



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

**MEETING:  
March 8, 2016**

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**Sussex County Council  
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MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
ROBERT B. ARLETT  
GEORGE B. COLE  
JOAN R. DEEVER



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# Sussex County Council

## AGENDA

MARCH 8, 2016

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

#### 1. Administrator's Report

### Gina Jennings, Finance Director

#### 1. 2016 State Retail Supply Contract for Electricity

##### A. Memorandum of Agreement

### Hans Medlarz, County Engineer

#### 1. Improve Utilities (Airfield Lighting), Project No. 15-11

##### A. Change Order No. 1 and Substantial Completion

### John Ashman, Director of Utility Planning

#### 1. Love Creek Elementary School

##### A. Oversizing Infrastructure Agreement



**Old Business**

**Conditional Use No. 2034  
Beachfire Brewery Co., LLC**

**Grant Requests**

- 1. Boy Scouts of America for Troop 1 projects and equipment**
- 2. Trinity Foundation for a fundraiser benefiting Nanticoke Health Services**
- 3. First State Community Action Agency for a fundraiser benefiting youth programs and services**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Collective Bargaining and Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

**12:00 p.m. – Luncheon & Discussion – Sussex Conservation District**

**Location - Sussex County West Complex – Conference Room**

**Adjourn**

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 1, 2016 at 4:45 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 1, 2016**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 1, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 100 16  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Agenda by deleting “Improve Utilities (Airfield Lighting), Project 15-11, Change Order No. 1 and Substantial Completion”, and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of February 9, 2016 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.  
RE: Letter in appreciation of grant.**

**LOVE, INC. OF MID-DELMARVA, SEAFORD, DELAWARE.  
RE: Letter in appreciation of grant.**

**IMMANUEL SHELTER, NASSAU, DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

Joyce Jason, Jeanette Cosgrove, Jackie Riemenschneider, Walt Yatko, and Steve Zee commented on the Proposed Herring Creek Sanitary Sewer District and Proposed Winding Creek Water District.

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

Dan Kramer commented on septic tanks versus sewer treatment plants.

**Delaware  
Electric  
Cooperative**

Bill Andrew, President and Chief Executive Officer of the Delaware Electric Cooperative (DEC), presented a check in the amount of \$16,853.46 to the Sussex County Council representing capital credits that were earned in 1997 and 1998.

**M 101 16  
Approve  
Consent  
Agenda**

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

**Wastewater Agreement No. 887-3  
Sussex County Project No. 81-04  
Batson Creek Estates – Phase 4  
Johnson’s Corner Sanitary Sewer District**

**Wastewater Agreement No. 638-5  
Sussex County Project No. 81-04  
The Estuary – Phase 1C – 1A (Construction Record)  
Miller Creek Sanitary Sewer District**

**Wastewater Agreement No. 638-6  
Sussex County Project No. 81-04  
The Estuary – Phase 1B (Construction Record)  
Miller Creek Sanitary Sewer District**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Amendment  
to  
Ordinance  
No. 2414**

Mr. Lawson presented a Proposed Amendment to Ordinance No. 2414 entitled “AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS” to extend the moratorium for a period of three months. Mr. Lawson noted that this extension would allow for enough time for the Council to consider and vote on a sign ordinance update.

**M 102 16  
Extend  
Sign  
Moratorium  
for Six  
Months**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the six month moratorium on the acceptance of any special use exception applications for off premise signs contained in Ordinance No. 2414 be extended for a period of three additional months from its current expiration date of March 15, 2016.

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

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

**Adminis-  
trator's  
Report**

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

**1. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, Coastal Club – Land Bay 5 and Swann Cove – Phase 7 received Substantial Completion effective February 16<sup>th</sup> and February 25<sup>th</sup>, respectively.

**2. Linda Rogers**

It is with sadness that we note the passing of former County employee Linda Rogers on Sunday, February 28<sup>th</sup>. Mrs. Rogers was also the wife of former County Councilman Lynn Rogers. Mrs. Rogers worked in the Planning and Zoning Department as an Administrative Secretary from May 2, 1973, through May 1, 1984. We would like to extend our condolences to the Rogers family.

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

**Clean  
Water and  
Flood  
Abatement  
Task  
Force  
Update**

Mrs. Jennings provided an update on the Clean Water and Flood Abatement Task Force. The Task Force met on February 23rd and a second version of the draft legislation entitled "AN ACT TO AMEND TITLES 29, 7, AND 30 OF THE DELAWARE CODE RELATING TO THE CLEAN WATER FOR DELAWARE ACT" was discussed.

Mrs. Jennings reported that, in December, legislation was drafted to add a Clean Water Fee to property tax bills. The new legislation adds a flat \$45 fee to all residential sewer bills and an increased fee for businesses. DNREC would be responsible to invoice all septic system users. The Bill states that most of Delaware's waters do not meet water quality standards for their designated uses, such as drinking, swimming, and supporting fish and other aquatic life. Delaware's list of impaired waters include 377 bodies of water that suffer from excess nutrients, low dissolved oxygen, toxins, and bacteria. Extensive analysis of chemical contaminants in fish has led to advisories that fish are unsafe to eat in more than 30 waterways statewide." The Bill also states it is in the

**Clean Water and Flood Abatement Task Force Update (continued)**

public's interest to establish a Clean Water Trust Fund to coordinate the available resources for State drinking water, wastewater, stormwater, non-point source pollution reduction, toxics removal and ecological restoration.

Mrs. Jennings reported that the fee from Sussex County property owners is estimated to generate over \$5 million to the Clean Water Trust Fund. The County would be responsible to invoice \$3 million to its customers annually. Mrs. Jennings advised that she, along with other members of the committee, brought up questions that is generating another version of this legislation. Mrs. Jennings reported that she expects to get another draft by the Committee's next meeting, which is scheduled for March 17.

**Council Grant Application**

Mrs. Jennings presented for Council's discussion the Council grant application, which is currently required by Mr. Arlett for grant requests in District 5.

The Council discussed using this grant application for all districts/all grants.

Mr. Vincent commented on the process he follows in considering grant requests and he questioned the extent that the County should go to in verifying the use of funds, i.e. audits.

**M 103 16 Adopt Council Grant Application**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Council adopt the Council Grant Application form for all Council grants.

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

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

**Bid Results/ Sodium Hypochlorite**

Hans Medlarz, County Engineer, reported on the bid results for Bulk Delivery of Sodium Hypochlorite (Sussex County Project 16-12). Four bids were received; the apparent low bidder, Intercoastal Trading submitted a base bid of \$1.05 (per gallon) and an alternate bid of \$105.00 for a 30 gallon container. The previous contract award was \$1.078 per gallon.

**M 104 16 Award Bid/ Sodium Hypochlorite**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 16-12, Bulk Delivery of Sodium Hypochlorite, be awarded to Intercoastal Trading, Inc. of Secretary, Maryland, for the base bid amount of \$1.05 per gallon and an alternate bid amount of \$105.00 for a 30 gallon container.

**Motion Adopted: 5 Yeas.**





**Update/  
Proposed  
Herring  
Creek  
Sanitary  
Sewer  
District and  
Winding  
Creek  
Village  
Water  
District**

**John Ashman, Director of Utility Planning, provided a summary of the Public Hearings on the boundaries for the Proposed Herring Creek Sanitary Sewer District and the Winding Creek Village Water District.**

**Mr. Ashman reported that, on February 13, 2016, the Engineering Department made a presentation to over 300 people at Conley's United Methodist Church near Angola. The presentation included maps and a verbal description of the proposed boundaries along with preliminary system infrastructure layouts depicting estimated line sizes and pump station locations. The presentation provided a proposed schedule for the referendum date, the design and construction of the project and the hook-up procedure once the system is operational. It provided estimated costs and rate information as well as the Absentee Ballot information and voter eligibility. This topic raised considerable debate as to who was able to vote. Mr. Ashman noted that the process was in accordance with State law. A primary concern seemed to focus on the eligibility of property owners as compared to eligible residents.**

**Mr. Ashman reported that the presentation also provided information on a new program from the Financial Assistance Branch of DNREC that would allow for Additional Subsidization Assistance, for areas where a lower income level could be verified. Ron Graeber, Program Manager, Large Systems Branch for DNREC also provided a presentation on Nutrient Loading in the Inland Bays and the need for on-site septic removal to meet the Pollution Control Strategy.**

**Mr. Ashman reported that, since the meeting, the County has received significant requests for additional information and general comments about the proposed district. As a result, the Engineering Department believes it is in the best interest of the communities to postpone the referendum vote and host an additional public meeting at some point in the future.**

**Mr. Ashman also reported that, last week, the Engineering Department mailed out approximately 796 letters to property owners advising them of the County's decision to postpone the referendum. He noted that, at this point, the Department is examining a new potential schedule, as follows: a second public meeting to be held in April or May; a debriefing to Council in May, a Proposed Resolution on the boundary to Council in May; and a referendum in June.**

**Mr. Ashman reported that the following costs are the current estimates:**

**Annual Service Charge - \$302.00 per EDU (billed quarterly)**

**Assessment Charge - \$8.24 per Front Foot (FF) per year (billed quarterly)**

**System Connection Charge - \$0 per existing home, any new homes will pay \$5,775 or the fee in place at the time of connection.**

- Update/  
Proposed  
Herring  
Creek  
Sanitary  
Sewer  
District and  
Winding  
Creek  
Village  
Water  
District  
District  
(continued)**
- Mr. Arlett referenced the public comments made at the beginning of the meeting and questioned the proper process for HOAs to get votes and regarding HOA Boards making decisions for residents without proper input. Mr. Arlett questioned, if there appears to be a mishap, how does the Council address it?**
- Mr. Moore reported that there may have been some confusion or breakdown in communication between the HOA and individuals; that the Engineering Department was given certain information; that it appears the Engineering Department did follow through with the proper steps; and that the process is not over – there is going to be a referendum.**
- Mr. Ashman commented that there seems to be concern as to why the County polled other communities. He stated that the purpose of polling other communities in the area was to establish boundaries. He noted that, typically, the larger the boundary, the lower the cost.**
- Taxiway B  
Asphalt  
Tie-Down  
and Ramp  
Rehabili-  
tation  
Project**
- Joe Wright, Assistant County Engineer, presented a recommendation to reject bids for Taxiway B, Asphalt Tie-Down and Ramp Rehabilitation Project, Contract 16-01. Two bids were received for this project and were considerably higher than the Engineer's estimate. The Engineering Department recommends rebidding the project, possibly in two phases, once the Department agrees on a new construction schedule with the Airport and the tenants.**
- M 107 16  
Reject Bids/  
Taxiway B  
Asphalt  
Tie-Down  
and Ramp  
Rehabili-  
tation  
Project**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that all bids for Contract 16-01 – Taxiway B, Asphalt Tie Down and Ramp Rehabilitation be rejected, and that the Contract be re-bid at a later date.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**
- Woods at  
Walls  
Creek/  
Sussex  
Conser-  
vation  
District  
Proposal**
- Joe Wright, Assistant County Engineer, presented a proposal to complete work at the Woods at Walls Creek. The original developer for the Woods at Walls Creek, Frank Robino Companies, LLC, failed to complete the stormwater management ponds and associated work in a satisfactory manner. Sussex County Engineering, with the Council's permission (granted on March 27, 2012), pulled the bond associated with this work. On August 3, 2015, payment of \$214,660 was received as the full surety amount. Mr. Wright reported that the Sussex Conservation District has reviewed the work remaining and provided a proposal to complete the work on behalf of the County. Their proposal will allow for reimbursement of actual costs incurred in an amount not to exceed \$210,000 and thus, will be paid in full with proceeds of the bond.**

**Woods at Walls Creek (continued)**

**In response to questions raised by Mr. Arlett, Vince Robertson, Assistant County Attorney, commented on the lengthy process of receiving bond money.**

**M 108 16  
Approve  
Sussex  
Conser-  
vation  
District  
Proposal/  
Woods at  
Walls  
Creek**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, that the Sussex County Council approves the February 22, 2016 proposal from Sussex Conservation District to complete stormwater infrastructure and roadside swales in the subdivision of “Woods at Walls Creek” in accordance with the approved plans and project requirements, in an amount not to exceed \$210,000.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CZ 1782**

**The Council considered Change of Zone No. 1782 filed on behalf of Robert Atallion.**

**The Planning and Zoning Commission held a Public Hearing on this application on August 27, 2015 at which time action was deferred. On September 10, 2015, the Commission recommended that the application be denied.**

**The County Council held a Public Hearing on this application on September 29, 2015 at which time action was deferred.**

**Mr. Moore read proposed Findings of Fact for the Council’s consideration.**

**M 109 16  
Adopt  
Ordinance  
No. 2437/  
CZ 1782**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2437 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS” (Change of Zone No. 1782) filed on behalf of Robert Atallion, based on the following Findings of Fact:**

- A. This is the application of Robert Atallian to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.38 acres, more or less. The property is located south of Lewes-Georgetown Highway (Route 9) 615 feet west of Arabian Acres Road (Road 282) (911 Address: 18501 Stamper Drive, Lewes) (Tax Map I.D. 334-4.00-88.00).**

**M 109 16  
Adopt  
Ordinance  
No. 2437/  
CZ 1782  
(continued)**

- B. Council found that DeIDOT commented that the rezoning application could be considered without a Traffic Impact Study and that the need for a Traffic Impact Study will be evaluated when a subdivision or land development plan is proposed.**
- C. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.**
- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed Change of Zone is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- E. The Council found that Robert Atallian and Bill Massey were present at the Planning and Zoning Commission hearing and Robert Atallian was present at the Council hearing and stated that historically this property has been used for an equestrian center, an eye glass business, and an approved antique store, which has an approved expansion for a produce market; that the application was filed to bring the property into the appropriate zoning category to establish the use as a permitted use, not requiring a conditional use; that the Applicant has operated a business on the property for over 20 years; that there are several commercial and business uses across Route 9 and in close proximity to the site, referencing Bada Engineering, TR Roofing, Beaman's Old and Gnu Antiques, Building Supply Depot, Grizzly's, Millman's Appliances, Steele's Gun Shop, a beauty salon, Beracah Homes, a pet daycare, Hopkin's Dairy Farm, and others; and that the area is trending toward commercial use.**
- F. Council also found that the existing antique store was established by Conditional Use in 1995; that the produce stand expansion to the site was established by Conditional Use in 2013; that they realize that all agency approvals are required before any additional expansions to the site; that two (2) rezonings have been approved recently in the area; that this site has been used historically as a commercial use; that the neighboring property recently denied for rezoning is a residential property; that if the property remains AR-1, the Applicant would have to apply for an additional conditional use application if he proposed to expand the business; that the Applicant is only asking for conforming zoning to uses that have already been established; that the private drive easement on the property provides access to the Stamper properties to the rear; that the economic challenges and hardships require the business plan to be expanded to other uses; and that the two (2) current uses of the property are the retail antiques and produce stand.**

**M 109 16  
Adopt  
Ordinance  
No. 2437/  
CZ 1782  
(continued)**

**G. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, Council found that:**

- 1. The property is located along Route 9 (Lewes – Georgetown Highway) in an area that is trending toward commercial use and is basically surrounded by commercial uses, including C-1, conditional uses and non-conforming commercial uses, as well as some AR-1 zoning. This location is appropriate for CR-1 zoning.**
- 2. Surrounding uses include commercial uses as Bada Engineering, TR Roofing, Beaman’s Old and Gnu Antiques, Building Supply Depot, Grizzly’s Landscape Supply Services, Millman’s Appliances, Steele’s Gun Shop, a beauty salon, Beracah Homes, a pet daycare, Hopkin’s Dairy Farm, and others. The rezoning to CR-1 and the permitted uses in that zone are compatible with the uses of the surrounding properties.**
- 3. CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along Route 9 falls within the stated purposes of the CR-1 District.**
- 4. The CR-1 zoning classification will allow the Applicant to expand his business plan in a manner consistent with the additional uses permitted in a CR-1 District as well as the current use of the property and the surrounding properties.**
- 5. The use will not adversely affect neighboring properties or area roadways.**
- 6. DelDOT has not required a Traffic Impact Study or imposed any requirements regarding the requested use.**
- 7. No parties appeared in opposition to the application.**

**H. Based on the record of the Planning and Zoning Commission and the record created before Council, the Council approved this application.**

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

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

**[Mr. Wilson did not participate in the Public Hearing on this application on September 29, 2015 and therefore, did not participate in the vote.]**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 110 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$375.00 (\$187.50 from Mrs. Deaver’s Councilmanic Grant Account and \$187.50 from Mr. Cole’s Councilmanic Grant Account) to the Lewes – Rehoboth Rotary Club for the 2016 Trail Guide.**

**M 110 16  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 111 16  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Countywide Youth Grants to Children of the Delaware National Guard Youth Camp for camp operations.**

**Motion Adopted: 5 Yeas.**

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

**M 112 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00 (\$50.00 each from Mr. Arlett's, Mr. Cole's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to the Delaware Seaside Railroad Club for expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 113 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$750.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Historical Society for the Annual Chautauqua Tent Show.**

**Motion Adopted: 5 Yeas.**

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

**M 114 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$4,500.00 (\$3,000.00 from Mr. Vincent's Councilmanic Grant Account and \$1,500.00 from Mr. Arlett's Councilmanic Grant Account) to the Laurel Historical Society for improvements to the Heritage Museum.**

**Motion Adopted: 5 Yeas.**

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

**Council  
Members'  
Comments**

**Council Members' Comments**

Mr. Cole commented on unit pricing for sewer districts in lieu of front footage costs. At the request of Mr. Cole, County Engineer Hans Medlarz participated in the discussion. Mr. Medlarz stated that Delaware Code stipulates that charges are based on front footage and he noted that there is a minimum and a maximum; a change to unit pricing would require a change in State Code. Mr. Medlarz and Mrs. Jennings will discuss Mr. Cole's suggestion and report back to the Council at a later date.

