2015	0	5	5	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	52	
2016	0	13	13	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	52	
2017	0	6	6	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	60	
2018	0	0	0	0	500	6,800	100	7,400	26,600	0	26,600	34,000	0	60	
2019*	0	9	9	0	511	6,888	100	7,499	27,002	0	27,002	34,501	0	61	
2020*	0	9	9	0	523	6,976	100	7,599	27,411	0	27,411	35,010	0	63	
2021*	0	9	9	0	535	7,068	100	7,703	27,826	0	27,826	35,529	0	64	
2022*	0	9	9	0	547	7,160	100	7,807	28,247	0	28,247	36,054	0	66	
2023*	0	9	9	0	559	7,253	100	7,912	28,674	0	28,674	36,586	0	68	
2024*	0	9	9	0	572	7,349	100	8,021	29,105	0	29,105	37,126	0	69	
2025*	0	9	9	0	585	7,446	100	8,131	29,544	0	29,544	37,675	0	70	
2026*	0	9	9	0	598	7,544	100	8,242	29,989	0	29,989	38,231	0	71	
2027*	0	9	9	0	612	7,645	100	8,357	30,443	0	30,443	38,800	0	72	
2028*	0	9	9	0	626	7,747	100	8,473	30,903	0	30,903	39,376	0	73	
2029*	0	9	9	0	640	7,849	100	8,589	31,370	0	31,370	39,959	0	74	
2030*	0	9	9	0	654	7,955	100	8,709	31,844	0	31,844	40,553	0	75	
2031*	0	9	9	0	668	8,062	100	8,830	32,325	0	32,325	41,155	0	76	
2032*	0	9	9	0	683	8,170	100	8,953	32,812	0	32,812	41,765	0	77	
2033*	0	9	9	0	698	8,281	100	9,079	33,306	0	33,306	42,385	0	78	
2034*	0	9	9	0	713	8,393	100	9,206	33,808	0	33,808	43,014	0	79	
2035*	0	9	9	0	728	8,506	100	9,334	34,318	0	34,318	43,652	0	80	
2036*	0	9	9	0	744	8,620	100	9,464	34,836	0	34,836	44,300	0	81	
2037*	0	9	9	0	760	8,737	100	9,597	35,361	0	35,361	44,958	0	82	
2038*	0	9	9	0	776	8,855	100	9,731	35,895	0	35,895	45,626	0	83	
2039*	0	9	9	0	793	8,974	100	9,867	36,437	0	36,437	46,304	0	84	
2040*	0	9	9	0	810	9,095	100	10,005	36,987	0	36,987	46,992	0	85	

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 853-5881



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia G. Green
The Honorable Douglas B. Hudson
The Honorable Mark Schaeffer

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. Electrical Construction, Project C19-17, Change Order 9*

DATE: February 9, 2021

Intergovernmental Background:

No changes since County Council approved the updated outfall sharing agreement with the Town of Selbyville on November 10, 2020.

Professional Services Background:

No changes since County Council approved GHD, Inc's Amendment No. 20 on February 4, 2020.

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; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;
The construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone



Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.

- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc.

On March 10, 2020 Council awarded Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.

On May 12, 2020 Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.

On July 28, 2020 Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of surplus materials from other County projects and Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth wastewater treatment plant's oxidation ditch systems.

On September 22, 2020 Council approved Change Order No.5 in the combined amount of \$32,991.66 covering the aeration tank drain modifications and the headworks piping modifications at South Coastal.

- e. Electrical Construction Project C19-17; awarded on December 17, 2019 to BW Electric, Inc.

On February 4, 2020 Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit change order was approved on March 10, 2020 in the amount of (\$6,800.00) for ductbank modifications.

On April 7, 2020 Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020 Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room accommodating a longer motor control center.

On July 28, 2020 Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020 Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the Return Sludge Building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020 Council also approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City of Rehoboth's oxidation ditch complete electrical equipment replacement. Council later increased this change order by \$6,582.80 to account for differing site conditions.

In RFP-027 we requested a change in the way the sludge conveyors in building BC-2 are started. BW Electric, Inc. proposed to provide solid state soft starters in lieu of the full voltage non reversing motor starters at a cost of \$759.00.

In RFP-028 the Environmental Services Team proposed to purchase, outside of the contract, industrial grade PCs to be installed in 11 electrical cabinet locations at the SCRWF in lieu of the specified operator interface terminals for a credit of (\$15,650.00).

In RFP-029 we requested to install two new 40A circuit breakers in place of the two 20A circuit breakers for the local polymer system control panels for \$9,040.00.

In RFP-030 we requested to install a new 4-inch conduit to compartment no. 1 into the LA-1 switchgear for \$8,100.00 because the two existing spare conduits stub outs came from the same incoming feeder compartment no. 2 and could not be utilized.

On November 10, 2020 Council approved Change Order No. 8 in the aggregate amount of \$2,249.00.

In RFP-032 we requested upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs to be installed in the Sludge Building Electrical Room for \$16,875.00. The request was based on manufacturer input provided during the shop drawing process which increased the full load amperage of the equipment beyond the VFD's capacity.

In RFP-033 we requested to install a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop for \$8,100.00 to better coordinate construction activities with general construction contractor M.F. Ronca & Sons, Inc.

The Engineering Department recommends Council's acceptance of Change Order No. 9 in the aggregate amount of \$30,554.00.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.

- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill and the design anticipated removal, but the actual amount trash encountered exceeded expectations and triggered evaluation of alternate solutions. On July 14, 2020 Council approved a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening. The work is complete, and the screening was effective reducing the cost by over 60%.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 are summarized in the attached spreadsheet.

6. Factors Affecting Time of Completion

 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. B.W. Electric, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	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.	032		
RFP Subject	Jet Mixing Pump VFD CPs		
Issued By	B. Cardinal	Issue Date	Oct. 28, 2020

Description of proposed changes:

Provide cost proposal to make the following changes to equipment, VFD control panels, and conduit and wiring associated with the two (2) Jet Mixing Pump VFDs and corresponding control panels to be installed in the Sludge Building Electrical Room.

Equipment and Control Panel Changes:

1. In lieu of the 60 hp VFDs originally specified for the Jet Mixing Pump JP-1201 and JP-1202 VFDs, provide 100 hp Altivar Process 630 VFDs, normal duty, for the Jet Mixing Pumps.
2. Provide line reactors rated for 100 hp, 130A at 480 VAC, 3 phase, Model RL-13003 by MTE.
3. Provide dv/dt output filters rated for 75 hp, 110A at 480 VAC, 3 phase, Model DVSP0110E by MTE.
4. Provide larger, floor mounted VFD control panels (VFD CPs) to accommodate the larger size VFDs, line reactors and output filters. Panels shall not exceed 72" in height, 24" in depth or 40" in width.
5. In lieu of the two (2) 125AT/150AF feeder circuit breakers originally specified to be installed in MCC-1B for the Jet Mixing Pump VFD CP feeders, provide two (2) 150AT/150AF feeder circuit breakers.
6. Change VFD CP CB trip rating to 150A for each VFD CP.
7. Change motor disconnect switch rating to 200A.

Conduit and Wiring Changes:

8. Change size of PF-1201 and PF-1202 conductors and corresponding conduits between MCC-1B and the corresponding VFD CP to 3 - #1/0, 1 - #6G in 1-1/2" conduit.
9. Change size of PF-1201 and PF-1202 conductors and corresponding conduits (excluding duct bank conduits, which will remain at 4") between the VFD CPs and the corresponding pump motors to 3 - #1/0, 1 - #6G VFD cable in 2-1/2" conduit.

Concrete Equipment Pad:

10. Coordinate concrete equipment size pad with General Contractor. Reference FO-020



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Bryon Warren
President
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December 21, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 32

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 32. Our price does not include the use of Prevailing Wages. Our price is **\$16,875.00** and includes the following:

Provide cost proposal to make the following changes to equipment, VFD control panels, and conduit and wiring associated with the two (2) Jet Mixing Pump VFDs and corresponding control panels to be installed in the Sludge.

Building Electrical Room.

Equipment and Control Panel Changes:

1. In lieu of the 60 hp VFDs originally specified for the Jet Mixing Pump JP-1201 and JP-1202 VFDs, provide 75 hp Altivar Process 630 VFDs, normal duty, for the Jet Mixing Pumps.
2. Provide line reactors rated for 100 hp, 130A at 480 VAC, 3 phase, Model RL-13003 by MTE.
3. Provide dv/dt output filters rated for 75 hp, 110A at 480 VAC, 3 phase, Model DVSP0110E by MTE.
4. Provide larger, floor mounted VFD control panels (VFD CPs) to accommodate the larger size VFDs, line reactors and output filters. Panels shall not exceed 72" in height, 24" in depth or 40" in width.
5. Change VFD CP CB trip rating to 125A for each VFD CP.
6. Change motor disconnect switch rating to 200A.

Conduit and Wiring Changes:

7. Change size of PF-1201 and PF-1202 conductors and corresponding conduits between MCC-1B and the corresponding VFD CP to 3 - #1, 1 - #6G in 1-1/2" conduit.
8. Change size of PF-1201 and PF-1202 conductors and corresponding conduits (excluding duct bank conduits, which will remain at 4") between the VFD CPs and the corresponding pump motors to 3 - #1 VFD cable in 2" conduit.

Concrete Equipment Pad:

9. Coordinate concrete equipment size pad with General Contractor. Reference FO-020

If this RFP is accepted, we are requesting 3 days be added to the contract.

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
JRW/



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	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.	033		
RFP Subject	MV Loop Redirect and SCT Temporary Power		
Issued By	B. Cardinal	Issue Date	Jan. 8, 2021

Description of proposed changes:

Part I – Deletion of Electrical Manholes

1. Delete new electrical manholes MH-1 and MH-23. If credit cannot be provided for the actual manholes, furnish the manholes to the County, and provide a credit for installation costs.

Part II – Deletions of Temporary Feeders

2. Delete new temporary 3 phase feeder between PP5B located in RSB1, and MCC-2 located in LTS Digester Building. This feeder and MCC-2 one-line are indicated on Drawing SC-E0028.
3. Delete new 60AT, 3P circuit breaker in PP5B that was designated for new temporary feeder. Circuit breaker and PP5B schedule are indicated on Drawing SC-E4304.
4. Delete new temporary single phase feeder between MCC-1A located in Sludge Building and new transformer GT-SCT located at State Communications Tower. Delete 150A, 2P circuit breaker shown to be mounted in MCC-1A for the new temporary feeder. This feeder and MCC-1A one-line are indicated on Drawing SC-E0025.
5. Delete new temporary single phase feeder between 100kVA pad mounted transformer and outdoor MCB at State Communications tower. This feeder and SCT demolition one-line are indicated on Drawing SC-E0017.

Part III – New Temporary Feeders and MV Loop Redirection

6. Provide new temporary 150 AT, 2P circuit breaker in spare or unused bucket in MCC-2 located in LTS Digester Building. Connecting to two poles of a 3P circuit breaker is an acceptable alternative.
7. Install new temporary transformer (50 kVA, 480-240 VAC, single phase); transformer to be furnished by County for installation by Contractor. Install transformer in vicinity of outdoor MCB for SCT. Provide temporary concrete pad for transformer. Install new transformer weather protective hood that will be furnished with the transformer by County.

GHD

16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA
T 240 206 6810 F 240 206 6811 W www.ghd.com

N:\US\Bowie\Projects\111\11121182 South Coastal Expansion\TECH\Construction\Work Changes\Request for Proposals\RFP-033 MV Loop Redirect and SCT Temporary Power\RFP-033 MV Loop Redirect and SCT Temporary Power.docx





8. Provide new temporary 150A, single phase feeder from 150A circuit breaker in MCC-2 to 50 kVA transformer.
9. At SCT MCB, disconnect feeder from 100 kVA pad mounted transformer, and provide new, temporary single phase feeder (240 VAC, 3 wire) from secondary of 50 kA transformer to SCT MCB. Coordinate with County for outage.
10. Provide new 150AT, 3P circuit breaker in MCC-1A located in Sludge Building. Provide new temporary feeder rated 250A at 480 VAC, 3 phase from MCC-1A to MCC-2 in LTS Digester Building.
11. Disconnect main feeder between LA-3 pad mounted transformer at LTS Digester Building and MCC-2 main circuit breaker, and connect new temporary feeder to MCC-2. Coordinate with County for outage.
12. Provide new temporary underground MV feeder between electrical manhole west of new BB2 location and LA-5 at Electrical Building, per BW's recent proposal. Disconnect MV feeder between LA-1 at Admin Building and LA-3 at LTS Digester Building at both ends. Intercept MV feeder at existing MH west of BB2 location, splice feeder to new temporary feeder, and connect new temporary feeder to MV switching station at Electrical Building. Reconnect MV feeder at LA-1. Coordinate outage with County. New temporary feeder shall be same size as existing (3-1/0 w/concentric neutral, 15kV cable). Confirm cable size in field.

Part IV – Relocate LA-3 Switching Station to LA-4

13. Conduct hi-potential test of MV feeder between LA-2, Mechanical Building and LA-4, Sludge Building. Submit test report.
14. Disconnect MV feeder from LA-5, Electrical Building to LA-4 at both ends. Disconnect MV feeder from switching station to main pad mounted transformer at LA-4. Coordinate outage to Sludge Building with County.
15. Remove LA-4 switching station and turn over to County. Retain fuses for installation in switching station to be relocated from LA-3, LTS Digester Building.
16. Relocate switching station at LA-3 to LA-4. Remove fuses from relocated switching station and install fuses removed from removed switching station.
17. At the relocated switching station at LA-4, re-connect MV feeders from LA-2 and LA-5. Re-connect feeders at both ends. Re-connect feeder from switching station to main pad mounted transformer.

Notes:

1. All new items and work are noted as new.
2. County will coordinate with State for work to be performed at SCT, and for outages at SCT (Part III).
3. Power for Drain Pump Station is obtained from Sludge Building. County will provide necessary accommodations for power outage at Drain Pump Station that occurs during Sludge Building power outage (Parts III and IV).
4. Transition to new 100 kVA transformer GT-SCT will occur when GT-SCT is received on site according to the sequence in Section 01010.1.14.C.2.c.4), except with temporary feeder in Item 9 above taking the place of the temporary feeder in 01010.1.14.C.2.c.4).c). Temporary feeder in Item 8 above will be disconnected from 50 kVA temporary transformer to GT-SCT. After transition is complete, 50 kVA transformer will be turned over to County and associated temporary pad and feeder demolished.



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January 20, 2021

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 33

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 33. Our price does not include the use of Prevailing Wages. Our price is **\$13,679.00** and includes the following:

Description of proposed changes:

Part I – Deletion of Electrical Manholes

1. Delete new electrical manholes MH-1 and MH-23. If credit cannot be provided for the actual manholes, furnish the manholes to the County, and provide a credit for installation costs. (***Above pricing includes the credit of the manholes and installation of the manholes.***)

Part II – Deletions of Temporary Feeders

2. Delete new temporary 3 phase feeder between PP5B located in RSB1, and MCC-2 located in LTS Digester Building. This feeder and MCC-2 one-line are indicated on Drawing SC-E0028.
3. Delete new 60AT, 3P circuit breaker in PP5B that was designated for new temporary feeder. Circuit breaker and PP5B schedule are indicated on Drawing SC-E4304.
4. Delete new temporary single phase feeder between MCC-1A located in Sludge Building and new transformer GT-SCT located at State Communications Tower. Delete 150A, 2P circuit breaker shown to be mounted in MCC-1A for the new temporary feeder. This feeder and MCC-1A one-line are indicated on Drawing SC-E0025.

5. Delete new temporary single phase feeder between 100kVA pad mounted transformer and outdoor MCB at State Communications tower. This feeder and SCT demolition one-line are indicated on Drawing SC-E0017.

Part III – New Temporary Feeders and MV Loop Redirection

6. Provide new temporary 150 AT, 2P circuit breaker in spare or unused bucket in MCC-2 located in LTS Digester Building. Connecting to two poles of a 3P circuit breaker is an acceptable alternative.

7. Install new temporary transformer (50 kVA, 480-240 VAC, single phase); transformer to be furnished by County for installation by Contractor. Install transformer in vicinity of outdoor MCB for SCT. Provide temporary concrete pad for transformer. Install new transformer weather protective hood that will be furnished with the transformer by County.

8. Provide new temporary 150A, single phase feeder from 150A circuit breaker in MCC-2 to 50 kVA transformer.

9. At SCT MCB, disconnect feeder from 100 kVA pad mounted transformer, and provide new, temporary single phase feeder (240 VAC, 3 wire) from secondary of 50 kA transformer to SCT MCB. Coordinate with County for outage.

10. Provide new 150AT, 3P circuit breaker in MCC-1A located in Sludge Building. Provide new temporary feeder rated 250A at 480 VAC, 3 phase from MCC-1A to MCC-2 in LTS Digester Building.

11. Disconnect main feeder between LA-3 pad mounted transformer at LTS Digester Building and MCC-2 main circuit breaker, and connect new temporary feeder to MCC-2. Coordinate with County for outage.

12. Provide new temporary underground MV feeder between electrical manhole west of new BB2 location and LA-5 at Electrical Building, per BW's recent proposal. Disconnect MV feeder between LA-1 at Admin Building and LA-3 at LTS Digester Building at both ends. Intercept MV feeder at existing MH west of BB2 location, splice feeder to new temporary feeder, and connect new temporary feeder to MV switching station at Electrical Building. Reconnect MV feeder at LA-1. Coordinate outage with County. New temporary feeder shall be same size as existing (3-1/0 w/concentric neutral, 15kV cable). Confirm cable size in field.

Part IV – Relocate LA-3 Switching Station to LA-4

13. Conduct hi-potential test of MV feeder between LA-2, Mechanical Building and LA-4, Sludge Building. Submit test report.

14. Disconnect MV feeder from LA-5, Electrical Building to LA-4 at both ends. Disconnect MV feeder from switching station to main pad mounted transformer at LA-4. Coordinate outage to Sludge Building with County.

15. Remove LA-4 switching station and turn over to County. Retain fuses for installation in switching station to be relocated from LA-3, LTS Digester Building.

16. Relocate switching station at LA-3 to LA-4. Remove fuses from relocated switching station and install fuses removed from removed switching station.

17. At the relocated switching station at LA-4, re-connect MV feeders from LA-2 and LA-5. Re-connect feeders at both ends. Re-connect feeder from switching station to main pad mounted transformer.

Notes:

1. All new items and work are noted as new.
2. County will coordinate with State for work to be performed at SCT, and for outages at SCT (Part III).
3. Power for Drain Pump Station is obtained from Sludge Building. County will provide necessary accommodations for power outage at Drain Pump Station that occurs during Sludge Building power outage (Parts III and IV).
4. Transition to new 100 kVA transformer GT-SCT will occur when GT-SCT is received on site according to the sequence in Section 01010.1.14.C.2.c.4), except with temporary feeder in Item 9 above taking the place of the temporary feeder in 01010.1.14.C.2.c.4).c). Temporary feeder in Item 8 above will be disconnected from 50 kVA temporary transformer to GT-SCT. After transition is complete, 50 kVA transformer will be turned over to County and associated temporary pad and feeder demolished.

If this RFP is accepted, we are requesting 20 days be added to the contract.

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
JRW/

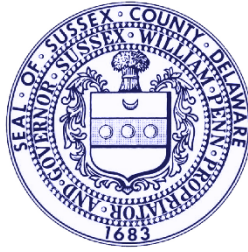
South Coastal RWF & Rehoboth Beach WTF Upgrade

2/9/2021

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	40,647,034.14
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,815,875.00
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	14,000.00
DSWA	Loading, Hauling & Disposal of Debris	7,000.00
Totals		75,078,048.31

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia Green
The Honorable Douglas B. Hudson
The Honorable Mark Schaeffer

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

RE: ***Ellendale Water District, Project W20-17***
A. Pact One, LLC, Bid Award
B. Davis, Bowen & Friedel, Inc. Amendment No. 2

DATE: February 9, 2021

In 2017 sufficient petitions, as per Del. Code, requesting the creation of a water district in the greater Ellendale area were submitted. A potential district boundary was established in conjunction with the Town of Ellendale and on September 19, 2017 County Council accepted Resolution No. R 024 17, approving the boundary. The associated referendum was held on November 4, 2017. However, it did not receive sufficient votes to proceed.

Residents in favor of the formation of a district regrouped and in conjunction with the Engineering Department optimized the boundary, including only areas of greatest need and resubmitted the required number of petitions. On June 26, 2018, Council approved Resolution No. R 009 18, establishing the revised boundary of the Ellendale Water District. A referendum was held on September 15, 2018 when eligible voters approved the project.

Based on the affirmative results of the election, and in accordance with Title 9 Del Code Section 6507, County Council approved the Ellendale Water District on October 2, 2018 through Resolution No. R 015 18. Subsequently, the Engineering Department submitted a State Drinking Water SRF capital funding package which made it on the State's Project Priority List with the highest ranking. The application reflected Artesian Water Company as the water supplier at rates and terms necessary to meet the referendum approved maximum annual user rate of \$430.00 for the average residential account within the District.

On January 29, 2019 Council approved the Ellendale Water District Agreement with the Artesian Water Company. In addition to creating the water district in accordance with Del Code Title 9, the County had to also obtain a Certificate of Public Convenience and Necessity as per Del Code Title 26 to serve the area. This certificate was issued by the State's Public Service Commission on August 6, 2019.



A. *Pact One, LLC, Bid Award*

B. *Davis, Bowen & Friedel, Inc. Amendment No. 2*

Due to the project’s extraordinarily important priority under the Governor’s initiative, the Department of Health and Social Services (DHSS) requested funding under the FY20 & FY21 State Bond Bills. The Legislature approved a total of \$5.75 million for the Ellendale Water District project over these two fiscal years. The State’s as well as the County’s efforts will also focus on improving plumbing of the project area, thereby reducing unintentional water consumption and its associated cost.

On May 14, 2019, Council approved the selection of three (3) consulting engineering firms to provide professional services: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); and KCI Technologies, Inc. (KCI). DBF previously worked on behalf of Artesian on the Ingram Village portion of the Ellendale water system and therefore had substantial data already assembled, reducing the system design cost. Therefore, the Engineering Department solicited a stand-alone agreement from DBF for design, permitting and bidding, including survey, geotechnical work & wetlands delineation as needed. On November 5, 2019, Council approved the DBF proposal by authorization of the stand-alone agreement for professional services in the amount of \$ 185,000.00.

Design of Sussex County Project W20-17 immediately commenced. As design and permitting efforts neared completion it was determined, in coordination with Artesian, a hydropneumatic water storage tank with building should be included into the project to optimize the water system. The Engineering Department determined the bidding phase was best suited with these improvements incorporated under a single project advertisement and construction contract, and as such directed DBF to expand their original scope to revise and/or update design and permitting tasks to include the tank and building. Amendment No. 1 was approved by Council on December 15, 2020 increasing the professional services agreement with DBF by \$35,000.00 for a not-to-exceed total value of \$ 220,000.00.

Contract Documents for Project W20-17, Greater Ellendale Water District were assembled and advertised beginning December 16, 2020. Six (6) bids were received and read aloud on January 29, 2021. The lowest three (3) bid are summarized below with complete bid results attached:

Pact One, LLC	Ringoes, NJ	\$ 4,779,550.00
JOAO & Bradley	Bethlehem, PA	\$ 4,807,815.00
George & Lynch	Dover, DE	\$ 5,031,672.00

The Department has reviewed all bids received, and DBF has provided a recommendation based on their bid evaluation. The Engineering Department agrees with DBF’s review and recommends Council award Project W20-17 to the lowest responsible bidder, Pact One, LLC, of Ringoes, NJ, in the amount of \$ 4,779,550.00, contingent upon concurrence by the funding agency i.e. the State of Delaware Department of Health & Social Services (DHSS).

As engineer of record for this design, the Department requested DBF provide a scope and fee for construction phase services to support administration, management, and inspection of Project W20-17. The Department has reviewed the DBF proposal and recommends Council award Amendment No. 2 of the Professional Services Agreement with DBF dated November 5, 2019, for additional construction phase services related to the Greater Ellendale Water District, Sussex County Project W20-17, in the amount of \$ 388,000.00, for a not-to-exceed total value of \$ 608,000.00.

February 1, 2021

Sussex County Engineering
2 The Circle
Third Floor
P.O. Box 589
Georgetown Delaware 19947

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

ATTN: Mr. Hans Medlarz, P.E.
County Engineer

Re: Greater Ellendale Water District
Sussex County, Delaware
Bid Award Recommendation
DBF# 1897B019.C01

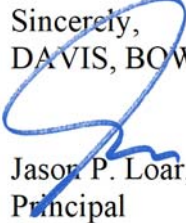
Dear Mr. Medlarz:

On Friday, January 29, 2021 at 10 AM in the Sussex County Council Chambers, the bids for the above referenced project were received and opened. On behalf of the County, we have evaluated the bids and the associated documentation submitted by each of the General Contractors to confirm such documentation is in order as required; please note six (6) bids were received. For County review, please find enclosed a tabulation of all of the bids received.

Based on our review of the bids, we recommend that the Contract be awarded to the apparent low bidder Pact One, LLC of Ringoes, New Jersey with a total base bid of \$4,779,550.00. This recommended bid is within the County's proposed budget for this project.

If the County agrees with our recommendation, the formal award of the Contract should be made contingent upon the funding agency, the State of Delaware Department of Health & Social Services (DHSS) Office of Engineering approval of the bid process. Should you have any questions, comments, concerns, or would like to discuss this further, please feel free to call at your convenience.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

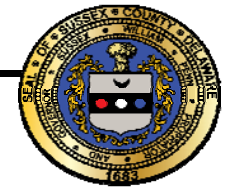


Jason P. Loar, P.E.
Principal

JPL
\\mil0\Civil\Sussex County\Ellendale Water Extension\Bidding\Medlarz.2021-02-01.jpl.docx

Enclosures

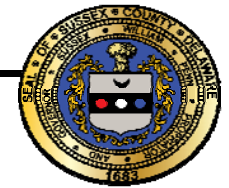
**GREATER ELLENDALE WATER DISTRICT PROJECT
SUSSEX COUNTY, DELAWARE
BID DATE: JANUARY 29, 2021
DBF Contract No. 1897B019.C01**



BID RESULTS

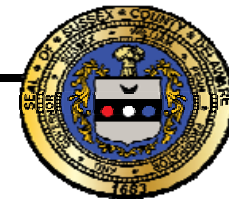
					Pact One, LLC		Joao & Bradley		George & Lynch				
Item No. & Description				Size/ Depth	Unit	Est. Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
PART A: BASE BID													
A-1	Mobilization, Bonds, Insurance and Demobilization (Max. 5% of Base Bid)				---	LS	1	\$50,000.00	\$50,000.00	\$135,000.00	\$135,000.00	\$245,000.00	\$245,000.00
A-2	Furnish and Provide Traffic Control				---	LS	1	\$100,000.00	\$100,000.00	\$35,000.00	\$35,000.00	\$454,324.00	\$454,324.00
A-3	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				12"	LF	6100	\$120.00	\$732,000.00	\$117.00	\$713,700.00	\$85.93	\$524,173.00
A-4	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				8"	LF	8100	\$110.00	\$891,000.00	\$102.00	\$826,200.00	\$66.49	\$538,569.00
A-5	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				6"	LF	2600	\$105.00	\$273,000.00	\$98.00	\$254,800.00	\$47.80	\$124,280.00
A-6	Furnish and Install Water Mains, Fittings, and Appurtenances (Fusible C900 PVC DR18 Pipe) by Directional Drilling				12"	LF	270	\$200.00	\$54,000.00	\$293.00	\$79,110.00	\$214.00	\$57,780.00
A-7	Furnish and Install Water Mains, Fittings, and Appurtenances (Fusible C900 PVC DR18 Pipe) by Directional Drilling				8"	LF	165	\$150.00	\$24,750.00	\$297.00	\$49,005.00	\$408.40	\$67,386.00
A-8	Furnish and Install Water Mains, Fittings, and Appurtenances (Ductile Iron Pipe) with Steel Casing Pipe				8"	LF	75	\$600.00	\$45,000.00	\$450.00	\$33,750.00	\$515.68	\$38,676.00
A-9	Furnish and Install Water Mains, Fittings, and Appurtenances (Ductile Iron Pipe) with Steel Casing Pipe				6"	LF	40	\$500.00	\$20,000.00	\$425.00	\$17,000.00	\$467.00	\$18,680.00
A-10	Furnish and Install Water Mains, Fittings, and Appurtenances (Polyethylene Pipe)				2"	LF	1,000	\$50.00	\$50,000.00	\$35.00	\$35,000.00	\$33.09	\$33,090.00
A-11	Furnish and Install Water Mains, Fittings, and Appurtenances (Polyethylene Pipe) by Directional Drilling				2"	LF	100	\$45.00	\$4,500.00	\$42.00	\$4,200.00	\$106.17	\$10,617.00
A-12	Furnish and Install Valves, Valve Boxes, and Appurtenances				12" BFV	EA	17	\$1,800.00	\$30,600.00	\$2,500.00	\$42,500.00	\$3,502.00	\$59,534.00
A-13	Furnish and Install Valves, Valve Boxes, and Appurtenances				8" GV	EA	16	\$1,400.00	\$22,400.00	\$2,150.00	\$34,400.00	\$2,319.00	\$37,104.00
A-14	Furnish and Install Valves, Valve Boxes, and Appurtenances				6" GV	EA	5	\$1,200.00	\$6,000.00	\$1,400.00	\$7,000.00	\$1,876.00	\$9,380.00
A-15	Furnish and Install Fire Hydrant Assemblies				--	EA	25	\$4,500.00	\$112,500.00	\$7,750.00	\$193,750.00	\$7,158.04	\$178,951.00
A-16	Furnish and Install Tapping Saddle, Corporation Stop, Curb Stop & Box, Connection Fittings and Appurtenances				3/4"	EA	212	\$500.00	\$106,000.00	\$825.00	\$174,900.00	\$1,064.00	\$225,568.00
A-17	Furnish and Install Tapping Saddle, Corporation Stop, Curb Stop & Box, Connection Fittings and Appurtenances				2"	EA	3	\$1,000.00	\$3,000.00	\$1,650.00	\$4,950.00	\$1,999.00	\$5,997.00
A-18	Furnish and Install Water Meter, Meter Box, Meter Setter, and Appurtenances				3/4"	EA	215	\$1,000.00	\$215,000.00	\$1,450.00	\$311,750.00	\$1,565.00	\$336,475.00
A-19	Furnish and Install Water Service Lines by Directional Drilling or Missile Bore (Road Crossings)				3/4"	LF	3,800	\$40.00	\$152,000.00	\$45.00	\$171,000.00	\$45.88	\$174,344.00
A-20	Furnish and Install Water Service Lines (Main to Meter)				3/4"	LF	2,000	\$40.00	\$80,000.00	\$40.00	\$80,000.00	\$43.77	\$87,540.00
A-21	Furnish and Install Water Service Lines (Meter to Well)				3/4"	LF	4,400	\$40.00	\$176,000.00	\$45.00	\$198,000.00	\$54.09	\$237,996.00
A-22	Well Abandonment				--	EA	215	\$1,000.00	\$215,000.00	\$550.00	\$118,250.00	\$327.00	\$70,305.00
A-23	Mill Existing Asphalt and Dispose of Millings in Preparation of Pavement Overlay				2"	SY	2,000	\$5.00	\$10,000.00	\$7.50	\$15,000.00	\$19.41	\$38,820.00

**GREATER ELLENDALE WATER DISTRICT PROJECT
SUSSEX COUNTY, DELAWARE
BID DATE: JANUARY 29, 2021
DBF Contract No. 1897B019.C01**