Mrs. Deaver commented on the Comprehensive Plan Workshop that is scheduled on this date.

Mr. Arlett commented on the benefits of Delaware Hospice to families and to the community.

**M 115 16  
Go Into  
Executive  
Session**

At 12:06 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to go into Executive Session to discuss matters relating to collective bargaining and pending/potential litigation.

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

At 12:10 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to collective bargaining and pending/potential litigation. The Executive Session concluded at 12:51 p.m.

**M 116 16  
Reconvene  
Regular  
Session**

At 12:54 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 5 Yeas.**

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

**E/S  
Action**

There was no action on Executive Session matters.

**M 117 16  
Reconvene  
Regular  
Session**

At 12:54 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess and to reconvene at the West Complex for the Sussex County Comprehensive Plan Workshop.

**Motion Adopted: 5 Yeas.**

**M 117 16  
(continued)**

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

**M 118 16  
Reconvene  
Regular  
Session**

**At 1:21 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to reconvene for the purpose of holding a Workshop on the Sussex County Comprehensive Plan.**

**Motion Adopted: 5 Yeas.**

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

**Workshop/  
Compre-  
hensive  
Plan**

**A Workshop on the Sussex County Comprehensive Plan was held.**

**The following were in attendance:**

<b>Michael H. Vincent</b>	<b>President, Sussex County Council</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President, Sussex County Council</b>
<b>George B. Cole</b>	<b>Councilman, Sussex County Council</b>
<b>Joan R. Deaver</b>	<b>Councilwoman, Sussex County Council</b>
<b>Robert B. Arlett</b>	<b>Councilman, Sussex County Council</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Lawrence Lank</b>	<b>Director of Planning &amp; Zoning</b>
<b>Janelle Cornwell</b>	<b>Planning &amp; Zoning Manager</b>
<b>Bob Wheatley</b>	<b>Chairman, Planning &amp; Zoning Commission</b>
<b>I.G. Burton</b>	<b>Member, Planning &amp; Zoning Commission</b>
<b>Michael Johnson</b>	<b>Member, Planning &amp; Zoning Commission</b>
<b>Marty Ross</b>	<b>Member, Planning &amp; Zoning Commission</b>
<b>Rodney Smith</b>	<b>Member, Planning &amp; Zoning Commission</b>
<b>Everett Moore</b>	<b>County Attorney</b>
<b>Vince Robertson</b>	<b>Assistant County Attorney</b>
<b>Jamie Sharp</b>	<b>Assistant County Attorney</b>

**Mr. Lawson announced that this workshop is the kick-off of the Sussex County Comprehensive Plan for 2018, which has to be completed by June 2018 according to Delaware Code.**

**Mr. Lawson stated that representatives from McCormick Taylor, the County's Consultant for the Comprehensive Plan, were in attendance:**

**John Mullen, Planner  
Burt Cossaboon, Planner  
Ted Goglietta, Planner  
Sonia Marichic-Goudy, Highway Engineer**

**Mr. Lawson advised that Ms. Cornwell is going to be the County's point of contact for this effort.**



**Workshop/  
Compre-  
hensive  
Plan  
(continued)**

**Ms. Cornwell and the representatives of McCormick Taylor gave an overview of the process that will be undertaken to update the Comprehensive Plan. Topics covered were State requirements for Comprehensive Plans, McCormick Taylor's experience in Delaware and Sussex County with Comprehensive Plans; draft work program schedule including identifying opportunities and coordination activities, and visioning/development framework.**

**A discussion was held regarding the process and specifically, how the County and the Consultant will reach out to the public for input.**

**M 119 16  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to adjourn at 2:45 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

*{An audio recording of this meeting (a.m. session only) is available on the County's website.}*

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

(302) 855-7741 T  
(302) 855-7749 F  
gjennings@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## **Memorandum**

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable Robert B. Arlett  
The Honorable George B. Cole  
The Honorable Joan R. Deaver

FROM: Gina A. Jennings  
Finance Director

RE: **2016 STATE RETAIL SUPPLY CONTRACT FOR ELECTRICITY**

DATE: March 4, 2016

On Tuesday, I will present the attached Memorandum of Agreement (MOA) with the State of Delaware to include our Delmarva Power electric accounts in the State's electric supply contract, as we have done since 2006. Our existing electric supply agreement with NRG will expire in July, which means the State and the other aggregated partners will start the bid process in April.

This agreement has served Sussex County well. We have saved approximately \$87,000 annually when compared to Delmarva Power's supply rates. We are projecting a similar savings if we continue to aggregate our electricity supply with the State. Sussex County currently uses 13 million kilowatt-hours per year. The entire State contract is 280 million kilowatt-hours. It has been advantageous to add our load to the State's pool to obtain competitive rates with favorable terms and conditions.

Affinity Energy Management has been hired by the State of Delaware to bid out the electricity supply. The term of the next energy contract will be based on the best value achieved through the bidding process. As in the past, Sussex County has the option to opt out of the MOA with 90 days notice.

Attachment

pc: Mr. Todd F. Lawson



**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE STATE OF DELAWARE, OFFICE OF MANAGEMENT AND BUDGET  
AND**

---

**FOR  
THE AGGREGATION OF ENERGY REQUIREMENTS INTO RETAIL SUPPLY  
CONTRACTS FOR ELECTRICITY**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_  
between the State of Delaware, Office of Management and Budget and the \_\_\_\_\_  
\_\_\_\_\_.

**WITNESSETH:**

**Whereas** the parties to this memorandum agree it is advantageous to aggregate energy requirements for the purpose of securing electricity supply contracts in the deregulated retail electricity market;

**Whereas** the parties to this memorandum agree that aggregating energy requirements will leverage public-sector procurement clout for the purchase of electricity and may result in lower prices and a higher degree of budget certainty for all Aggregation Partners;

**Whereas** the parties to this memorandum agree it is in the best interest of the citizens of Delaware to manage, control and reduce the cost of energy to state and local governments, school districts, charter schools and institutions of higher education;

**Therefore, be it resolved** that in keeping with the agreements described above, the State of Delaware’s Office of Management and Budget (hereafter “OMB”), acting on behalf of the State of Delaware and its energy aggregation partners will develop, bid, award and administer energy supply contracts that are consistent with the laws of the State of Delaware and in the best interest of the State and its Aggregation Partners. The following terms and conditions shall define the responsibilities and obligations of both parties to this Memorandum of Agreement:

1. The OMB shall enter into a Memorandum of Agreement (hereafter “MOA”) with each State agency, County, Municipality, School District, Charter School and Institution of Higher Education that elects to become an Aggregation Partner with the State for the purpose of combining its energy requirements with the State and other Aggregation Partners to bid and award electricity supply contracts in the deregulated retail electricity market.
2. Each MOA between the OMB and an Aggregation Partner shall consist of identical terms and conditions to ensure equality among the partners. However, an Aggregation Partner may request the modification, deletion or addition of specific terms and conditions as long as the change does not affect the equal standing of all Aggregation Partners, including the State. Final decision will be at the discretion of OMB.
3. An executed MOA shall remain in effect until either party to the agreement cancels it according to the following conditions:
  - i. The OMB shall provide an Aggregation Partner with at least 90 days written notice of its intent to cancel this MOA.
  - ii. The Aggregation Partner may cancel this MOA at any time. However, notwithstanding the Aggregation Partner’s ability to cancel as set forth in this subparagraph, the Aggregation Partner shall continue to fulfill its obligations to purchase electricity according to the terms and conditions of an energy supply contract, which has been bid upon and awarded by the State, if the Aggregation

Partner's purchasing requirements are included in the "committed load" of the cancelled bid and contract.

- iii. The Aggregation Partner may opt-out of a particular RFP for a contract extension or new supply contract for energy as set forth in Paragraph 7 of this MOA without cancelling this MOA.
4. The OMB and its Aggregation Partners shall work together to develop an energy procurement process, methodology, and strategy that is in the best interest of the State and its Aggregation Partners, which shall be consistent with the laws of the State of Delaware. To enable a collaborative approach to energy procurement, the parties agree to the following:
    - i. Each Aggregation Partner shall appoint a representative who shall have the legal authority to obligate the partner to the requirements and obligations of the MOA, procurement process, methodology and strategy.
    - ii. The OMB shall form an "Energy Aggregation Management Committee" (EAMC) consisting of OMB and Aggregation Partner representatives appointed according to paragraph 4i. The EAMC shall meet or conduct conference calls as needed to discuss the energy procurement process and contracts, review energy supplier performance and conduct planning and strategy development to ensure that the State and its Aggregation Partners take full and best advantage of the deregulated retail electricity market.
  5. The OMB shall endeavor to work with its Aggregations Partners to develop an energy procurement process, methodology and strategy, and bid and negotiate contracts that are acceptable to and meet the needs of the State and its Aggregation Partners. However, if disputes among Aggregation Partners cannot be resolved through a cooperative process in which the Partners reach consensus, the OMB shall assume the role of arbiter and resolve the dispute in the best interest of the State. The decisions of the OMB shall be final and not subject to appeal.

6. The OMB and its Aggregation Partners acknowledge that the energy procurement process, contract, methodology and strategy will be subject to improvement and change as the OMB and its partners gain experience procuring electricity in the deregulated retail energy market. The energy procurement process, as of the date of this MOA, is defined according to the procedures and steps set forth in Appendix I. If the procurement process is subject to significant change during the term of the MOA, the OMB shall distribute a revised Appendix I to all Aggregation Partners.
  
7. The OMB, on behalf of the State, shall bid and award energy supply contracts according to a strategy that balances price, risk and results in reasonable budget certainty. The strategy shall also include the procurement of a certain portion of the State's electricity from "green" or renewable energy sources. The OMB shall consult its Aggregation Partners via the Energy Aggregation Management Committee as it develops the strategies and methodology to accommodate changes in the deregulated energy market. However, each Aggregation Partner may develop its own set of requirements and energy procurement policies that may or may not be compatible with energy supply contracts bid and awarded by the OMB. Therefore, at a specific point in time specified by the OMB prior to the release of a Request For Pricing ("RFP") for electricity, each Aggregation Partner shall have the opportunity to either opt-in or opt-out of the procurement process. The following conditions shall apply:
  - i. The OMB shall provide Aggregation Partners with reasonable notice of its intent to issue an RFP for a contract extension or new supply contract for energy. The OMB shall provide each Aggregation Partner with the date and time they are required to notify OMB of their decision to either opt-in or opt-out of the procurement process. Since the OMB may initiate bids for energy supply contracts on the basis of changing market conditions that are advantageous to the State and its Aggregation Partners, the OMB shall provide Aggregation Partners with commercially reasonable time intervals during which Aggregation Partners

- are required to either opt-in or opt-out of the process for any additional or future RFPs as may be permitted herein.
- ii. If an Aggregation Partner elects to opt-out of a procurement process, the partner shall notify the OMB via email as soon as possible, but before the date and time specified by the OMB. If the Aggregation Partner opts-out of the process, the partner's account and energy consumption data shall be removed from the "committed load" specified in the bid and contract documents. An Aggregation Partner that initially elects to opt-out of the procurement process may opt-in if the partner can notify the OMB of its decision by the date and time specified by the OMB. Opting-out of a procurement process shall not terminate this MOA with the OMB. Opting-out of the procurement process shall exclude the Aggregation Partner from purchasing electricity from an energy supply contract bid and awarded by the OMB; the Aggregation Partner shall instead have to purchase electricity at Delmarva Power's Standard Offer Service rate or enter into its own contract for electricity.
  - iii. If an Aggregation Partner elects to opt-in to the procurement process, its account and energy consumption data shall be included in the "committed load" communicated to bidders via bid and contract documents prepared by the OMB. The OMB shall not remove an Aggregation Partner's account and energy consumption data from the "committed load" unless the partner notifies the OMB of its decision to opt-out of the procurement process prior to the date and time specified by the OMB.
  - iv. If an Aggregation Partner elects to opt-in to the procurement process, the partner may include all or a portion of its energy requirements in the "committed load." If the partner elects to include only a portion of its energy requirements in the "committed load," the portion included shall be designated on the basis of whole accounts only. If an Aggregation Partner elects to exclude one or more accounts from the "committed load," the partner shall not be able to purchase electricity for the excluded account(s) under the energy supply contract awarded by the OMB. However, accounts excluded by an Aggregation Partner may be included in the partner's "committed load" the next time the OMB bids and awards an energy

supply contract. If an Aggregation Partner elects to opt-in to a procurement process, its account and energy consumption data will be aggregated into the “committed load” awarded to one or more energy suppliers. By way of executing an aggregate energy supply contract, the OMB shall rely upon the Aggregation Partner’s opt-in to enroll each Aggregation Partner in a standard agreement with the energy supplier for its portion of the “committed load.”

- v. The Aggregation Partner’s opt-in to the procurement of a new RFP or extension of a energy supply contract shall be determined by its written confirmation unless the Aggregation Partner notifies the OMB in writing of its election to opt-out prior to the date and time specified by the OMB, as described in paragraph 7i.
8. If any term or provision of this Agreement is found by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, the same shall not affect the other terms or provisions hereof or the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary in the court's opinion to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.
9. This agreement and its Appendices shall constitute the entire agreement between OMB and the undersigned Aggregation Partner with respect to the subject matter of this Agreement and shall not be modified or changed without the express written consent of the parties. The provisions of this Agreement supersede all prior oral and written quotations, communications, agreements and understandings of the parties with respect to the subject matter of this Agreement.
10. This Agreement was drafted with the joint participation of the undersigned parties and shall be construed neither against nor in favor of either, but rather in accordance with the fair meaning thereof.



**IN WITNESS WHEREOF**, the parties to these presents have duly executed this agreement by their signatures:

**Aggregation Partner:** \_\_\_\_\_

Attest: \_\_\_\_\_ By: \_\_\_\_\_

Dated: \_\_\_\_\_

**FOR THE STATE OF DELAWARE, Office of Management and Budget**

Attest: \_\_\_\_\_ By: \_\_\_\_\_

Dated: \_\_\_\_\_

## MOA Appendix I

### Bidding and Award Procedures for Retail Electricity Supply Contracts

Effective Date: February 1<sup>st</sup>, 2016

Based on the workings of the deregulated retail energy market, and existing State procurement laws, the OMB has adopted a three-phase procurement methodology that includes the prequalification of energy suppliers, negotiation of contractual terms and conditions, and the bidding and awarding of energy supply agreements based on a committed load.

The following information describes the procedures associated with each procurement phase:

- **Phase I: Prequalification**: Phase I prequalifies PSC-certified electricity suppliers according to specific selection criteria and results in a subset of electricity suppliers who continue to Phase II of the procurement process.
- **Phase II: Negotiation**: Electricity suppliers prequalified under Phase I continue to the Phase II negotiation process. Negotiation may lead to amended terms and conditions, but all prequalified suppliers will be required to accept a uniform contract to participate in Phase III, should a reverse auction be determined to be the best procurement approach. Phase II concludes with the execution of master supply agreements with at least two, and preferably with all, of the Phase II participants.
- **Phase III Bidding and Award of a Supply Contract**: Phase III will be initiated during the Phase II negotiation process with the release of “indicative” bids to Phase II participants. Indicative bids will enable the State to probe the energy market in a way that will identify the best likely term for and executable supply contract and will ensure that potential suppliers have a good understanding of the State and its Aggregation Partners’ account structure and committed load (committed load is based on account data provided by the State and its Aggregation Partners and by historic consumption data provided by Delmarva Power). Indicative bids will also enable the State to determine the most appropriate procurement approach, whether traditional blind RFP or reverse auction, based on market factors at time of indicative bid receipt. Final bid analysis and award will be determined by price, aggregate costs and final contract terms and conditions.

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE

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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

### Contract 15-11 DELAWARE COASTAL AIRPORT , IMPROVE UTILITIES, AIRFIELD LIGHTING Change Order #1 & 2 and Substantial Completion

- The work completed under this contract consisted of the removal and replacement of the Taxiway B Lighting System. All existing Taxiway Edge Lights and associated cabling were removed and replaced with Energy Efficient LED Lighting Fixtures. All work was completed to FAA Standards.
- Construction was scheduled to be completed on February 14<sup>th</sup>, 2016. However, the work was substantially complete and operational on February 4<sup>th</sup> 2016. The Engineering Department requests Council approval of February 4<sup>th</sup> 2016 as the date of substantial completion.
- An issue was found with two direction signs located on Runway 4-22, not in compliance with FAA Advisory Circular 150/5340. The sign lighting must be operated from the Runway Lighting circuit. During construction it was discovered not to be the case. Change Order #1 corrects this issue.
- Runway 4-22 Lighting Circuit is presently indicating a low insulation resistance reading due to failure of the existing Primary Connector Kits. We are presently near the low minimum of 1 Megohm, as listed by the FAA requirements. We are requesting Change Order #2 to make these repairs and divert a potential lighting system failure.



## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
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# Sussex County

DELAWARE  
sussexcountype.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

STEVEN L. HUDSON  
DIRECTOR OF TECHNICAL ENGINEERING

February 8, 2016

Tudor Electric, Inc.  
801 Otis Drive  
Dover, Delaware 19901

Attn: Mr. Robert H. Tudor, II, President  
Sussex County Project No. 15-11, File AR-3.57-D

Dear Robert,

At your request, a Substantial Completion Inspection was held on February 4, 2016 with the following people in attendance:

Joe Rentz  
Jake Porter  
Jason Horseman

Steve Hudson  
Dave Wooten  
Helen Naylor

The purpose of this inspection was to test and operate the new lighting system for Taxiway B at Delaware Coastal Airport.

The first test performed was of the Insulation Test of the new circuit. The test was completed with a Fluke 1550C Meg-Ohm Meter. The test Voltage was 1000 volts for a duration of two minutes. The test was clear and the results are provided on the attachment to this letter.

Next, the continuity test was performed on the new lighting circuit. The test results indicated that the Series Circuit was closed and was acceptable.

Lastly, County personnel connected the new circuit to the Constant Current Regulator dedicated for this circuit and energized the lights on low, medium and high intensity. The lights performed as designed. The results of all testing are tabulated on the attachment.

We consider the Project to be Substantially Complete as of February 4, 2016 and pending approval of the Sussex County Engineer, we will present our recommendation to Sussex County Council. A short punch-list of items to be corrected is also attached to this letter. Charges against the contract time cease as of the date of Substantial Completion.

To assist with the future project closeout process, below are listed items from the General Provisions that apply to this project:



1. Complete final cleanup in accordance with subsection 40-08, FINAL CLEANUP.
2. Complete all punch list items identified during the Substantial Completion Inspection.
3. Provide complete release of all claims for labor and material arising out of the Contract.
4. Provide a certified statement signed by the subcontractor indicating actual amount paid to the Disadvantaged Business Enterprise (DBE) subcontractor associated with the project.
5. Security for Construction Warranty.

As far as the remaining issue of the Runway 4-22 exit signs becoming wired to the runway circuit, we will have a description and cost request for you in the near future. Please provide your estimate of cost and time to complete so we can prepare the change order.

We appreciate Tudor Electric's hard work to bring this project to completion since it has greatly improved our Airport Lighting System.

Sincerely,

Helen Naylor, Project Engineer  
Steven Hudson, Director of Technical Engineering

cc: All Attendees  
Hans Medlarz, PE, County Engineer

Enclosures

Attachment # 1

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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# Sussex County

DELAWARE  
sussexcountype.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

STEVEN L. HUDSON  
DIRECTOR OF TECHNICAL ENGINEERING

February 9, 2016

Tudor Electric, Inc.  
801 Otis Drive  
Dover, Delaware 19901

Attn: Mr. Robert H. Tudor, II, President  
Sussex County Project No. 15-11

Robert,

I would like to request a Cost Proposal with Estimated Project Time, referred to as Change Order # 1 of Sussex County Project #15-11. The Scope of work is to connect power from two sets of Runway Direction Signs, to the Runway 4-22 Lighting System. I am attaching a schematic drawing for the additional work. The details are listed as follows:

1. Airfield Radio to be monitored at all times.
2. All work to utilize the same methods/materials as the original Project Scope.
3. All work to be completed using the "Pull Back" method. Equipment located in the Safety Area must be moved out of the Safety Area far enough to clear any Part 77 Restriction, during Aircraft Landing/Take Off.
4. Runway 4-22 must be De-Energized during this procedure. The lights must be available during night time hours and days of low visibility.
5. All new L-868 Pull Box's to be pre-encased in concrete, and set in place utilizing the same criteria as the project drawings.
6. Connect Sign Lights to the Safety Ground of Runway Lighting Circuit.
7. Extend the Counterpoise to the signs.
8. The existing Sign Lights and Transformers will be utilized.



9. The following is an estimated list of materials required for this project:
- a. 2 – L868 Pull Box's with Blank Covers and Snow Marker
  - b. 250' – 2" PVC Conduit and Fittings
  - c. 500' - # 8 5KV FAA approved Cable
  - d. 250' - # 6 Stranded Green Insulated Ground Cable
  - e. 250' - # 6 Bare Copper Solid (Counterpoise)
  - f. 12 – 5 KV Rated L-823 Connector Kits
  - g. 2 – 10' Copper Clad Ground Rods

Steven Hudson, Director of Technical Engineering

EQUAL OPPORTUNITY EMPLOYER



**TUDOR ELECTRIC, Inc.**  
*Electrical Contractor*

801 OTIS DRIVE  
DOVER, DELAWARE 19901  
(302) 736-1444  
FAX (302) 736-1483

February 19, 2016

Steve Hudson  
Sussex County Engineering  
P.O. Box 589  
Georgetown, DE 19947

RE: Sussex County Airport – Improve Utilities

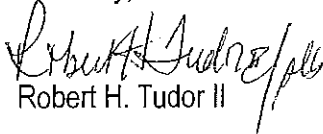
Dear Steve:

In response to your request for pricing to connect power from two sets of Runway Direction Signs to the Runway 4-22 Lighting System, our price to do this work is \$9,335.00. Price includes all labor, material, equipment and prevailing wages.

Pricing is good for 30 days.

Please issue a change order if we are to proceed.

Sincerely,

  
Robert H. Tudor II

RHTII/plb



**TUDOR ELECTRIC, INC.**  
**SUSSEX COUNTY AIRPORT - IMPROVE UTILITIES - PROJECT NO. 15-11**

February 29, 2016

Change Order Pricing to connect power from 2 sets of Runway Direction Signs to the Runway 4-22 Lighting System

<u>ITEM #</u>	<u>QTY.</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
L-868	2 ea	Supply & Install Pull Boxes	\$ 1,466.25	\$ 2,932.50
L-110	250 lf	Supply & Install 2" PVC Conduit	\$ 4.60	\$ 1,150.00
L-108	500 lf	Supply & Install 5 KV Cable	\$ 1.40	\$ 700.00
L-108	250 lf	Supply & Install #6 Ground Cable	\$ 1.40	\$ 350.00
L-108	250 lf	Supply & Install #6 Bare Counterpoise	\$ 2.65	\$ 662.50
L-823	12 ea	Supply & Install Connector Kits	\$ 275.00	\$ 3,300.00
L-108	2 ea	Supply & Install 10' Copper Clad Ground Rods	\$ 120.00	\$ 240.00
		This Change Order Total		\$ 9,335.00
		Previous Change Order Total		\$ -
		Revised Contract Total		\$ 271,715.50

CONTRACT CHANGE ORDER NO. 1

or

SUPPLEMENTAL AGREEMENT NO. n/a

AIRPORT DELAWARE COASTAL AIRPORT DATE 2/29/16

LOCATION GEORGETOWN, DE AIP PROJECT NO. 3-10-0007-031-2015

CONTRACTOR TUDOR ELECTRIC

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

Item No.	Description	Unit	Unit Price	Quantity	Amount
L-868	Supply and Install Pull Boxes	EA	1,466.25	2	2,932.50
L-110	Supply and Install 2" PVC Conduit	FEET	4.60	250	1,150.00
L-108	Supply and Install 5 KV Cable	FEET	1.40	500	700.00
L-108	Supply and Install #6 Ground Cable	FEET	1.40	250	350.00
L-108	Supply and Install # 6 Bare Counterpoise	FEET	2.65	250	662.50
L-823	Supply and Install Connector Kits	EA	275.00	12	3,300.00
L-108	Supply and Install 10' Copper Clad Ground Rods	EA	120.00	2	240.00
<b>This Change Order Total</b>			<b>\$9,335.00</b>		
<b>Previous Change Order(s) Total</b>			<b>\$0.0</b>		
<b>Revised Contract Total</b>			<b>\$271,715.50</b>		

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

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
 Engineer

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Owner

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_  
 Contractor

Concurred by: \_\_\_\_\_ Date \_\_\_\_\_  
 State Aeronautics (if applicable)

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Federal Aviation Administration

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

AIP PROJECT NO. 3-10-0007-031-2015 CHANGE ORDER NO. 1  
(Supplemental Agreement)

AIRPORT DELAWARE COASTAL AIRPORT LOCATION GEORGETOWN, DE

**JUSTIFICATION FOR CHANGE**

1. Brief description of the proposed contract change(s) and location(s).  
Additional work to redirect electric connection for two runway direction signs from a taxiway circuit to the appropriate runway circuit.

2. Reason(s) for the change(s) *(Continue on reverse if necessary)*  
Work will be performed to comply with FAA Advisory Circular 150/5340

3. Justifications for unit prices or total cost.

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

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

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

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

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

9. Has this (Change Order) (Supplemental Agreement) been discussed with FAA officials?  
Yes  No  When \_\_\_\_\_ With Whom Brian Gearhart, HADO

Comment \_\_\_\_\_

# CHANGE ORDER

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## SUSSEX COUNTY CHANGE ORDER REQUEST

### A. ADMINISTRATIVE:

1. Project Name: **IMPROVE UTILITIES (AIRFIELD LIGHTING)**
2. Sussex County Contract No. 15-11
3. Change Order No. 2
4. Date Change Order Initiated - 2/29/16
5.
  - a. Original Contract Sum \$ 262,380.50
  - b. Net Change by Previous Change Orders \$ 9,335.00
  - c. Contract Sum Prior to Change Order \$ 271,715.50
  - d. Requested Change \$ 16,387.50
  - e. Net Change (No. of days) -0-
  - f. New Contract Amount \$ 288,103.00
6. Contact Person Hans Medlarz  
Telephone No. (302) 855-7718

### B. REASON(S) FOR CHANGE ORDER

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

# CHANGE ORDER

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6. Factors Affecting Time of Completion

7. Other (explain below):

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

We are currently experiencing Low Resistance Readings on our 4-22 Runway Lighting System, due to a failure of the Connection Splice Kits. We are proposing to replace them with a new FAA approved style for better insulation value.

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

Yes \_\_\_\_\_ No  \_\_\_\_\_

**E. APPROVALS**

1. \_\_\_\_\_  
Tudor Electric, Inc. Date

2. \_\_\_\_\_  
County Engineer Date

EQUAL OPPORTUNITY EMPLOYER



**TUDOR ELECTRIC, Inc.**  
*Electrical Contractor*

801 OTIS DRIVE  
DOVER, DELAWARE 19901  
(302) 736-1444  
FAX (302) 736-1483

February 19, 2016

Steve Hudson  
Sussex County Engineering  
P.O. Box 589  
Georgetown, DE 19947

RE: Sussex County Airport – Improve Utilities

Dear Steve:

In response to your request for pricing to replace the splice kits on the existing runway edge and sign lights on Runway 4-22 our price to do this work is \$250.00 for each runway edge or sign light. This price is based on using prevailing wages. If prevailing wages are not required, the price would be \$172.50 for each runway edge or sign light.

Pricing is good for 30 days.

Sincerely,

  
Robert H. Tudor II

RHTII/plb

**MOTION**

BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT THAT CHANGE ORDER NOS. 1 AND 2 FOR CONTRACT #15-11, INSTALL TAXIWAY LIGHTS (INCLUDING ELECTRICAL VAULT IMPROVEMENTS) BE APPROVED, WHICH INCREASES THE CONTRACT AMOUNT BY \$25,722.50 FOR A NEW TOTAL OF \$288,103.00, AND THAT SUBSTANTIAL COMPLETION OF THE BASE BID BE GRANTED EFFECTIVE FEBRUARY 4, 2016, AND ANY HELD RETAINAGE BE RELEASED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, CONTINGENT UPON THE APPROVAL OF FUNDING FROM THE FEDERAL AVIATION ADMINISTRATION.

Hans Medlarz  
Sussex County Engineer  
March 8, 2016

## Love Creek Elementary School Oversizing Infrastructure Agreement

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

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

**CAPE HENLOPEN SCHOOL DISTRICT**, a school district of the state of Delaware, hereinafter called the “School” and;

### WITNESSETH:

**WHEREAS**, the School is developing a tract of land identified as Tax Map parcel 3-34-12.00-45.01 to be known as Love Creek Elementary School;

**WHEREAS**, the School does lie within the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District;

**WHEREAS**, the County has determined by study known as Goslee Creek Planning Study, that a sub-regional pump station is needed to serve the School and that the sub-regional pumpstation and its subsequent forcemain need to be over-sized to serve the needs of the surrounding properties; and

**WHEREAS**, the sub-regional pumpstation and its subsequent forcemain, hereinafter referred to as “Subregional Infrastructure and Forcemain” shall be further defined as the construction of Goslee Creek Pump Station #B1 including wet well, pumps, generator, all components for the completion and operation of the pump station, lands and easements required for its construction and operation as well as all land, easements, forcemain pipe and installation of all the components necessary to connect the pump station to the Goslee Creek infrastructure.

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

- (1) At its sole cost and expense the School agrees to design, bid and construct the Subregional Infrastructure and Forcemain per Option 1 of Memorandum Goslee Creek – Priority Projects work order 14256-000, which is attached as **Attachment “A”**.
- (2) As the School is completing all of the Subregional Infrastructure for the School and Delaware State Police Troop #7 (DSP) the County agrees to reimburse the School for the difference in the final, actual construction costs between the size of Subregional Infrastructure and Forcemain as outlined in the Memorandum and the infrastructure required to solely serve the School and DSP, according to County Standards and minimums,



to the ultimate point of connection at the County's portion of the work (gravity tie-in at the intersection of Cedar Grove Road and Mulberry Knoll Road) as shown on the approved concept plan. Prior to initiating construction the School or its Contractor shall submit a unit price cost proposal for the two options outlined above, which is to be reviewed and approved by Sussex County. The amount eligible to be reimbursed shall be based on the total actual construction costs of the oversized infrastructure less the costs of the infrastructure and facilities sized solely to serve the School and DSP. The total actual costs of the oversized infrastructure shall be certified in writing by the School's Professional Engineer and shall be subject to review and approval by the County Engineer. Such costs shall be reimbursed by the County in accordance with Paragraph 3 below and shall be known as the "Oversizing costs". **A spreadsheet depicting the pro rata shares of the SCC and on-site inspection fees is attached as Exhibit "B".**

- (3) The School shall first be reimbursed for its Oversizing Costs by the County through credits for the transmission connection charge set forth in Section 110-91 of Sussex County Code. Once the credits applicable to the transmission connection charge have been fully exhausted, the County will credit the on-site inspection fees. If the County owes Oversizing Costs to the Schools after exhaustion of these credits the County Engineer and the School shall negotiate the time and method of reimbursement to the School in accordance with the requirements of Section 110-83 of the Sussex County Code. To the extent that the reimbursement is less than the amount of the transmission connection charge due from the School, the difference shall be paid by the School to the County in compliance with the requirements of Section 110-91 of the Sussex County Code.
- (4) Prior to the commencement of construction of this Project, the School, at its sole expense, is required to obtain all easements, fee simple title and other property rights necessary to complete the Project and provide evidence thereof to the County. Further, the School is responsible to obtain such easements and title in a manner that will allow the County to take over the perpetual maintenance responsibilities. Such easements and title shall be in the format that the County approves.
- (5) Prior to the commencement of any construction for the Project, the School shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the Sussex County Code.
- (6) Upon completion of the Project, the School shall provide notice of completion in writing to the County, who shall inspect the work promptly. Any defects or issues shall be identified in writing to the School, who shall have thirty (30) days to complete said items, unless the County grants an extension. When all items have been addressed to the County's satisfaction and other requirements under this Agreement have been met, the County shall issue final written acceptance.
- (7) In order to receive final acceptance, the School shall convey all of its rights, title and interest in and to the Project and the underlying property via marketable fee simple title or easement free and clear of any liens, claims, charges, and encumbrances attaching thereto, Said

transfer of rights, title, and interest shall be accomplished by such documentation as the County Attorney shall deem necessary and appropriate.

- (8) The School shall warrant the quality and workmanship of the Subregional Infrastructure and Forcemain for a period of one year beginning upon date on which the County issues final acceptance of the Project. Any defects or flaws identified by the County in writing and sent to the School shall be promptly corrected by the School, and in no event after thirty (30) days of mailing said notice unless the County grants an extension in writing.
- (9) The School may assign this Agreement in whole or in part to any entity controlled directly or indirectly by the School or to any third party who purchases, leases or otherwise controls any portion of the School property without the consent of the County. The School shall provide County at least ten days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of the County.
- (10) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (11) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (12) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by the County, nor in any way relieve the School of its responsibility for the adequacy of its work.
- (13) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (14) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.