BID RESULTS

					Pact One, LLC		Joao & Bradley		George & Lynch	
Item No. & Description		Size/ Depth	Unit	Est. Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A-24	Stone Driveway Reconstruction	--	SY	1,700	\$40.00	\$68,000.00	\$25.00	\$42,500.00	\$19.59	\$33,303.00
A-25	Asphalt Driveway Reconstruction	--	SY	850	\$70.00	\$59,500.00	\$55.00	\$46,750.00	\$81.08	\$68,918.00
A-26	Furnish and Install Driveway Culvert Replacement Pipe	12" RCP	LF	60	\$60.00	\$3,600.00	\$80.00	\$4,800.00	\$50.00	\$3,000.00
A-27	Furnish and Install Driveway Culvert Replacement Pipe	12" CMP	LF	550	\$70.00	\$38,500.00	\$60.00	\$33,000.00	\$39.50	\$21,725.00
A-28	Furnish and Install Bituminous Concrete Base Course (Type B)	--	TONS	800	\$200.00	\$160,000.00	\$190.00	\$152,000.00	\$98.82	\$79,056.00
A-29	Furnish and Install Bituminous Concrete Surface Course (Type C)	--	TONS	300	\$200.00	\$60,000.00	\$160.00	\$48,000.00	\$320.21	\$96,063.00
A-30	Remove and Replace Curb & Gutter	--	LF	40	\$100.00	\$4,000.00	\$100.00	\$4,000.00	\$42.00	\$1,680.00
A-31	Furnish and Install Erosion and Sediment Control Measures	--	LS	1	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$60,211.00	\$60,211.00
A-32	Furnish Record Drawings	--	LS	1	\$7,200.00	\$7,200.00	\$16,000.00	\$16,000.00	\$9,592.00	\$9,592.00
A-33	Furnish and Install Hydro-Pneumatic Tank System and Building, complete	--	LS	1	\$350,000.00	\$350,000.00	\$400,000.00	\$400,000.00	\$385,385.00	\$385,385.00
SUBTOTAL PART A						\$4,133,550.00		\$4,286,315.00		\$4,333,522.00
PART B: STIPULATED CONTINGENT BID ITEMS (TO BE COMPLETED AT THE DIRECTION OF THE ENGINEER)										
B-1	Miscellaneous Excavation and Backfill for Test Pitting	--	CY	1,000	\$50.00	\$50,000.00	\$10.50	\$10,500.00	\$102.49	\$102,490.00
B-2	Furnish and Place Borrow Material, Type "C" (Select Backfill)	--	CY	2,800	\$20.00	\$56,000.00	\$20.00	\$56,000.00	\$28.75	\$80,500.00
B-3	Furnish and Place Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	--	TON	1,000	\$25.00	\$25,000.00	\$25.00	\$25,000.00	\$43.83	\$43,830.00
B-4	Furnish and Place Porous Fill Material, Coarse Aggregate No. 57 Stone	--	TON	1,000	\$40.00	\$40,000.00	\$35.00	\$35,000.00	\$53.96	\$53,960.00
B-5	Furnish and Place 4,000 psi Concrete	--	CY	50	\$200.00	\$10,000.00	\$250.00	\$12,500.00	\$402.28	\$20,114.00
B-6	Furnish and Install Miscellaneous Bituminous Concrete (Type B)	--	TON	100	\$200.00	\$20,000.00	\$185.00	\$18,500.00	\$164.48	\$16,448.00
B-7	On-Site Soil Testing	--	HRS	1,000	\$100.00	\$100,000.00	\$30.00	\$30,000.00	\$52.39	\$52,390.00
B-8	Soils Laboratory Tests	--	EA	40	\$500.00	\$20,000.00	\$200.00	\$8,000.00	\$137.20	\$5,488.00
B-9	Furnish and Install Additional Fittings <u>NOT</u> Shown or Indicated on the Plans	--	LBS	1,000	\$10.00	\$10,000.00	\$11.00	\$11,000.00	\$7.93	\$7,930.00
SUBTOTAL PART B						\$331,000.00		\$206,500.00		\$383,150.00
PART C: ALLOWANCES										
C-1	Furnish and Install Corrective Plumbing and Restoration of Non-Compliant Private Residences Plumbing (Pipe, Fixtures, Toilets, etc.) as Directed by the County	--	--	--	--	\$215,000.00	--	\$215,000.00	--	\$215,000.00
C-2	Designing, Permitting, Furnishing and Installing Tank Building Electrical, Mechanical, and Ventilation	--	--	--	--	\$100,000.00	--	\$100,000.00	--	\$100,000.00
SUBTOTAL PART C						\$315,000.00		\$315,000.00		\$315,000.00
TOTAL BID (PARTS A + B + C)						\$4,779,550.00		\$4,807,815.00		\$5,031,672.00

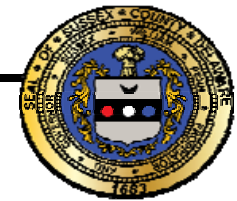


**GREATER ELLENDALE WATER DISTRICT PROJECT
SUSSEX COUNTY, DELAWARE
BID DATE: JANUARY 29, 2021
DBF Contract No. 1897B019.C01**

BID RESULTS

					Garney Construction		A-Del Construction		JJID, Inc.				
Item No. & Description					Size/ Depth	Unit	Est. Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
PART A: BASE BID													
A-1	Mobilization, Bonds, Insurance and Demobilization (Max. 5% of Base Bid)				---	LS	1	\$259,000.00	\$259,000.00	\$135,000.00	\$135,000.00	\$340,000.00	\$340,000.00
A-2	Furnish and Provide Traffic Control				---	LS	1	\$79,000.00	\$79,000.00	\$280,000.00	\$280,000.00	\$700,000.00	\$700,000.00
A-3	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				12"	LF	6100	\$118.00	\$719,800.00	\$97.00	\$591,700.00	\$160.00	\$976,000.00
A-4	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				8"	LF	8100	\$101.00	\$818,100.00	\$78.00	\$631,800.00	\$130.00	\$1,053,000.00
A-5	Furnish and Install Water Mains, Fittings, and Appurt. (DI Pipe)				6"	LF	2600	\$72.00	\$187,200.00	\$74.00	\$192,400.00	\$110.00	\$286,000.00
A-6	Furnish and Install Water Mains, Fittings, and Appurtenances (Fusible C900 PVC DR18 Pipe) by Directional Drilling				12"	LF	270	\$183.00	\$49,410.00	\$240.00	\$64,800.00	\$260.00	\$70,200.00
A-7	Furnish and Install Water Mains, Fittings, and Appurtenances (Fusible C900 PVC DR18 Pipe) by Directional Drilling				8"	LF	165	\$173.00	\$28,545.00	\$245.00	\$40,425.00	\$250.00	\$41,250.00
A-8	Furnish and Install Water Mains, Fittings, and Appurtenances (Ductile Iron Pipe) with Steel Casing Pipe				8"	LF	75	\$715.00	\$53,625.00	\$710.00	\$53,250.00	\$520.00	\$39,000.00
A-9	Furnish and Install Water Mains, Fittings, and Appurtenances (Ductile Iron Pipe) with Steel Casing Pipe				6"	LF	40	\$300.00	\$12,000.00	\$445.00	\$17,800.00	\$460.00	\$18,400.00
A-10	Furnish and Install Water Mains, Fittings, and Appurtenances (Polyethylene Pipe)				2"	LF	1,000	\$38.00	\$38,000.00	\$53.00	\$53,000.00	\$50.00	\$50,000.00
A-11	Furnish and Install Water Mains, Fittings, and Appurtenances (Polyethylene Pipe) by Directional Drilling				2"	LF	100	\$30.00	\$3,000.00	\$40.00	\$4,000.00	\$110.00	\$11,000.00
A-12	Furnish and Install Valves, Valve Boxes, and Appurtenances				12" BfV	EA	17	\$2,500.00	\$42,500.00	\$2,800.00	\$47,600.00	\$3,700.00	\$62,900.00
A-13	Furnish and Install Valves, Valve Boxes, and Appurtenances				8" GV	EA	16	\$2,200.00	\$35,200.00	\$2,400.00	\$38,400.00	\$2,900.00	\$46,400.00
A-14	Furnish and Install Valves, Valve Boxes, and Appurtenances				6" GV	EA	5	\$1,690.00	\$8,450.00	\$1,800.00	\$9,000.00	\$2,500.00	\$12,500.00
A-15	Furnish and Install Fire Hydrant Assemblies				--	EA	25	\$5,500.00	\$137,500.00	\$7,770.00	\$194,250.00	\$7,900.00	\$197,500.00
A-16	Furnish and Install Tapping Saddle, Corporation Stop, Curb Stop & Box, Connection Fittings and Appurtenances				3/4"	EA	212	\$1,500.00	\$318,000.00	\$2,019.00	\$428,028.00	\$825.00	\$174,900.00
A-17	Furnish and Install Tapping Saddle, Corporation Stop, Curb Stop & Box, Connection Fittings and Appurtenances				2"	EA	3	\$2,255.00	\$6,765.00	\$3,000.00	\$9,000.00	\$1,700.00	\$5,100.00
A-18	Furnish and Install Water Meter, Meter Box, Meter Setter, and Appurtenances				3/4"	EA	215	\$1,650.00	\$354,750.00	\$1,430.00	\$307,450.00	\$1,300.00	\$279,500.00
A-19	Furnish and Install Water Service Lines by Directional Drilling or Missile Bore (Road Crossings)				3/4"	LF	3,800	\$15.00	\$57,000.00	\$28.00	\$106,400.00	\$45.00	\$171,000.00
A-20	Furnish and Install Water Service Lines (Main to Meter)				3/4"	LF	2,000	\$52.00	\$104,000.00	\$35.00	\$70,000.00	\$35.00	\$70,000.00
A-21	Furnish and Install Water Service Lines (Meter to Well)				3/4"	LF	4,400	\$52.00	\$228,800.00	\$45.00	\$198,000.00	\$72.00	\$316,800.00
A-22	Well Abandonment				--	EA	215	\$1,100.00	\$236,500.00	\$570.00	\$122,550.00	\$1,400.00	\$301,000.00
A-23	Mill Existing Asphalt and Dispose of Millings in Preparation of Pavement Overlay				2"	SY	2,000	\$10.00	\$20,000.00	\$20.00	\$40,000.00	\$12.00	\$24,000.00

**GREATER ELLENDALE WATER DISTRICT PROJECT
SUSSEX COUNTY, DELAWARE
BID DATE: JANUARY 29, 2021
DBF Contract No. 1897B019.C01**



BID RESULTS

					Garney Construction		A-Del Construction		JJID, Inc.	
Item No. & Description		Size/ Depth	Unit	Est. Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A-24	Stone Driveway Reconstruction	--	SY	1,700	\$50.00	\$85,000.00	\$51.00	\$86,700.00	\$65.00	\$110,500.00
A-25	Asphalt Driveway Reconstruction	--	SY	850	\$95.00	\$80,750.00	\$185.00	\$157,250.00	\$150.00	\$127,500.00
A-26	Furnish and Install Driveway Culvert Replacement Pipe	12" RCP	LF	60	\$200.00	\$12,000.00	\$130.00	\$7,800.00	\$80.00	\$4,800.00
A-27	Furnish and Install Driveway Culvert Replacement Pipe	12" CMP	LF	550	\$85.00	\$46,750.00	\$75.00	\$41,250.00	\$70.00	\$38,500.00
A-28	Furnish and Install Bituminous Concrete Base Course (Type B)	--	TONS	800	\$95.00	\$76,000.00	\$125.00	\$100,000.00	\$150.00	\$120,000.00
A-29	Furnish and Install Bituminous Concrete Surface Course (Type C)	--	TONS	300	\$95.00	\$28,500.00	\$128.00	\$38,400.00	\$160.00	\$48,000.00
A-30	Remove and Replace Curb & Gutter	--	LF	40	\$30.00	\$1,200.00	\$145.00	\$5,800.00	\$175.00	\$7,000.00
A-31	Furnish and Install Erosion and Sediment Control Measures	--	LS	1	\$65,000.00	\$65,000.00	\$60,147.00	\$60,147.00	\$70,000.00	\$70,000.00
A-32	Furnish Record Drawings	--	LS	1	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,000.00	\$7,000.00
A-33	Furnish and Install Hydro-Pneumatic Tank System and Building, complete	--	LS	1	\$317,000.00	\$317,000.00	\$450,000.00	\$450,000.00	\$560,000.00	\$560,000.00
SUBTOTAL PART A						\$4,516,845.00		\$4,589,700.00		\$6,339,750.00
PART B: STIPULATED CONTINGENT BID ITEMS (TO BE COMPLETED AT THE DIRECTION OF THE ENGINEER)										
B-1	Miscellaneous Excavation and Backfill for Test Pitting	--	CY	1,000	\$70.00	\$70,000.00	\$35.00	\$35,000.00	\$10.00	\$10,000.00
B-2	Furnish and Place Borrow Material, Type "C" (Select Backfill)	--	CY	2,800	\$38.00	\$106,400.00	\$41.00	\$114,800.00	\$35.00	\$98,000.00
B-3	Furnish and Place Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	--	TON	1,000	\$45.00	\$45,000.00	\$42.00	\$42,000.00	\$30.00	\$30,000.00
B-4	Furnish and Place Porous Fill Material, Coarse Aggregate No. 57 Stone	--	TON	1,000	\$49.00	\$49,000.00	\$52.00	\$52,000.00	\$35.00	\$35,000.00
B-5	Furnish and Place 4,000 psi Concrete	--	CY	50	\$270.00	\$13,500.00	\$810.00	\$40,500.00	\$175.00	\$8,750.00
B-6	Furnish and Install Miscellaneous Bituminous Concrete (Type B)	--	TON	100	\$100.00	\$10,000.00	\$130.00	\$13,000.00	\$115.00	\$11,500.00
B-7	On-Site Soil Testing	--	HRS	1,000	\$55.00	\$55,000.00	\$55.00	\$55,000.00	\$110.00	\$110,000.00
B-8	Soils Laboratory Tests	--	EA	40	\$120.00	\$4,800.00	\$575.00	\$23,000.00	\$250.00	\$10,000.00
B-9	Furnish and Install Additional Fittings <u>NOT</u> Shown or Indicated on the Plans	--	LBS	1,000	\$10.00	\$10,000.00	\$5.00	\$5,000.00	\$10.00	\$10,000.00
SUBTOTAL PART B						\$363,700.00		\$380,300.00		\$323,250.00
PART C: ALLOWANCES										
C-1	Furnish and Install Corrective Plumbing and Restoration of Non-Compliant Private Residences Plumbing (Pipe, Fixtures, Toilets, etc.) as Directed by the County	--	--	--	--	\$215,000.00	--	\$215,000.00	--	\$215,000.00
C-2	Designing, Permitting, Furnishing and Installing Tank Building Electrical, Mechanical, and Ventilation	--	--	--	--	\$100,000.00	--	\$100,000.00	--	\$100,000.00
SUBTOTAL PART C						\$315,000.00		\$315,000.00		\$315,000.00
TOTAL BID (PARTS A + B + C)						\$5,195,545.00		\$5,285,000.00		\$6,978,000.00

This is **EXHIBIT K**, consisting of [2] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [November 5, 2019].

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2**

The Effective Date of this Amendment is: **February 9, 2021.**

Background Data

Effective Date of Owner-Engineer Agreement: **November 5, 2019**

Owner: **Sussex County**

Engineer: **Davis, Bowen & Friedel**

Project: **Ellendale Water District, Project W20-17**

Nature of Amendment:

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

Description of Modifications:

Provide additional work to Owner as related to Construction Administration and Construction Inspection, more fully described by DBF proposal #1987B019, dated February 4, 2021 and herein incorporated.

Agreement Summary:

Original agreement amount:	\$ <u>185,000.00</u>
Net change for prior amendments:	\$ <u>35,000.00</u>
This amendment amount:	\$ <u>388,000.00</u>
Adjusted Agreement amount:	\$ <u>608,000.00</u>

Change in time for services (days or date, as applicable): N/A

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

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

OWNER:

ENGINEER:

By: _____
Print
name: _____

By: _____
Print
name: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

PREVIOUSLY APPROVED FORM

February 4, 2021

Sussex County Engineering
Sussex County Administrative Office
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

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

Attn: Mr. Hans Medlarz
County Engineer

RE: Proposal for Professional Engineering Services
Additional Services Request
Construction Administration Phase
Greater Ellendale Water District
Sussex County, Delaware
DBF #1987B019

Dear Mr. Medlarz:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this proposal for providing additional engineering services related to the Construction Administration Phase for the above-referenced project. DBF previously provided Sussex County (County) with survey, design, permitting, and bidding related services for this project and understand you are now requesting additional services in the form of construction administration and construction inspection.

A description of our proposed scope of services and associated fees for each portion of the work is as follows.

CONSTRUCTION ADMINISTRATION SERVICES

Construction Administration Services will be provided throughout the project construction and will include the following:

- Coordinate between Sussex County, Artesian, and the Contractor when appropriate.
- Conducting the Pre-Construction Conference and progress meetings for the project on behalf of Sussex County including preparation and distribution of meeting minutes.
- Review of submittals by the Contractor on materials proposed for use in the construction project.
- Answer Contractor, Sussex County, and Artesian questions regarding project materials, equipment, and construction processes.
- Coordination with the Resident Project Representative (RPR) as provided by DBF.
- Evaluate and track the construction schedule with notice provided to Sussex County as scheduling issues arise.
- Coordinate any necessary quality control on behalf of Sussex County as required by the

Contract Documents.

- Review and distribute results of materials testing that are required.
- Confirm that testing has been performed on required portions of the underground utilities and that results conform to project requirements.
- Review Contractor progress payment applications, make recommendations, and submit to Sussex County.
- Communication with the Contractor pertaining to conflict resolution and any other issues relevant to construction activity.
- Review and recommend any Contractor Change Order requests; draft and process same.
- Negotiate with Contractor on behalf of Sussex County on any issue affecting such constructed improvements. Technical assistance will be provided by the Project Design Team.
- Schedule and participate in the substantial completion inspection of the completed work and preparation of a punch-list.
- Schedule and participate in the final completion inspection to verify that punch-list items have been completed and recommendations regarding acceptance to Sussex County.
- Completion of record drawings utilizing information as provided by the Contractor.
- Construction Administration fees are based on an anticipated sixty-five (65) week construction period.

Estimated Fee: \$154,000.00

CONSTRUCTION INSPECTION SERVICES

Our office will provide a full-time Resident Project Representative (RPR) during the course of the construction contract. The RPR would represent both the Engineer and the County on-site, monitor construction activities, and confirm conformance with the contract documents. The RPR shall also prepare and submit daily field reports on the progress of the construction activities. A final project inspection shall be arranged and performed by our office with the County and Artesian present. The following estimated fee for providing RPR services is based upon an anticipated sixty-five (65) week construction period.

Estimated Fee: \$234,000.00

(Please note that the above fee is only an estimate and this fee will vary depending on the actual number of hours needed to oversee the project but every effort will be made to minimize these hours while not jeopardizing the integrity of the project.)

EXCLUDED SERVICES

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

- Easement Acquisition Services and Coordination and Preparation of Easement Plats
- Construction Survey Services
- As-Built Surveys (responsibility of contractor)

- Financial Administration Services
- Reimbursable Expenses

We propose to complete the proposed scope of services as described above for the fees identified above. Billing of lump sum fees will be based upon percentage of work completed during the previous month. Hourly or estimated fees, additional services, and direct or reimbursable expenses will be provided on an hourly and unit price basis and invoiced for work completed during the previous month in accordance with the enclosed Schedule of Rates. We will not exceed the estimated fees without first notifying you and receiving written authorization to continue. Please refer to the attached schedule of rates for other terms and conditions.

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

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

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Jason F. Low, P.E.
Principal

Enclosures

JPL

\\mil0\Civil\Sussex County\Ellendale Water Extension\A-E Agreement\Additional Services-Construction Phase.docx

ACCEPTED BY:

Signature

Date

Printed Name

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

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

Blackwater Village Area
Fact Sheet

- Permission to Prepare and Post granted January 14, 2020.
- Public Hearing on the Boundary October 31, 2020.
- County Council approved the Final Boundary on December 1, 2020.
- Referendum held January 22, 2021 from 4:00PM to 8:00PM at Grace United Methodist Church in Millsboro Delaware.
- 46 voted by Absentee vote process. 211 existing homes on 276 parcels.
- The results of the Referendum are as follows:
 - 91 in favor
 - 61 opposed

Blackwater Village Referendum

Parcels of Interest



0 150 300 600 Feet



12/16/2020



The proposed annexation is scheduled to be discussed January 22, 2021 from 4:00 PM to 8:00 PM at Grace United Methodist Church, 300 E. Church Street, Millsboro, DE 19966
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
Or call Sussex County Utility Planning at 302-855-1299

RESOLUTION NO. R _____

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

WHEREAS, the eligible voters of the proposed Blackwater Village Area approved the creation of the sewer area by a vote of **91** to **61** in an election held on January 22, 2021; and

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

NOW, THEREFORE,

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

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

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

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

Exhibit "A"

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

Beginning at a point, said point being on the northerly Right-of-Way (ROW) of State Route 26, said point also being the southwesterly property corner of lands Now-or-Formerly (N/F) of Roland John Hoffman Trustee & Mary Ann Hoffman, Trustee, said point further being the southeasternmost property corner of lands N/F of Keith Properties, Inc.; thence proceeding by and with said ROW in a westerly direction a distance of 1,851'± to a point, said point being the westernmost property corner of lands N/F of LSF8 Master Participation Trust, said point further being a property corner of Black Water Village, a subdivision; thence leaving said ROW and proceeding by and with said subdivision lands in a northerly and westerly direction a distance of 1,311'± to a point, said point being on the easterly ROW of County Road (CR) 345; thence

proceeding by and with said ROW and continuing with said subdivision boundary in a northerly direction a distance of 304'± to a point; thence leaving said ROW and continuing by and with said subdivision boundary in a northeasterly, northerly, northeasterly, northwesterly, northeasterly direction respectively a distance of 3,307'± to a point, said point being the southernmost property corner of lands N/F of Denise Hoeksema & Cheryl Rehrig; thence continuing with said subdivision boundary in a southerly and easterly direction respectively a distance of 3,932'± to a point, said point being the easternmost property corner of land N/F of John F. & Carol A. Adams; thence leaving said subdivision lands and continuing with said Adams lands in a westerly direction a distance of 361'± to a point, said point being the northernmost property corner of lands N/F of Richard C & Juanita M. Seibert; thence leaving said Adams lands and continuing with said Seibert lands in a southeasterly and southerly direction a distance of 517'± to a point, said point being the northeasternmost property corner of lands N/F of Keith Properties, Inc., thence leaving said Seibert lands and continuing with said Keith lands in a generally southerly direction a distance of 1,439'± to a point, said point being the place of **Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 134-11.00

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

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

Council Grant Form

Legal Name of Agency/Organization Race4Warriors Inc.

Project Name Race4Warriors

Federal Tax ID 83-0579793

Non-Profit Yes

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

Organization's Mission MISSION STATEMENT
The orchestration of an annual Race4Warriors event to honor veterans who have served in the Middle East.
To provide support to our Wounded Warriors and Homeless Veterans, while educating our communities and strengthening their bonds with our veterans.
VISION STATEMENT
Connect education with community involvement to enhance our support of veterans who have served in the Middle East.

Address 26183 Tuscany Drive

Address 2

City Millsboro

State Delaware

Zip Code 19966

Contact Person	Dr. Michael R. Bellerose
Contact Title	Race4Warriors CEO
Contact Phone Number	603-391-8685
Contact Email Address	Bellerose@Race4Warriors.org
Total Funding Request	2,300
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2300
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	6
Program Category (choose all that apply)	Educational, Other
Program Category Other	Veteran Support

Primary Beneficiary Category	Other
Beneficiary Category Other	Homeless and Wounded Vets
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	4000
Scope	<p>On May 15, 2021 the Race4Warriors nonprofit 501(c)(3) (EIN 83-0579793) organization will launch the first annual Race4Warriors event at the historic Fort Miles, Cape Henlopen State Park, Delaware. The Race4Warriors is not just another race to raise money to support our veterans. It is an event that captures our mission and vision through Competition, Education, and Celebration. Everyone who attends will have a better understanding and appreciation of what our veterans have accomplished and endured while deployed to the Middle East. The funds requested will be used to support Sussex County EMS supporting our event for participants and veterans, a lot over he age of 70, attending the event.</p>
Religious Components	N/A
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	10,000.00
Description	Free Concert Equipment, bands, and technical support

Amount 5,000.00

Description State Park Charges

Amount 3,860.00

Description Restrooms (portable)

Amount 1,400.00

Description Sussex County EMS

Amount 2,300.00

Description Insurance

Amount 1,500.00

Description Race Support and equipment

Amount 18,000.00

Description

Amount

Description

Amount

TOTAL 32,060.00

EXPENDITURES

TOTAL DEFICIT FOR -22,060.00

PROJECT OR
ORGANIZATION

Name of Organization	Race4Warriors Inc.
Applicant/Authorized Official	Dr. Michael R. Bellerose
Date	01/25/2021
Affidavit Acknowledgement	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: February 4, 2021

RE: County Council Report for Ord. 20-06 relating to the Future Land Use Map

The Planning and Zoning Department received an application (CZ 1910 filed on behalf of Brickyard Apartments, LLC) for a Change of Zone of parcel 132-2.00-264.00 from Agricultural Residential Zoning District (AR-1) to General Residential Zoning District (GR). The parcel is located a 9329 Brickyard Rd, Seaford.

As the proposed re-zoning would be inconsistent with the low-density area designation of the parcel within the Future Land Use Map of the Comprehensive Plan, and Ordinance was introduced to consider the potential amendment of the Future Land Use Map within the Comprehensive Plan 2019. The Ordinance, if adopted, would change the existing low-density area designation for a portion of parcel 132-2.00-264.00 to the Developing Area. The Ordinance was submitted for review by the State of Delaware's Preliminary Land Use Review service ("PLUS"). A copy of the PLUS response is included with this memo.

The Planning and Zoning Commission held a public hearing on January 7, 2021. At the meeting of January 21, 2021, the Commission recommended that the Ordinance be adopted for the 6 reasons outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meetings of January 7, 2021 and January 21, 2021

Draft Minutes of the January 7, 2021 Planning & Zoning Commission Meeting

Ord. 20-06 – Future Land Use Map

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)



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

Chairman Wheatley announced that the Commission would hear a combined public hearing for Ordinance 20-06, application C/Z 1910 and application C/U 2212. Whilst the hearings would be combined, the Commission would ultimately consider each matter separately.

Mr. Whitehouse advised the Commission that submitted into the record for Ordinance 20-06 is a copy of the County's application to the State of Delaware Preliminary Land Use Service ("PLUS") and a copy of the PLUS comments received from the State's review of the submitted Ordinance.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Brickyard Apartments, LLC.; that also present are Project Designer, Sherry Hockstedler from George Miles and Buhr and Billy Betts, Brickyard Apartments, LLC.; that a portion of the property is currently zoned GR; that this request is for a Change of Zone to allow for uniform zoning of GR and a Conditional Use for 48 apartments; that there would be a total of 12 buildings; that six buildings would have four one-bedroom apartments and six buildings with four two-bedroom apartments; that GR zoning designation is consistent with the prevailing uses and character of the neighborhood; that split-zoning is disfavored; that as Staff has noted that the approval would be consistent with the land use, area and surrounding uses; that the approval of this Application would help advance with the County's long standing goal of providing opportunities for affordable housing in the area; that the Office of State Planning Coordination is supportive; that there are letters of no objection from Sussex Conservation District and the DelDOT; and that there are no letters of objection.

Mr. Hopkins asked for the square footage of the apartments. Ms. Hockstedler stated that the one-bedroom apartment buildings are 4,430 gross sf and the two-bedroom apartment buildings are 5,906 gross sf.

Ms. Stevenson asked if the development would meet Sussex County parking requirements.

Mr. Whitehouse stated that two parking spaces would be required for each unit with additional requirements for any units with more than three bedrooms.

Mr. Paradee stated that the parking requirements would be met. Ms. Stevenson asked about the water and sewer connections.

Ms. Hockstedler stated that this development has an agreement to connect to the water treatment facility at Mobile Gardens which is to the north of the subject property.

Ms. Suzanne Laws, Engineer with DelDOT gave comments on this Application by teleconference. Ms. Laws stated that this Application received a letter of no objection from DelDOT on January 13, 2020 and plans were approved on February 12, 2020.

The Commission found that no one spoke in favor of or in opposition to the Applications or the Ordinance. 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 the Applications and the proposed Ordinance.

In relation to Ord. 20-06 – Future Land Use Map, motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Draft Minutes of the January 21, 2021 Planning & Zoning Commission Meeting

The Commission discussed the proposed Ordinance, which has been deferred since January 7, 2021.

Ms. Wingate moved that the Commission recommend approval of Ordinance # 20-06 to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for Parcel 132-2.00 264.00 from a Low-Density Area to a Developing Area based on the record made during the public hearing and for the following reasons:

1. The parcel is 5.05 acres of land. The portion of it fronting on Brickyard Road and currently zoned as GR General Residential is designated as the “Existing Developing Area” according to the Future Land Use Map.
2. The remaining 3.093 acres of the parcel is designated as being in the Low-Density Area according to the Future Land Use Map. This results in the property having two different designations according to the Map. Given the relatively small size of the property and the differing rules for the Low-Density Area and the Developing Area, it is appropriate for this property to have one classification on the Future Land Use Map.
3. The property to the east of this Parcel is entirely within the Existing Developing Area, and the properties across Brickyard Road from this parcel are designated as Developing Areas surrounded by the Commercial Area. The revision to a Developing Area on the Future Land Use Map is consistent with the surrounding Map designations.
4. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.
5. The parcel is approximately 450 feet from the municipal boundary of the City of Seaford. This supports a change to Developing Area on the Future Land Use Map.
6. This revision of the Future Land Use Map is appropriate given the particular circumstances involved, including the split-zoning of the property, the size of the property, the fact that the property has two different Area designations according to the current Future Land Use Map, the fact that the property is adjacent to other Developing Areas according to the Future Land Use Map, and because it is so close to a municipal boundary. When several factors like this exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to recommend approval for the reasons and conditions stated in the motion. Motion carried 5 – 0.



Sussex County

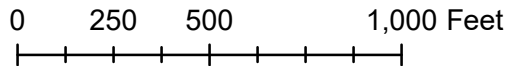


Exhibit A Brickyard Apartments Future Land Use Map Amendment 132-2.00-264.00



Legend

- Subject Property
- Tax Parcels





Sussex County



Future Land Use Brickyard Apartments Future Land Use Map Amendment 132-2.00-264.00

Sussex Highway (Route 13)

Brickyard Rd

132-2.00-263.00

132-2.00-596.00

132-2.00-264.00

132-2.00-527.00

132-2.00-526.00

132-2.00-525.00

132-2.00-524.00

132-2.00-523.00

132-2.00-522.00

132-2.00-272.04

132-2.00-272.05

132-2.00-272.06

132-2.00-272.01

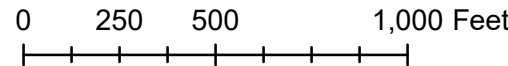
132-2.00-272.02

132-2.00-272.03

132-2.00-272.00

Legend

	Subject Property		Existing Development Area
	Low Density		Industrial
	Coastal Area		Municipalities
	Commercial		Town Center
	Developing Area		



Introduced 11/10/20

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)

WHEREAS, on November 26th, 2019, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1910; and

WHEREAS, the Sussex County Council will consider Change of Zone No. 1910 from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 5.03 acres, more or less (a portion of Tax Parcel No. 132-2.00-264.00) (the “Property”); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Low Density Area does not permit such GR Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning and Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 132-2.00-264.00 from the Low Density Area to the Developing Area. The portion of Sussex County Parcel No. 132-2.00-264.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

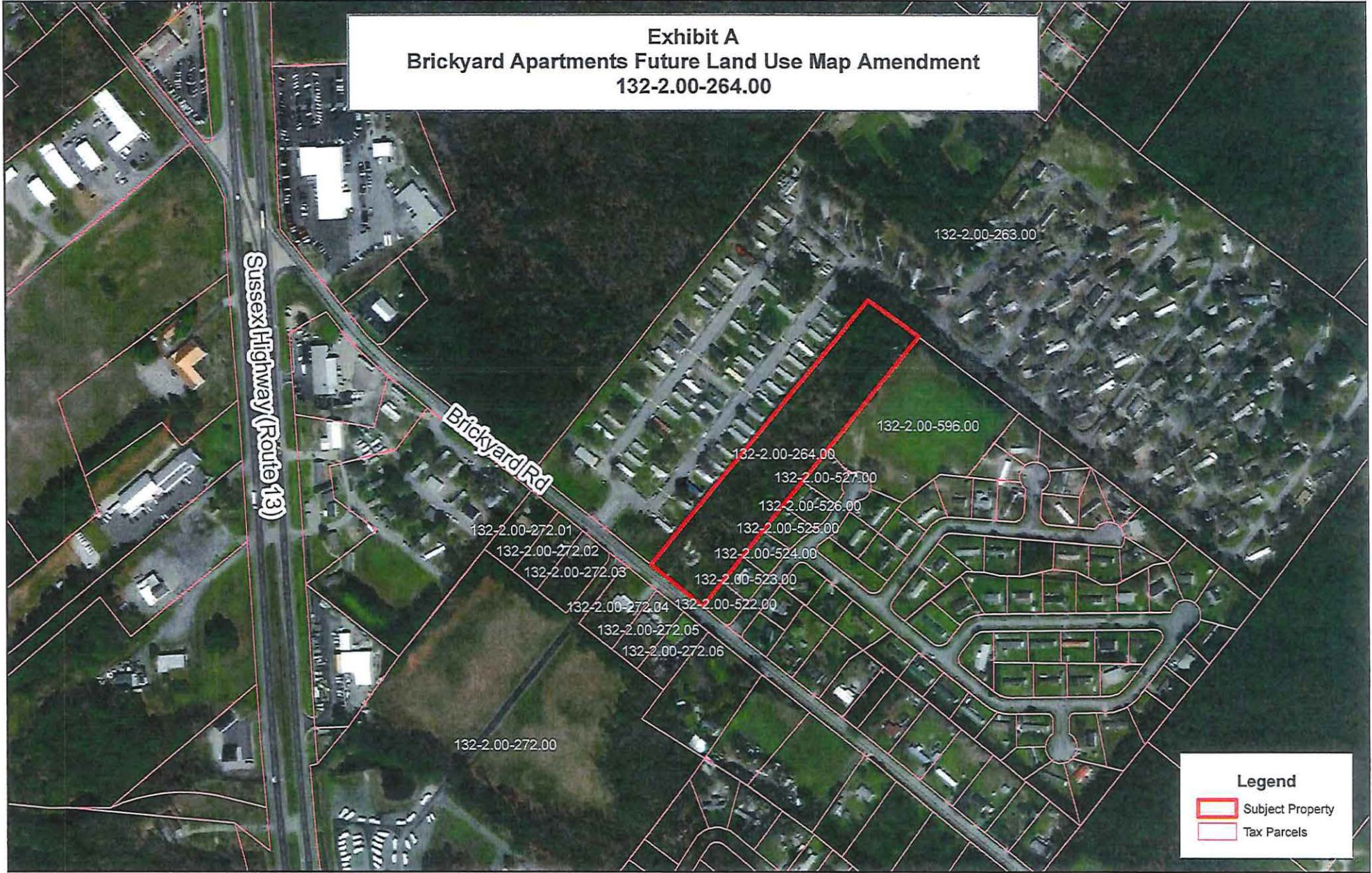
Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