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

**FOR THE COUNTY:**

{Seal}

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

ATTEST:

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

APPROVAL TO FORM: \_\_\_\_\_  
Assistant County Attorney

**CAPE HENLOPEN SCHOOL DISTRICT**

By: \_\_\_\_\_ (Seal)  
\_\_\_\_\_ (DATE)

WITNESS: \_\_\_\_\_



# MEMORANDUM

Date: April 6, 2015

To: Michael Izzo  
 From: Francis Bonkowski  
 Subject: Goslee Creek – Priority Projects

Work Order Number: 14256-000  
 Contract Number:  
 Project: Goslee Creek Planning Study for the  
 Inland Bays Planning Area

CC: Joe Wright, SCED  
 John Ashman, SCED  
 Will Hinz, WRA  
 File: 14256-000

In July of 2014, Whitman, Requardt and Associates, LLP (WRA) completed the *Goslee Creek Planning Study for the Inland Bays Planning Area*. The Study analyzed growth allocations for the Goslee Creek Planning Area and identified proposed infrastructure improvements required. During the study, the County noted several priority projects that are expected to be developed in the near future. The County has requested that WRA perform further review of the Delaware State Police (DSP) Troop 7, Elementary School, and Saddle Ridge priority projects to provide connection options allowing for flexible construction timelines. These three projects are located within the same sub-sewershed with a proposed pump station within Saddle Ridge to collect gravity sewer flows. Due to the timing of the projects, the DSP and school may require connections prior to the completion of Saddle Ridge.

Four options were developed to allow the DSP and school to connect to the proposed regional infrastructure independent of a pump station at Saddle Ridge. The first option includes a sub-regional pump station on the elementary school property to split the sewershed. The second option involves the construction of a larger pump station on the school property with adequate capacity to handle flows from the original PS#B service area. The third and fourth options include small interim pump stations with plans to connect via gravity to Saddle Ridge once the pump station is online. Each option is detailed below. It is assumed that the minimum wetwell diameter and pump horsepower (Hp) are 5 ft. and 3 Hp, respectively.

**Option 1:**

In order to make the DSP and elementary school completely independent of Saddle Ridge, the original PS#B sewershed could be split to allow two sub-regional pump stations. The proposed pump station, PS#B1, is located on the school property and will serve the school and DSP as well as parcels along John J. Williams Hwy. (SR 24) north to Mulberry Knoll Rd. and 750 ft. south. PS#B1 would serve 266 EDUs at buildout with a flow rate of 145 gpm. PS#B would be reduced to 564 EDUs at buildout with a flow rate of 308 gpm. The force main from PS#B will only be 6-inch until it manifolds with the 4-inch force main from PS#B1. The manifold force main will increase to 8-inches and then continue up to Mulberry Knoll Rd. to manifold with PS#G's 4-inch force main before continuing to the proposed regional gravity sewer in Cedar Grove Rd. A depiction of Option 1 is included on **Figure 1**. The pump station in Saddle Ridge will require a 6 ft. diameter wetwell and estimated 15 Hp pumps. The additional pump station at the elementary school will require a 5 ft. diameter wetwell and estimated 5 Hp pumps. A summary of the estimated pump station design is included below in **Table 1**. An updated EDU allocation table for Option 1 is attached for reference.

**Table 1 – Option 1 Pump Station Summary**

Pump Station	EDUs	Peak Flow (gpm)	Horsepower (Hp)	Wetwell Diam. (ft.)
B	564	308	15	6
B1	266	145	5	5
G	364	199	5	5

The advantages of Option 1 are that PS#B1 can be constructed independently of all other infrastructure, with cost being minimized to the elementary school and DSP.

The disadvantages of Option 1 include:

- Two pump stations need to be operated and maintained on a permanent basis.
- Construction may be required within the elementary school property for the 6-inch force main from PS#B at a later date or incorporated into the initial utilities installed on the school property. This will require coordination between the two projects.
- Initial velocities from only PS#B1 in the 8-inch force main will be less than 1 ft/s.
- A permanent manifold is required for PS#B1, potentially increasing complexity of pump operations for future PS#B and PS#G

**Option 2:**

Option 2 is the same as Option 1 except that PS#B force main discharges into the PS#B1 sewer as indicated in Figure 2. In Option 2, PS#B1 would become the larger station (10 Hp Pumps and 8-foot diameter wetwell) with associated 8-inch force main. PS#B would be reduced in size to 10 Hp Pumps and 6-foot in diameter wetwell with 6-inch force main. A pump station summary for Option 2 is provided in Table 2 below:

**Table 2 – Option 2 Pump Station Summary**

Pump Station	EDUs	Peak Flow (gpm)	Horsepower (Hp)	Wetwell Diam. (ft.)
B	564	308	10	6
B1	830	441	10	8
G	364	199	5	5

The advantages of Option 2 are as follows:

- PS#B1 can be constructed independently of all other infrastructure
- Force main scour velocity can be obtained as soon as PSB#1 is constructed.
- Construction of a future force main by Saddle Ridge will not be required on the elementary school's property, assuming the 8-inch gravity extension from PS#B1 to SR 24 is initially made. This would eliminate any coordination efforts between the two projects and minimize the total linear footage of utilities to be installed and maintained.
- Competing head pump stations between PS#B1 and PS#B are eliminated along with associated operation and design complexities.

The disadvantages of Option 2 include:

- Two pump stations need to be operated and maintained on a permanent basis.
- Combined capital costs may be slightly higher due to the larger combined sizes of PS#B and PS#B1 wetwells. However, this cost would likely be offset by reduced force main construction costs.

**Option 3:**

In lieu of creating a new sub-sewershed, a temporary pump station could be installed to serve the DSP and elementary school properties. Option 3, as indicated in Figure 3, proposes an interim pump station, PS#B1, be installed and operated on the elementary school property until the Saddle Ridge pump station is constructed. The pump station will only be serving Troop 7 and the elementary school, approximately 45 EDUs or a peak flow of 25 gpm. These flows would collect in a temporary pump station with a 5 ft. diameter wetwell and 3 Hp pumps before being pumped directly to the regional sewer in Cedar Grove Rd. After the PS#B system is constructed with the associated gravity extension to PS#B1's collection system, PS#B1 will be abandoned. Thus, the buildout design for PS#B will not be impacted since both priority projects will connect via gravity in the future. The sewershed for PS#B includes 830 EDUs at buildout with a peak flow of 441 gpm. The required wetwell size is 8 ft. with 15 Hp pumps. A summary of the estimated pump station design is included below in Table 3. In order to minimize redundant infrastructure, an 8-inch force main is recommended for PS#B1 to meet the buildout peak flow requirements.



**Table 3 – Option 3 Pump Station Summary**

Pump Station	EDUs	Peak Flow (gpm)	Horsepower (Hp)	Wetwell Diam. (ft.)
B	830	441	15	8
B1	45	25	3	5
G	364	199	5	5

The advantages of Option 3 are:

- PS#B1 can be constructed independently of all other infrastructure, with cost being minimized to the school and DSP. Initial capital costs are anticipated to be similar to Option 1, unless it is determined that a permanent emergency generator is not required for the interim station.
- Long term operation and maintenance costs would be reduced since a permanent station is not required.
- Competing head pump stations are minimized along with associated potential operation and design complexities.

The disadvantages of Option 3 include:

- Construction may be required within the elementary school property for the 8-inch sewer extension to PS#B1, assumed to be constructed at a later date.
- Velocity from initial flows from PS#B1 in the 8-inch force main will be very low (less than 0.2 ft/s) until PS#B is constructed.

**Option 4:**

The final option is similar to the Option 3 where a temporary pump station, PS#B1, will be sited on the elementary school property. Instead of pumping through an 8-in force main to the regional sewer, a temporary connection to PS#193's force main will be utilized. PS#193 is located along Mulberry Knoll Rd. and currently serves Beacon Middle School. The pump station conveys flow through a 4-in force main extending north along Mulberry Knoll Rd. and continuing along SR 24 to reach the existing gravity sewer within the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WREDBSSD). Option 4 with the associated force main for PS#193 and the proposed manifold is depicted on **Figure 4**. The pump sizing for PS#B and PS#B1 do not change from Option 3 above and a summary is included in **Table 4** below. Although the proposed flow from PS#B1 is only 25 gpm, the impact to PS#193 under a competing head scenario must be considered. The pump station is designed to convey 87 gpm at 39 ft. of head, but the competing head will reduce the operating point to 66 gpm at 43 ft. of head. Depending on the peak flows from Beacon Middle School a pump upgrade may be required unless measures were included to prevent simultaneous operation of PS#B1. An updated EDU allocation table for Option 3 and 4 is attached for reference.

**Table 3 – Option 3 Pump Station Summary**

Pump Station	EDUs	Peak Flow (gpm)	Horsepower (Hp)	Wetwell Diam. (ft.)
B	830	441	15	8
B1	45	25	3	5
G	364	199	5	5

The advantages of Option 4 are similar to Option 3 with the additional advantage that installation of the 8-inch force main to the regional system could be delayed until Saddle Ridge is developed.

The disadvantages of Option 4 include:

- Upgrade to PS#193 may be required along with the construction of the interim 2-inch force main, with the connection point/cost into the PS#193 force main not currently known.



- It has always been assumed that the force main infrastructure from PS#B would go through the DSP and elementary school properties, with the undesirable alternative of additional construction adjacent to John L. Williams Highway. Assuming impacts to John L. Williams are to be minimized, significant coordination would be required between Saddle Ridge and the other projects for the construction of the future 8-inch force main.

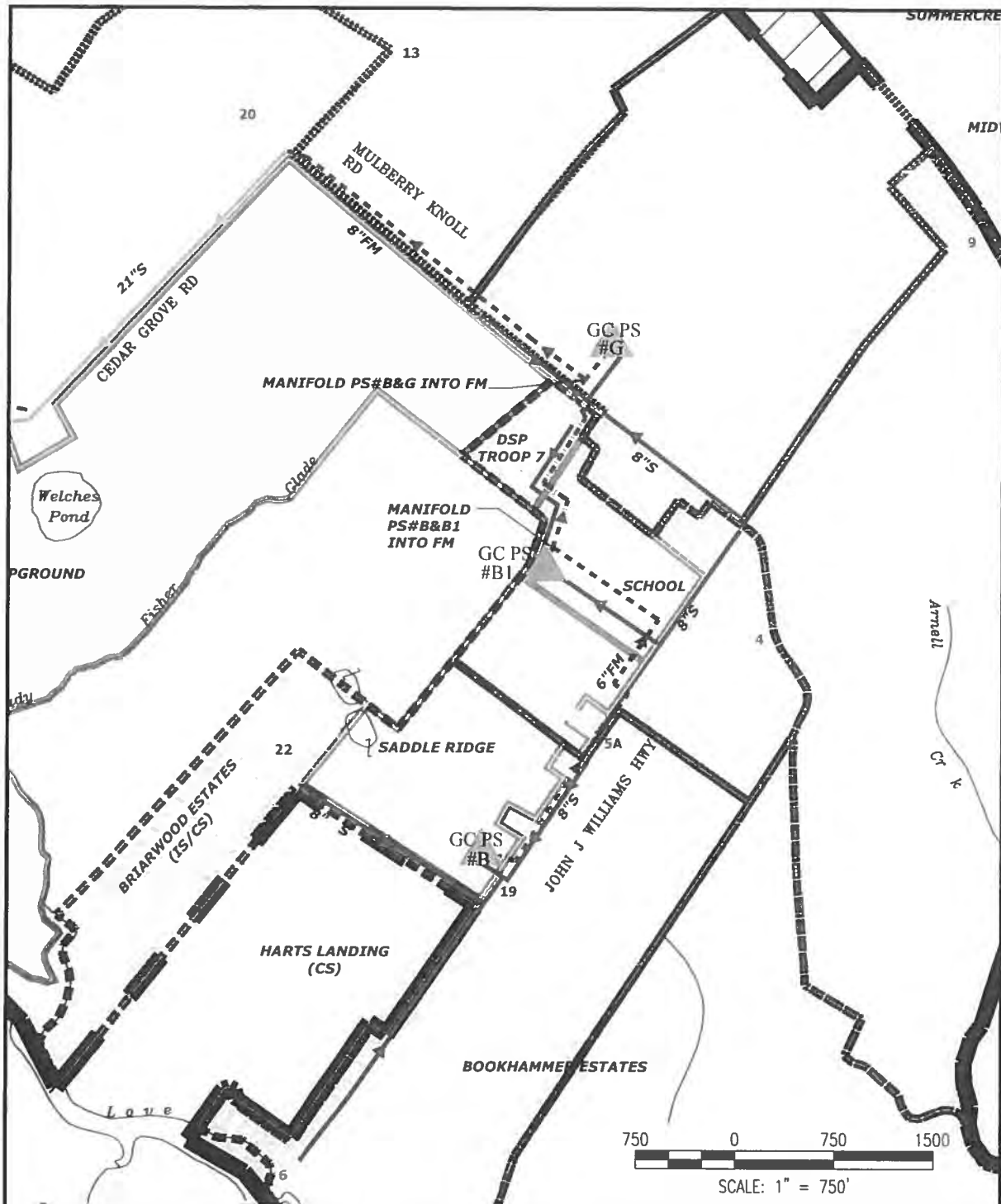
Please contact us if you have questions or comments regarding the above information.



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Francis Bonkowski, P.E.



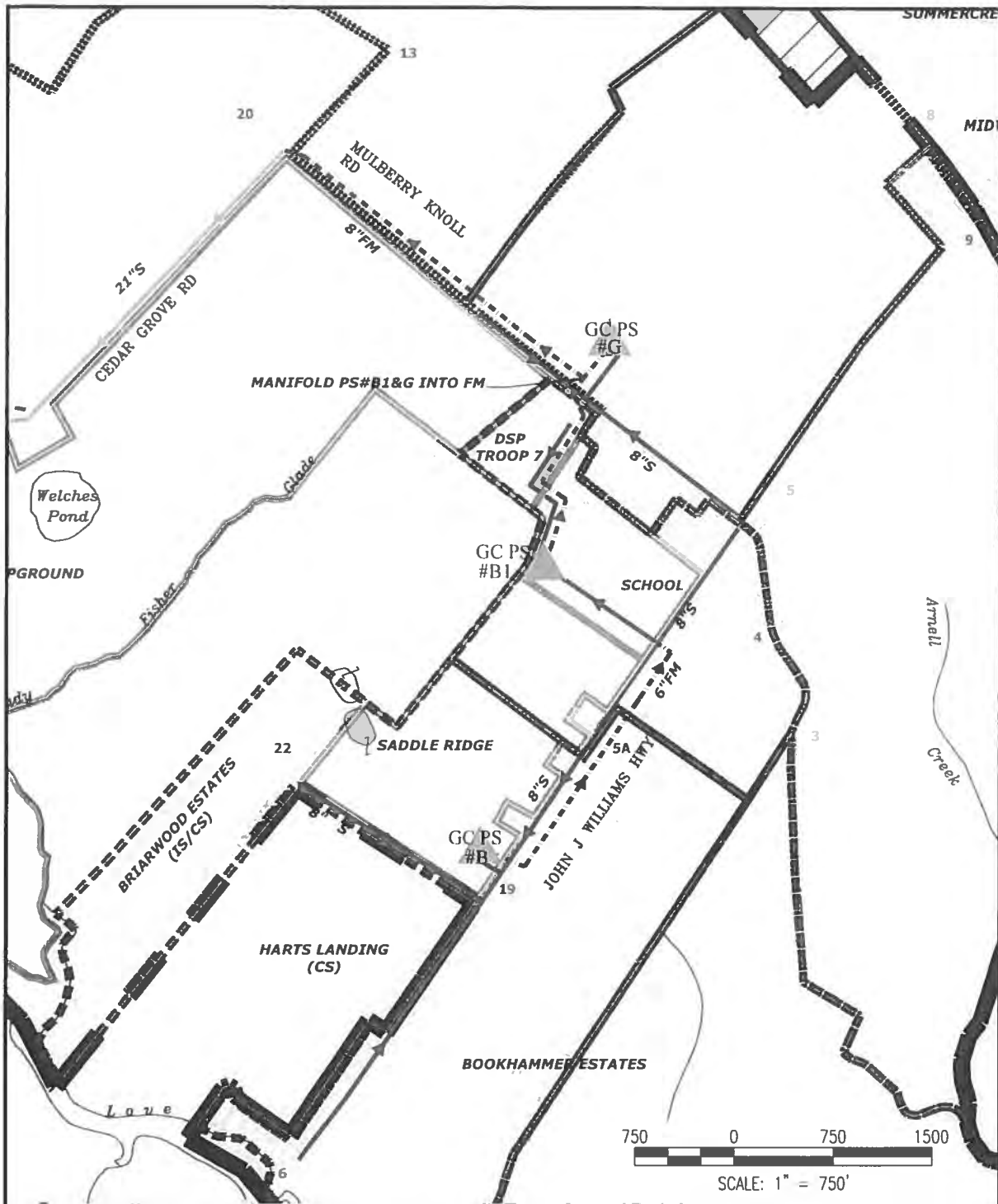


- LEGEND**
- 8" SEWER PIPE
  - 10" SEWER PIPE
  - 12" SEWER PIPE
  - 15" SEWER PIPE
  - 18" SEWER PIPE
  - 20" SEWER PIPE
  - 21" SEWER PIPE
  - 24" SEWER PIPE
  - 27" SEWER PIPE
  - 30" SEWER PIPE
  - 27" SEWER FORCE MAIN
  - 24" SEWER FORCE MAIN
  - 20" SEWER FORCE MAIN
  - 18" SEWER FORCE MAIN
  - 16" SEWER FORCE MAIN
  - 14" SEWER FORCE MAIN
  - 12" SEWER FORCE MAIN
  - 10" SEWER FORCE MAIN
  - 8" SEWER FORCE MAIN
  - 6" SEWER FORCE MAIN
  - 4" SEWER FORCE MAIN
  - 3" SEWER FORCE MAIN
  - 2" SEWER FORCE MAIN
- Goslee Creek Study Area
  - Inland Bays Planning Area with 600' ES/DA Buffer
  - ▲ Pump Station
  - 3 Node
  - ▨ Proposed Annotations into WRED(SS)
  - Priority Project
  - ▤ Pump Station Service Area Boundary

PUMP STATION	EDUs	PEAK FLOW (gpm)	Hp	WETWELL DIAMETER (ft)
B	564	308	15	6
B1	266	145	5	5
G	364	199	5	5

 <b>Whitman, Requardt &amp; Associates, LLP</b> <small>801 South Caroline Street, Baltimore, Maryland 21201</small>	<b>CLIENT</b> SUSSEX COUNTY ENGINEERING DEPT. GEORGETOWN, DE	<b>PROJECT NAME</b> GOSLEE CREEK PLANNING AREA PRIORITY PROJECT REVIEW OPTION 1	<b>DRAWING TITLE</b> SUBREGIONAL PUMP STATION TO GOSLEE CREEK		
			<b>DRAWING NO.</b> FIGURE 1		
DES: LES	DRAWN: LES	CHECK: FJB	SCALE: 1" = 750'	DATE: APRIL 2015	SHEET 01 OF 01




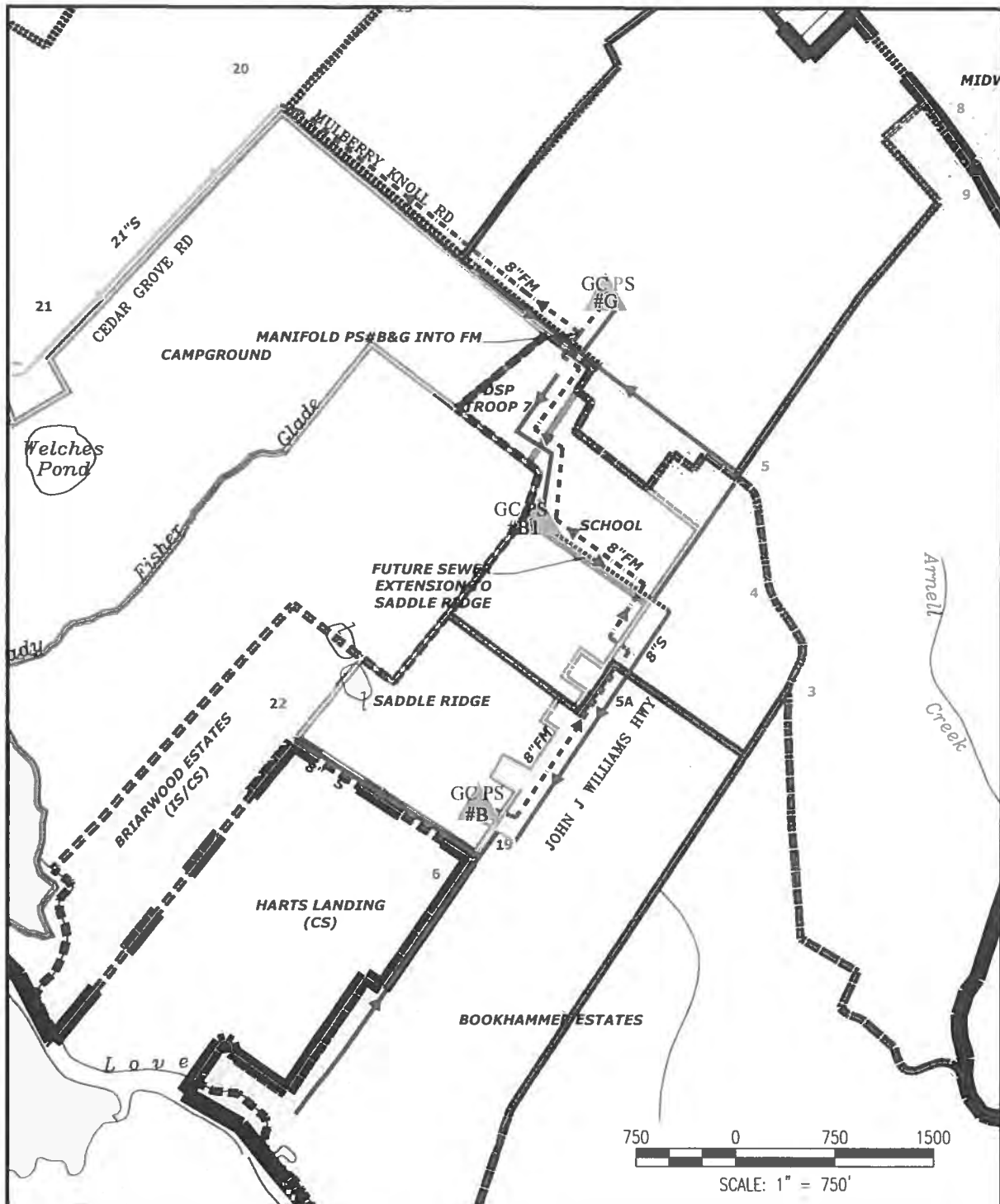


**LEGEND**

— 8" SEWER PIPE	- - - - 2" SEWER FORCE MAIN	■ Goslee Creek Study Area
— 10" SEWER PIPE	- - - - 2.5" SEWER FORCE MAIN	— Inland DVA Planning Area with 60' ESDA Buffer
— 12" SEWER PIPE	- - - - 4" SEWER FORCE MAIN	▲ Pump Station
— 15" SEWER PIPE	- - - - 6" SEWER FORCE MAIN	<b>3</b> Node
— 18" SEWER PIPE	- - - - 8" SEWER FORCE MAIN	▨ Proposed Annexations into WKI DISSD
— 18" SI WER PIPE	- - - - 10" SEWER FORCE MAIN	— Priority Projects
— 20" SEWER PIPE	- - - - 12" SEWER FORCE MAIN	- - - - Pump Station Service Area Boundaries
— 21" SEWER PIPE	- - - - 14" SEWER FORCE MAIN	
— 24" SEWER PIPE	- - - - 16" SEWER FORCE MAIN	
— 27" SEWER PIPE	- - - - 18" SEWER FORCE MAIN	
— 30" SEWER PIPE	- - - - 20" SEWER FORCE MAIN	
	- - - - 24" SEWER FORCE MAIN	
	- - - - 30" SEWER FORCE MAIN	

PUMP STATION	EDUs	PEAK FLOW (gpm)	Hp	WETWELL DIAMETER (ft)
B	564	308	10	6
B1	830	441	10	8
G	364	199	5	5


 Whitman, Reardon & Associates, LLP <small>801 South Caroline Street, Baltimore, Maryland 21231</small>	<b>CLIENT</b> SUSSEX COUNTY ENGINEERING DEPT. GEORGETOWN, DE	<b>PROJECT NAME</b> GOSLEE CREEK PLANNING AREA PRIORITY PROJECT REVIEW <b>OPTION 2</b>	<b>DRAWING TITLE</b> SUBREGIONAL PUMP STATION TO GOSLEE CREEK  <b>DRAWING NO.</b> FIGURE 2
	<b>DES: LES</b> <b>DRAWN: LES</b> <b>CHECK: FJB</b>	<b>SCALE: 1" = 750'</b>	<b>DATE: APRIL 2015</b>

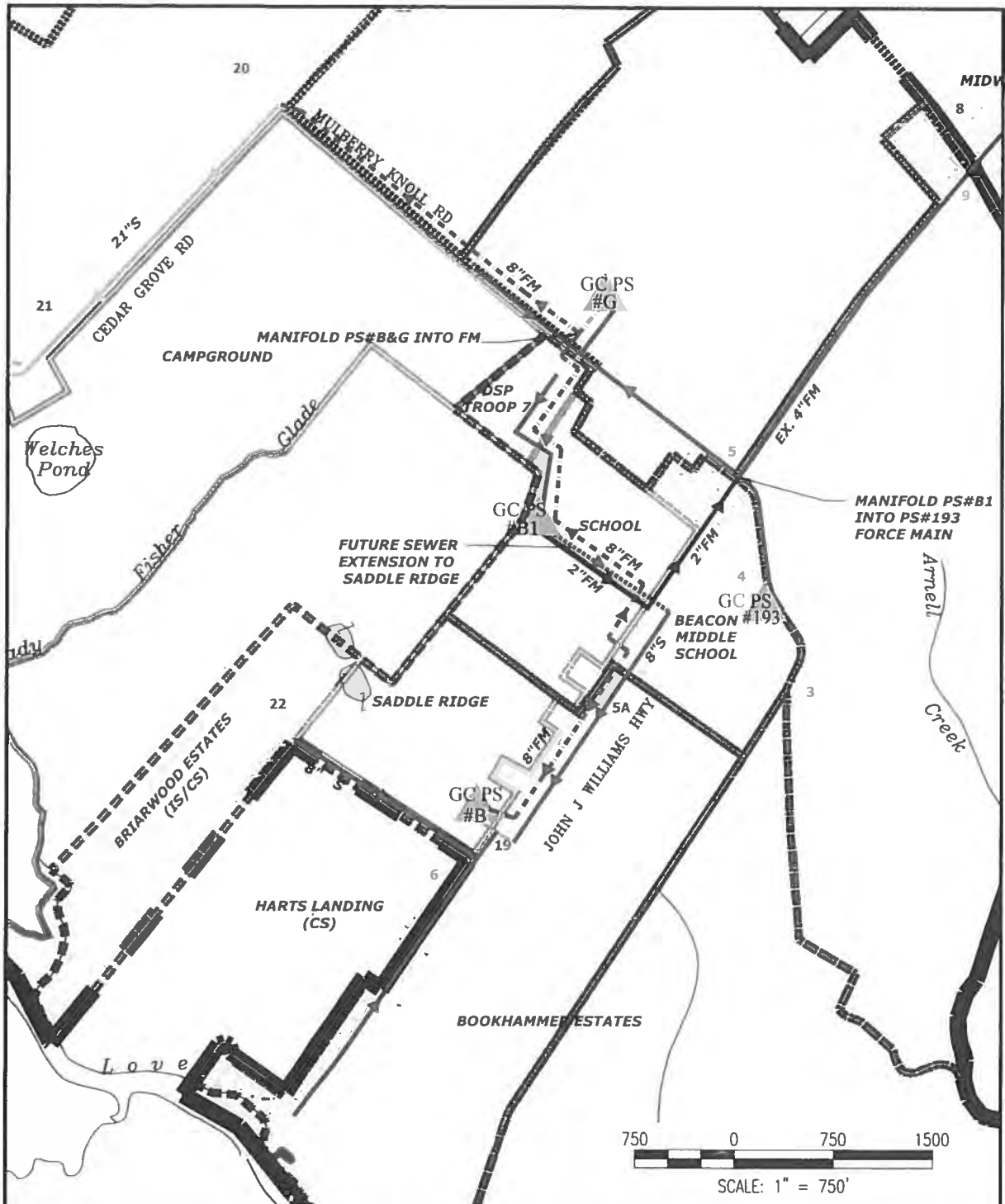


**LEGEND**

- 8" SEWER PIPE --- 2" SEWER FORCE MAIN
  - 10" SEWER PIPE --- 2.5" SEWER FORCE MAIN
  - 12" SEWER PIPE --- 4" SEWER FORCE MAIN
  - 15" SEWER PIPE --- 6" SEWER FORCE MAIN
  - 18" SEWER PIPE --- 8" SEWER FORCE MAIN
  - 20" SEWER PIPE --- 10" SEWER FORCE MAIN
  - 21" SEWER PIPE --- 12" SEWER FORCE MAIN
  - 24" SEWER PIPE --- 14" SEWER FORCE MAIN
  - 27" SEWER PIPE --- 16" SEWER FORCE MAIN
  - 30" SEWER PIPE --- 18" SEWER FORCE MAIN
  - 36" SEWER PIPE --- 20" SEWER FORCE MAIN
  - 42" SEWER PIPE --- 24" SEWER FORCE MAIN
  - 48" SEWER PIPE --- 30" SEWER FORCE MAIN
- Goslee Creek Study Area
  - Inland Bay's Planning Area with 60" ESDA Buffer
  - ▲ Pump Station
  - 3 Node
  - ▭ Proposed Annotations into WREHNS
  - Priority Ejecta
  - Pump Station Service Area Boundaries

PUMP STATION	EDUs	PEAK FLOW (gpm)	Hp	WETWELL DIAMETER (ft)
B	83	441	15	8
B1	45	25	3	5
G	364	199	5	5


 <small>Whitman, Reardon &amp; Associates, LLP 801 South Carolina Street, Baltimore, Maryland 21231</small>	<b>CLIENT</b> SUSSEX COUNTY ENGINEERING DEPT. GEORGETOWN, DE	<b>PROJECT NAME</b> GOSLEE CREEK PLANNING AREA PRIORITY PROJECT REVIEW OPTION 3	<b>DRAWING TITLE</b> TEMPORARY PUMP STATION TO GOSLEE CREEK <hr/> <b>DRAWING NO.</b> FIGURE 3
	DES: LES	DRAWN: LES	CHECK: FJB
DATE: APRIL 2015		SHEET 01 OF 01	



**LEGEND**

- 8" SEWER PIPE
- 10" SEWER PIPE
- 12" SEWER PIPE
- 14" SEWER PIPE
- 16" SEWER PIPE
- 18" SEWER PIPE
- 20" SEWER PIPE
- 21" SEWER PIPE
- 24" SEWER PIPE
- 27" SEWER PIPE
- 30" SEWER PIPE
- 2" SEWER FORCE MAIN
- 4" SEWER FORCE MAIN
- 6" SEWER FORCE MAIN
- 8" SEWER FORCE MAIN
- 10" SEWER FORCE MAIN
- 12" SEWER FORCE MAIN
- 14" SEWER FORCE MAIN
- 16" SEWER FORCE MAIN
- 18" SEWER FORCE MAIN
- 20" SEWER FORCE MAIN
- 24" SEWER FORCE MAIN
- 30" SEWER FORCE MAIN
- Goslee Creek Study Area
- Inland Hays Planning Area with GPP ESDA Buffer
- Pump Station
- 3 Node
- Proposed Associations into WRFBSSD
- Priority Projects
- Pump Station Service Area Boundary

PUMP STATION	EDUs	PEAK FLOW (gpm)	Hp	WFTWELL DIAMETER (ft)
B	830	441	15	8
B1	45	25	3	5
G	364	199	5	5

 <small>Whitman, Reardon &amp; Associates, LLP 1071 South Carolina Street, Baltimore, Maryland 21231</small>	<b>CLIENT</b> SUSSEX COUNTY ENGINEERING DEPT. GEORGETOWN, DE	<b>PROJECT NAME</b> GOSLEE CREEK PLANNING AREA PRIORITY PROJECT REVIEW OPTION 4	<b>DRAWING TITLE</b> TEMPORARY PUMP STATION TO PS#193 FORCE MAIN DRAWING NO. FIGURE 4
	<b>DES:</b> LES <b>DRAWN:</b> LES <b>CHECK:</b> FJB <b>SCALE:</b> 1" = 750' <b>DATE:</b> APRIL 2015 <b>SHEET</b> 01 OF 01		

Goslee Creek Study Area  
Priority Project Review - Option 1  
EDU Allocations Table

From Node	To Node	Tax Map District	Map	Name of Subdivision/Parcel	Acreeage (Ac)	Assigned Density	Existing EDUs	Buildout EDUs	Buildout Design EDUs	Platted parcels	Zoning Code	Comments or misc. parcel numbers (8)
6	19	334	18	32	33.49		164	164.00	164.00			LOVE CREEK
6	19	334	18	29	2.93	4	8	11.72	8.44			LAZY PINE RETREAT
6	19	334	18	30	4.24	4	1	16.96	12.21			
6	19	334	18	31	3.84	4	0	15.36	11.06			
6	19	334	18	42.01	1.68	4	0	6.72	4.84			
6	19	334	18	24			1	0.00	0.00			
6	19	334	18	25			1	1.00	1.00	1		
6	19	334	18	26			1	1.00	1.00	1		
6	19	334	18	27			1	1.00	1.00	1		
6	19	334	18	28			4	4.00	4.00	4		
6	19	334	18	LOVE CREEK PINES LANE			3	8.00	8.00	8		parcels 15 - 20, 18.01
6	19	334	18	JOHN J WILLIAMS HIGHWAY			20	18.00	18.00	21		parcels 39.03, 39.02, 38.03, 38.04, 38.05, 3, 4, 6-12, 38.01, 37.02, 37.03, 33-36 (38.04:CO)
6	19	334	18	37			0	1.00	1.00	1		
6	19	334	18	37.01			1	1.00	1.00	1		1.65 AC
6	19	334	18	37.03	3.3	6.67	1	22.01	22.01			B-1 per L. Lank
6	19	334	18	38.01	2.51	6.67	1	16.74	16.74			B-1 per L. Lank
6	19	334	18	37.02		6.67		6.67	6.67			B-1 per L. Lank
6	19	334	18	WILLIAMS WAY			3	20.00	20.00	20		parcels 564 - 582
6	19	334	18	GREENER TRAIL LANE			3	3.00	3.00	3		parcels 38.02, 39, 39.01
6	19	334	18	583			0	0.00	0.00	0		ROADS - ALL - 2.61 AC
				<b>Summary 6-19</b>			<b>213</b>	<b>318.18</b>	<b>303.97</b>	<b>61</b>		
22	19	334	18	DEERFIELD & TANGLEWOOD			40	46.00	46.00	46		Outside of Deerfield & Tanglewood - parcels 202 - 208, 210 - 248
22	19	334	18	209			0	0.00	0.00	0		Stormwater Management Area < 1 AC
22	19	334	18	WOODS ROAD			22	25.00	25.00	25		Inside of Deerfield & Tanglewood - parcels 249 - 273
22	19	334	18	274			1	1.00	1.00	1		Amenities & Utilities Area - Amenities could mean an EDU - 1.82 AC