Sussex County

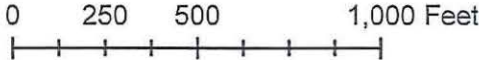


Exhibit A
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00



Legend

-  Subject Property
-  Tax Parcels

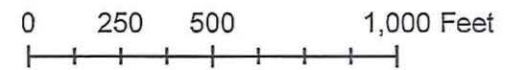
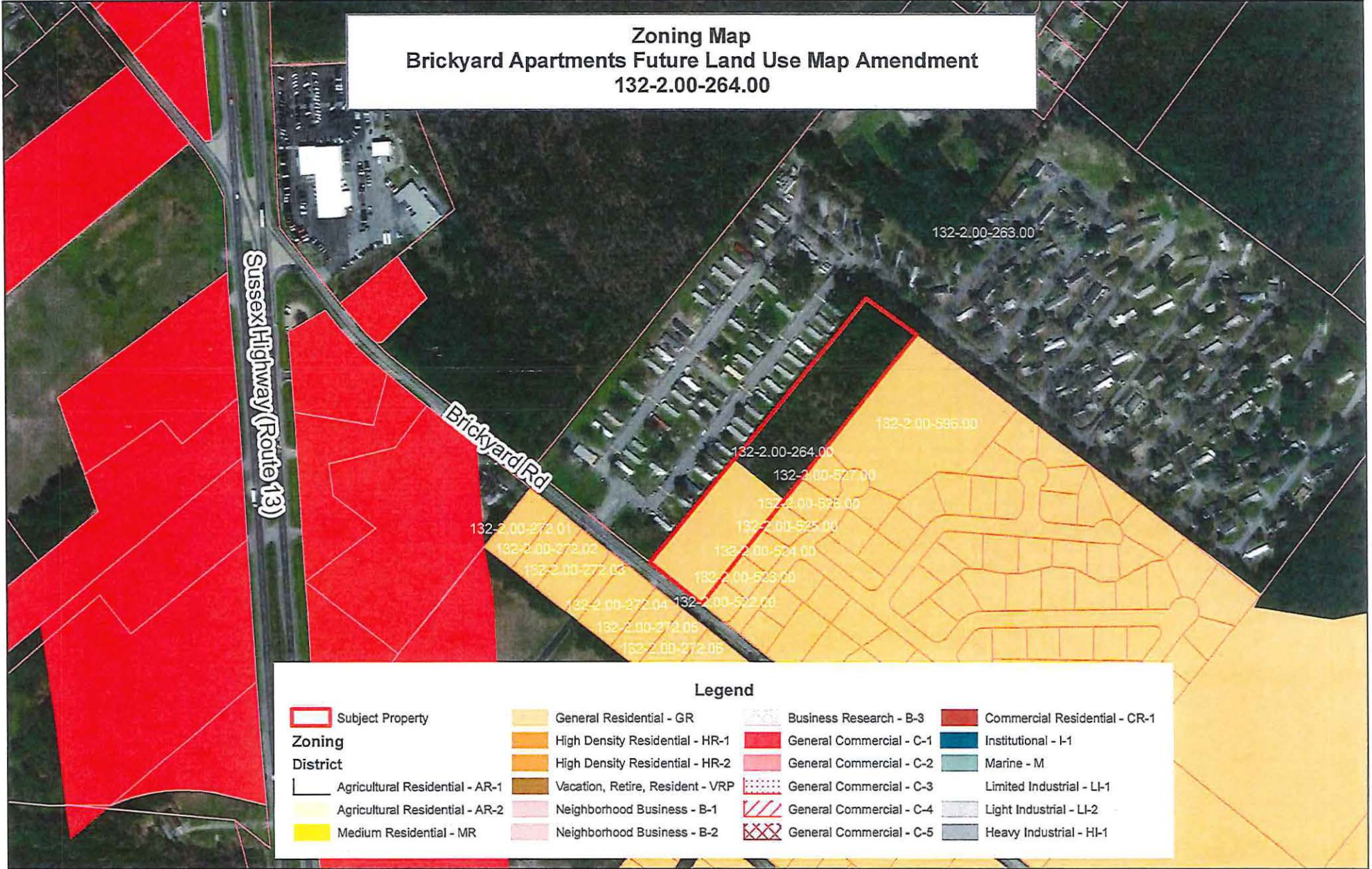




Sussex County



Zoning Map
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00

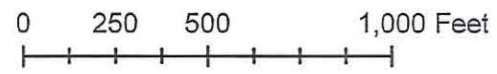
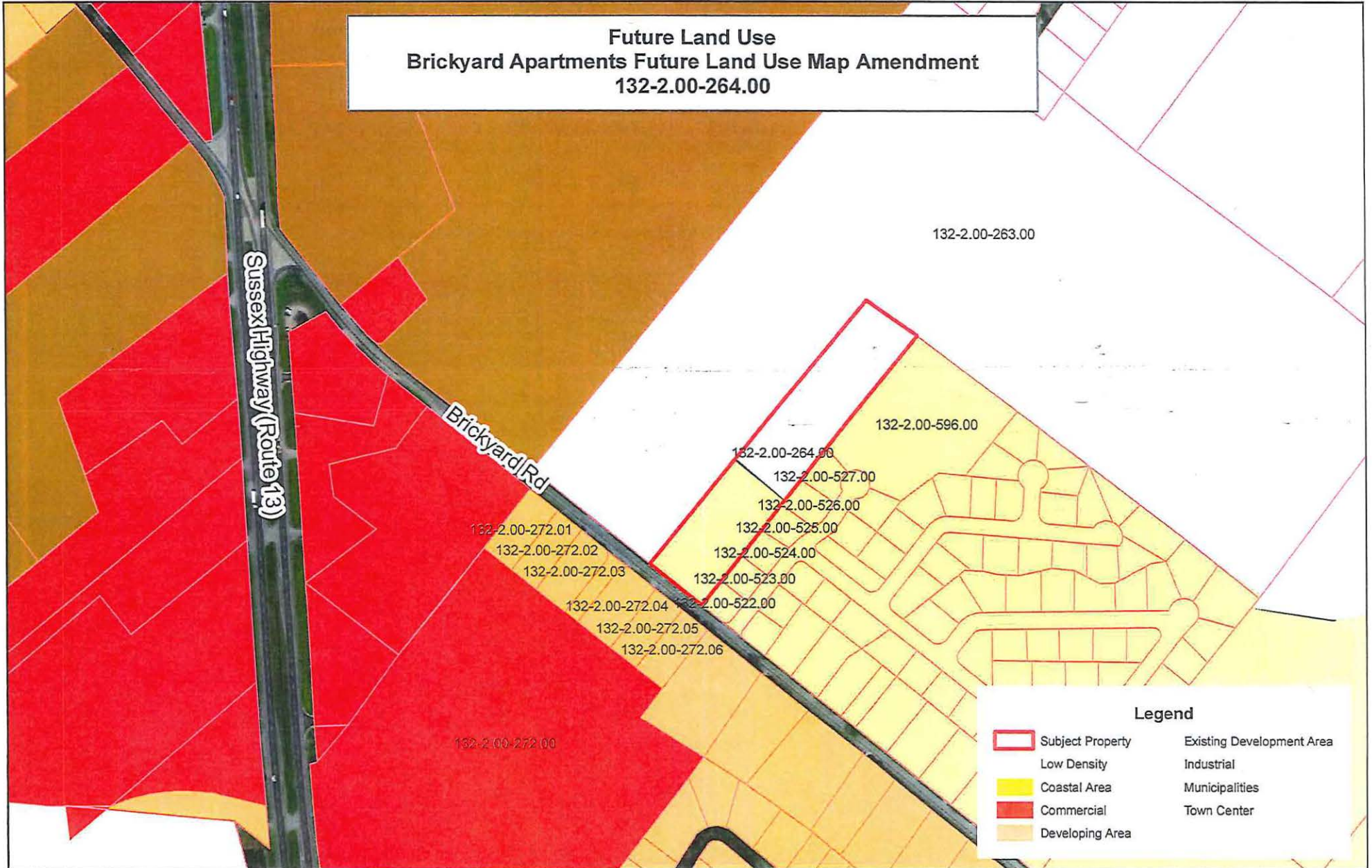




Sussex County



Future Land Use
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00





**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

January 6, 2020

Jamie Whitehouse, AICP
Sussex County
Department of Planning and Zoning
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-12-06; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for 1 parcel from Low-Density to the Developing Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

Office of State Planning Coordination – Contact Dorothy Morris 739-3090

- This parcel is within Levels 1 and 2 of the Strategies for State Policies and spending. The state has no objections to this amendment

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the subject comprehensive plan amendment. As a matter of information, DelDOT issued a Letter of No Objection to Record for a site plan for the subject development on January 13, 2020 and approved an entrance construction plan for the development on February 11, 2020. Copies of those letters are attached.

It may be observed that the attached letters address the development as Mobile Gardens Apartments. That was the original name under which the developer's engineer submitted plans to DelDOT.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Wastewater Permitting – Small Systems

Under the tax parcel 132-2.00-264.00, there is an expired Ground Water Discharges Section (Small Systems) permit dated May 24th, 1996. A site evaluation was completed by a licensed Class D Soil Scientist on January 1, 1990 which expired on January 1st, 1995. A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions.

- A list of licensed Class D soil scientists can be found at the following website: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%20list.pdf>
- Please contact: DNREC Groundwater Discharges Section at Sussex County at (302) 856-4561 with questions.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric archaeological potential is moderate. Within favorable distance to historic water sources and confluence (Hurts Creek/Morgan Branch). Only half of the parcel is well-drained soils (north-east half). While there seems to have been a switch from farmland to forested (unmanaged?), integrity would still likely be good for sites.
- Historic potential is low to moderate. The current farmstead appears to be the same as the one surveyed in 1981 with some moderations (Google Street View shows house at the road edge and looks the same as the photos). Survey forms thought that the house was late 19th century, but 1915 topo does not show anything on the parcel. Likely built between 1915 and 1937 based on maps and aerial photos. There doesn't appear to be a house or landowner on Beers.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

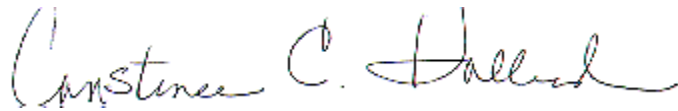
Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

PLUS review 2020-12-06

Page 3 of 3

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the typed name and title.

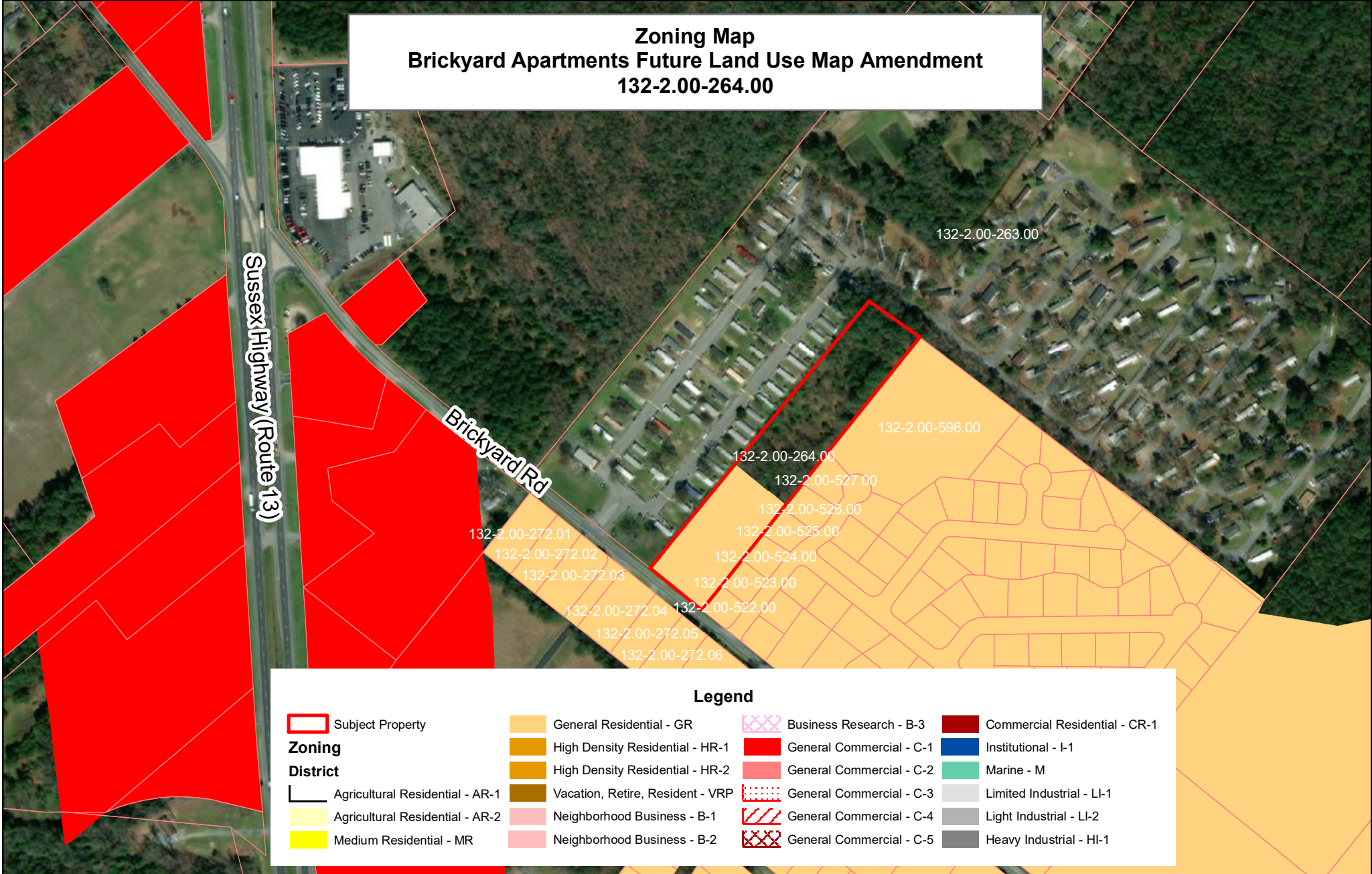
Constance C. Holland, AICP
Director, Office of State Planning Coordination



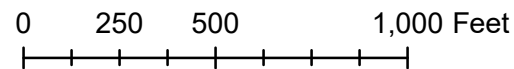
Sussex County



Zoning Map
Brickyard Apartments Future Land Use Map Amendment
132-2.00-264.00



Legend			
	Subject Property		General Residential - GR
Zoning			High Density Residential - HR-1
District			High Density Residential - HR-2
	Agricultural Residential - AR-1		Vacation, Retire, Resident - VRP
	Agricultural Residential - AR-2		Neighborhood Business - B-1
	Medium Residential - MR		Neighborhood Business - B-2
			Business Research - B-3
			General Commercial - C-1
			General Commercial - C-2
			General Commercial - C-3
			General Commercial - C-4
			General Commercial - C-5
			Commercial Residential - CR-1
			Institutional - I-1
			Marine - M
			Limited Industrial - LI-1
			Light Industrial - LI-2
			Heavy Industrial - HI-1



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: February 4, 2021

RE: County Council Report for CZ 1910 filed on behalf of Brickyard Apartments, LLC

The Planning and Zoning Department received an application (CZ 1910 filed on behalf of Brickyard Apartments, LLC) for a Change of Zone of parcel 132-2.00-264.00 from Agricultural Residential Zoning District (AR-1) to General Residential Zoning District (GR). The parcel is located a 9329 Brickyard Rd, Seaford. The change of zone is for 3.093 acres of the parcel, more or less.