From Node	To Node	Tax Map District	Map	Name of Subdivision/Parcel	Acreege (Ac)	Assigned Density	Existing EDUs	Buildout EDUs	Buildout Design EDUs	Platted parcels	Zoning Code	Comments or misc. parcel numbers (8)
22	19	334	18	21			0	0 00	0 00	0		ROAD - TANGLEWOOD DRIVE - 9 25 AC
22	19	334	18	40	39.81	4	1	159.24	114.65	115		Saddle Ridge
				<b>Summary 22-19</b>			<b>64</b>	<b>231.24</b>	<b>186.65</b>	<b>187</b>		
5A	19	334	12	481			1	1.00	1.00	1		
5A	19	334	18	40 01	36.3		0	226.00	162.72			10.1 Ac. along SR 24 as commercial, 26.2 Ac. as residential
5A	19	334	18	40 02		6.67	1	6.67	6.67	1		B-1 per L Lank
				<b>Summary 5A-19</b>			<b>2</b>	<b>233.67</b>	<b>170.39</b>	<b>2</b>		
19	GC PS#B			<b>Summary 6-19</b>			<b>213</b>	<b>318.18</b>	<b>303.97</b>	<b>61</b>		
19	GC PS#B			<b>Summary 22-19</b>			<b>64</b>	<b>231.24</b>	<b>186.65</b>	<b>187</b>		
19	GC PS#B			<b>Summary 5A-19</b>			<b>2</b>	<b>233.67</b>	<b>170.39</b>	<b>2</b>		
				<b>Wetlands</b>	<b>-33.6</b>	<b>4</b>		<b>-134.40</b>	<b>-96.77</b>			
				<b>Summary 19-GC PS#B</b>			<b>279</b>	<b>648.69</b>	<b>564.24</b>	<b>250</b>		
				<b>Pump Station - GC PS#B</b>			<b>279</b>	<b>648.69</b>	<b>564.24</b>	<b>250</b>		
5	GC PS#B1	334	12	RETZ LANE			12	15.00	15.00	15		parcels 25 - 38
5	GC PS#B1	334	12	RTE 284 & JOHN HWY			8	8.00	8.00	8		parcels 108 - 112, 109.01, 111.01, 112.01
5	GC PS#B1	334	12	16 06	9.3	4	15	37.20	26.78	32		Troop 7 (Priority Project) Previously part of Parcel 16
5	GC PS#B1	334	12	45 01	25.4	4	30	101.60	73.15	71		New Elementary School (Priority Project) Previously part of Parcel 16
5	GC PS#B1	334	12	107	25.79	4	38.17	103.16	74.28			CAPE HENLOPEN MIDDLE SCHOOL (previously pumped to WREDBSSD)
				<b>Summary 5-GC PS#B1</b>			<b>103.17</b>	<b>264.96</b>	<b>197.21</b>	<b>126</b>		
5A	GC PS#B1	334	12	23			1	1.00	1.00	1		
5A	GC PS#B1	334	12	24			1	1.00	1.00	1		
5A	GC PS#B1	334	12	689	4.17		0	25.00	18.00			1.04 Ac. along SR 24 as commercial, 4.17 Ac. as residential
5A	GC PS#B1	334	12	16 04	22	4	0	88.00	63.36			Previously part of Parcel 16 along SR 24
				<b>Wetlands</b>	<b>-5.07</b>	<b>4</b>		<b>-20.28</b>	<b>-14.60</b>			
				<b>Summary 5A-GC PS#B1</b>			<b>2</b>	<b>94.72</b>	<b>68.76</b>	<b>2</b>		
				<b>Pump Station - GC PS#B1</b>			<b>105.17</b>	<b>359.68</b>	<b>265.97</b>	<b>128</b>		

Goslee Creek Study Area  
Priority Project Review - Option 3 & 4  
EDU Allocations Table

From Node	To Node	Tax Map District	Map	Name of Subdivision/Parcel	Acreage (Ac)	Assigned Density	Existing EDUs	Buildout EDUs	Buildout Design EDUs	Platted parcels	Zoning Code	Comments or misc. parcel numbers (8)
6	19	334	18	32	33.49		164	164.00	164.00			LOVE CREEK
6	19	334	18	29	2.93	4	8	11.72	8.44			LAZY PINE RETREAT
6	19	334	18	30	4.24	4	1	16.96	12.21			
6	19	334	18	31	3.84	4	0	15.36	11.06			
6	19	334	18	42.01	1.68	4	0	6.72	4.84			
6	19	334	18	24			1	0.00	0.00			
6	19	334	18	25			1	1.00	1.00	1		
6	19	334	18	26			1	1.00	1.00	1		
6	19	334	18	27			1	1.00	1.00	1		
6	19	334	18	28			4	4.00	4.00	4		
6	19	334	18	LOVE CREEK PINES LANE			3	8.00	8.00	8		parcels 15 - 20, 18.01
6	19	334	18	JOHN J WILLIAMS HIGHWAY			20	18.00	18.00	21		parcels 39.03, 39.02, 38.03, 38.04, 38.05, 3, 4, 6-12, 38.01, 37.02, 37.03, 33-36 (38.04 CO)
6	19	334	18	37			0	1.00	1.00	1		
6	19	334	18	37.01			1	1.00	1.00	1		1.65 AC
6	19	334	18	37.03	3.3	6.67	1	22.01	22.01			B-1 per L. Lank
6	19	334	18	38.01	2.51	6.67	1	16.74	16.74			B-1 per L. Lank
6	19	334	18	37.02		6.67		6.67	6.67			B-1 per L. Lank
6	19	334	18	WILLIAMS WAY			3	20.00	20.00	20		parcels 564 - 582
6	19	334	18	GREENER TRAIL LANE			3	3.00	3.00	3		parcels 38.02, 39, 39.01
6	19	334	18	583			0	0.00	0.00	0		ROADS - ALL - 2.61 AC
				<b>Summary 6-19</b>			<b>213</b>	<b>318.18</b>	<b>303.97</b>	<b>61</b>		
22	19	334	18	DEERFIELD & TANGLEWOOD			40	46.00	46.00	46		Outside of Deerfield & Tanglewood - parcels 202 - 208, 210 - 248
22	19	334	18	209			0	0.00	0.00	0		Stormwater Management Area < 1 AC
22	19	334	18	WOODS ROAD			22	25.00	25.00	25		Inside of Deerfield & Tanglewood - parcels 249 - 273
22	19	334	18	274			1	1.00	1.00	1		Amenities & Utilities Area - Amenities could mean an EDU - 1.82 AC

From Node	To Node	Tax Map District	Map	Name of Subdivision/Parcel	Acreage (Ac)	Assigned Density	Existing EDUs	Buildout EDUs	Buildout Design EDUs	Platted parcels	Zoning Code	Comments or misc. parcel numbers (8)
22	19	334	18	21			0	0 00	0 00	0		ROAD - TANGLEWOOD DRIVE - 9.25 AC
22	19	334	18	40	39.81	4	1	159.24	114.65	115		Saddle Ridge
				<b>Summary 22-19</b>			<b>64</b>	<b>231.24</b>	<b>186.65</b>	<b>187</b>		
5	19	334	12	481			1	1.00	1.00	1		
5	19	334	18	40 01	36.3		0	226.00	162.72			10.1 Ac. along SR 24 as commercial, 26.2 Ac. as residential
5	19	334	18	40 02		6.67	1	6.67	6.67	1		B-1 per L Lank
5	19	334	12	RETZ LANE			12	15.00	15.00	15		parcels 25 - 38
5	19	334	12	RTE 284 & JOHN HWY			8	8.00	8.00	8		parcels 108 - 112, 109.01, 111.01, 112.01
5	19	334	12	107	25.79	4	38.17	103.16	74.28			CAPE HENLOPEN MIDDLE SCHOOL (previously pumped to WREDBSSD)
5	19	334	12	23			1	1.00	1.00	1		
5	19	334	12	24			1	1.00	1.00	1		
5	19	334	12	689	4.17		0	25.00	18.00			1.04 Ac. along SR 24 as commercial, 4.17 Ac. as residential
5	19	334	12	16 04	22	4	0	88.00	63.36			Previously part of Parcel 16 along SR 24
5	19	334	12	PS#B1			45	137.84	99.2448			Interim PS#B1
				<b>Wetlands</b>	<b>-4.83</b>	<b>4</b>		<b>-19.32</b>	<b>-13.91</b>			
				<b>Summary 5-19</b>			<b>107.17</b>	<b>593.35</b>	<b>436.36</b>	<b>27</b>		
19	GC PS#B			<b>Summary 6-19</b>			<b>213</b>	<b>318.18</b>	<b>303.97</b>	<b>61</b>		
19	GC PS#B			<b>Summary 22-19</b>			<b>64</b>	<b>231.24</b>	<b>186.65</b>	<b>187</b>		
19	GC PS#B			<b>Summary 5-19</b>			<b>107.17</b>	<b>593.35</b>	<b>436.36</b>	<b>27</b>		
				<b>Wetlands</b>	<b>-33.6</b>	<b>4</b>		<b>-134.40</b>	<b>-96.77</b>			
				<b>Summary 19-GC PS#B</b>			<b>384.17</b>	<b>1008.37</b>	<b>830.21</b>	<b>275</b>		
				<b>Pump Station - GC PS#B</b>			<b>384.17</b>	<b>1008.37</b>	<b>830.21</b>	<b>275</b>		
5	GC PS#B1	334	12	16 06	9.3	4	15	37.20	26.78	32		Troop 7 (Priority Project) Previously part of Parcel 16
5	GC PS#B1	334	12	45 01	25.4	4	30	101.60	73.15	71		New Elementary School (Priority Project) Previously part of Parcel 16
				<b>Wetlands</b>	<b>-0.24</b>	<b>4</b>		<b>-0.96</b>	<b>-0.69</b>			
				<b>Summary 5A-GC PS#B1</b>			<b>45</b>	<b>137.84</b>	<b>99.24</b>	<b>103</b>		
				<b>Pump Station - GC PS#B1</b>			<b>45</b>	<b>137.84</b>	<b>99.24</b>	<b>103</b>		

**Love Creek Elementary School/DSP Troop 7 Oversizing**

School EDUs	36
DSP EDUs	24

Regional Pumpstation and Forcemain	\$537,285
School/DSP only	\$319,235
<b>Oversizing Cost</b>	<b>\$218,050</b>

Transmission Portion SCC	\$4,042
Treatment Portion SCC	\$1,733
<b>System Connection Charge 2016</b>	<b>\$5,775</b>

Credits Available	
EDUs x Trans portion SCC	\$242,520
On-site Inspection Fee (15% of Cost)	\$80,593
<b>Total Credits Available</b>	<b>\$323,113</b>

<b>School Cost</b>	
60% of Regional Infrastructure	\$322,371
Remaining SCC Fee	\$62,388
<b>Total School Cost</b>	<b>\$384,759</b>

<b>School Credit</b>	
EDUs x Transmission SCC	\$145,512
60% Inspection Fees	\$48,356
<b>Total School Credit</b>	<b>\$193,868</b>

<b>School Balance</b>	<b>\$190,891</b>
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<b>DSP Cost</b>	
40% of Regional Infrastructure	\$214,914
Remaining SCC Fee	\$41,592
<b>Total DSP Cost</b>	<b>\$256,506</b>

<b>DSPI Credit</b>	
EDUs x Transmission SCC	\$97,008
40% Inspection Fees	\$32,237
<b>Total DSP Credit</b>	<b>\$129,245</b>

<b>DSP Balance</b>	<b>\$127,261</b>
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OLD BUSINESS  
March 8, 2016

This is to certify that on November 12, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use.. At the conclusion of the public hearing, the Commission moved and passed that this application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:  
COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

**C/U #2034 – Beachfire Brewery Co., LLC**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a restaurant and brewery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 1.99 acres, more or less.**

The property is located on the north side of Beaver Dam Road (Road 285) south of Lewes Georgetown Highway (Route 9). (911 Address: 32490 Lewes Georgetown Highway, Lewes) Tax Map I.D. 334-5.00-215.00, 215.01, 216.00, 217.01, 218.00, & 219.00.

The Commission found that the applicants provided a survey/site plan for the intended restaurant and brewery with their application, filed on July 24, 2015; and that they provided an Exhibit Booklet on November 2, 2015. The Exhibit Booklet contains an Executive Summary; Site Data; suggested Proposed Findings of Fact and Conditions of Approval; a copy of the application; a cover letter; topographic and boundary survey and Conditional Use Plan; copies of the Agreements of Sale; a copy of the DelDOT Service Level Evaluation Request, Support Facilities Report, and Left Turn Lane Not Warranted Documentation; a County Engineering Utility Planning Allocation email; a series of maps and plans; a response to the requirements of Subdivision Ordinance Section 99-9C; a response to the Environmentally Sensitive Development Overlay Section of the Zoning Ordinance; photographs; a certification that there are no wetlands on the site; and a soil survey report.

The Commission found that DelDOT correspondence, dated June 30, 2015 and August 10, 2015 in reference to this site location were referenced in the Exhibit Booklet.

The Commission found that the Sussex Conservation District provided comments, dated November 10, 2015, referencing that there is one soil type on these parcels; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be necessary; and that on-site drainage improvements will be necessary.

Mr. Lank advised that Commission that four (4) letters/emails have been received in support of the application. The letters/emails were received from Leon Farlow, Teresa Heberling, Casandra Cannon, and Anthony Crivella.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A., present on behalf of the Beachfire Brewery Co., LLC with Harry Metcalfe and other members of the Company, and David Kuklish, Professional Engineer with Bohler Engineering, stating in their presentation and in response to questions raised by the Commission that this application is for a family restaurant and brew pub; that regular church services have not been held in the church building since 2007; that the church property has been for sale; that the church building is in need of repairs; that the residents of the area are supportive of a restaurant; that they would like to present this application with three presentations: church members, the developers, and the design engineers.

The Commission found that Reverend Pastor Marjorie Burns of Faith United Methodist Church stated that the church had lost attendance; that in 2008 several churches in the area merged; that one church property was sold; that one is still for sale; that the congregation and trustees want to preserve the building due to its historic significance; and that the proposed restaurant will create jobs and renovation of the church property.

The Commission found that Reverend Pastor Burns submitted two letters in support from Bruce W. Martin, Realtor, and Blanche Spencer, an area resident.

The Commission found that Bruce Duffy and Jeron Duffy, both Trustees for the Church, spoke in support of the application and referenced the need for the upkeep of the church building; the cost in improving the structure; the decline in the congregation numbers; that they are combining three churches into one church; and that they are proposing to sell this church to allow for improving another church building for the betterment of the congregation.

The Commission found that Harry Metcalfe spoke on behalf of the members of Beachfire Brewery Co., LLC stating that they started meeting several years ago hoping to establish a family restaurant in the Lewes area; that they would like to open a restaurant and to manufacture their own beer to be served at the restaurant; that they have met with the Lewes Historic Society for information on the history of the church and the Belltown area; that minimal information is available; that they are not proposing a nightclub or brew joint; that they would like to create a family restaurant with family friendly prices, family entertainment, trivia games, and a free library book program; that the church building is intended for seating; that all kitchen and brewing facilities will be within new additions, not within the existing church building; and that 55 to 60 employees are anticipated.

The Commission found that David Kuklish, Professional Engineer, presented a Power Point Display and spoke on the site plan by stating that this proposal is not a rezoning, it is a Conditional Use application; that they realize that conditions can be placed on the application; that the proposed site contains six parcels, to be combined, and contains 1.64 acres; that two of the existing entrances are proposed to be removed; that a 8,500 square foot restaurant and brewery are proposed; that they are proposing two entrances on Church Street, one entrance on Beaver Dam Road, and one entrance on Lewes Georgetown Highway; that DelDOT has voiced no objection to the entrance locations; that 89 parking spaces are required and 95 spaces are proposed; that water will be provided by a well or by Tidewater Utilities; that sewer will be provided by Sussex County; that the County Engineering Department has advised them that the site will accommodate 7.9 Equivalent Dwelling Units (EDUs); that they are not proposing to exceed the EDU allocation; that there is no current stormwater management system on the site; that they are proposing to establish an underground infiltration system for stormwater and will comply with the State DNREC and the Sussex Conservation District requirements; and that no wetlands exists on the site.

The Commission found that Betty Justin, Profession Engineer/Traffic Engineer, stated that a traffic evaluation was performed; that a left turn lane was not warranted; that the capacity analysis indicates that there will be an acceptable Level of Service on Beaver Dam Road and the Lewes Georgetown Highway; and that landscaping and traffic safety improvements will be made as prescribed by DelDOT.