The Planning and Zoning Commission held a public hearing on January 7, 2021. At the meeting of January 21, 2021, the Commission recommended approval of the application for the 9 reasons within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meetings of January 7, 2021 and January 21, 2021

Draft Minutes of the January 7, 2021 Planning & Zoning Commission Meeting

C/Z 1910 – Brickyard Apartments, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 3.093 acres, more or less. The property is lying on the northwest side of Brickyard Road approximately 0.3 miles southeast of Sussex Highway (Rt. 13). 911 Address: 9329 Brickyard Road, Seaford. Tax Parcel: 132-2.00-264.00

Mr. Whitehouse advised the Commission that submitted into the record for CZ 1910 is a copy of the Applicant's site plan, a copy of the staff analysis, a copy of the DelDOT service level evaluation response, a copy of the Applicant's exhibit book, and comments from the Sussex County Engineering



Department Utility Planning Division. Mr. Whitehouse noted that one letter of support and one mail return have been received.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Brickyard Apartments, LLC.; that also present are Project Designer, Sherry Hockstedler from George Miles and Buhr and Billy Betts, Brickyard Apartments, LLC.; that a portion of the property is currently zoned GR; that this request is for a Change of Zone to allow for uniform zoning of GR and a Conditional Use for 48 apartments; that there would be a total of 12 buildings; that six buildings would have four one-bedroom apartments and six buildings with four two-bedroom apartments; that GR zoning designation is consistent with the prevailing uses and character of the neighborhood; that split-zoning is disfavored; that as Staff has noted that the approval would be consistent with the land use, area and surrounding uses; that the approval of this Application would help advance with the County's long standing goal of providing opportunities for affordable housing in the area; that the Office of State Planning Coordination is supportive; that there are letters of no objection from Sussex Conservation District and the DelDOT; and that there are no letters of objection.

Mr. Hopkins asked for the square footage of the apartments.

Ms. Hockstedler stated that the one-bedroom apartment buildings are 4,430 gross sf and the two-bedroom apartment buildings are 5,906 gross sf.

Ms. Stevenson asked if the development would meet Sussex County parking requirements.

Mr. Whitehouse stated that two parking spaces would be required for each unit with additional requirements for any units with more than three bedrooms.

Mr. Paradee stated that the parking requirements would be met.

Ms. Stevenson asked about the water and sewer connections. Ms. Hockstedler stated that this development has an agreement to connect to the water treatment facility at Mobile Gardens which is to the north of the subject property.

Ms. Suzanne Laws, Engineer with DelDOT gave comments on this Application by teleconference. Ms. Laws stated that this Application received a letter of no objection from DelDOT on January 13, 2020 and plans were approved on February 12, 2020.

The Commission found that no one spoke in favor 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 the Applications.

In relation to Application C/Z 1910 Brickyard Apartments, LLC., motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Draft Minutes of the January 21, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 7, 2021.

Ms. Wingate moved that the Commission recommend approval of C/Z 1910 for Brickyard Apartments, LLC for a change in zone from AR-1 to GR General Residential based upon the record made during the public hearing and for the following reasons:

1. The application meets the purpose of the Zoning Code in that it promotes the orderly growth of the County.
2. This parcel currently has a split zoning, where the front of the parcel is already zoned GR and the rear portion is zoned AR-1. This rezoning will bring the entire parcel under a single, uniform zoning district. Since the frontage is zoned GR, it is appropriate to rezone the rear to match the existing GR zoning.
3. The proposed rezoning is consistent with other zoning and uses in the area. The properties to the east and south are also currently zoned GR and there is C-1 zoning in the area. The parcel is also very close to the municipal boundaries of the City of Seaford. Under these circumstances the rezoning to GR is appropriate.
4. The rezoning will not have a significant impact upon area traffic or roadways.
5. The rezoning will not adversely impact neighboring properties, the community or public facilities in the area.
6. The site will be served by central sewer and by central water.
7. Based on the amended Future Land Use Map, this site is in a Developing Area. This Area is appropriate for GR zoning according to the Sussex County Comprehensive Plan.
8. No parties appeared in opposition to this application.
9. For all of these reasons, it is appropriate to rezone this property so that it is entirely within the GR General Residential Zoning District.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of CZ 1910 Brickyard Apartments, LLC for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
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302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 7th, 2021

Application: CZ 1910 Brickyard Apartments, LLC

Applicant: Brickyard Apartments, LLC
1080 Pittsford Victor Road
Suite 202
Pittsford, NY 14534

Owner: Brickyard Apartments, LLC
1080 Pittsford Victor Road
Suite 202
Pittsford, NY 14534

Site Location: 9329 Brickyard Road, Seaford, DE. The property is on the northwest side of Brickyard Road, approximately 0.3 mile southeast of Sussex Highway (Route 13).

Current Zoning: AR-1 - Agricultural Residential Zoning District & GR – General Residential Zoning District

Proposed Zoning: GR – General Residential Zoning District

Comprehensive Land Use Plan Reference: Low Density & Existing Development Area

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire Department

Sewer: Public – Mobile Gardens Public Water System

Water: Public – Mobile Gardens Wastewater Treatment Facility

Site Area: 3.093 acres +/-

Tax Map ID.: 132-2.00-264.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 21, 2020
RE: Staff Analysis for CZ 1910 Brickyard Apartments, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1910 Brickyard Apartments, LLC to be reviewed during the January 7, 2021 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 Change of Zone for Tax Parcel 132-2.00-264.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a General Residential (GR) Zoning District. The parcel is located on the northwest side of Brickyard Road (Route 481) approximately 0.3 mile southeast of Sussex Highway (Route 13). The portion of the parcel to be rezoned contains 3.093 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 subject property has a split land use designation of "Existing Development Area" and "Low Density Area." The properties to the south also have the land use designation of Existing Development Area.

Existing Development Areas consist primarily of existing residential development under the current General Residential and Medium Density Residential Zoning Districts, as well as some commercial uses. The Existing Development Area permits a full range of housing types which are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units.

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. More intense commercial uses should be avoided in these areas. The properties to the north and northwest of the subject property also have the land use designation of Low Density.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the General Residential (GR) Zoning District is listed as an applicable zoning district in the "Existing Development Area."



Additionally, the subject property is split-zoned with the northern half of the parcel being zoned Agricultural Residential (AR-1) and the southern half of the parcel being zoned General Residential (GR).

The property to the south as well as the properties on the opposite (western) side of Brickyard Road (Route 481) are zoned General Residential. The properties to the north and northwest of the subject site are zoned Agricultural Residential (AR-1).

Since 2011, there have been no Change of Zone applications within a 2-mile radius of the application site.

It is noted that there is a pending Ordinance to revise the Future Land Use Map to change a portion of the parcel's Future Land Use designation from the Low Density Area to the Developing Area. Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from an Agricultural Residential (AR-1) Zoning District to a General Residential (GR) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

EASEMENTS

558-569 AFFECTS PROPERTY UTILITY POLES PLOTTED
558-570 AFFECTS PROPERTY UTILITY POLES PLOTTED
558-571 DOES NOT AFFECT PROPERTY, NOT PLOTTED
1635-266 DOES NOT AFFECT PROPERTY, NOT PLOTTED
2123-138 AFFECTS PROPERTY AS PLOTTED
3834-328 DOES NOT AFFECT PROPERTY, NOT PLOTTED
3835-192 DOES NOT AFFECT PROPERTY, NOT PLOTTED

GENERAL NOTES

- 1. SOURCE OF TITLE: DEED BOOK 5105, PAGE 152, DATED AUGUST 15, 2019. MOBILE GARDENS MHP SALES TO LLC, THERE ARE NO GAPS OR OVERLAPS.
2. THE 911 ADDRESS OF THE PROPERTY IS 9329 BRICKYARD ROAD, SEAFORD, DE 19973
3. FLOOD ZONE CLASSIFICATION IS "X" BASED ON FEMA MAP #10005C0284L, DATED JUNE 20, 2018.
4. GROSS LAND AREA: 5.061 ACRES, 220,441 SQ. FT.
5. THE BUILDING SETBACK RESTRICTIONS ARE AS FOLLOWS: OR ZONING: 427' DEPTH, FRONT 40', SIDES 10', REAR 10' AR-1 ZONING: REMAINING, FRONT 40', SIDES 15', REAR 20' (LOT FRONTS ON WILSON AVE.)
6. SEWER AND WATER UTILITIES ARE PRIVATE.
7. SUBJECT PARCEL HAS DIRECT ACCESS TO BRICKYARD ROAD, A PUBLIC DEDICATED STREET MAINTAINED BY THE STATE OF DELAWARE AND WILSON AVENUE A PRIVATELY MAINTAINED STREET.
8. EXISTING STRUCTURES ON PROPERTY IN DISREPAIR AND NOT CONSIDERED IMPROVEMENTS.

LEGAL DESCRIPTION

DEED BOOK 5105, PAGE 152 AUGUST 15, 2019
PARCEL ID No. 132-2.00-264

PARCEL ONE

ALL that certain piece, or parcel of land, situate, lying and being in Broad Creek Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

BEGINNING on the center of Brick Yard Road, State Route No. 481, a corner for this land and lands of R. E. Bowland; thence North 47 degrees East 750 feet along the Bowland line to a point which is a corner for this land and other lands now or formerly of John A. Moore, Jr. and Helen M. Moore and R. E. Bowland; thence North 43 1/2 degrees West 150 feet; thence South 47 degrees West 750 feet back to State Road 481; thence South 43 1/2 degrees East 150 feet back to the place of beginning.

PARCEL TWO

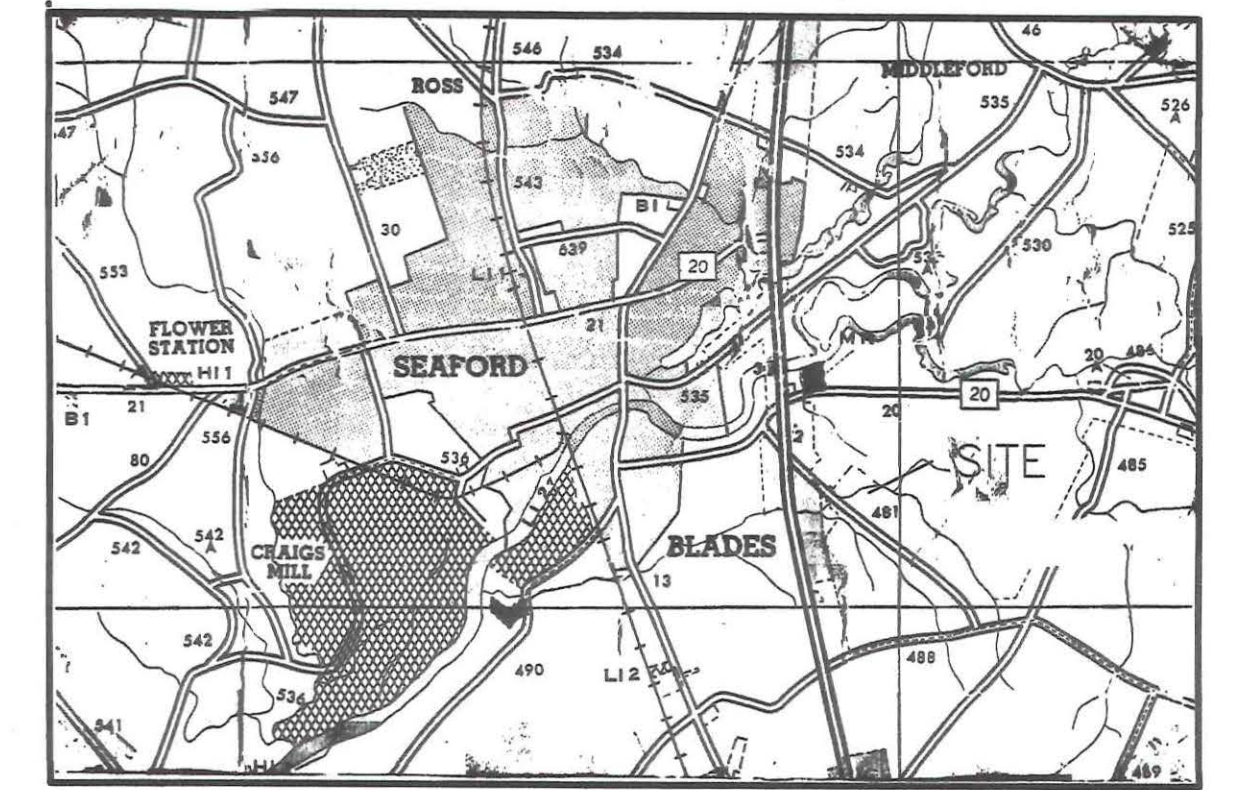
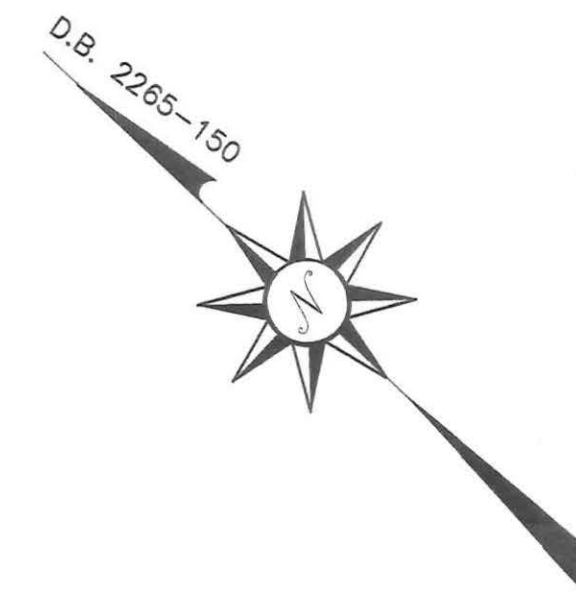
ALL that certain lot, piece, or parcel of land, situate, lying and being in Broad Creek Hundred, Sussex County, Delaware, adjoining other lands of Rufus E. Bowland, Jr. and Louise W. Bowland and more particularly described as follows, to wit:

BEGINNING on the eastern right of way line of the road leading to Route 13, a corner for this land and other lands now or formerly of Charles M. Walls and Virginia E. Walls; thence North 47 degrees East 1088 feet to Lot 67 and lands of John A. Moore, Jr.; thence South 43 1/2 degrees East along Lot 67, 50 feet; thence South 47 degrees West 1088 feet along other lands now or formerly of Rufus E. Bowland, Jr. and Louise W. Bowland to the aforementioned lot; thence North 43 1/2 degrees West 50 feet along the right of way to the place of beginning.

PARCEL THREE

ALL that certain lot, piece, or parcel of land, situate, lying and being in Broad Creek Hundred, Sussex County, Delaware, adjoining on the south other lands now or formerly of Charles M. Walls and Virginia E. Walls and adjoining on the east lands now or formerly conveyed to Charles M. Walls and Virginia E. Walls from Rufus Bowland and wife, more particularly described as follows, to wit:

BEGINNING at a point located at the northwest line of other lands now or formerly of Charles M. Walls and Virginia E. Walls; thence North 47 degrees East 338 feet to lot 69; thence South 43 1/2 degrees East 150 feet along the line of Lots 69, 68, and a portion of 67 to lands of Rufus E. Bowland and wife; thence South 47 degrees West 338 feet back to other lands now or formerly of Charles M. Walls and Virginia E. Walls; thence North 43 1/2 degrees West 150 feet back to the place of beginning.

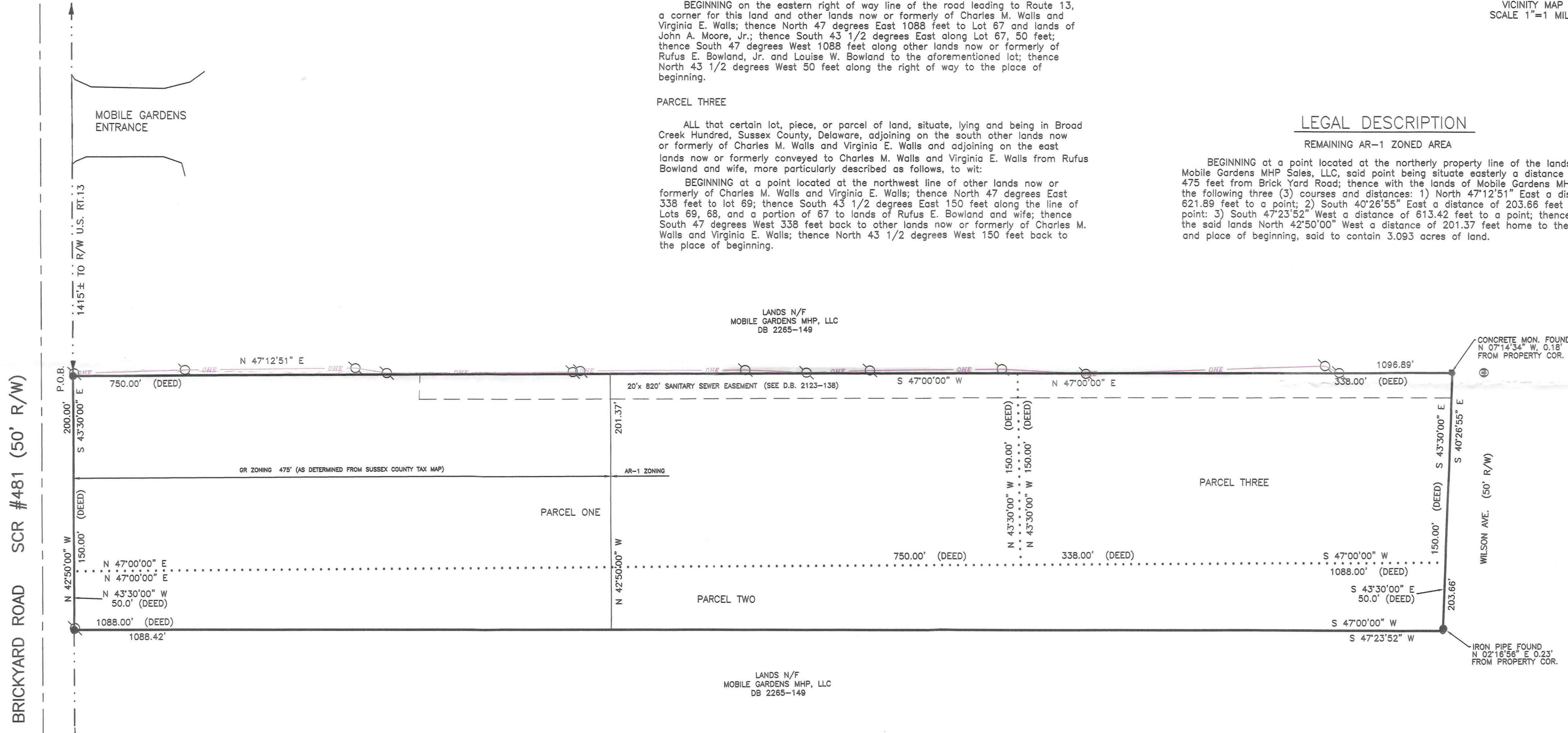


VICINITY MAP SCALE 1"=1 MILE

LEGAL DESCRIPTION

REMAINING AR-1 ZONED AREA

BEGINNING at a point located at the northerly property line of the lands of Mobile Gardens MHP Sales, LLC, said point being situate easterly a distance of 475 feet from Brick Yard Road; thence with the lands of Mobile Gardens MHP, LLC the following three (3) courses and distances: 1) North 47°12'51" East a distance 621.89 feet to a point; 2) South 40°26'55" East a distance of 203.66 feet to a point; 3) South 47°23'52" West a distance of 613.42 feet to a point; thence through the said lands North 42°50'00" West a distance of 201.37 feet home to the point and place of beginning, said to contain 3.093 acres of land.



BRICKYARD ROAD SCR #481 (50' R/W)

MOBILE GARDENS ENTRANCE

HOLLY VIEW DR.

CONCRETE MON. FOUND N 07°14'54" W, 0.18' FROM PROPERTY COR.

IRON PIPE FOUND N 02°16'56" E 0.23' FROM PROPERTY COR.

- MONUMENTATION
● IRON PIPE (FOUND)
■ CONCRETE MONUMENT (FOUND)
○ UTILITY POLE
○ POINT

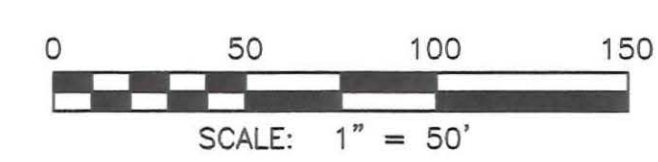
SURVEYOR'S CERTIFICATE:

TO BRICKYARD APTS, LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1,2,3,4,6(a),11,12,18,19 of Table A thereof. The field work was completed on July 10, 2019.

Date of Plat or Map: July 10, 2019

Donald K. Miller, PLS 407



ALTA/ACSM LAND TITLE SURVEY

BRICKYARD APTS, LLC

9329 BRICKYARD ROAD, SEAFORD, DE 19973

Table with columns DATE and REVISION. Multiple empty rows for recording changes.

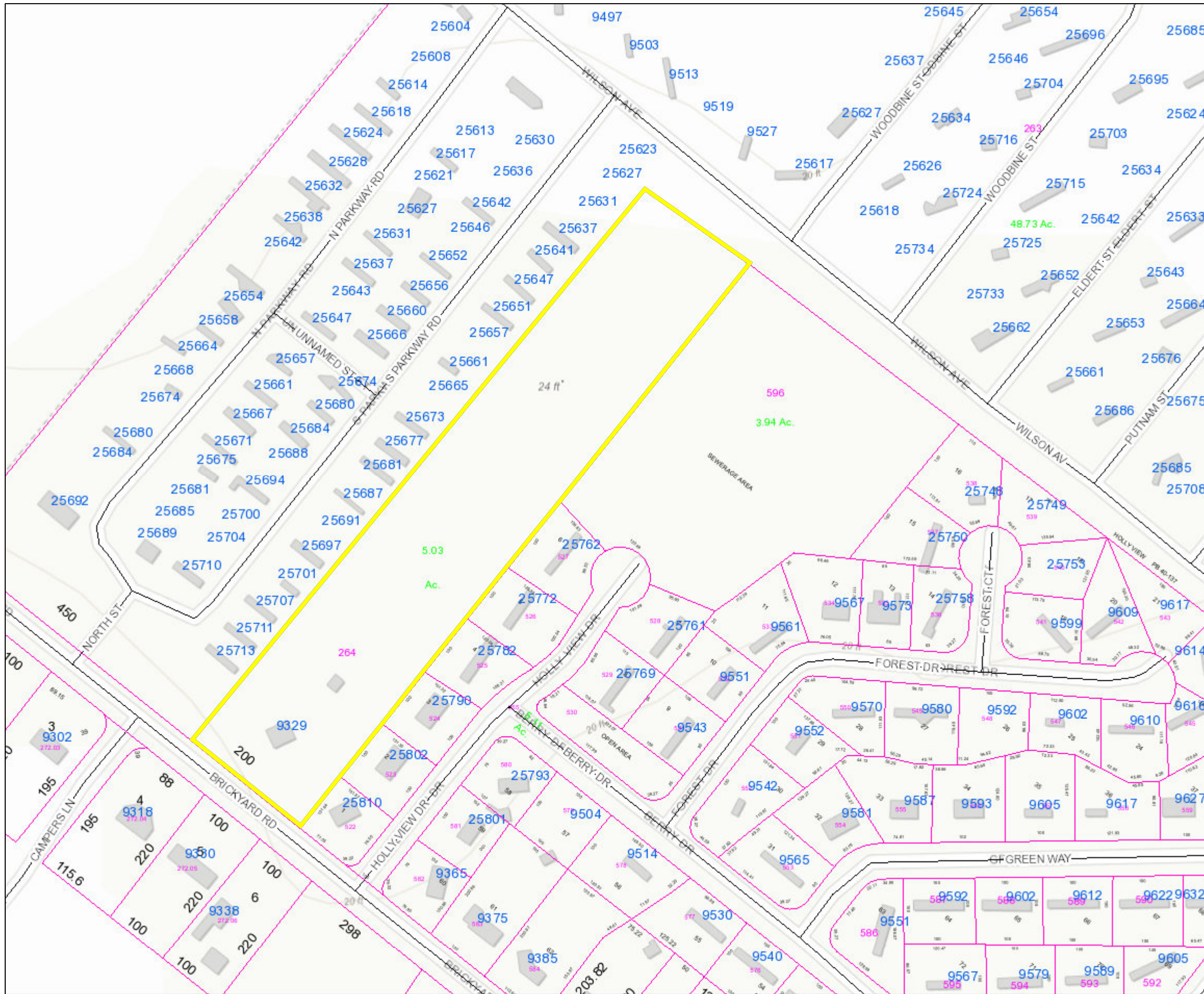
MILLER LEWIS, INC. LAND SURVEYING
1560 MIDDLEFORD RD. SEAFORD, DELAWARE 19973
PH: 302-629-9895 FAX: 302-629-2391



Table with columns HUNDRED, COUNTY, STATE, DRAWN BY, REF., FILE NO.
HUNDRED: BROAD CREEK, COUNTY: SUSSEX, STATE: DELAWARE, DRAWN BY: D.K. MILLER, REF.: DB 4579-293, FILE NO.: MOBILE GARDENS



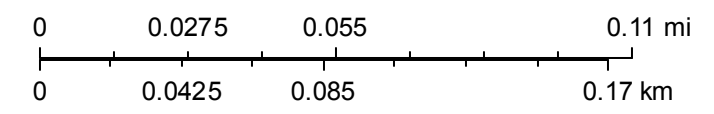
Sussex County



PIN:	132-2.00-264.00	
Owner Name	BRICKYARD	APTS LLC
Book	5105	
Mailing Address	1080 PITTSFORD VICTOR P	
City	PITTSFORD	
State	NY	
Description	STATE RD 481	
Description 2	N/A	
Description 3	N/A	
Land Code		

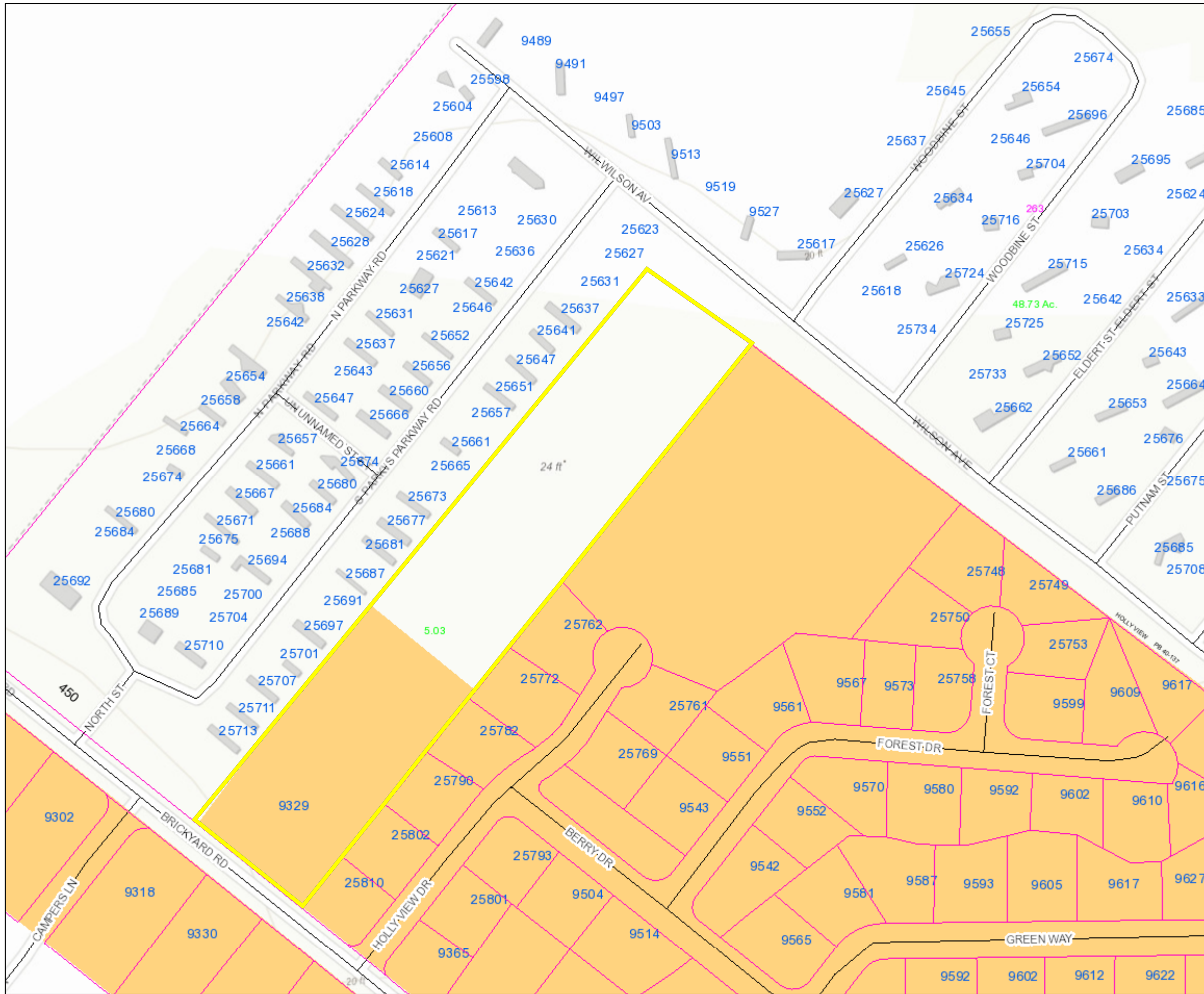
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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Sussex County



Introduced 01/07/20

**Council District No. 1 – Vincent
Tax I.D. No. 132-2.00-264.00
911 Address: 9329 Brickyard Road, Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS

WHEREAS, on the 26th day of November 2019, a zoning application, denominated Change of Zone No. 1910, was filed on behalf of Brickyard Apartments, 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 Change of Zone No. 1910 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Brickyard Road approximately 0.3 miles southeast of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by Miller Lewis, Inc., said parcel containing 3.093 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: February 4, 2021

RE: County Council Report for CU 2212 filed on behalf of Brickyard Apartments, LLC

The Planning and Zoning Department received an application (CU 2212 filed on behalf of Brickyard Apartments, LLC) for a Conditional Use for parcel 132-2.00-264.00 to allow for multi-family (48 apartments) at 9329 Brickyard Rd, Seaford. The property is within the General Residential (GR) Zoning District. The parcel size is 5.05 acres.

The Planning and Zoning Commission held a public hearing on January 7, 2021. At the meeting of January 21, 2021, the Commission recommended approval of the application for the 7 reasons and 14 recommended conditions outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meetings of January 7, 2021 and January 21, 2021

Draft Minutes of the January 7, 2021 Planning & Zoning Commission Meeting

C/U 2212 – Brickyard Apartments, LLC

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (48 apartments) to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 5.05 acres, more or less. The property is lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway (Rt. 13). 911 Address: 9329 Brickyard Road, Seaford. Tax Parcel: 132-2.00-264.00

Mr. Whitehouse advised the Commission that submitted into the record for CU 2212 is a copy of the Applicant's site plan, a copy of the staff analysis, a copy of the DelDOT service level evaluation response, a copy of the Applicant's exhibit book, comments from the Sussex County Engineering Department Utility Planning Division and comments from DelDOT. Mr. Whitehouse noted that one



letter of support and one mail return have been received.

The Commission found that Mr. John Paradee, Esq. was present on behalf of the Applicant, Brickyard Apartments, LLC.; that also present are Project Designer, Sherry Hockstedler from George Miles and Buhr and Billy Betts, Brickyard Apartments, LLC.; that a portion of the property is currently zoned GR; that this request is for a Change of Zone to allow for uniform zoning of GR and a Conditional Use for 48 apartments; that there would be a total of 12 buildings; that six buildings would have four one-bedroom apartments and six buildings with four two-bedroom apartments; that GR zoning designation is consistent with the prevailing uses and character of the neighborhood; that split-zoning is disfavored; that as Staff has noted that the approval would be consistent with the land use, area and surrounding uses; that the approval of this Application would help advance with the County's long standing goal of providing opportunities for affordable housing in the area; that the Office of State Planning Coordination is supportive; that there are letters of no objection from Sussex Conservation District and the DelDOT; and that there are no letters of objection.