The Commission found that the representatives of the application responded to questions raised by the Commission that the church building will be used for the seating area of the restaurant; that no food production, brewing or bar area will be within the church building; that the applicants have no objection to that being a condition of approval; that they hope to maintain the appearance of the church building; that the cornerstones and stain glass windows may be returned to the church congregation; that solid waste (spent grains) from the brewing operation will be recycled through local farmers; that the use will not add a great deal of traffic; that the applicants have offered to pay a fee into the DelDOT Area Wide Study in lieu of doing a Traffic Impact Study; that a Traffic Impact Study may be performed by DelDOT at some future date; that sidewalks and crosswalks are proposed between parking lots; that security lighting will be downward screened; that they anticipate a seating capacity of 80 to 85 seats, which is less than the capacity of the church as it currently exist; that they are not proposing to have a tasting facility with the brewery; that there is adequate space between any well location and the stormwater management facilities; that during the restaurant season they proposed to be open seven days per week from late afternoon to 11:00 p.m. and Sundays will lesser hours; that the bar area will serve liquor and wine, but primarily craft beers; that they feel that this site is a logical site to serve the growing residential activities taking place in the Beaver Dam Road area; that no parking will be permitted within State road right-of-ways; and that a structural engineer has inspected the site.

Mr. Robertson advised the Commission that Federal and State regulations have jurisdiction over bar and brewing activities.

The Commission found that Mark Mumford, Pam Glick, Henry Farlow, Shad Sagaford, and Brett Hines were present in support of the application and referenced that they support a family friendly restaurant atmosphere; that they do not want to see the church torn down; that they anticipate a quality family restaurant; that the restaurant should create economic opportunities; and that local farmers can benefit by the processed grains for animal feed.

The Commission found that Mr. Farlow read a letter from his wife, Chrystlyn Farlow, in support of this application and referencing a history of her family involvement with the church, her support of the application, and her hopes that the restaurant/brewery will bring much needed jobs to the community and influence future businesses to invest in the revitalization of the Belltown community.

The Commission found that Reverend Bravon Duffy, Victoria Gibbs, Robert Steinbeck, Lea Dove, Bernie Melbern, Brian Nixon, Tom Hefferman, Bob Turner, and Michael Miller were present in opposition to this application and expressed concerns about the proposed brewery use, not the restaurant; that some of the residents of the area have fought to preserve the integrity of Belltown; that they do not have a concern about the church property being sold, only the intended use; that traffic issues already exist and will be increased; that they are concerned about the conduct of the people that cater to the restaurant/brewery; that a brewery may be an insult to the residential character of the area; that if the use is approved there should be special conditions of approval relating to the use, especially the brewery; that the church is currently used weekly; that a lot of the residents that live in Belltown are elderly; that the residents are concerned about traffic and noise; that properties are being offered for sale or sold in the Belltown area, some with commercial intent; that residents are concerned about the narrowness of Church Street and the difficulties of turning into or out of Church Street and Salt Marsh Boulevard, across from Church Street; that the residents of Henlopen Landing across Beaver Dam Road may support a restaurant, but not a brew pub; that a bar should not be permitted in the church building; that traffic concerns also exist due to the close proximity to the intersection of Plantation Road, Beaver Dam Road, and the Lewes Georgetown Highway connector; that vehicles stopped at Salt Marsh Boulevard cannot see traffic coming from the connector due to stacked vehicles waiting to turn left into the connector; that Church Street needs to be widened; that traffic backups and traffic accidents are already a concern; that the intended use will worsen traffic conditions; that the restaurant is a good idea, but the wrong location; questioning what is the best use of the properties; that development of the number of unimproved residential building lots in the area will only worsen the current traffic conditions along Beaver Dam Road; that a restaurant that recently closed in the Vineyards development closed within 1.5 years of opening; that Belltown is primarily a residential development; that the church has been utilized for regular church activities, weddings, and funeral services regularly; that there are other locations in the area that are property zoned for a restaurant; that the community will lose the historical significance of the church; and that it was suggested that the County purchase the property and create a park for the community.

The Commission found that Mr. Metcalfe responded to some of the concerns by advising the Commission that traffic noises already exist at this location; that they are planning on foam insulating the church building; and that there will not be any live music outside on the proposed patio.

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

On November 12, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On December 10, 2015 the Commission discussed this application under Old Business.

Mr. Johnson stated that he had prepared a motion, but first asked the Commission if they had any comments.

Mr. Burton stated that the use should be successful, but he had some concerns about the location, nearby intersections, and additional traffic.

Mr. Smith stated that in the past he had experienced similar action by another church, and that he is also concerned about nearby intersections.

Mr. Ross stated that the Commission has to look at this application as a land use decision.

Mr. Johnson stated that his motion is a land use decision; that he hopes that the applicants preserve the church building as stated in their testimony; and that he realizes that traffic will be generated by the business.

Mr. Johnson stated that he moves that the Commission recommend approval of Conditional Use No. 2034 for Beachfire Brewery Co., LLC for a restaurant and brewery based upon the record made at the public hearing and for the following reasons:

- 1) The use is located in the area of the Five Points intersection, where other commercial and business uses currently exist. This location is consistent with the adjacent zoning and uses.
- 2) The property is currently used for a church and residential uses. Given the configuration of this property which is basically at the intersection of Beaverdam Road and Route 9, continued residential use is no longer viable for this site. Likewise, the church, while historic, is too old and too small for long term continued use for that purpose.
- 3) The applicants have proposed a use that preserves much of the church, which is an important aspect of the history of Belltown. This application is unique in its efforts to preserve the church, since any other redevelopment of the property would certainly involve the demolition of the structure.
- 4) The redevelopment of this property into a restaurant and brewery would not adversely affect neighboring properties or the community. As stated by the owners of the church property, the church structure is slowly deteriorating and there are no funds available for repairs. The project will redevelop the entire property in a way that takes a deteriorating structure and converts it to one that is modern and an amenity to not just Belltown but to all of eastern Sussex County as a family type restaurant.
- 5) It also cannot be said that the project is incompatible with the surrounding neighborhood, when it is within sight of a large home improvement center, another large hardware store, a bank, a home improvement contractor and other business uses.

- 6) The use will be served by Sussex County sewer.
- 7) This recommendation is subject to the following conditions:
  - a. As stated by the applicant, there shall be no brewery operations within the former church structure, not shall there be any patron or service bar serving alcoholic beverages located within the church structure. The kitchen facilities will also be situated in an addition to the structure.
  - b. As stated by the applicant, the existing church structure shall be preserved to the fullest extent possible. The final site plan shall contain details as to the preservation of this structure and its integration into the new restaurant and brewery structure being built on this site.
  - c. The use shall comply with all Sussex County Engineering Department requirements concerning the connection of the brewery operation to the Sussex County Sewer System.
  - d. All roadway and intersection improvements shall be subject to the requirements of DelDOT.
  - e. Stormwater management and erosion and sedimentation control shall be designed and operated using best management practices to promote groundwater recharge,
  - f. The Sussex Conservation District shall review and approve the final site plan.
  - g. The Final Site Plan shall be subject to the review and approval of the Sussex county Planning and Zoning Commission.

Motion by Mr, Johnson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 1, with Mr. Burton opposing the motion.

**Introduced 9/22/15**

**Council District No. 3 – Deaver**

**Tax I.D. No. 334-5.00-215.00, 215.01, 216.00, 217.01, 218.00 & 219.00**

**911 Address: 32490 Lewes Georgetown Highway, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RESTAURANT AND BREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS**

**WHEREAS, on the 24th day of July 2015, a conditional use application, denominated Conditional Use No. 2034 was filed on behalf of Beachfire Brewery Co., LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, 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. 2034 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2034 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying north of Beaver Dam Road (Road 285) South of Lewes Georgetown Highway (Route 9) and on both sides of Church Street and being more particularly described as follows:**

**Tract #1**

BEGINNING at a point on the southerly right-of-way of Lewes Georgetown Highway (Route 9) and the easterly right-of-way of Church Street; thence North  $70^{\circ}45'38''$  East 163.84 feet along the southerly right-of-way of Lewes Georgetown Highway to an iron rod; thence southerly and easterly the following eight (8) courses along lands of the State of Delaware: South  $22^{\circ}42'39''$  East 96.63 feet to a point; North  $65^{\circ}33'42''$  East 101.51 feet to a point; North  $27^{\circ}00'16''$  West 21.55 feet to a point; North  $66^{\circ}26'23''$  East 30.05 feet to a point; South  $26^{\circ}40'30''$  East 21.20 feet to a point; North  $65^{\circ}42'03''$  East 20.10 feet to a point; North  $65^{\circ}42'03''$  East 69.36 feet to a point; and South  $27^{\circ}58'51''$  East 59.69 feet to a point on the northerly right-of-way of Beaver Dam Road (Road 285); thence westerly along the northerly right-of-way of Beaver Dam Road South  $45^{\circ}39'03''$  West 323.89 feet to a point near the centerline of Church Street; thence northerly with a tie-line near the centerline of Church Street the following two (2) courses: North  $27^{\circ}32'48''$  West 99.83 feet, and North  $27^{\circ}25'58''$  West 190.18 feet along said tie-line to a point; thence North  $17^{\circ}03'48''$  East 30.59 feet to the point and place of beginning.

**Tract #2**

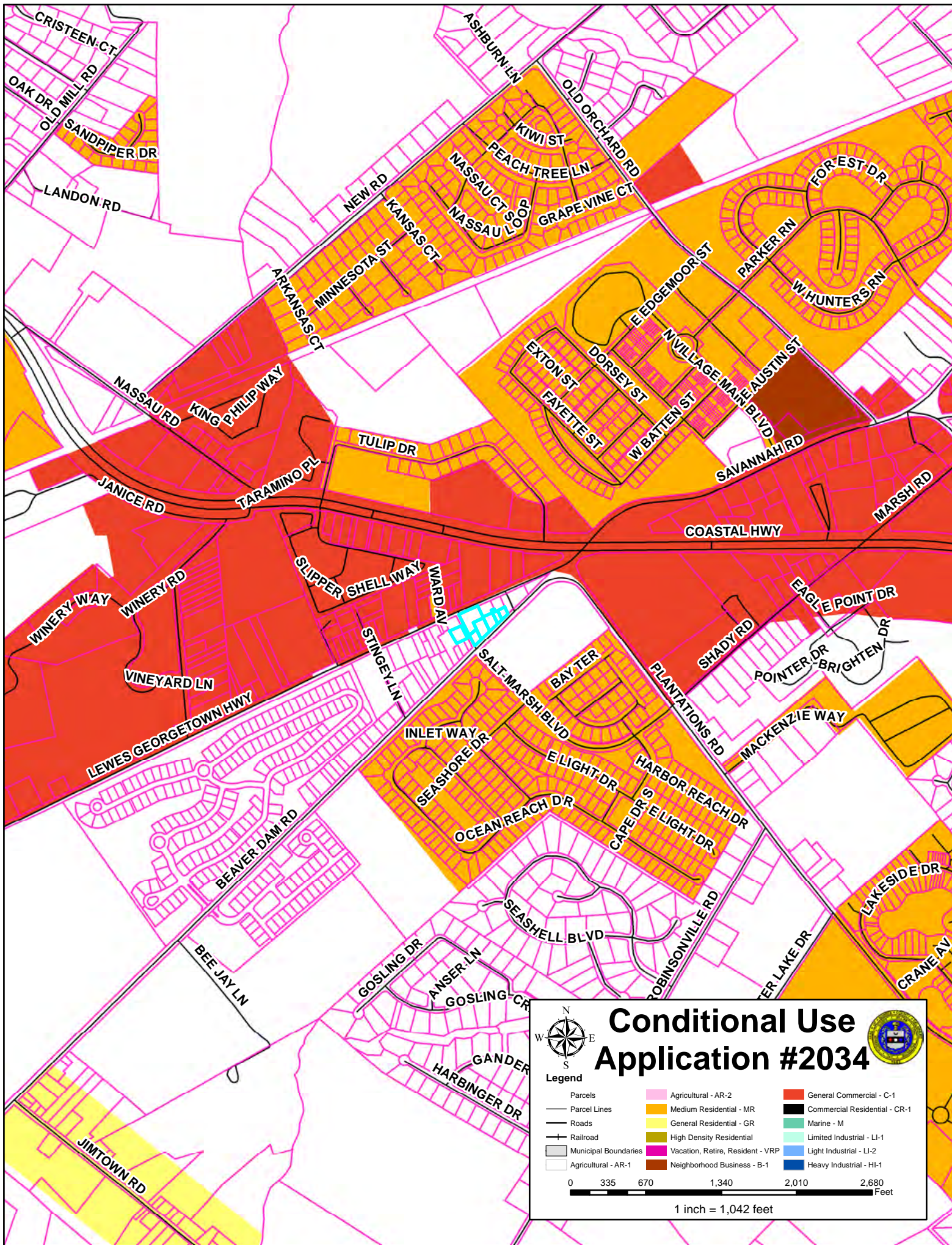
From a point at the northwest corner of Beaver Dam Road (Road 285) and Church Street, North  $25^{\circ}11'43''$  West 69.22 feet to the beginning point, an iron pipe; thence South  $62^{\circ}22'16''$  West 117.99 feet along lands now or formerly of Ethel Frame Heirs, and George W. Tunnell Heirs to an iron rod; thence North  $23^{\circ}48'31''$  West 160.76 feet along lands, now or formerly, of John H. and Ruth E. Maker to an iron rod; thence North  $65^{\circ}25'46''$  East 114.00 feet along lands, now or formerly, of Mark L. Mumford to an iron rod on the westerly right-of-way of Church Street; and thence South  $25^{\circ}11'43''$  East 154.46 feet along the westerly right-of-way of Church Street to the point and place of beginning.

Said Tracts 1 and 2 containing 1.99 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.







## Conditional Use Application #2034

Legend

Agricultural - AR-2	General Commercial - C-1
Medium Residential - MR	Commercial Residential - CR-1
General Residential - GR	Marine - M
High Density Residential	Limited Industrial - LI-1
Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Neighborhood Business - B-1	Heavy Industrial - HI-1

0    335    670    1,340    2,010    2,680 Feet

1 inch = 1,042 feet



## Conditional Use Application #2034

**Legend**

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1

0 25 50 100 150 200 Feet

1 inch = 83 feet

Source: USDA, USGS, Aerial, Geomapping, Aerial, IGN, IGN, SwissTopo, and the User Community

The Boy Scouts of America is one of the largest youth organizations in the United States, with more than 2.4 million youth members and nearly 1 million adult volunteers. At some point over 110 million Americans have been a member of the BSA. Many of them famous, including Neil Armstrong who achieved the BSA Highest rank of Eagle Scout prior to becoming famous as the first astronaut to walk on the moon.

I am writing to you on behalf of the Boy Scouts Troop 1 Located in Lewes, Delaware. We have approximately 28 boys in our troop all working toward the goal of achieving Eagle Scout status. We are a very active group who meet every week in our endeavors. This weekend some of the boys will attend the annual Merit Badge College at The University of Salisbury. Monthly year round our group is camping somewhere on the Eastern Shore. This summer the boys will attend summer camp for a week at Camp Rodney in Northeast, Maryland.

Our group is in the continuous process of rotating out old worn equipment and replacing with new equipment. We use tents, camping stoves, lanterns and cooking utensils on these trips. The boys plan and cook all of their own meals. In addition to equipment replacement we are currently in need of a new enclosed trailer used to haul our gear when traveling to camp.

In an effort to provide the boys with reliable equipment needed to camp we always need money. I understand each Sussex County Council Member has funds available for disbursement to nonprofit organizations. I am asking you if you would please consider our organization for a donation in the amount of your choice. Any amount in your consideration would be greatly appreciated. Our EIN number is 22-1576300.

For any additional questions please contact Michael Price Scoutmaster 14 Pleasant Drive Rehoboth Beach, DE 19971 Telephone at home 302-236-6520

Thank You for your consideration!

Sincerely,

George W. Hunsicker, Jr.  
Boy Scout Troup 1 Lewes,  
Bethel United Methodist Church  
130 West 4th Street  
Lewes, DE 19958

302-542-7000



January 13, 2016

Sussex City Council  
Attn: Mike Vincent  
2 The Circle  
PO Box 589  
Georgetown, DE 19947

Dear Mike,

This year will mark the 6<sup>th</sup> Annual Heart & Sole 5K in Seaford. What started as a small gathering of runners looking to raise a few bucks for a worthwhile cause has turned into a major event for Western Sussex County. Last year was a record year with **200** participants crossing the finish line and over **\$15,000** raised. We hope to eclipse those numbers this year.

We are excited and proud to announce that this year, 100% of the proceeds will benefit Nanticoke Health Services, specifically towards the purchase of much needed treadmills for their recovering cardiac patients. None of this would be possible without the awesome support we have received from the community, the local sponsors and hearty soles (pardon the pun) who trek the 3.1 mile distance all for a great cause. We would be most appreciative if the Sussex City Council would consider being a sponsor for this year's event. Our notable sponsors contribute \$1,000 each year, but certainly any donation would go a long way toward us reaching our goals for 2016.

We also would encourage Council members to lace up their running/walking shoes for our event on **Saturday, March 26<sup>th</sup>**. The event starts at 10am, with the start and finish line right in front of Trinity's building. I have enclosed a few participant forms if anyone is interested.

I appreciate your time\Mike and look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Massey", with a stylized flourish at the end.