Mr. Hopkins asked for the square footage of the apartments.

Ms. Hockstedler stated that the one-bedroom apartment buildings are 4,430 gross sf and the two-bedroom apartment buildings are 5,906 gross sf.

Ms. Stevenson asked if the development would meet Sussex County parking requirements.

Mr. Whitehouse stated that two parking spaces would be required for each unit with additional requirements for any units with more than three bedrooms.

Mr. Paradee stated that the parking requirements would be met.

Ms. Stevenson asked about the water and sewer connections.

Ms. Hockstedler stated that this development has an agreement to connect to the water treatment facility at Mobile Gardens which is to the north of the subject property.

Ms. Suzanne Laws, Engineer with DelDOT gave comments on this Application by teleconference. Ms. Laws stated that this Application received a letter of no objection from DelDOT on January 13, 2020 and plans were approved on February 12, 2020.

The Commission found that no one spoke in favor 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 the Applications.

In relation to Application C/U 2212 Brickyard Apartments, LLC., motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Draft Minutes of the January 21, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 7, 2021.

Ms. Wingate moved that the Commission recommend approval of C/U 2212 for Brickyard Apartments, LLC for multi-family (48 Apartments) based upon the record made during the public hearing and for the following reasons:

1. The Applicant is seeking a Conditional Use to develop a residential rental apartment complex with 48 units. These units will be located in six buildings containing four, one-bedroom apartments, and six buildings with four, two-bedroom apartments.
2. Upon the favorable action of County Council, the site will be entirely located within the Developing Area according to the Sussex County Comprehensive Plan. In this Area a wide range of housing types can be appropriate, including multi-family units such as what the Applicant has proposed here.
3. The proposed development creates rental housing at an appropriate density in an area served by central sewer and water which is near major roads, shopping and centers of employment.
4. The proposed density of this project is appropriate for this location since it is surrounded by other residential developments. Also, it is in close proximity to Route 13 and the City of Seaford.
5. There is a demand for rental housing including more affordable types of rental housing in this area of Sussex County.
6. The Sussex County Council declared in Chapter 72, Section 18 of the County Ordinances, that it was the public policy of the County to:
 - a. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
 - b. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
 - c. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
 - d. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.

The proposed development is in accordance with this stated County Public Policy.

7. With conditions imposed, the Conditional Use meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
8. This recommendation is subject to the following conditions:
 - a. There shall be no more than 48 units within this apartment development consisting of six buildings containing four, one-bedroom apartments, and six buildings with four, two-bedroom apartments.
 - b. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
 - c. The Conditional Use shall be served by central sewer.
 - d. The Conditional Use shall be served by central water.
 - e. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These

- facilities shall be operated in a manner that is consistent with Best Management Practices.
- f. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on at least one side of all streets within the Conditional Use and the sidewalk design shall take into account the location of a school bus stop.
 - g. The developer shall coordinate with the Seaford School District about the location of a centralized school bus stop within the development. If requested by the Seaford School District, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
 - h. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
 - i. Construction activities, including sitework and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.
 - j. There shall be an on-site management office within the Community.
 - k. 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.
 - l. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, amenities and all open space.
 - m. This recommendation is contingent on Sussex County Council approving the amendment of the Future Land Use Map so that this entire parcel is identified as being within the Development Area.
 - n. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to recommend approval of CU 2212 Brickyard Apartments, LLC for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 7th, 2021

Application: CU 2212 Brickyard Apartments, LLC

Applicant: KDM Development, LLC
25713 South Parkway Road
Seaford, DE 19973

Owner: Brickyard Apartments, LLC
1080 Pittsford Victor Road
Suite 202
Pittsford, NY 14534

Site Location: 9329 Brickyard Road, Seaford, DE. The property is on the northwest side of Brickyard Road, approximately 0.3 mile southeast of Sussex Highway (Route 13).

Current Zoning: AR-1 - Agricultural Residential Zoning District & GR – General Residential Zoning District

Proposed Use: 48 Apartments (Multi-family units)

Comprehensive Land Use Plan Reference: Low Density & Existing Development Area

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire Department

Sewer: Public – Mobile Gardens Public Water System

Water: Public – Mobile Gardens Wastewater Treatment Facility

Site Area: 5.03 acres +/-

Tax Map ID.: 132-2.00-264.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 21, 2020
RE: Staff Analysis for CU 2212 Brickyard Apartments, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2212 Brickyard Apartments, LLC to be reviewed during the January 7, 2021 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 Tax Parcel 132-2.00-264.00 to allow for multifamily (48 apartments). The parcel is located on the northwest side of Brickyard Road (Route 481) approximately 0.3 mile southeast of Sussex Highway (Route 13). The parcel contains 5.05 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 subject property has a split land use designation of "Existing Development Area" and "Low Density Area." The properties to the south also have the land use designation of Existing Development Areas.

Existing Development Areas consist primarily of existing residential development under the current General Residential and Medium Density Residential Zoning Districts, as well as some commercial uses. The Existing Development Area permits a full range of housing types which are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units.

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. More intense commercial uses should be avoided in these areas. The properties to the north and northwest of the subject property also have the land use designation of Low Density.

The subject property is split-zoned Agricultural Residential (AR-1) and General Residential (GR). The property to the south as well as the properties on the opposite (western) side of Brickyard Road (Route 481) are zoned General Residential. The properties to the north and northwest of the subject site are zoned Agricultural Residential (AR-1).

Since 2011, there has been one Conditional Use application within a 2-mile radius of the application site. This application was Conditional Use No. 1945 to allow for a small storage facility to be located



in an AR-1 Zoning District. The application was approved by the Sussex County Council on January 15, 2013 and adopted through Ordinance No. 2287.

It is noted that there is a pending Ordinance to revise the Future Land Use Map to change a portion of the parcel's Future Land Use designation from the Low Density Area to the Developing Area. Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a multifamily apartment community, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Jamie Whitehouse

From: John W. Paradee <john@bmbde.com>
Sent: Tuesday, February 2, 2021 2:55 PM
To: Jamie Whitehouse
Cc: Cheri Hochstedler; Billy Betts
Subject: Brickyard Apartments -- C/U #2212

Importance: High

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

Jamie:

Per our conversation moments ago, my clients would respectfully request that County Council consider amending Condition #8(j) imposed by the Planning & Zoning Commission upon its recommendation of approval for C/U #2212 to read as follows:

“There shall be an on-site management office within the Community; provided that, so long as the owner of the adjoining property presently improved by a manufactured housing community (MHC) shall approve and permit such an arrangement, the management office for the Community may be located on the site of the adjoining MHC property; otherwise, the management office must be located on-site within the Community.”

The language highlighted in underscore is the new language we would respectfully request the County Council consider for approval. The reason for this request is that both the proposed apartment community property and the adjacent MHC community property are under common ownership (although the names of the property ownership entities are different, the principals of those entities are the same individuals), and therefore, it is possible and would be much more efficient if the management office already located on the adjacent MHC community property could also be utilized as the management office for the apartment community property. If this arrangement ever became impossible for any reason (e.g., a change in the presently common ownership of the two properties), then of course the applicant understands that one of the apartment units would have to be converted into a management office on the site of the apartment community property.

For my client’s benefit, I am sending you this communication now in hopes that you can place this request into the packet that will be submitted to Council prior to its public hearing next week, as I understand that those packets must go out first thing tomorrow morning.

Thank you very much for your time and consideration.

Best regards.

John W. Paradee, Esq.

6 S. State Street | Dover, Delaware 19901
(302) 677-0061 (tel) | (302) 677-0065 (fax)
john@bmbde.com



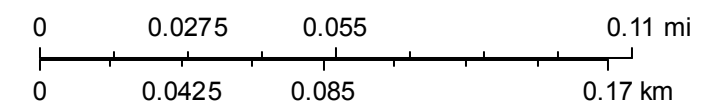
Sussex County



PIN:	132-2.00-264.00	
Owner Name	BRICKYARD	APTS LLC
Book	5105	
Mailing Address	1080 PITTSFORD VICTOR P	
City	PITTSFORD	
State	NY	
Description	STATE RD 481	
Description 2	N/A	
Description 3	N/A	
Land Code		

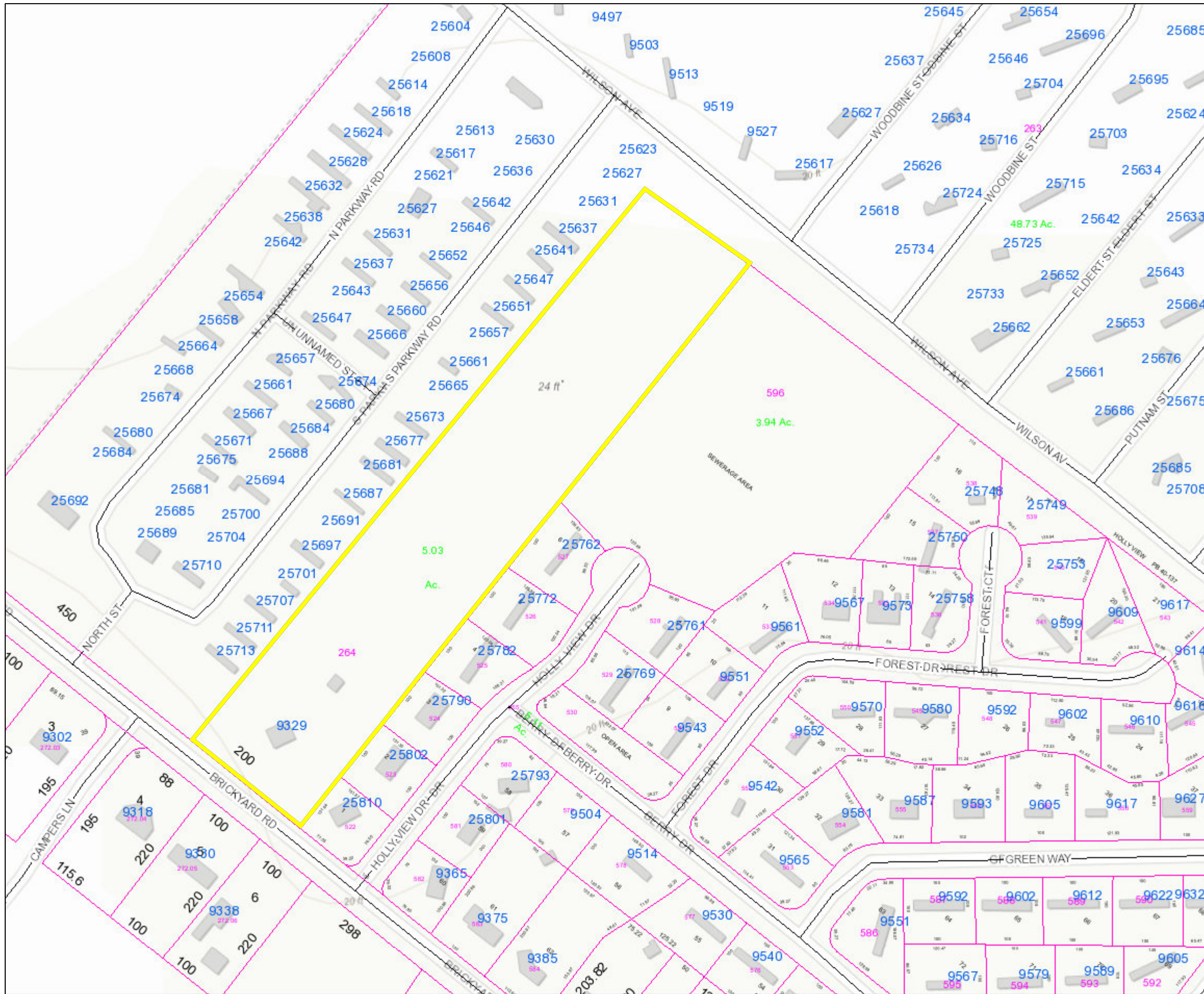
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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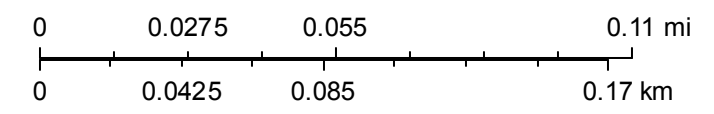
Sussex County



PIN:	132-2.00-264.00	
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Description 3	N/A	
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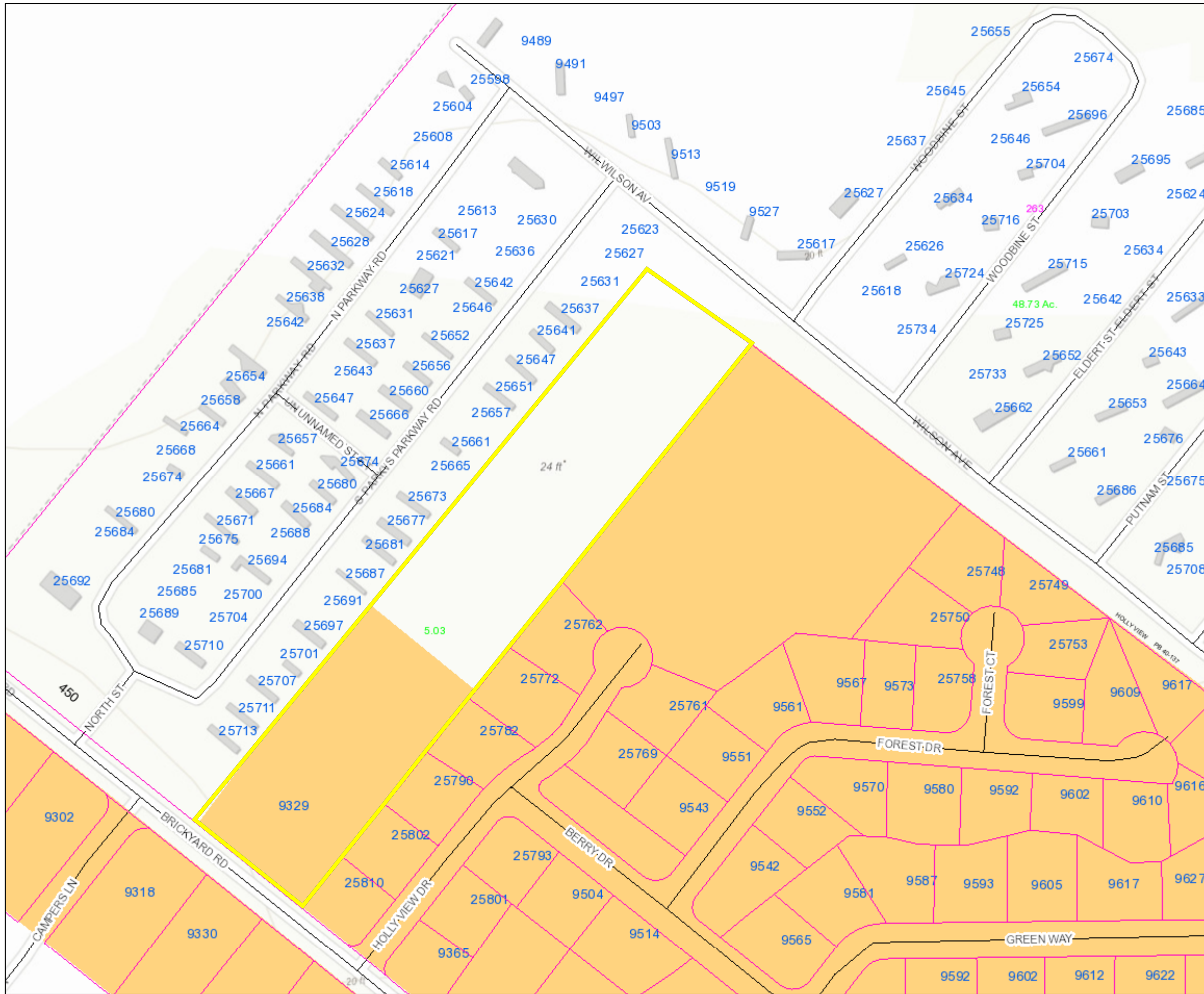
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- Override 1
- polygonLayer**
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Sussex County



Introduced 01/07/20

**Council District No. 1 – Vincent
Tax I.D. No. 132-2.00-264.00
911 Address: 9329 Brickyard Road, Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS

WHEREAS, on the 26th day of November 2019, a conditional use application, denominated Conditional Use No. 2212, was filed on behalf of Brickyard Apartments, 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. 2212 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2212 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Brickyard Road approximately 0.3 miles southeast of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by Morgenstern DeVoesick PLLC, said parcel containing 5.05 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.