Greg Massey



**FirstState**  
**COMMUNITY ACTION AGENCY**  
*People Helping People Build Community*

February 25, 2016

Mr. Michael Vincent  
 Sussex County Council  
 PO Box 589  
 2 The Circle  
 Georgetown DE 19947



Dear Mr. Michael Vincent:

The most talked about *par-tee* is back and it's bigger than ever!!!

On **Thursday, May 12, 2016**, we present our highly anticipated 3<sup>rd</sup> annual miniature golf tournament to benefit youth programming at First State Community Action Agency, Inc (First State). Support will provide opportunities for youth to engage in the arts, improve their academic performance through tutoring and homework assistance, improve their knowledge of money and banking, provide mentoring and case management and to provide skills training for the workforce.

In the past year, First State-Delaware's leading anti-poverty human service organization-has assisted and impacted more than 10,000 individuals with its full spectrum of programs and services in its efforts to empower, change, and promote independence in the lives of people and improve the health of our communities.

The miniature golf tournament, to be held at Jungle Jim's in Rehoboth Beach, will attract many leaders in the community, including local organizations and companies. **I invite you to join us at this fun amateur sporting event and help us continue to provide much needed services to the youth in our community by becoming a sponsor.** Moreover, we encourage you to participate by registering a team of four to play. We need your support!

With your support, the miniature golf tournament will be an outstanding event and a great commemoration of First State's many youth programs and services to families in Sussex County and the entire state of Delaware. You can help us expand our reach and help more young people succeed!

Enclosed you will find a support form with detailed information about the benefits of sponsorship as well as a team registration form. As a sponsor you or your company will be given invaluable visibility and recognition in the community. Most importantly, you will have the opportunity, at the event itself, to meet many others from our community with whom business opportunities and partnerships can be forged in years to come.

Sincerely,

Bernice Edwards  
 Executive Director

Enclosures

Stanford L. Bratton Building  
 P. O. Box 877  
 308 N. Railroad Avenue  
 Georgetown, Delaware 19947  
 Email: [firststatecaa.org](mailto:firststatecaa.org)

Phone: 302 - 856 - 7761  
 800 - 372 - 2240  
 Fax: 302 - 856 - 2599

Blue Hen Corporate Center  
 655 S. Bay Road, Suite 4J  
 Dover, Delaware 19901

Phone: 302 - 674 - 1355  
 Fax: 302 - 674 - 5229

Rose Hill Community Center  
 19 Lambson Lane, Suite 105 A  
 New Castle, Delaware 19720

Phone: 302 - 498 - 0454  
 Fax: 302 - 575 - 1409

**Board of Directors**

**Sussex County**  
 Patricia Batchelor  
 Eugene Dvornick  
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 Timothy Crawl-Bey  
 Anne M. Farley, Ph.D  
 Marcus A. Henry  
 Jawanna Saunders  
 Peggy Strine

**Executive Director**  
 Bernice Edwards

*This event is brought to you by*  
**DISCOVER** | STUDENT LOANS



Member of  
**Community Action Partnership**

**To Be Introduced 03/08/16**

**Council District No. 4 - Cole**

**Tax Map I.D. No. 234-29.00-64.00, 64.01, 65.00**

**911 Address: 27037 John J. Williams Highway, Millsboro**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.489 ACRES, MORE OR LESS**

**WHEREAS, on the 5th day of February 2016, a zoning application, denominated Change of Zone No. 1799 was filed on behalf of WMF Watercraft & Marine; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, 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. 1799 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, 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 COUNTY 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 CR-1 Commercial 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 Indian River Hundred, Sussex County, Delaware, and lying south of John J. Williams Highway (Route 24) 210 feet east of Layton Davis Road (Road 312A) and being more particularly described per the attached legal description provided by Davis Bowen & Friedel, Inc., said parcels containing 4.489 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.**

*Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Gerald G. Friedel, P.E.*

LEGAL DESCRIPTION

REZONING REQUEST

WMF POWERSPORTS INC.

TAX PARCELS #234-29.00-64.00, 64.01 AND 65.00

February 5, 2016

All those pieces or parcels of land, hereinafter described, situate, lying and being on the southeasterly side of John J. Williams Highway (State Route 24), and located in the Indian River Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

**BEGINNING** at a concrete monument found at a point formed by the intersection of the northeasterly line of the lands of WMF Powersports Inc., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 4230, Page 61, identified as Tax Parcel No. 234-29.00-63.00, with the southeasterly right-of-way line of John J. Williams Highway (State Route 24); said beginning point lying the following two courses and distances from a point formed by the intersection of said southeasterly right-of-way line of John J. Williams Highway (State Route 24) with the northeasterly right-of-way line of Layton Davis Road (Sussex County Road 312A), A) by and with a curve deflecting to the left with an arc length of 148.59 feet, a radius of 812.00 feet and a chord bearing and distance of North 54 degrees 35 minutes 08 seconds East 148.38 feet to a point, thence, B) North 49 degrees 20 minutes 36 seconds East 60.00 feet to the point of beginning, thence running,

1) from said point of beginning, by and with said John J. Williams Highway, North 43 degrees 10 minutes 59 seconds East 212.66 feet to an iron rod found at a point on the southwesterly line of the lands of, now or formerly, Eldridge D. Johnson and Jean A. Norwood as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1806, Page 87, identified as Tax Parcel No. 234-29.00-65.00, thence,



- 2) continuing by and with said John J. Williams Highway and running by and with said Eldridge D. Johnson and Jean A. Norwood lands, North 40 degrees 13 minutes 47 seconds East 153.44 feet to an iron rod found at a point on the southwesterly line of the lands of, now or formerly, Tara Doughty and Mark Sammons, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 4434, Page 35, identified as Tax Parcel No. 234-29.00-66.01, thence,
- 3) leaving said John J. Williams Highway and running by and with said Tara Doughty and Mark Sammons lands, the following two courses and distances, South 47 degrees 44 minutes 28 seconds East 460.65 feet to a point, thence running,
- 4) South 49 degrees 21 minutes 44 seconds East 6.70 feet to a point on the northwesterly line of the lands of, now or formerly, James Street and Elena Street, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1951, Page 306, identified as Tax Parcel No. 234-29.00-62.00, thence,
- 5) leaving said Tara Doughty and Mark Sammons lands and running by and with said Street lands, the following three courses and distances, South 53 degrees 08 minutes 04 seconds West 158.58 feet to a point, thence running,
- 6) North 47 degrees 26 minutes 56 seconds West 8.33 feet to a point, thence running,
- 7) South 51 degrees 08 minutes 07 seconds West 416.80 feet to a point on the aforementioned northeasterly right-of-way line of Layton Davis Road (Sussex County Road 312A), thence,
- 8) leaving said Street lands and running by and with said Layton Davis Road North 48 degrees 54 minutes 40 seconds West 189.65 feet to a concrete monument found at a point on the southeasterly line of the aforesaid lands of WMF Powersports Inc., thence,
- 9) leaving said Layton Davis Road and running by and with said WMF Powersports Inc. lands, the following two courses and distances, North 50 degrees 21 minutes 19 seconds East 198.95 feet to a concrete monument found at a point, thence running,
- 10) North 45 degrees 23 minutes 41 seconds West 201.36 feet to the point and place of beginning; **CONTAINING** 4.4890 acres of land, more or less.

**To Be Introduced 03/08/16**

**Council District No. 3 - Deaver**

**Tax Map I.D. No. 334-12.00-17.00, 18.00, 19.00 and 20.00**

**911 Address: None Available**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 123.75 ACRES, MORE OR LESS**

**WHEREAS, on the 22nd day of February 2016, a zoning application, denominated Change of Zone No. 1800 was filed on behalf of Sussex Real Estate Partners, LLC; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, 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. 1800 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, 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 COUNTY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southwest of Dorman Farm Lane, 1,000 feet southwest of Mulberry Knoll Road (Road 284) and being approximately 1,800 feet southeast of Cedar Grove Road (Road 283) and approximately 1,200 feet northwest of John J. Williams Highway (Route 24) and being more particularly described per the**

attached legal description provided by Solutions I.P.E.M., said parcels containing 123.75 acres, more or less.

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

TO BE INTRODUCED

LEGAL DESCRIPTION  
of the lands of  
E.W. DORMAN FAMILY, L.P. I & II  
AND ROBERT E. DORMAN

February 19, 2016

ALL that certain tract, piece or parcel of land situate, lying and being situate in the Lewes and Rehoboth Hundred, Sussex County, Delaware, being located on the southwesterly side of, but not binding upon, SCR 284, also known as Mulberry Knoll Road, and the northwesterly side of, but not binding upon, State Route 24, also known as John J. Williams Highway, and being more particularly described as follows, to wit:

BEGINNING at a concrete monument found at the intersection of the southwesterly line of the lands, now or formerly, of J.G. Townsend, Jr. & Co., and being all of "Parcel 2" on a plat entitled "Minor Subdivision Plan - Lands of J.G. Townsend, Jr. & Co." and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plat Book 202, Page 54, and the northerly line of an existing ingress/egress easement as shown on a plat entitled "Lands of Robert F. and Emma E. Dorman" and recorded in the aforesaid Office of the Recorder of Deeds in Plat Book 27, Page 9, thence running,

1) by and with said lands of J.G. Townsend, Jr. & Co. ("Parcel 2") and the lands, now or formerly, of State of Delaware Office of Management (c/o Division of Facilities Management) as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 4396, Page 63, and being all of "Parcel B" on the aforesaid plat entitled "Minor Subdivision Plan", and other lands, now or formerly, of J.G. Townsend, Jr. & Co., and being all of "Parcel A-1" on the aforesaid plat entitled "Minor Subdivision Plan", South 52 degrees 40 minutes 45 seconds East (crossing over capped concrete monuments found at 49.44 feet and 628.57 feet) 929.62 feet to a large slab concrete monument found, thence running,

2) South 24 degrees 01 minutes 11 seconds West 346.14 feet to a point at the center of a tree, said point being further located 1.88 feet northeasterly and 0.20 feet northwesterly from a bent iron pipe found, thence,

3) continuing with said lands of J.G. Townsend Jr. & Co. ("Parcel A-1") and running by and with other lands, now or formerly, of J.G. Townsend Jr., & Co., and being all of "Parcel 1" on the aforesaid plat, South 38 degrees 44 minutes 38 seconds West 555.73 feet to an iron pipe found, thence,

4) leaving said lands of J.G. Townsend Jr. & Co. and running by and with said lands, now or formerly, of Thomas C. & Nancy B. Lang as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1084, Page 3 for the following two courses: North 53

degrees 21 minutes 05 seconds West 288.75 feet to a point marked by a dead tree, thence running,

5) South 39 degrees 08 minutes 21 seconds West 1022.98 feet to a point on the northeasterly line of a subdivision designated as "Briarwood Estates" and shown on a plat recorded in the aforesaid Office of the Recorder of Deeds in Plat Book 30, Page 318, said point being 1.04 feet northwesterly from an iron pipe found, thence,

6) leaving said lands of Lang and running by and with said "Briarwood Estates" for the following five courses: North 50 degrees 58 minutes 34 seconds West 700.34 feet to an iron pipe found, thence running,

7) South 46 degrees 09 minutes 01 seconds West 107.36 feet to an iron pipe found, thence running,

8) South 42 degrees 54 minutes 34 seconds West (crossing over an iron pipe found at 91.23 feet and an iron rod found at 634.56 feet) 785.68 feet to an iron rod and cap set, thence running,

9) South 40 degrees 39 minutes 16 seconds West (crossing over a point at 753.28 feet, located 0.47 feet southeasterly from an iron pipe found) 839.73 feet to an iron rod and cap set, thence running,

10) South 42 degrees 41 minutes 06 seconds West (crossing over a point at 63.25 feet, located 0.27 feet southeasterly from an iron pipe found; an iron pipe found at 208.72 feet; an iron pipe found at 349.52 feet; a point at 485.84 feet, located 0.34 feet northwesterly from an iron pipe found; and a point at 647.62 feet, located 0.63 feet northwesterly from an iron pipe found) 960.77 feet, more or less, to a point at the approximate centerline of Hetty Fisher Glade, thence,

11) leaving said "Briarwood Estates" and running by and with said approximate centerline of Hetty Fisher Glade, as referenced by the following forty traverse lines with bearings and distances for the sole purpose of computing area, North 66 degrees 26 minutes 09 seconds West 99.81 feet, thence running,

12) North 14 degrees 49 minutes 06 seconds West 59.03 feet, thence running,

13) North 20 degrees 43 minutes 14 seconds East 262.52 feet, thence running,

14) North 05 degrees 14 minutes 07 seconds West 70.38 feet, thence running,

15) North 74 degrees 20 minutes 16 seconds West 71.92 feet, thence running,

16) North 00 degrees 51 minutes 38 seconds East 125.91 feet, thence running,

17) North 16 degrees 45 minutes 47 seconds East 93.86 feet, thence running,

- 18) North 16 degrees 06 minutes 01 seconds West 83.26 feet, thence running,
- 19) North 37 degrees 39 minutes 05 seconds West 66.91 feet, thence running,
- 20) North 52 degrees 58 minutes 02 seconds West 129.84 feet, thence running,
- 21) North 17 degrees 31 minutes 28 seconds West 79.18 feet, thence running,
- 22) North 14 degrees 49 minutes 07 seconds West 68.95 feet, thence running,
- 23) North 48 degrees 54 minutes 19 seconds West 139.33 feet, thence running,
- 24) North 37 degrees 11 minutes 50 seconds West 66.42 feet, thence running,
- 25) North 50 degrees 43 minutes 10 seconds West 55.97 feet, thence running,
- 26) North 23 degrees 42 minutes 10 seconds West 71.58 feet, thence running,
- 27) North 16 degrees 14 minutes 04 seconds West 81.50 feet, thence running,
- 28) North 07 degrees 27 minutes 34 seconds East 70.40 feet, thence running,
- 29) North 53 degrees 37 minutes 07 seconds East 211.06 feet, thence running,
- 30) North 71 degrees 18 minutes 09 seconds East 134.17 feet, thence running,
- 31) North 72 degrees 37 minutes 19 seconds East 244.99 feet, thence running,
- 32) North 24 degrees 44 minutes 17 seconds East 154.89 feet, thence running,
- 33) North 57 degrees 04 minutes 13 seconds East 135.24 feet, thence running,
- 34) South 74 degrees 55 minutes 54 seconds East 84.23 feet, thence running,
- 35) North 72 degrees 55 minutes 40 seconds East 263.24 feet, thence running,
- 36) North 04 degrees 07 minutes 48 seconds East 43.37 feet, thence running,
- 37) North 32 degrees 15 minutes 24 seconds East 181.56 feet, thence running,
- 38) North 62 degrees 45 minutes 26 seconds East 260.84 feet, thence running,
- 39) North 25 degrees 10 minutes 30 seconds East 135.03 feet, thence running,
- 40) North 36 degrees 51 minutes 20 seconds East 204.78 feet, thence running,

- 41) North 27 degrees 45 minutes 00 seconds East 148.41 feet, thence running,
- 42) North 41 degrees 51 minutes 10 seconds East 159.68 feet, thence running,
- 43) North 24 degrees 45 minutes 43 seconds East 120.39 feet, thence running,
- 44) North 61 degrees 48 minutes 48 seconds East 152.29 feet, thence running,
- 45) North 48 degrees 21 minutes 39 seconds East 66.85 feet, thence running,
- 46) North 70 degrees 44 minutes 28 seconds East 241.84 feet, thence running,
- 47) North 60 degrees 55 minutes 40 seconds East 90.94 feet, thence running,
- 48) North 03 degrees 55 minutes 15 seconds East 44.66 feet, thence running,
- 49) North 67 degrees 15 minutes 38 seconds East 113.62 feet, thence running,
- 50) North 45 degrees 18 minutes 22 seconds East 149.93 feet to a point on the southeasterly line of the lands, now or formerly, of J.G. Townsend, Jr. & Co., no recorded reference found, thence,
- 51) leaving said Hetty Fisher Glade and running by and with said lands of J.G. Townsend, Jr. & Co., North 39 degrees 40 minutes 47 seconds East 751.06 feet to a stone found on the southwesterly line of the aforementioned lands of J.G. Townsend, Jr. & Co. ("Parcel 2"), thence running,
- 52) by and with said lands of J.G. Townsend, Jr. & Co., South 52 degrees 40 minutes 45 seconds East 448.54 feet to a concrete monument found on the northwesterly line of the lands, now or formerly, of Kevin P. Quinn et al., and being all of "Lot 2" on the aforementioned plat entitled "Lands of Robert F. and Emma E. Dorman", thence,
- 53) leaving said lands of J.G. Townsend, Jr. & Co. and running by and with said lands of Quinn et al., and the lands, now or formerly, of Robert T. Dorman, and being all of "Lot 1" on the aforementioned plat entitled "Lands of Robert F. and Emma E. Dorman", for the following three courses: South 48 degrees 35 minutes 41 seconds West (crossing over a concrete monument at 124.81 feet) 250.00 feet to a concrete monument found, thence running,
- 54) South 52 degrees 40 minutes 45 seconds East 200.00 feet to a concrete monument found, thence running,
- 55) North 48 degrees 35 minutes 41 seconds East 250.00 feet to the point and place of beginning. CONTAINING an area of 123.75 acres, more or less.